PURPOSE AND VISION

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

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

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

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

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

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

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

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

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

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


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

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

Create and reinforce settlement boundaries.

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

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

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

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

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

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

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

Limit urban sprawl and direct growth into existing settlements.
Promote and capitalise on opportunities for urban renewal and infill redevelopment.

Develop compact urban areas that are based around existing or planned activity centres to maximise accessibility to facilities and services.

Ensure retail, office-based employment, community facilities and services are concentrated in central locations.

Ensure land that may be required for future urban expansion is not compromised.

**Policy documents**

Consider as relevant:

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

Strategies

Facilitate growth and development specifically in the regional cities of Shepparton, Wangaratta, Wodonga and Benalla.

Facilitate and strengthen the economic role of Seymour, while supporting population growth.

Support growth and development in other existing urban settlements and foster the sustainability of small rural settlements.

Support improved access to a range of employment and education opportunities, particularly in key urban locations such as Benalla, Seymour, Shepparton, Wangaratta and Wodonga.
Supply of urban land

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

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

Ensure that sufficient land is available to meet forecast demand.

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

Planning for urban growth should consider:

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

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

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

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

Policy guidelines
Consider as relevant:

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

Objective
To facilitate the orderly development of urban areas.

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

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

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

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

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

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

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

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

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

 Support opportunities to co-locate facilities.

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

Policy documents
Consider as relevant:

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

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

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

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

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

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

Give clear direction on preferred locations for investment.

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

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

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

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

Encourage economic activity and business synergies.

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

Policy documents
Consider as relevant:


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

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

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

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

Develop precinct structure plans consistent with the Precinct Structure Planning Guidelines (Growth Areas Authority, 2009) approved by the Minister for Planning to:
- Establish a sense of place and community.
- Create greater housing choice, diversity and affordable places to live.
- Create highly accessible and vibrant activity centres.
- Provide for local employment and business activity.
- Provide better transport choices.
- Respond to climate change and increase environmental sustainability.
- Deliver accessible, integrated and adaptable community infrastructure.

**Policy documents**

Consider as relevant:

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

Objective

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

Strategies

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

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

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

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

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

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

Improve connections to regional and metropolitan transport services.
Coastal settlement

Objective
To plan for sustainable coastal development.

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

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

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

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

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

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

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

Protect areas between settlements for non-urban use.

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

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

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

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

Policy documents
Consider as relevant:

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

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

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

Policy documents
Consider as relevant:
Regional and local places

Objective
To facilitate integrated place-based planning.

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

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

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

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

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

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

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

- Cumulative impacts.
- Fragmentation of habitat.
- The spread of pest plants, animals and pathogens into natural ecosystems.
Avoid impacts of land use and development on important areas of biodiversity.
Consider impacts of any change in land use or development that may affect the biodiversity value of national parks and conservation reserves or nationally and internationally significant sites; including wetlands and wetland wildlife habitat designated under the Convention on Wetlands of International Importance (the Ramsar Convention) and sites utilised by species listed under the Japan-Australia Migratory Birds Agreement (JAMBA), the China-Australia Migratory Birds Agreement (CAMBA), or the Republic of Korea-Australia Migratory Bird Agreement (ROKAMBA).
Assist in the identification, protection and management of important areas of biodiversity.
Assist in the establishment, protection and re-establishment of links between important areas of biodiversity, including through a network of green spaces and large-scale native vegetation corridor projects.

Policy guidelines
Consider as relevant:

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

Policy documents
Consider as relevant:

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

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

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

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

Policy guidelines
Consider as relevant:

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

Policy documents
Consider as relevant:

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

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

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

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

Apply the hierarchy of principles for coastal planning and management:

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

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

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

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

Encourage revegetation of cleared land abutting coastal reserves.

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

Avoid disturbance of coastal acid sulfate soils.

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

Policy guidelines
Consider as relevant:

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

Policy documents
Consider as relevant:

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

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

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

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

Policy guidelines
Consider as relevant:

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

Policy documents
Consider as relevant:

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

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

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

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

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

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

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

Policy documents
Consider as relevant:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Policy guidelines
Consider as relevant:

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

Policy documents
Consider as relevant:

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

Objective
To protect and conserve environmentally sensitive areas.

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

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

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

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

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

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

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

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

- Salinity Information Kit: Volume 1 - A Local Government Planning Guide for Dryland Salinity
  (Department of Conservation and Natural Resources, 1995)
13.05

31/07/2018
VC148

NOISE
Noise abatement

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

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

Policy documents
Consider as relevant:

- *State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2*
Air quality management

Objective
To assist the protection and improvement of air quality.

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

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

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

Policy documents
Consider as relevant:

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

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

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

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

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

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

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

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

**Objective**

To encourage sustainable agricultural land use.

**Strategies**

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

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

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

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

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

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

Facilitate ongoing productivity and investment in high value agriculture.

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

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

**Policy documents**

Consider as relevant:

- *Victorian Code for Broiler Farms* (Department of Primary Industries, 2009, plus 2018 amendments)
- *Apiary Code of Practice* (Department of Planning and Community Development, 2011)
- *Planning Guidelines for Land Based Aquaculture in Victoria* (Department of Primary Industries, No. 21, 2005)
- *Victorian Low Density Mobile Outdoor Poultry Farm Planning Permit Guidelines* (Department of Economic Development, Jobs, Transport and Resources, June 2018)
- *Victorian Low Density Mobile Outdoor Pig Farm Planning Permit Guidelines* (Department of Economic Development, Jobs, Transport and Resources, June 2018)
Agricultural productivity - Hume

Strategy

Support clustering of intensive rural industries and agricultural production.

Take advantage of locational opportunities, including separation from sensitive land uses and access to transport, power, water and communications infrastructure.
Forestry and timber production

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

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

Policy documents
Consider as relevant:

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

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

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

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

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

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

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

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

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

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

Require appropriate measures to restrict sediment discharges from construction sites.

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

Policy documents
Consider as relevant:

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

Objective
To protect water quality.

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

Policy documents
Consider as relevant:

- Construction Techniques for Sediment Pollution Control (Environment Protection Authority, 1991)
- Environmental Guidelines for Major Construction Sites (Environment Protection Authority, 1996 - Publication 480)
- Doing it Right on Subdivisions: Temporary Environmental Protection Measures for Subdivision Construction Sites (Environment Protection Authority, 2004 - Publication 960)
- Planning permit applications in open, potable water supply catchments (Department of Sustainability and Environment, 2012)
14.03-1S
31/07/2018
VC148

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 - Hume

Strategy

Support the availability of construction materials locally and consider measures to facilitate and manage their extraction.
BUILT ENVIRONMENT AND HERITAGE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Promote good urban design along and abutting transport corridors.

Policy documents
Consider as relevant:

Building design

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

Strategies
Require a comprehensive site analysis as the starting point of the design process.
Ensure the site analysis provides the basis for the consideration of height, scale and massing of new development.
Ensure development responds and contributes to the strategic and cultural context of its location.
Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.
Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.
Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.
Ensure development is designed to protect and enhance valued landmarks, views and vistas.
Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.
Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.
Encourage development to retain existing vegetation.

Policy documents
Consider as relevant:

**Subdivision design**

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

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

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

**Policy documents**
Consider as relevant:

Healthy neighbourhoods

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

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

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

Policy documents
Consider as relevant:

Neighbourhood character

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

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

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

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

Objective
To ensure development respects valued areas of rural character.

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

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

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

Objective

To ensure the conservation of places of heritage significance.

Strategies

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

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

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

Encourage appropriate development that respects places with identified heritage values.

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

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

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

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

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

Policy guidelines

Consider as relevant:

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

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

Strategies
Identify, assess and document places of Aboriginal cultural heritage significance, in consultation with relevant Registered Aboriginal Parties, as a basis for their inclusion in the planning scheme.
Provide for the protection and conservation of pre-contact and post-contact Aboriginal cultural heritage places.
Ensure that permit approvals align with the recommendations of any relevant Cultural Heritage Management Plan approved under the Aboriginal Heritage Act 2006.

Policy guidelines
Consider as relevant:
- The findings and recommendations of the Aboriginal Heritage Council.
- The findings and recommendations of the Victorian Heritage Council for post-contact Aboriginal heritage places.

Policy documents
Consider as relevant:
- Aboriginal Heritage Act 2006
HOUSING

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

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

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

Objective
To promote a housing market that meets community needs.

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

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

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

Facilitate the delivery of high quality social housing.

Policy documents
Consider as relevant:

Location of residential development

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

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

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

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

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

Strategies
Improve housing affordability by:

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

Increase the supply of well-located affordable housing by:

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

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

Policy documents
Consider as relevant:

16.01-5S

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 - Hume

Strategy

Encourage appropriate new and developing forms of industry, agriculture, tourism and alternative energy production.
Innovation and research

Objective

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

Strategies

Encourage the expansion and development of logistics and communications infrastructure.

Support the development of business clusters.

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

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

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

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

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

Objective

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

Strategies

Plan for an adequate supply of commercial land in appropriate locations.

Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.

Locate commercial facilities in existing or planned activity centres.

Provide new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres.

Provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.

Provide outlets of trade-related goods or services directly serving or ancillary to industry that have adequate on-site car parking.

Locate cinema based entertainment facilities within or on the periphery of existing or planned activity centres.

Apply a five year time limit for commencement to any planning permit for a shopping centre or shopping centre expansion of more than 1000 square metres leasable floor area.
Out-of-centre development

Objective
To manage out-of-centre development.

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

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

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

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

31/07/2018
VC148
**Industrial land supply**

**Objective**
To ensure availability of land for industry.

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

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

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

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

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

Objective
To facilitate the sustainable development and operation of industry.

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

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

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

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

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

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

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

Policy documents
Consider as relevant:

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

**Objective**
To protect industrial land of state significance.

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

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

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

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

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

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

Policy guidelines
Consider as relevant:

- Any applicable regional tourism development strategy.

Policy documents
Consider as relevant:

Tourism - Hume

Strategies

Support opportunities for nature-based tourism throughout the region, including in wetlands of national and regional significance, such as the Winton Wetlands, the Barmah Forest and the lower Ovens River.

Support large commercial tourism uses in urban locations or rural areas of lower agricultural value and away from areas identified as strategic agricultural land.

Facilitate rural tourism activities that support agricultural enterprises such as cellar door and farm gate sales and accommodation in appropriate locations.

Support the region’s network of tracks and trails and activities that complement and extend their use.
Coastal and maritime tourism and recreation

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

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

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

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

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

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

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

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

Integrate public transport services and infrastructure into new development.

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

Policy documents
Consider as relevant:

Transport system

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

Strategies
Reserve land for strategic transport infrastructure.

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

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

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

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

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

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

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

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

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

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

Policy guidelines
Consider as relevant:

- Any applicable highway strategy published by VicRoads.

Policy documents
Consider as relevant:


Transport links - Hume

Strategy
Support improved east-west transport links including those into Gippsland.
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)
Planning for airports and airfields

Objective

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

Strategies

Protect airports from incompatible land uses.

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

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

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

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

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

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

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

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

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

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

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

Plan for areas around all airfields such that:

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

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

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

Policy documents

Consider as relevant:

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

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

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

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

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

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

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

 Link areas of production and manufacturing to export markets.

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

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

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

 Minimise negative impacts of freight movements on urban amenity.

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

Policy documents
Consider as relevant:

**INFRASTRUCTURE**

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

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

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

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

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

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

Objective
To facilitate appropriate development of energy supply infrastructure.

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

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

Facilitate local energy generation to help diversify the local economy and improve sustainability outcomes.
Renewable energy

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

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

Policy documents
Consider as relevant:

Renewable energy - Hume

Strategy

Create renewable energy hubs that support co-location of industries to maximise resource use efficiency and minimise waste generation.

Support opportunities to generate renewable energy from waste.
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.
19.02 COMMUNITY INFRASTRUCTURE
Health facilities

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

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

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

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

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

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

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

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

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

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

Locate tertiary education facilities within or adjacent to activity centres.

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

Develop libraries as community based learning centres.
Cultural facilities

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

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

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

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

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

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

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

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

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

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

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

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

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

Protect large regional parks and significant conservation areas.

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

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

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

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

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

Develop open space to maintain wildlife corridors and greenhouse sinks.

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

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

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

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

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

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

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

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

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

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

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

Policy documents
Consider as relevant:

- Development Contributions Guidelines (Department of Sustainability and Environment, 2003 -as amended 2007)
- Infrastructure Contributions Plan Guidelines (Department of Environment, Land, Water and Planning, 2016)
- Ministerial Direction on the Preparation and Content of Development Contribution Plans and Reporting Requirements for Development Contributions Plans
- Ministerial Direction on the Preparation and Content of Infrastructure Contribution Plans and Reporting Requirements for Infrastructure Contributions Plans
Infrastructure design and provision

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Policy documents
Consider as relevant:

- *State Environment Protection Policy (Waters of Victoria)*
- *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)
Integrated water management - Hume

Strategy

Avoid locating water treatment plants close to development nodes.
Telecommunications

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

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

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

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

Policy documents
Consider as relevant:

Waste and resource recovery

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

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

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

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

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

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

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

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

Encourage development that facilitates sustainable waste and resource recovery.

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

Policy documents
Consider as relevant:
- *Statewide Waste and Resource Recovery Infrastructure Plan* (Sustainability Victoria, 2015)
- *Waste Management Policy (Siting, Design and Management of Landfills)* (Environment Protection Authority, 2004)
- *Environment Protection (Industrial Waste Resource) Regulations 2009*
- *Best Practice Environmental Management Guideline (Siting, Design, Operation and Rehabilitation of Landfills)* (Environment Protection Authority, 2001)
- *Designing, Constructing and Operating Composting Facilities* (Environment Protection Authority, 2015)
LOCAL PLANNING POLICY FRAMEWORK

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

**Municipal Profile**

Benalla Rural City was created in October 2002 following the de-amalgamation of the Delatite Shire and covers an area of 2,354 square kilometres. It has a population of 13,647 people (2011) and is situated in Victoria’s north east approximately 180 kilometres from Melbourne. The municipality shares boundaries with the municipalities of Wangaratta, Mansfield, Greater Shepparton, Strathbogie and Moira. Benalla is the major urban centre and supports a network of smaller towns including Baddaginnie, Goorambat, Devenish, Swanpool, Tatong, Thoona and Winton.

Benalla Rural City is a diverse rural municipality based on the Broken River valley commencing immediately downstream of Lake Nillahcootie (south) at the foot of Mount Samaria and extending north, with Benalla located on the banks of the Broken River and Lake Benalla in the geographic centre of the municipality. It also includes highly fertile agricultural land along the Hollands Creek which is a major tributary to the Broken River.

The municipality is strategically located on the Hume and Midland Highways and railway (Melbourne to Sydney) of state and national significance. The convergence of both road and rail transport routes has led to the emergence of Benalla as a significant transport hub which is a major benefit to local industry, especially those needing to either transport product interstate or through the Port of Melbourne.

The Benalla Rural City economy is focussed on Benalla’s regional centre role, agricultural production, tourism and manufacturing. It is dominated by employment in the manufacturing (13.3%), retail trade (12.2%) and health and community services sectors (9.9%). Employment in agriculture is above the State average (11.6%).

The Benalla Central Business District (CBD) provides a wide range of higher order community services and facilities but faces strong competition from Shepparton and Wangaratta for the retail dollar. Benalla serves a large rural hinterland extending part way to Mansfield in the south east, part way to Shepparton in the west, as well as Euroa to the south and Wangaratta to the north.

The municipality has a strong industrial base located to the north and east of the Benalla urban area. The extensive range of industries is generally based on specialist manufacturing, processing of timber products, value adding to agricultural produce and also providing a solid service industrial base for the broader region.

The rural areas of the municipality are acknowledged for their good soils and access to irrigation water in parts. The major agricultural industries are prime lamb and beef production and broad acre cropping, with wheat and fodder crops being the dominant grains. There is some irrigation and dairying. More recently diversification has resulted in viticulture, more intensive forms of horticulture and forestry.

The major water features are the Broken River, Hollands Creek, Winton Wetlands, Lake Nillahcootie and Lake Benalla. The wetlands, river corridors and Mount Samaria State Park, Reef Hills State Park and parts of the Warby Ranges State Park form the major environmental features of the municipality and, along with roadsides, support most of the remaining native vegetation.

**Key Planning Issues**

The key planning issues are:

- Population retention and growth;
- Improved infrastructure to small towns to promote sustainability and development;
- Strengthening the regional role of Benalla;
- Identifying opportunities to respond to climate change;
- Protecting and enhancing the environment and biodiversity;
Vision

The Council Plan 2013-2017 provides the following vision:

A sustainable, thriving and cohesive community where lifestyle, culture, health and wellbeing are important.

This vision is an important expression of the direction the Council wishes to take and underpins the strategic planning direction for the municipality.


Strategic Framework Plan

Council’s key strategic directions for future land-use planning and development are illustrated by the municipal framework plan and town structure plans. The purpose of these plans is to identify locations where specific land use outcomes will be supported and promoted. The plan also identifies potential development opportunity areas where significant land use change may be expected, as well as areas where land use constraints may restrict future development.

The Benalla municipal strategic framework plan is to be read in conjunction with the objectives and strategies outlined in Clauses 21.02 to 21.08.

Clauses 21.02 – 21.08 identify the following seven key themes that cover the key land use planning considerations for the municipality:

- Settlement, Housing and Character;
- Environmental, Landscape and Heritage Values;
- Environmental Risks;
- Natural Resource Management;
- Economic Development;
- Transport and Infrastructure; and
- Local Areas.
SETTLEMENT, HOUSING AND CHARACTER

This clause provides local content to support Clauses 11 (Settlement), 15 (Built Environment and Heritage) and 16 (Housing) of the State Planning Policy Framework.

Specific references to the towns are also contained in Clause 21.08 (Local Areas).

Urban Growth

Benalla is the only major town in the municipality and provides the focus for the majority of urban development and growth. Benalla’s growth is supported by a number of other smaller towns such as Baddaginnie, Goorambat, Devenish, Swanpool, Tatong, Thoona and Winton.

While Benalla provides and will continue to provide, the majority of residential, industrial and commercial development, future growth of the small surrounding towns needs to be encouraged. A challenge for Council will be to maintain and enhance the provision of services and infrastructure to these communities to attract growth.

Key Issues

- Provision of serviced land to accommodate urban development.
- Managing growth in Benalla.
- Lack of and ageing infrastructure and services in small towns.
- Providing a diversity of housing choice.

Objective 1

To provide for the orderly development of urban areas.

Strategies

- Encourage the majority of urban growth in Benalla.
- All new residential development is to be fully serviced and occur outside of the designated urban floodway areas.
- Encourage infill housing development to provide a diversity of choice provided the prevailing character is maintained.
- In small towns without reticulated sewer new development is encouraged on lots that are capable of retaining treated waste water onsite.
- Avoid new urban development and restructure existing residential land uses on flood prone land.
- Ensure new housing development does not proceed at the expense of good quality agricultural land.
- Strongly discourage new housing development outside of established urban areas as defined by the settlement boundaries.

Housing Diversity

The ageing of the population and decreasing household size will require the provision of a greater diversity in dwelling choice. Council supports medium density housing integrated into existing and new areas provided it maintains the character of residential areas and is close to services. There is a high demand for supported accommodation for older people particularly hostel and retirement housing.

Key Issues

The provision of a diverse housing mix that meets the changing demographics of the community.
Objective 1
To provide a diversity of fully serviced housing opportunities.

Strategies
- Provide a variety of residential opportunities including medium density housing, traditional residential development (500 to 1000 square metres), low density residential and rural living development.
- Council to advocate for the servicing of small towns with reliable and innovative reticulated water and sewerage services in consultation with North East Water.

Rural Lifestyle Opportunities
For many years the municipality has attracted residents to the non-urban areas due to the ease of access from major population centres, attractive landscape and environment, lifestyle qualities and improved telecommunications. This form of land use can sometimes be to the detriment of agricultural activities by inhibiting the operation of farm activities, use of land for non agricultural purposes and artificially raising the value of land above that for agriculture.

The Rural Living Study, Benalla Rural City, 2010 outlines preferred locations for rural living and low density residential zoning and development around Benalla and in the vicinity of the smaller rural townships throughout the municipality. These locations provide options for rural residential living in locations that support existing communities and settlements, can be supplied with physical and community services, and do not detract from agricultural or other land uses.

Key Issues
- Providing planned rural lifestyle opportunities whilst minimising environmental or agricultural impacts.
- Managing amenity expectations of lifestyle allotment owners in the Farming Zone.

Objective 1
To provide for planned rural lifestyle opportunities.

Strategies
Provide low density residential and rural living zoning and development in the Benalla area and in rural townships in accordance with the Rural Living Study, Benalla Rural City, 2010.

Neighbourhood Character
Benalla’s natural setting and links to its history are the essence of the town’s neighbourhood character. Benalla has developed on both sides of the Broken River, and Lake Benalla provides a significant natural attraction in the centre of the town. Together with the Benalla Botanical Gardens, established in 1887, this setting provides an attractive focus for the town. Another key feature of the character of Benalla is its history, as expressed in the built form and layout of the township. The older dwellings and wide streets planted with exotic avenues provide a direct link for the local and wider community and are very highly valued. The Benalla Neighbourhood Character Study 2002 identified the key characteristics of all residential areas by splitting them into character precincts and developed a number of brochures to guide appropriate development for these areas.

The character of small towns is highly valued by their communities and is an attraction for new residents relocating from metropolitan areas.

Key Issues
Protection of established character while providing for urban growth.
Objective 1
To promote development that respects the inherent character of the municipality.

Strategies
- Ensure that new development responds to the prevailing character and heritage values of an area and is consistent with the precinct controls identified in the *Benalla Neighbourhood Character Study 2002*.
- Ensure that wherever possible significant mature trees are retained.

Scheme implementation
The objectives and strategies will be implemented by applying the following *zones*:
- *General Residential Zone (R1Z)* on all existing and proposed residential land in Benalla.
- *Township Zone (TZ)* for all land in the small townships.
- *Low Density Residential Zone (LDRZ)* and *Rural Living Zone (RLZ)* for land identified for rural residential opportunities.

Other implementation
Council will undertake further strategic work as follows:
- Complete a Housing Strategy for the Rural City.
- Complete an Urban Design Framework for the Benalla CBD.
- Develop a Benalla Health Precinct local planning policy.
- Introduce the Restructure Overlay to small lots in small towns to ensure they are of sufficient area to treat waste water on site.

Reference Documents
*West Benalla Outline Development Plan 2005, David Lock Associates and Urban & Regional Planning*
- *Rural Living Study, Benalla Rural City*, 2010, Dawson Planning Services Pty Ltd.
- *North West Benalla Outline Development Plan 2005, David Lock Associates and Urban & Regional Planning*
ENVIRONMENTAL, LANDSCAPE AND HERITAGE VALUES

This clause provides local content to support Clauses 12 (Environmental and Landscape Values) and 15 (Built Form and Heritage) of the State Planning Policy Framework.

Specific references to the towns are also contained in Clause 21.08 (Local Areas).

Flora and Fauna

Large areas of native vegetation within the municipality have been cleared for agriculture. Although the current rate of clearing is much reduced, the incremental loss of remaining habitat is a major issue, particularly in the Warby Ranges and Chesney Vale areas. Potential threats to remnant vegetation can include clearing, salinity, poor roadside management, lack of regeneration, and disturbance and damage including that caused by livestock grazing. The remaining native vegetation areas are mainly restricted to river corridors, roadsides and Crown land. These areas are extremely important for the retention of fauna habitat and providing linkages between habitat areas. Council will ensure these have ongoing protection and divert development pressure to areas devoid of vegetation.

The Goulburn Broken Catchment has 70 species of proclaimed noxious weeds which require ongoing control as these are a major threat to farming and biodiversity. Control of introduced pests including rabbits, wild dogs, foxes, pigs, feral cats and goats is important. European carp contribute to the depletion of native fish stocks.

Key Issues

- Enhance biodiversity conservation and sustainability.
- Control of pest plants and animals.

Objective 1

To conserve and protect native vegetation and fauna.

Strategies

- Prepare a Roadside Vegetation Management Plan for all roads, including main roads and highways with the support of Vic Roads.
- Prevent the unjustified or illegal removal of native vegetation.
- Implement local and regional roadside conservation strategies.
- Minimise vegetation removal for new development and infrastructure, including roads and drainage.
- Encourage the linking and protection of remnant native vegetation to improve habitat.
- Encourage landowners to fence riparian areas and other native vegetation.
- Develop a regional approach to planning that includes identifying areas of high biodiversity significance.
- Ensure compliance with conditions for permitted vegetation removal.

Landscape Character

The scenic value of the foothills, valleys and cleared grazing country is a characteristic of the district and of intrinsic importance to the landscape. It is also an area that is under pressure from those seeking rural living or ‘lifestyle’ opportunities and the related infrastructure requirements.

Extensive public park areas are located to the south and east of the municipality and include the Mount Samaria (7,600 hectares) and Warby Ranges State Parks (7600 hectares) and the Reef Hills Regional Park (2,040 hectares).
Key Issues
The protection of landscape character.

Objective 1
To manage and protect the landscape character of the municipality.

Strategies
- Support management plans for large areas of public land, including Mount Samaria Park and Warby Ranges Park.
- Protect significant landscape features, ridges and view corridors of the municipality.
- Protect the landscape character and environmental integrity of Lake Benalla and environs.
- Encourage the use of mute colours for building materials and the appropriate siting and design of buildings in rural areas.

European and Aboriginal Heritage
The history of settlement and development of areas within the Benalla Rural City ensures that the area is rich in natural, cultural and built heritage. Only Benalla has been formally studied in any detail. The Benalla Conservation Study, 1992 is a comprehensive heritage study that identified a substantial inventory of heritage buildings, historic sites, landscape features and conservation precincts.

There are gaps in the knowledge of the municipality’s heritage assets and Aboriginal heritage which need to be addressed.

Key Issues
The protection of pre- and post-contact heritage.

Objective 1
To protect and enhance all heritage buildings and places

Strategies
- Protect individual sites and precincts of heritage significance.
- Ensure new development respects the significance of heritage sites and precincts.
- Encourage the retention of key architectural elements in new development.

Objective 2
To consider Aboriginal heritage in all aspects of land use planning.

Strategies
- Utilise the assistance of local Aboriginal community in locating elements of significance.
- Prepare an inventory of significant elements for reference in the heritage gap study.
- Promote awareness of the requirements of the Aboriginal Heritage Act 2006.

Scheme implementation
The objectives and strategies will be implemented by applying the following zones:
- Rural Conservation Zone (RCZ) to private land with high conservation value.
- Public Park and Recreation Zone (PPRZ) to Crown land used for recreational purposes.
- Public Conservation and Resource Zone (PCRZ) to Crown land of high conservation value.
The objectives and strategies will be implemented by applying the following overlays:

- **Environmental Significance Overlay 3 (ESO3)** to Lake Nillahcoottie water catchment.
- **Vegetation Protection Overlay 2 (VPO2)** to the Grey Crowned Babbler Habitat.
- **Vegetation Protection Overlay 3 (VPO3)** to the Regent Honeyeater Habitat/Lurg Ironbark Vegetation Protection Area.
- **Vegetation Protection Overlay 4 (VPO4)** to Significant Tree Protection Area.
- **Significant Landscape Overlay 1 (SLO1)** to the Warby Range Significant Landscape Area.

**Other implementation**

Council will undertake further strategic work as follows:

- Finalise the Benalla Rural City Council Roadside Vegetation Management Plan.
- Complete a heritage gap study for the municipality that addresses European and Aboriginal heritage.

21.03-5

Reference Documents


*Goulburn Broken Biodiversity Strategy 2010-2015* GBCMA

*Benalla Environment Strategy BRCC 2011-2015*
ENVIRONMENTAL RISKS

This clause provides local content to support Clause 13 (Environmental Risks) of the State Planning Policy Framework.

Specific references to the towns are also contained in Clause 21.08 (Local Areas).

Flooding

Benalla has a history of major floods that cause considerable damage to both urban and rural areas. Future planning of the city needs to take account of the information gained from these events to minimise future risk to life and potential damage to property. The Goulburn Broken Catchment Management Authority (GBCMA) will introduce new flood mapping and controls in 2014. Council is keen to ensure new development occurs outside of areas affected by flooding.

Key Issues

- Recognition of the constraints to development and beneficial effects of flooding for the environment.
- The location of development away from areas affected by flooding.

Objective 1

To discourage development in areas affected by flooding.

Strategies

- Discourage development from areas affected by flooding as defined by the Floodway Overlay.
- Allow suitable forms of development for areas within the Land Subject to Inundation Overlay.
- Develop local floodplain plans to assist with a regional development approach for consistent planning decisions.

Bushfire

The main areas of urban development are not in areas considered at high fire risk. However there is a need to discourage non urban development within areas at risk to prioritise the protection of human life over all other considerations.

Key Issues

The protection of human life over all other considerations.

Objective 1

To discourage development in areas at risk of bushfire.

Strategies

- Ensure the protection of human life over all other considerations.
- Locate new development on the most suitable site to minimise the threat from bushfire.

Climate Change

Council will face many challenges and some opportunities from climate change and climate variability. In the future it is likely there will be more heatwaves, intense and frequent fires and floods and storms. Thorough and thoughtful strategic planning will ensure the impact of these events are minimised even though they may be exacerbated by climate change. Council has adopted a Climate Change Adaptation Action Plan, 2012 that seeks to respond to climate change issues, including reducing energy consumption and water use.
Key Issues

- Responding to climate change
- Minimising greenhouse emissions
- Identifying opportunities arising from climate change impacts

Objective 1
To ensure future development is protected from the impacts of climate change.

Strategies

- Facilitate sustainable development by through thoughtful strategic planning that considers climate change impacts.
- Evaluate planning applications to ensure they have considered the impacts of climate change.
- Promote the use of renewable energy in new and existing development.

Land Use Conflicts
Development outside of established towns and urban areas has the potential to impact the farming practices in agricultural areas. Development can also impinge upon required buffers for industry and utilities such as waste water treatment plants and for intensive animal industries.

Key Issue
Managing the potential for conflict between residential uses and the broader use of the land.

Objective 1
To minimise the potential for land use conflicts.

Strategy

- Ensure low density residential, rural living or rural dwelling development, either zoned for such a purpose or on farming zoned land, does not occur if it will lead to land use conflict with an agricultural use, industrial or service utility buffer.
- Ensure any new industrial development is located in suitable areas so as to reduce the risk of adverse amenity impacts.
- Formalise buffers in the planning scheme with the use of the Environmental Significance Overlay.

Policy guidelines
An application for use and development that may result in environmental impacts such as acidification, salinity, soil structure decline, reduced nutrient levels, loss of top soil and sodicity must be accompanied by the following information, as appropriate:

- Certification from an appropriately qualified land management specialist that the land is suitable for the development.
- A site assessment plan which incorporates a detailed land capability evaluation to be conducted by an appropriately qualified specialist.
- A detailed environmental management plan which includes proposals for the ongoing prevention of land degradation.
Managing domestic wastewater

All of the small towns and some areas of Benalla are unsewered and rely on the management of domestic wastewater on site. This has the potential for rural residential estates that may have many on site wastewater treatment systems to have an adverse impact on soil and water resources.

Key Issue

Appropriate management of on site wastewater treatment facilities.

Objective 1

To ensure domestic wastewater treatment facilities are appropriately maintained and monitored.

Strategy

- Prepare Domestic Wastewater Management Plans (DWMP) for the small towns and unsewered areas of Benalla. This DWMP should:
  - Identify areas of existing high risk through the DWMP process and work with the relevant Water Authority to address wastewater management issues in these areas.
  - Inform future growth areas and service requirements to manage wastewater.
  - Prioritise a compliance program to ensure domestic wastewater management facilities are appropriately maintained.

Scheme implementation

The objectives and strategies will be implemented by applying the following overlays:

- **Bushfire Management Overlay (BMO)** to areas at risk of bushfire.
- **Floodway Overlay (FO)** to active floodway areas.
- **Land Subject to Inundation Overlay (LSIO)** to areas affected by flooding outside of the active floodway.

Other implementation

Council will undertake further strategic work as follows:

- Complete the new flood mapping project to update flood controls. (Responsibility – Goulburn Broken CMA).

Reference Documents

- **Goulburn Broken Regional Floodplain Management Strategy GBCMA 2002**
- **Review of Floodplain Works Cardno 2009**
- **Climate Change Adaptation Plan BRCC 2012**
NATURAL RESOURCE MANAGEMENT

This clause provides local content to support Clause 14 (Natural Resource Management) of the State Planning Policy Framework.

Specific references to the towns are also contained in Clause 21.08 (Local Areas).

Agriculture

The rural areas of the municipality comprise high quality and versatile agricultural land. Agricultural land is a significant income generating asset. Rural production is a very important component of the municipality’s economy. Rural land is a finite resource and should be protected. Proposals for new dwellings must take into consideration the productive capacity of rural land. Agriculture contributes approximately $112 million to the local economy every year. There are many small rural lots that are attractive to those seeking a rural lifestyle. This asset could be at threat from inappropriate subdivision and housing development.

Development of houses at a density greater than is required for the rural use of land can give rise to rural residential enclaves which are well removed from townships and which may be in conflict with farming practices. Isolated dwellings in the rural areas have the potential to disrupt agricultural activities and result in the inappropriate use of farming land. Adequate amounts of land have been set aside on the fringes of townships for rural residential purposes.

Rural activities produce off site effects that are often not compatible with residential uses. The farming practices in rural areas should not be diminished by encroachment of incompatible development in rural zones.

The fragmentation of high quality agricultural land is discouraged as farm sizes have progressively increased and farm consolidation is a fundamental long term objective of the Council.

Subdivision of rural land at a density greater than is required for rural use of the land could jeopardise the economic future of the municipality. However, Council acknowledges that one way of ensuring that the price of rural land is not distorted is to allow consideration, on a case by case basis, of a one-off excision of an unwanted rural dwelling. Council also acknowledges that small lot subdivisions (including facilitating housing excision) based solely on hardship, personal circumstances, retirement or superannuation grounds, are not relevant matters for the planning authority to consider.

Council’s strategic position is that fragmentation of productive agricultural land by subdivision is to be avoided to ensure that the productive capacity of the land is maintained.

Key Issues

- Limiting subdivision and new dwellings on high quality and versatile agricultural land.
- Maintaining the sustainable use and productive potential of rural land.
- Protection of agricultural land from non-agricultural uses.
- Reduced viability of some traditional agriculture pursuits.

Objective 1

To protect agricultural areas from inappropriate and unsustainable housing development.

Strategies

- Limiting new dwelling development on high quality and versatile agricultural land.
- Ensuring that rural production is not compromised by housing not associated with agricultural purposes.
- Minimising the potential conflict between residential and rural land uses and protect primary producers from complaints based on perceived residential amenity rights.
• Encourage and support viable and diversified alternative agricultural pursuits.

• Only consider proposals for non-agricultural uses in rural areas when they are compatible with surrounding agricultural use and when they can be justified in terms of broader community benefit.

• Encourage agricultural practices that are not detrimental to the environment.

Policy guidelines

An application for a rural dwelling must be accompanied by the following information, as appropriate:

• A base plan showing the site, landforms and vegetation cover.

• A site plan drawn to scale and with a north point that shows:
  - Boundaries of the land derived from title or a certified plan
  - Abutting roads
  - The location of electricity or other service easements
  - The location of waterways and drainage lines
  - The location of existing buildings
  - Adjoining land uses
  - The distance of any buildings on adjoining land from the boundaries of the land.

• A copy of a land capability assessment may be required by the Responsible Authority indicating the ability of the site to contain and treat on site effluent and wastewater in accordance with the Code of Practice for Onsite Waste Water Management and Australian Standard 1547.

• A report that explains how the proposed small lot excision:
  - is consistent with the State Planning policy Framework, the Municipal Strategic Statement and this policy.
  - is consistent with the purpose of the zone.
  - addresses all decision guidelines for the zone.
  - is compatible with surrounding land uses.
  - is designed and sited to not adversely affect natural features and fully considers environmental constraints on the land and surrounding land.
  - can be serviced by suitable infrastructure.
  - can contain effluent on site.

For rural dwellings it is policy that:

• New dwellings will be discouraged on existing small lots except if:
  - Substantial services and infrastructure works have been completed; or
  - The applicant can substantiate that the land has no agricultural potential and native vegetation will be retained and managed; or
  - The development will not inhibit the agricultural practices of existing farms to continue their operations.
An application for a second dwelling on a lot will require a Section 173 agreement under the Planning and Environment Act prohibiting the subdivision of the second dwelling if the lot is less than the minimum lot size in the schedule to the zone. The application may need to be supported by a farm management plan that justifies the need for the second dwelling to assist in the operation of the farm.

When deciding on an application for a rural dwelling, the following matters will be considered, as appropriate:

- The agricultural quality of the land
- The planning history of the site
- The surrounding land uses
- The existing levels of infrastructure
- The level of any environmental constraints
- The degree to which the proposed dwelling is necessary for the continued agricultural use of the land
- Issues contained in the zone
- Level of flooding and the flooding extents
- Capability of the lot to contain wastewater disposal on site.

**Objective 2**

To protect agricultural areas from inappropriate subdivision.

**Strategies**

- Preventing the fragmentation of rural land and encouraging consolidation of farm lots.
- Discouraging subdivision (other than for farm consolidation) which results in a dwelling not related to rural purposes.
- Ensuring the activities conducted on small lots do not prejudice surrounding agricultural activities.

**Policy guidelines**

An application for rural subdivision must be accompanied by the following information, as appropriate:

- A base plan showing the site, landforms and vegetation cover.
- A site plan drawn to scale and with a north point that shows:
  - Boundaries of the land derived from title or a certified plan
  - Abutting roads
  - The location of electricity or other service easements
  - The location of watercourses and drainage lines
  - The location of existing buildings
  - Adjoining land uses
  - The distance of any buildings on adjoining land from the boundaries of the land.

- A copy of a Land Capability Assessment may be required by the Responsible Authority indicating the ability of the site to contain and treat on site effluent and wastewater in accordance with the Code of Practice for Onsite Waste Water Management and Australian Standard 1547.
A report that explains how the proposed small lot excision:
- Is consistent with the Municipal Strategic Statement and local policies
- Is consistent with the purpose of the zone
- Has addressed all decision guidelines of the zone.

It is policy that subdivision will be discouraged:
- On high or medium quality agricultural land as determined by Soil Conservation Authority reports or the Land Capability Assessment.
- If it is likely to lead to a concentration of lots so as to change the general land use and character of the rural area unless it can be shown that the clustering of lots will enhance the productive use of the land.
- Where the prime access is off a dry weather only road, to avoid the adverse impacts of raised dust.

It is policy that a small lot excision will be considered:
- By encouraging farm consolidation by allowing a “once-only” excision of existing dwellings on a lot of less than 40 hectares that existed prior to the introduction of the Benalla Planning Scheme (1st May 2003) subject to a Section 173 Agreement prohibiting further subdivision of the subject land if the minimum lot size for dwellings is not met and prohibiting any further dwelling on the subject land irrespective of land size;
- If the application is for a dwelling “excision” which will result in farm consolidation, the applicant is encouraged to lodge the application as a re-subdivision of the subject properties and the adjoining land with an acknowledgement that the remainder of the land will be subject to a Section 173 Agreement prohibiting further subdivision and a further dwelling;
- If the dwelling is in a habitable condition to the satisfaction of the responsible authority;
- By discouraging irregular shaped lots (to fit with existing characteristics) especially where there is no obvious frontage to the primary access road;
- Where the excision does not result in a cluster of dwellings that are not directly related to the agricultural use of the land;
- Where the rights of existing farms to continue their operations and not be adversely affected by residential amenity concerns;
- Where the smaller excised lot is 4000 square metres or greater;
- Where access is provided by an all weather road; and
- Where it has been demonstrated the small lot has the capability to accommodate onsite wastewater disposal.

It is policy that a re-subdivision (including boundary realignments) will be considered:
- By discouraging boundary re-alignments except if they are minor adjustments to take account of physical, man made or topographical features on the site;
- By encouraging re-subdivision if the lots created are for the purpose of assisting the use, sale, transfer or preservation of land for agricultural purposes. In such circumstances a condition of approval will require either the consolidation of titles or a Section 173 agreement specifying that the lots created cannot be further subdivided or used for the erection of further dwellings if on land of less than 40 hectares;
- By discouraging proposals that realign boundaries solely for the purpose of creating a new lot which has the potential for a dwelling.

When deciding on an application for a rural subdivision, the following matters will be considered, as appropriate:
- The agricultural quality of the land;
- The planning history of the site;
- The surrounding land uses;
- The existing levels of infrastructure;
- The level of any environmental constraints;
- The degree to which the proposed dwelling is necessary for the continued agricultural use of the land;
- Issues contained in the zone;
- Level of flooding and the flooding extents; and
- Capability of the lot to contain wastewater disposal on site.

**Objective 3**

To protect agricultural areas from inappropriate and unsustainable development.

**Strategies**

- Protect productive agricultural land from uses and developments that will reduce its potential for agricultural production.
- Encourage and support viable and diversified alternative agricultural pursuits.
- Only consider proposals for non-agricultural uses in rural areas when they are compatible with surrounding agricultural use and when they can be justified in terms of broader community benefit.
- Encourage agricultural practices that are not detrimental to the environment and maintain native vegetation as far as practicable.

**Objective 4**

To consider amenity impacts that may arise from intensifying agricultural practices.

**Strategy**

- Ensure intensive animal industries are appropriately located and that industry buffer distances and standards are met.

**Water**

The provision of water for urban and agricultural use is a key concern for the municipality. The limitation on the availability of additional water resources for Benalla is recognised as an important issue for the town. At the same time as satisfying these needs there is an increasing awareness for the sustainable use of water and the protection of the catchments from inappropriate development. The upper catchments of the Broken and Goulburn Rivers provide 11% of the entire water resource of the Murray Darling Basin. Major sources of nutrients include inadequately treated effluent, sediment mobilisation and stormwater run-off.

Lake Mokoan has now been decommissioned and is progressively being converted into major regional wetlands – the Winton Wetlands.

The main urban water supply source for Benalla is provided from McCall-Say and Loombah Reservoirs in the Ryan’s Creek catchment. The catchment is a declared water supply catchment under the *Catchment and Land Protection Act 1994* and is closed to the public to protect water quality. Lake Nillahcootie and the Broken River (including Lake Benalla) are also significant to the water catchments of the Municipality.
Lake Nillahcootie supplies domestic, stock and irrigation water for downstream users throughout the Broken catchment. The lake is important for the provision of aquatic habitat, wildlife and ecological refuge and recreational purposes. Land use and development within the catchments of the lake needs to be regulated to prevent detriment to water quality though pollutants such as nutrients and silt.

Residential development within the immediate vicinity of the Lake Nillahcootie is incompatible with its role as a water supply storage facility.

**Key Issues**

- The protection of water quantity and quality as a potable water supply for the community.

**Objective 1**

To protect water catchments and discourage unsustainable development from within the catchment.

**Strategies**

- Protect and manage catchments in conjunction with the relevant Catchment Management Authorities, Goulburn Murray Water and other relevant organisations.
- Strongly discourage development in the catchment that is detrimental to water quality.
- Encourage drainage management practices that release water into the catchment in its best possible condition.
- Prevent flow variations in the catchment that are detrimental to catchment health.
- Improve the quality of urban stormwater entering the catchment.
- Recognise and protect the environmental significance of the proclaimed catchment for Lake Nillahcootie and Ryan’s Creek.
- Improve water quality in the waterways and storages.
- Encourage rural land management practices that minimise impacts on water quality.
- Encourage the re-use of domestic, commercial and industrial wastes to reduce inputs to the catchment.
- Pursue the provision of reticulated sewer to small towns to improve water quality.
- In conjunction with North East Water, promote and encourage the need to reduce the demand for high quality water and promote the awareness of the need to conserve water in general.

**Policy guidelines**

An application for use and development within the Lake Nillahcootie catchment must be accompanied by the following information, as appropriate:

- A management plan is to be prepared as part of an application to prevent the pollution of waterways and manage the consequences of any pollution which does occur from any uses.
- Applications to remove vegetation must be accompanied by a plan that includes proposals for maintaining and establishing native vegetation at other locations on the subject land.

In the Lake Nillahcootie catchment it is policy that:

- Development should be generally non-urban, and housing density and total population should be maintained at low levels within close proximity to the lake.
- The creation of new point source discharges should be avoided and support the rationalisation of existing discharge points.
- Works are to be scheduled for those times of the year where high rainfall events are not experienced.
- Works are to be avoided on saturated soil where compaction is likely.
- Native vegetation and other significant stands of vegetation are to be protected to prevent land degradation and adverse affects of ground water recharge, maintain water quality and protect the bio-diversity of flora and fauna species.
- Land based effluent disposal systems and disposal areas should be located more than 300 metres from the full supply level of the lake and at least 100 metres from the banks of streams including ephemeral streams.
- A septic tank providing for households of less than 10 people and which handles all waste water should be regularly inspected and pumped out every three years.
- Permits for land use and development may include conditions requiring works to rectify land degradation to offset any potential impact on water quality from the proposed use and development.
- Above ground water storage areas should be sited where leakage into the ground water will be minimised or to sites where they are part of farm salinity mitigation works. When considering an application for a ground water storage area, the responsible authority should consider impacts on water yield and regime.
- Any application for semi-urban development should include water management measures for run off generated by any impervious areas.
- Diversions from the lake should be either limited or not permitted. Approval can be sought to draw waters from the lake. When considering an application to divert water from the lake, Goulburn Murray Water should consider potential impacts on water yield and regime.

When considering an application for the use of land, the responsible authority should consider:
- the potential for the proposed use to degrade water quality or quantity;
- the intensity of the use;
- the location of any effluent disposal field in relation to nutrient leakage to the lake.
- appropriate measures to prevent erosion of banks, streambeds and adjoining land and the siltation of waterways, drains and other features;
- appropriate measures to prevent pollution, increased nutrient loads and increased turbidity of water in waterways, drains and other features;
- appropriate measures to prevent increased surface water run-off or concentration of surface water run-off leading to erosion, siltation, pollution of waterways, drains and other features;
- any management plan prepared by the relevant water board or water supply authority; and
- the comments of the Department of Environment, Land, Water and Planning, relevant water board or water supply authority and Catchment Management Authority.

### Scheme implementation

The objectives and strategies will be implemented by applying the following **zones**:

- **Farming Zone (FZ)** to all agricultural areas
- **Rural Conservation Zone (RCZ)** to private land with high conservation value.
- **Public Park and Recreation Zone (PPRZ)** to Crown land used for recreational purposes.
- **Public Conservation and Resource Zone (PCRZ)** to Crown land of high conservation value.

The objectives and strategies will be implemented by applying the following **overlays**:

- **Environmental Significance Overlay 3 (ESO3)** to Lake Nillahcootie water catchment.
Other implementation

Council will undertake further strategic work as follows:

- Rural Land Use Strategy to identify opportunities to facilitate appropriate future land uses in rural areas throughout the Rural City and to improve the protection and management of rural land within the planning scheme.
- Complete Domestic Wastewater Management Plans for small towns and unsewered areas of Benalla.

Reference Documents

- Wastewater Forward Development Plan for Benalla, Collection and Transfer Components, KBR, September 2005
- Water Supply Master Plan for Benalla, BECA Pty Ltd, January 2004
- Benalla Water Supply Demand Strategy, SKM, 2012
- Benalla Wastewater Strategy, NEW, 2010
- Goorambat Water Supply Demand Strategy, SKM, 2012
- Goulburn broken Regional River Health Strategy, GBCMA, 2005
ECONOMIC DEVELOPMENT

This clause provides local content to support Clause 17 (Economic development) of the State Planning Policy Framework.

Specific references to the towns are also contained in Clause 21.08 (Local Areas).

Industry

Council plays an important role in facilitating industrial development. As a regulator of industrial land Council is in a strong position to meet the needs of the market. Enterprise Park will continue to provide the bulk of industrial opportunities while Council has the capacity to accommodate larger industry that requires buffers to the north of town. The Industrial Land Review, Benalla Rural City Council, October 2009, has confirmed the need for the provision and protection of industrial land to the northeast of Benalla. This land provides a long term land resource for manufacturing and other industries that require substantial threshold distances from residential and other sensitive uses.

The ability to attract and supply water to new industries and where they should be located is a significant planning issue. The municipality has taken a leading role in attracting industries, and in particular major industries to the region such as Munitions Australia (formerly ADI), Schneider Electric and D & R Hendersons.

Key issues

Supply of land for large industries requiring significant buffers from residential and other sensitive uses to the northeast of Benalla.

Objective 1

To meet the demand for industry in appropriate locations that do not compromise existing assets and uses.

Strategies

- Encourage large industries requiring significant buffers to locate in the Benalla Yarrawonga Road/Link Road Industrial 2 Zone precinct to the north of Benalla.
- Use the Industrial Land Review, Benalla Rural City Council, October 2009, to identify and protect industrial land to the northeast of Benalla for manufacturing and other industries that require substantial threshold distances from residential and other sensitive uses.
- Ensure industrial development only occurs where appropriate infrastructure is available or can be provided.
- Encourage the establishment of industries with small water requirements.
- Encourage the expansion of existing industries.
- Discourage industry where off site impacts will affect the amenity of the area or cannot be managed.
- Promote innovative wastewater management practices and waste management industries.
- Require the treatment of the external appearance of industrial developments to minimise the effect on visual amenity.
- Maintain the municipality’s ability to accommodate most types of industrial proposals.
- Provide for new industrial areas only when demand and supply dictate.
- Provide a variety of lot size and a choice in location for industrial areas.
- Ensure industry is located away from town entrances or has requirements to provide for significant landscaped setbacks and suitable building materials.
- Actively seek assistance to gain appropriate infrastructure support to develop new industries.
- Locate transport dependent industry in areas that have good access to National and State freight networks.

**Retail and Commercial**

The Benalla Central Business District (CBD) is the focus for retail activity and the retail trade employs 12.2% (2011) of the local workforce. While Benalla has attracted some national retailers, there remains significant leakage to other centres for higher order goods. To address this Council has investigated the potential of attracting more national retailers.

The Benalla CBD consists of a traditional strip shopping centre along a main road. The exposure offered by the major road meant that commercial growth tended to occur along the road rather than radiating out from a central node. This has resulted in a ‘strip centre’ that is inefficient from a user’s perspective and usually results in conflicts between local pedestrian and vehicular traffic and through traffic. Some fragmentation has already occurred to commercial activities with some larger stores locating on the city fringes. While this trend is not confined to Benalla, lower land values on the urban fringe may continue to influence location decisions for major retail developments and place pressure on Council’s strategic planning policies that seek to strengthen and confine retail development in the core areas.

Benalla needs to investigate raising its profile for attracting regional offices for government departments because of its central geographic location in servicing north east Victoria. The town also boasts state of the art Education Facilities including Goulburn Ovens Institute of TAFE.

**Key Issues**

- Attraction of national brand retailers.
- Reducing leakage to other centres.
- Attract more government offices.

**Objective 1**

To provide for retail and commercial development that meets the needs of the community.

**Strategies**

- Reinforce the structure and function of the Benalla Central Business District.
- Protect and enhance the existing character of commercial centres.
- Encourage infill retail and business development prior to expanding the CBD or rezoning further business areas along the Old Hume Highway.
- Maintain a high visual standard for main road approaches to Benalla.
- Limit the eastwards expansion of the Commercial 1 Zone.
- Discourage small scale retailing in peripheral areas and highway entrances of Benalla.
- Encourage retail or restricted retail developments in appropriate locations to reduce escape expenditure to centres outside the municipality.
- Encourage redevelopment of commercial areas to an active business at ground level and explore accommodation and other uses above.
- Develop gateways to nominate entry/exit into the commercial area from industrial areas.
Tourism

Tourism is one of the economic influences in Benalla and focuses on the theme of “Legends, Wine and High Country”. However it is a relatively under-developed sector with great potential. The Benalla Economic Development and Tourism Strategy 2013-2018 develops an action plan and sets priorities for its competitive strengths of arts and heritage, adventure, food and wine and nature and touring.

Tourism is a relatively under-developed sector with great potential. The municipality has a diverse range of natural attractions and events. Significant attractions include the Winton Motor Raceway and the Benalla Aerodrome, home to the Gliding Club of Victoria. Both venues are utilised for conducting events on a national and international scale. Cultural attractions include the Benalla Art Gallery, Benalla Performing Arts and Conference Centre and events such as the Benalla Festival and the World Gliding Championships 2016-2017. These events support the needs of workforce communities in Benalla.

The Winton Wetlands (formerly Lake Mokoan) has significant potential to increase nature tourism in Benalla. Strategies to link the Winton Wetlands with Benalla will be important.

Key Issues
Continuing development of the tourism sector.

Objective 1
To promote event based and lifestyle tourism opportunities.

Strategies

- Encourage new tourism developments and expansion of existing activities, including wineries.
- Ensure that appropriate infrastructure is available to service tourist developments.
- Support development of a Recreation Aviation Centre in Benalla.
- Promote the municipality’s heritage for tourism.
- Support cultural tourism based on bushranger legends, explorers, aboriginal heritage and the visual and performing arts.
- Protect environmentally sensitive tourism areas such as the foothills of the Warby Ranges from unsustainable uses.
- Identify and capitalise on competitive advantages, such as outdoor education and adventure type activities.
- Support the growth of nature based tourism surrounding our major lakes and wetlands, including the Winton Wetlands.
- Leverage opportunity from World Gliding Championships 2016/2017.

Scheme implementation

The objectives and strategies will be implemented by applying the following zones:

- Commercial 1 Zone (C1Z) to all land within the Benalla Central Business Area.
- Commercial 2 Zone (C2Z) to land along the Old Hume Highway.
- Industrial 1 Zone (IN1Z) to all general industrial land.
- Industrial 2 Zone (IN2Z) to land north of Benalla to provide for large industry requiring significant buffers.
Other implementation

Council will undertake further strategic work as follows:

- Develop a strategic plan for the future development, tenancy and use of commercial and industrial areas suitable to cater for growing the local economy and attraction of new industries and businesses to Benalla. This should include a strategy for the long-term development of Enterprise Park.

- Finalise the Benalla CBD Strategy.

Reference Documents

- Benalla RCC Economic Development Strategy, BRCC, 2010-2013
- Benalla Tourism Strategy, BRCC, 2005
- Winton Wetlands Master Plan, BRCC, 2012
TRANSPORT AND INFRASTRUCTURE

This clause provides local content to support Clause 17 (Economic Development) of the State Planning Policy Framework.

Specific references to the towns are also contained in Clause 21.08 (Local Areas).

Transport

The planning of freeways and the planning and control of land use and development in the areas through which they pass should be coordinated and integrated. Planning measures to control land use and development can assist the efficient performance of freeways and can protect the appearance of areas through which they pass.

The Hume Freeway is a principal road linking State capital cities and is a designated National Highway under the *Australian Land Transport Development Act 1988*. Land use and development planning should take full account of this National Highway when development occurs in its vicinity.

There are a number of major transport routes, including the Hume Freeway, the Midland Highway and the North Eastern Railway. Although, these assets are mainly controlled by authorities other than Council, they need to be recognised and accommodated in the planning scheme to ensure they are considered in the assessment of applications for use and development. The roads are important transport links not only for tourism but for industry and agriculture.

Benalla also has a major regional airport with a focus on gliding (State Gliding Centre). The Benalla Aerodrome needs to be protected from uses or development that may interfere with its operations or its future potential.

Key Issues

- The municipality has major transport infrastructure and links.
- Protection of the Hume Freeway and environs.
- Minimise any adverse effects of noise from traffic using the Hume Freeway.
- Need to protect the Benalla Aerodrome from uses or development that may interfere with its operations or its future potential.
- Future proofing transport routes and corridors.

Objective 1

To ensure key transport routes and facilities are protected from inappropriate development.

Strategies

- Continue to support a route for the high speed train linking Sydney to Melbourne.
- Continue to lobby for improved passenger rail services to Melbourne.
- Protect the Hume Freeway corridor and North Eastern Railway from undesirable development.
- Ensure that the use and development of land does not prejudice the levels of service, safety and amenity of the Hume Freeway.
- Maintain buffer distances for the Benalla Aerodrome.
- Encourage aviation-related commercial activities at the Benalla Aerodrome and within adjacent Enterprise Park boundary.
- Protect transportation uses from incompatible adjacent land uses.
- Restrict the number of access points to main roads and the Hume Freeway to improve safety.
- Encourage development to be setback from main roads and the Hume Freeway to reduce the effects of noise.
- Improve pedestrian and bicycle connections.

**Infrastructure**

Infrastructure will be provided in a timely, effective and cost efficient manner on the basis of approved Structure Plans and approved Development Contribution Plans.

Regional water authorities have provided reticulated water and sewerage to towns that currently do not benefit from such infrastructure and which have been prioritised by local and state governments. North East Water is responsible for the water supply to the towns of Goorambat and Devenish. Council is responsible for the water supply to all other small towns in the municipality. The provision of these services has significant strategic planning implications for affected towns as opportunities for infill development and urban expansion are enhanced.

North East Water is responsible for the operation of a large sewerage treatment facility on land to the north of the Benalla in Holdsworth Road. The plant currently has the capacity to serve an equivalent population of 12,000 persons and has sufficient land area to allow for future expansion. North East Water and Council are conscious of the need to protect the integrity of the plant from urban encroachment.

Benalla’s water supply is provided from the McCall-Say and Loombah Reservoirs located in the Ryan’s Creek catchment. The catchment needs to be managed in a sustainable manner to protect water quality. North East Water is responsible for ensuring the quality of the source and that is protected from undesirable development that may occur on adjoining or nearby land. Water from the catchment is conveyed to Benalla through a 31km length of pipeline. A water treatment plant is located at Kilfeera.

Benalla Rural City is responsible for all other infrastructure such as community buildings, unclassified roads, drainage, parks and open space. The *Infrastructure Design Manual*, Infrastructure Design Manual Steering Group, has been developed to guide the planning and provision of roads, drainage and associated services for subdivision and general development in urban and rural areas.

**Key Issues**

- Unsewered townships and parts of Benalla, resulting in potential environmental problems and impediments to growth.
- Stormwater drainage is an issue in the longer term for identified development areas within the Benalla urban area as is seasonal flooding of the Broken River and the Hollands Creek
- Need for provision of adequate infrastructure for subdivision and general development in urban and rural areas.

**Objective 1**

To address the provision of infrastructure services, particularly drainage, in planning for future growth.

**Strategies**

- Ensure the provision of appropriate drainage infrastructure for new and existing urban areas.
- Prepare a Development Contributions Plan for Benalla North West ODP area to ensure the equitable distribution of costs for the provision of infrastructure.
- Support the provision of reticulated services to towns currently without water and/or sewerage facilities in the municipality where the need is demonstrated through domestic wastewater management planning.
- Develop domestic wastewater management plans for small towns and unsewered parts of Benalla.
- Encourage water sensitive urban design.
Apply the Infrastructure Design Manual in the planning and provision of roads, drainage and associated services for subdivision and general development in urban and rural areas.

21.07-3

Scheme implementation

Council will undertake further strategic work as follows:

- Develop a strategic master plan for the Benalla Airport and its environs.
- Complete a Development Contributions Plan for the Benalla West Outline Development Plan area. The contributions may centre around issues such as traffic and social infrastructure needs.
- Complete Domestic Wastewater Management Plans for small towns and undesewered parts of Benalla.
- Prepare a freight management strategy that addresses the future transport needs for the movement of freight.

21.07-4

Reference documents

Hume Corridor Regional Transport Study, 2009
Hume Region Significant Tracks and Trails Strategy 2014-2023
Hume Regional Growth Plan 2014
LOCAL AREAS

This clause focuses on the local area implementation of the objectives and strategies set out in Clauses 21.02 to 21.07. Each subsection refers to a town or an area within the municipality and should be read in conjunction with the rest of the Benalla Planning Scheme and not in isolation.

The following local areas are addressed:

21.08-1 - Benalla
21.08-3 - Baddaginnie
21.08-4 - Devenish
21.08-5 - Goorambat
21.08-6 - Swanpool
21.08-7 - Tatong
21.08-8 - Thoona

Benalla

Benalla (Population 2011: 9328 persons) is the major urban centre of the municipality. It provides the focus of all residential, commercial, retail and industrial opportunities apart from limited and small scale opportunities in the surrounding small towns.

The Benalla CBD consists of a traditional strip shopping centre along a main road. The exposure offered by the major road meant that commercial growth tended to occur along the road rather than radiating out from a central node. This has resulted in a ‘strip centre’ that is inefficient from a user’s perspective and usually results in conflicts between local pedestrian and vehicular traffic and through traffic. Some fragmentation has already occurred to commercial activities with some larger stores locating on the city fringes (e.g. the former Coles in Sydney Road). While this trend is not confined to Benalla, lower land values on the urban fringe may continue to influence location decisions for major retail developments and place pressure on Council’s strategic planning policies that seek to confine retail development in the core areas.

Benalla is likely to continue as a focus for regional offices for government departments because of its central geographic location in servicing north east Victoria. The town also boasts state of the art Education Facilities including Goulburn Ovens Institute of TAFE.

Benalla has been subjected to two major floods in recent years causing considerable damage to both urban and rural areas. Future planning needs to take account of the information gained from previous flood events to minimise damage to property.

Council plays an important role in facilitating industrial development. As a regulator and owner of industrial land Council is in a strong position to meet the needs of the market. Enterprise Park will continue to provide the bulk of industrial opportunities while Benalla has the capacity to accommodate larger industry that requires buffers to the north of town. The Industrial Land Review, 2009 has confirmed the need for the provision and protection of industrial land to the northeast of Benalla. This land provides a long term land resource for manufacturing and other industries that require a substantial threshold distances from residential and other sensitive uses.

The ability to attract and supply water to new industries and where they should be located is a significant planning issue. The municipality has taken a leading role in attracting industries, and in particular major industries to the region such the Munitions Factory (formerly ADI), Schneider Electric and D & R Hendersons.

Local area implementation

Ensure that any use and development within Benalla is consistent with the Benalla Structure Plan and the Benalla CBD Structure Plan.
Settlement, Housing and Character

- Future residential development to be consistent with the *North West Outline Development Plan, 2005* and the *West Benalla Outline Development Plan, 2005* and the *Benalla Urban Growth Project, 2012* which has resolved local drainage issues within much of the Benalla West ODP area.

- All new residential development is to be fully serviced and occur outside of the designated urban floodway areas.

- Open space contributions from new residential development and infill development are to result in larger, strategically located areas of open space and where possible result in linkages with other forms of open space.

- Promote residential development that is consistent with the *Benalla Neighbourhood Character Study, 2002*.

- Encourage infill housing development to provide a diversity of choice provided the prevailing character is maintained.

- Provide rural living zoning and development in outlying areas of Benalla in accordance with the *Rural Living Study, Benalla Rural City, 2010*.

Environmental, Landscape and Heritage Values

- Protect the landscape character and environmental integrity of Lake Benalla and environs.

- Retain the integrity of heritage areas in Benalla.

Environmental risks

- Ensure new development can be protected from the effects of flooding and global warming.

Economic development

- Revitalise the western end of the Benalla CBD by relocating the municipal offices to the former post office building.

- Maximise tourism opportunities for Benalla by complimenting the development of the Winton Wetlands.
Lake Benalla Environs

Lake Benalla is a significant natural feature of local and regional importance. The establishment of the lake in the 1970’s has transformed the central area of Benalla. Various land uses adjoin the lake and its environs including residential, commercial, recreation, riverine habitat and farming. Development at the interface with the lake environs needs to be carefully assessed having regard to local settings, views and prevailing landscape and urban character.

The Lake Benalla Environs Study, 2007 and the Municipal Strategic Statement includes strategies directed at the protection of significant views, landscape character and environmental integrity of Lake Benalla and environs. These objectives are:

- Protect the natural ecosystems, waterways and habitat values of the riverine environment.
- Protect and enhance the water quality of Lake Benalla, the Broken River, Blind Creek, Chinaman’s Creek and Hollands Branch.
- Protect the landscape setting and natural environment surrounding Lake Benalla from obtrusive development.
- Encourage a high level of amenity and landscape improvements as part of new developments.
- Protect views and vistas within the lake environs including those to cultural community icons and heritage buildings, structures and places.
- Encourage the design of public spaces that add to the quality of recreational experiences.
- Establish physical and visual linkages between places of interest, cultural icons and community facilities.
- Encourage uses that attract people to the area such as festivals, markets, concerts and other people gathering activities.
- Ensure new residential development and alterations to existing residential buildings respect and enhance the character and setting of the lake environs.
- Encourage fencing that has a low visual impact on the environs of the lake.
- Develop and promote Fawckner Drive and Lowry Place as an active business and tourism precinct and primary lakeside node.
- Ensure new development respects the urban character of the street frontage and riverine character at the rear frontage.
- Maintain free passage and temporary storage of floodwaters and minimise flooding risk.

Local area implementation

Strategies

- Ensure development does not adversely impact on the character or setting of adjacent passive open space and recreation areas.
- Support development that is appropriately scaled to acknowledge and complement the lake environs character and avoid domination.
- Ensure that built form complements the setting, landscape, character, views and amenity of the lake and environs.
- Ensure the design of open space and recreation areas reflects the local landscape character and setting of the lake environs.
- Require development proposals within the riverine environment to demonstrate how nature conservation, habitat values and floodplain functions are to be maintained and enhanced.
- Ensure development and land use activities on private land in riverine areas respects native vegetation and habitat values on adjacent public land.
- Encourage use and development that improves recreational usage and access and provides for pedestrian links to activity areas.

Reference Document

Baddaginnie

Baddaginnie (Town and district population 2011: 465) developed along the Melbourne-Sydney Railway and the former Hume Highway approximately 10 kilometres south west of Benalla. Development has taken place either side of the railway line with most housing and all facilities being on the south side. Baddaginnie functions as a satellite of Benalla offering an attractive small town lifestyle to people who can enjoy the advantages and convenience of proximity to a regional centre.

Local area implementation

- Encourage infill residential development provided wastewater can be treated effectively on site.
- Provide low density residential zoning and development to provide subdivision and housing diversity in the township.
Devenish

Devenish (Population 2011: 360) is located 30 kilometres north of Benalla and services its rural hinterland. It provides opportunities for those seeking a rural living lifestyle with affordable housing. To ensure existing facilities (such as primary school) are maintained, population stability and growth is important. North East Water provides reticulated sewerage which will support further growth.

Local area implementation

- New residential development is encouraged in the existing Township Zone and in the ‘wedge’ area formed by the intersection of the Devenish-Goorambat Road and Woods (Saleyard) Road on lots capable of retaining treated waste water on site.
- Provide rural living zoning and development to provide subdivision and housing diversity adjacent to the township.
Goorambat (Town and district population 2011: 347) is a small township located on the Benalla-Yarrawonga railway line, approximately 20 kilometres north of Benalla, performing a local service centre role for their surrounding rural communities. New residents are attracted here for the small town lifestyle, affordable housing and proximity to Benalla. To ensure existing facilities (such as primary school) are maintained, population growth is important. North East Water provides reticulated sewerage which will support further growth.

**Local area implementation**

- New residential development is encouraged to the north of Goorambat-Dookie College Road and to the south of the recreation reserve and primary school on lots capable of retaining treated waste water on site.
- Provide low density residential zoning and development to provide subdivision and housing diversity in the township.
Swanpool (Town and district population 2011: 512) is located on the Midland Highway 20 kilometres south of Benalla. The township has limited housing but enjoys an extensive range of community facilities indicative of its function as a rural service centre for the hinterlands. Similar to other towns, Swanpool’s proximity of Benalla and its lifestyle option present opportunities for growth. It has tourism potential as a gateway to Mount Samaria, Strathbogie Ranges, Lake Nillahcootie and Goulburn River.

Local area implementation

- Provide low density residential zoning and development to provide subdivision and housing diversity in the township.
SWANPOOL STRUCTURE PLAN

- Encourage and facilitate residential development, subject to lots being large enough for wastewater disposal. Encourage lot consolidation if individual lots are too small to comply with this requirement. New subdivision should only be approved if lots will satisfy this requirement.

- Encourage community and commercial related development.

Tatong

Tatong (Town and district population 2011: 350), located on the Tatong-Tolmie Road 26 kilometres southeast of Benalla and is a local service centre for its rural hinterland.

Local area implementation

- Encourage infill residential development provided wastewater can be treated effectively on site.

- Encourage the Goulburn Brocken Catchment Management Authority to define the Holland Creek floodplain with the assistance of Council.
Thoona

Thoona (Town and district population 2011: 474) is located at the junction of the Thoona-Boweya Road and the Thoona-Devenish Road in the rolling hill country generally west of the Warby Ranges and north of the Winton Wetlands. While residential development is limited the town also functions as a service centre for the surrounding rural communities including the ‘environmental’ areas at the foothills of the Warby Ranges.

Local area implementation

- New residential development is encouraged in the Township Zone throughout the Thoona township.
- Provide low density residential zoning and development to provide subdivision and housing diversity in the township.
**GAMING**

This policy applies to all applications to install or use a gaming machine or use of land for gaming.

**Policy Basis**

Clause 52.28 requires a planning permit to be granted to install or use Electronic Gaming Machines (EGM). This policy will guide decision-making by implementing the findings of the *Benalla Gaming Policy Review 2014, Reference Document*, November 2014.

This policy:

- Provides additional details to assist in the application of Clause 52.28 at the local level.
- Implements the provisions of Clause 21.08-3 as it relates to gaming.
- Taking into account specific characteristics of the local community that make it vulnerable to the negative impacts of gaming this policy guides the location of gaming machines to appropriate areas, sites and venues.
- For the purposes of this policy social (community and public) housing means housing for people on lower incomes that is owned and leased by the Department of Housing, registered housing associations or not for profit housing organisations. A concentration of social (community and public) housing will generally be said to exist if there are 50 or more dwellings of that type within 150 metre radius.

**Objectives**

- To minimise harm from gaming and the incidence of problem gambling.
- To discourage the location of gaming machines in and proximate to disadvantaged and vulnerable communities.
- To minimise opportunities for convenience gaming.
- To protect the amenity of surrounding uses of venues containing gaming machines.

**Policy**

It is policy to locate gaming machines in accordance with the following criteria:

**Appropriate areas**

Gaming machines should be located in areas:

- Where the population is growing or expected to grow. In these areas gaming machines should not be established ahead of the provision of non-gambling entertainment, recreation facilities and social infrastructure.
- Where a positive contribution to the redistribution of gaming machines away from relatively disadvantaged areas, as defined by the latest ABS SEIFA index of relative socio-economic disadvantage will be made.
- Where there is a choice of non-gaming entertainment and recreation facilities operating in the vicinity at the times that the proposed gaming venue will operate including hotels, clubs, cinemas, restaurants, bars and indoor recreation facilities.
- Identified for growth where the density of machines in the locality of the venue will not exceed 10 gaming machines per 1,000 adults.
- Where the community has a choice of non-gaming entertainment and recreation activities and established social infrastructure, some of which operate during the times that proposed gaming machines will operate in the local area.

Gaming machines should not be located in areas:
Specified in the Schedule to Clause 52.28-4 and will be strongly discouraged in areas that abut, or are adjacent, opposite or in such close proximity to prohibited areas that a proposed venue would reasonably be considered particularly convenient to users of the strip shopping centre.

Where any ABS collection district within 400 metres walking distance of the proposed venue is in the 20% most disadvantaged collection of districts in Benalla, as set out in the latest SEIFA Index of relative socio-economic disadvantage.

Within any other local activity centre.

Within 400 metres walking distance of a concentration of social (public and community) housing.

Within line of sight of a social support agency or gamblers help centre.

**Appropriate sites**

Gaming machines should be located on sites:

- That minimise the likelihood of people passing the venue in the course of their usual business or every day activities.
- Near activity centres, or at a sports or recreation club with a land holding of more than 2 hectares.
- That could reasonably be perceived as a destination in its own right. This would be achieved by separation from strip shopping centres, shopping complexes, railway stations and community facilities involving a high concentration of people undertaking daily activities.

In respect of machines near the activity centres, gaming machines should be located on sites:

- At the periphery of activity centres, outside of the main transport, shopping, community and civic functions of the centre.

Gaming machines should not be located:

- Where they are convenient to concentrations of shops, major community facilities or key public transport nodes where large numbers of pedestrians are likely to pass in the course of their daily activities.
- On sites that abut, are adjacent to, are opposite or are in the direct line of sight of a strip shopping centre.

**Appropriate venues**

Gaming machines should not be located in venues:

- That operate 24 hours a day.
- With a gaming floor area of more than 25% of the total floor area accessible by the public.
- That are located within prohibited areas identified in Clause 52.28 or in a discouraged area as defined by this policy.

Gaming machines should be located in venues:

- That have a range of entertainment and leisure options and offer social and recreational opportunities other than gaming as the primary purpose of the venue.
- That are designed to comply with best practice and the full ambit of the VCGLR Venue Manual.
- Where the premises and associated uses are compatible with the predominant surrounding land uses.
- That already have gaming machines in preference to the establishment of a new gaming venue.
- Where the design and operating hours will not detrimentally affect the amenity of the surrounding area.
Application Requirements

All applications must include the following information to the satisfaction of the responsible authority:

- How the application is consistent with the State and Local Planning Policy Framework including policies on recreation and entertainment, economic development and activity centres.

- A venue management plan identifying mitigating strategies to manage patron behaviour and minimise problem gambling through the design and management of the venue, including responsible gaming practices.

- Detailed plans of the design and layout of the entire premises including the location of all existing and proposed gaming machines, signage, external lighting, and evidence of compliance with any relevant gaming regulations for premises layout, design and operation of the gaming venue.

- Social and economic impact assessment prepared by suitably qualified and experienced persons that provides a robust assessment of the social, and economic impacts (positive and negative) of the proposed EGM’s.

The social and economic impact assessment should address but not necessarily be limited to the following:

- Details on the proposed number of gaming machines and associated forecast gaming expenditure (player losses).

- Details about the existing and proposed distribution and density of gaming machines in the municipality and local area, any proposed reallocation of gaming machines in the municipality, and the proposal’s expected impact on patronage.

- Where gaming expenditure is likely to be transferred from other venues, the applicant is to provide:
  - Particulars as to how the level of transfer has been calculated including, but not limited to comparison per machine expenditure at the venue prior to and then after the additional machines, current usage levels of machines at the venue, and projected usage of machines at the venue after the additional machines; and
  - The amount of transfer expenditure anticipated.

- Details of the nature and extent of community benefits expected from the proposal and how the benefits are to be secured and distributed to the broader local community.

- A detailed social profile of the population within the catchment area of the venue including:
  - The relative socio-economic disadvantage of the local neighbourhood and suburb and broader 5km catchment of the venue;
  - An assessment of the latest ABS SEIFA index of relative socio-economic disadvantage; and
  - The projected growth, housing affordability and housing stress, income levels, unemployment rates, educational retention and attainment levels, and the percentage of social security recipients.

- Details of existing and proposed gambling and non-gambling entertainment and recreation facilities at the venue and within a 5km radius of the venue including existing and proposed electronic gaming machine density and location of other gaming venues.

- Details of the venue's distance to shopping complexes, strip shopping centres, major areas of community congregation, proximity to areas of normal daily activity such as public transport, shops, community facilities, schools, early childhood centres, health services, and proximity to welfare and counselling services.
Details of currently available social support services including specific problem gambling services, financial counselling services, and material and financial aid services, the location of these services in relation to both the revenue and patron catchment area, and the level of current demand for these services.

Pedestrian counts for venues which are within close proximity to places where large numbers of pedestrians are likely to pass in the course of their daily activities. Pedestrian counts should be taken on different days and at a variety times.

A detailed overall assessment, which shows and summarises the economic and social impacts of the proposal and the effect on community wellbeing and health.

22.01-5
21/04/2016
C29
Decision Guidelines
Before deciding on an application the Responsible Authority will consider, as appropriate:

- Whether the proposal will positively respond to harm minimisation.
- Whether the proposal will be proximate to areas of socio-economic disadvantage.
- Whether the proposal will facilitate convenience gambling.
- Whether there is to be a net community benefit derived from the application, aside from any community contribution scheme.
- Whether users of the gaming venue will have a genuine choice of gaming and non-gaming entertainment in the local area and in the venue itself.

22.01-6
21/04/2016
C29
Policy References

OPERATION OF THE LOCAL PLANNING POLICY FRAMEWORK (TRANSITIONAL)
RELATIONSHIP TO THE PLANNING POLICY FRAMEWORK

Clauses 21 and 22 of this planning scheme (the Local Planning Policy Framework) form part of the Planning Policy Framework. Where a provision of this planning scheme requires consideration of the Planning Policy Framework, that consideration must include Clauses 21 and 22.

A reference in this planning scheme, including any incorporated document, to the:

- State Planning Policy Framework or the Local Planning Policy Framework is to be taken to be a reference to the Planning Policy Framework.
- Planning Policy Framework is to be taken to include the Local Planning Policy Framework.
OPERATION OF THE MUNICIPAL STRATEGIC STATEMENT

The Municipal Strategic Statement (MSS) is a concise statement of the key strategic planning, land use and development objectives for the municipality and the strategies and actions for achieving the objectives. It furthers the objectives of planning in Victoria to the extent that the State Planning Policy Framework is applicable to the municipality and local issues. It provides the strategic basis for the application of the zones, overlays and particular provisions in the planning scheme and decision making by the responsible authority.

The MSS provides an opportunity for an integrated approach to planning across all areas of council and should clearly express links to the corporate plan. The MSS is dynamic and enables community involvement in its ongoing review. The MSS will be built upon as responsible authorities develop and refine their strategic directions in response to the changing needs of the community.

When preparing amendments to this planning scheme and before making decisions about permit applications, planning and responsible authorities must take the MSS into account.
OPERATION OF THE LOCAL PLANNING POLICIES

Local Planning Policies are tools used to implement the objectives and strategies of the Municipal Strategic Statement.

A Local Planning Policy is a policy statement of intent or expectation. It states what the responsible authority will do in specified circumstances or the responsible authority’s expectation of what should happen. A Local Planning Policy gives the responsible authority an opportunity to state its view of a planning issue and its intentions for an area. A Local Planning Policy provides guidance to decision making on a day to day basis. It can help the community to understand how the responsible authority will consider a proposal. The consistent application of policy over time should achieve a desired outcome.

When preparing amendments to this planning scheme and before making decisions about permit applications, planning and responsible authorities must take any relevant Local Planning Policy into account.
ZONES

This section sets out the zones which apply in this scheme.
LOW DENSITY RESIDENTIAL ZONE

Shown on the planning scheme map as LDRZ with a number (if shown).

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.
To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and breakfast</td>
<td>No more than 10 persons may be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td></td>
<td>At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td>Community care accommodation</td>
<td>Must meet the requirements of Clause 52.22-2.</td>
</tr>
<tr>
<td>Dependent person's unit</td>
<td>Must be the only dependent person's unit on the lot.</td>
</tr>
<tr>
<td></td>
<td>Must meet the requirements of Clause 32.03-2.</td>
</tr>
<tr>
<td>Domestic animal husbandry (other than Domestic animal boarding)</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast)</td>
<td>Must be the only dwelling on the lot.</td>
</tr>
<tr>
<td></td>
<td>Must meet the requirements of Clause 32.03-2.</td>
</tr>
<tr>
<td>Home based business</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Medical centre</td>
<td>The gross floor area of all buildings must not exceed 250 square metres.</td>
</tr>
<tr>
<td></td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Racing dog husbandry</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
</tbody>
</table>

Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Community care accommodation, Dependent person's unit and Dwelling)</td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Agriculture (other than Animal production, Apiculture, Domestic animal husbandry and Racing dog husbandry)</td>
<td>Must be used in conjunction with another use in Section 1 or 2.</td>
</tr>
<tr>
<td>Car park</td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Car wash</td>
<td></td>
</tr>
<tr>
<td>Convenience restaurant</td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Convenience shop</td>
<td></td>
</tr>
<tr>
<td>Dependent person’s unit – if the Section 1 condition is not met</td>
<td>Must meet the requirements of Clause 32.03-2.</td>
</tr>
<tr>
<td>Domestic animal boarding</td>
<td></td>
</tr>
<tr>
<td>Domestic animal husbandry (other than Domestic animal boarding) – if the Section 1 condition is not met</td>
<td>Must be no more than 5 animals.</td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast) – if the Section 1 condition is not met</td>
<td>Must result in no more than two dwellings on the lot.</td>
</tr>
<tr>
<td>Food and drink premises (other than Convenience restaurant)</td>
<td></td>
</tr>
<tr>
<td>Grazing animal production</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation and Motor racing track)</td>
<td></td>
</tr>
<tr>
<td>Market</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Amusement parlour, Carnival, Cinema based entertainment facility, Circus and Nightclub)</td>
<td></td>
</tr>
<tr>
<td>Plant nursery</td>
<td></td>
</tr>
<tr>
<td>Service station</td>
<td>The site must either:</td>
</tr>
<tr>
<td></td>
<td>• Adjoin a commercial zone or industrial zone.</td>
</tr>
<tr>
<td></td>
<td>• Adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td></td>
<td>The site must not exceed either:</td>
</tr>
<tr>
<td></td>
<td>• 3000 square metres.</td>
</tr>
<tr>
<td></td>
<td>• 3600 square metres if it adjoins on two boundaries a road in a Road Zone.</td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>----------------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Store</td>
<td>Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.</td>
</tr>
</tbody>
</table>

Utility installation (other than Minor utility installation and Telecommunications facility)

Any other use not in Section 1 or 3

**Section 3 – Prohibited**

**Use**

Amusement parlour
Animal production (other than Grazing animal production)
Brothel
Cinema based entertainment facility
Industry (other than Car wash)
Motor racing track
Nightclub
Office (other than Medical centre)
Retail premises (other than Convenience shop, Food and drink premises, Market and Plant nursery)
Saleyard
Stone extraction
Transport terminal
Warehouse (other than Store)

**Use for one or two dwellings or a dependent person’s unit**

A lot may be used for one or two dwellings provided the following requirements are met:

- Each dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from each dwelling must be treated and retained within the lot in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

- Each dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply, with appropriate storage capacity, to the satisfaction of the responsible authority.

- Each dwelling must be connected to a reticulated electricity supply or have an alternative energy supply to the satisfaction of the responsible authority.

These requirements also apply to a dependent person’s unit.

**Subdivision**

**Permit requirement**

A permit is required to subdivide land.
Each lot must be at least the area specified for the land in a schedule to this zone. Any area specified must be at least:

- 0.4 hectare for each lot where reticulated sewerage is not connected. If no area is specified each lot must be at least 0.4 hectare.
- 0.2 hectare for each lot with connected reticulated sewerage. If no area is specified each lot must be at least 0.2 hectare.

A permit may be granted to create lots smaller than 0.4 hectare if the subdivision:

- Excises land which is required for a road or a utility installation.
- Provides for the re-subdivision of existing lots and the number of lots is not increased.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>- The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>- The general direction of the common boundary does not change.</td>
<td></td>
</tr>
</tbody>
</table>

### Buildings and works

A permit is required to construct or carry out any of the following:

- A building or works associated with a use in Section 2 of Clause 32.03-1.
- An outbuilding which has dimensions greater than those specified in a schedule to this zone.

This does not apply to structural changes to a dwelling provided the size of the dwelling is not increased or the number of dwellings is not increased.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works with an estimated cost of up to $100,000 where:</td>
<td>Clause 59.04</td>
</tr>
<tr>
<td>- The building or works is not associated with a dwelling.</td>
<td></td>
</tr>
<tr>
<td>- The requirements in the following standards of Clause 54 are met, where the land adjoins land in a residential zone used for residential purposes:</td>
<td></td>
</tr>
<tr>
<td>A10 Side and rear setbacks.</td>
<td></td>
</tr>
<tr>
<td>A11 Walls on boundaries.</td>
<td></td>
</tr>
</tbody>
</table>
Class of application

- A12 Daylight to existing windows.
- A13 North-facing windows.
- A14 Overshadowing open space.
- A15 Overlooking.

For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.

### Application requirements

#### Subdivision

An application must be accompanied by a site analysis, documenting the site in terms of land form, vegetation coverage and the relationship with surrounding land, and a report explaining how the proposed subdivision has responded to the site analysis. The report must:

- In the absence of reticulated sewerage, include a land assessment which demonstrates that each lot is capable of treating and retaining all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.

- Show for each lot:
  - A building envelope and driveway to the envelope.
  - Existing vegetation.
  - In the absence of reticulated sewerage, an effluent disposal area.

- Show how the proposed subdivision relates to the existing or likely use and development of adjoining and nearby land.

- If a staged subdivision, show how the balance of the land may be subdivided.

### Decision guidelines

#### General

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:


#### Subdivision

- The protection and enhancement of the natural environment and character of the area including the retention of vegetation and faunal habitat and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries.

- The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.

- In the absence of reticulated sewerage:
- The capability of the lot to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.

- The benefits of restricting the size of lots to the minimum required to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria).

- The benefits of restricting the size of lots to generally no more than 2 hectares to enable lots to be efficiently maintained without the need for agricultural techniques and equipment.

- The relevant standards of Clauses 56.07-1 to 56.07-4.

### 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>
</tbody>
</table>
| Bed and breakfast                        | No more than 10 persons may be accommodated away from their normal place of residence.  
<pre><code>                                     | At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.  |
</code></pre>
<p>| 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.                      |
| Domestic animal husbandry (other than Domestic animal boarding) | Must be no more than 2 animals.                                             |
| Dwelling (other than Bed and breakfast)  |                                                                           |
| Food and drink premises                  | The leasable floor area must not exceed 150 square metres.                 |
| Home based business                      |                                                                           |
| Informal outdoor recreation              |                                                                           |
| Medical centre                           | The gross floor area must not exceed 250 square metres.                    |
| Museum                                   |                                                                           |
| Office (other than Medical centre)       | The leasable floor area must not exceed 250 square metres.                 |
| Place of worship                         | The gross floor area of all buildings must not exceed 250 square metres.  |</p>
<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Racing dog husbandry</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Residential aged care facility</td>
<td></td>
</tr>
<tr>
<td>Rooming house</td>
<td>Must meet the requirements of Clause 52.23-2.</td>
</tr>
<tr>
<td>Shop (other than Adult sex product shop)</td>
<td>The leasable floor area must not exceed 150 square metres.</td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
</tbody>
</table>

**Section 2 - Permit required**

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Community care accommodation, Dependent person's unit, Dwelling, Residential aged care facility and Rooming house)</td>
<td></td>
</tr>
<tr>
<td>Agriculture (other than Animal production, Apiculture, Domestic animal husbandry and Racing dog husbandry)</td>
<td></td>
</tr>
<tr>
<td>Domestic animal boarding</td>
<td></td>
</tr>
<tr>
<td>Domestic animal husbandry (other than Domestic animal boarding) – if the Section 1 condition is not met</td>
<td>Must be no more than 5 animals.</td>
</tr>
<tr>
<td>Grazing animal production</td>
<td></td>
</tr>
<tr>
<td>Industry (other than Materials recycling and Transfer station)</td>
<td>Must not be a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation)</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Art gallery, Carnival, Circus, Museum and Place of worship)</td>
<td></td>
</tr>
<tr>
<td>Retail premises (other than Food and drink premises and Shop)</td>
<td></td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation and Telecommunications facility)</td>
<td></td>
</tr>
<tr>
<td>Warehouse</td>
<td>Must not be a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

**Section 3 - Prohibited**

<table>
<thead>
<tr>
<th>Use</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult sex product shop</td>
<td></td>
</tr>
<tr>
<td>Animal production (other than Grazing animal production)</td>
<td></td>
</tr>
<tr>
<td>Brothel</td>
<td></td>
</tr>
</tbody>
</table>
Use

Materials recycling
Transfer station
Stone extraction

32.04-3
31/07/2018
VC148

Use for industry, service station and warehouse

Amenity of the neighbourhood

The use of land for an industry, service station or warehouse must not adversely affect the amenity of the neighbourhood, including through:

- The transport of materials or goods to or from the land.
- The appearance of any stored materials or goods.
- Traffic generated by the use.
- Emissions from the land.

32.04-4
31/07/2018
VC148

Subdivision

Permit requirement

A permit is required to subdivide land.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

<table>
<thead>
<tr>
<th>Class of subdivision</th>
<th>Objectives and standards to be met</th>
</tr>
</thead>
<tbody>
<tr>
<td>60 or more lots</td>
<td>All except Clause 56.03-5.</td>
</tr>
<tr>
<td>16 – 59 lots</td>
<td>All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.</td>
</tr>
<tr>
<td>3 – 15 lots</td>
<td>All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.</td>
</tr>
<tr>
<td>2 lots</td>
<td>Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.</td>
</tr>
</tbody>
</table>

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>- The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>- The general direction of the common boundary does not change.</td>
<td></td>
</tr>
</tbody>
</table>
### Class of application

<table>
<thead>
<tr>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land into lots each containing an existing building or car parking space where:</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>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subdivide land into 2 lots if:</th>
</tr>
</thead>
<tbody>
<tr>
<td>- The construction of a building or the construction or carrying out of works on the land:</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>
</tr>
<tr>
<td>- Has started lawfully.</td>
</tr>
<tr>
<td>- The subdivision does not create a vacant lot.</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 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>
</tr>
</thead>
<tbody>
<tr>
<td>Construct an outbuilding or extend a dwelling if the development:</td>
</tr>
<tr>
<td>- Does not exceed a building height of 5 metres.</td>
</tr>
<tr>
<td>- Is not visible from the street (other than a lane) or a public park.</td>
</tr>
</tbody>
</table>
**Class of application**

- Meets the requirements in the following standards of Clause 54:
  - A10 Side and rear setbacks.
  - A11 Walls on boundaries.
  - A12 Daylight to existing windows.
  - A13 North-facing windows.
  - A14 Overshadowing open space.
  - A15 Overlooking.

For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.

---

**Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings**

**Permit requirement**

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling if it is on common property.
- Construct or extend a residential building.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with 2 or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in Clause 55.06-2.

A development must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement.

An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.

A permit is not required to construct one dependent person’s unit on a lot.

**Transitional provisions**

Clause 55 of this scheme, as in force immediately before the approval date of Amendment VC136, continues to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

Clause 58 does not apply to:
- An application for a planning permit lodged before the approval date of Amendment VC136.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct or extend a front fence within 3 metres of a street if the fence is associated with 2 or more dwellings on a lot or a residential building.</td>
<td>Clause 59.03</td>
</tr>
</tbody>
</table>

**Requirements of Clause 54 and Clause 55**

A schedule to this zone may specify the requirements of:

- Standards A3, A5, A6, A10, A11, A17 and A20 of Clause 54 of this scheme.
- Standards B6, B8, B9, B13, B17, B18, B28 and B32 of Clause 55 of this scheme.

If a requirement is not specified in a schedule to this zone, the requirement set out in the relevant standard of Clause 54 or Clause 55 applies.

**Residential aged care facility**

**Permit requirements**

A permit is required to construct a building or construct or carry out works for a residential aged care facility.

A development must meet the requirements of Clause 53.17 - Residential aged care facility.

**Buildings and works associated with a Section 2 use**

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.04-2.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works with an estimated cost of up to $100,000 where:</td>
<td>Clause 59.04</td>
</tr>
<tr>
<td>The building or works is not associated with a dwelling.</td>
<td></td>
</tr>
<tr>
<td>The requirements in the following standards of Clause 54 are met, where the land adjoins land in a residential zone used for residential purposes:</td>
<td></td>
</tr>
<tr>
<td>- A10 Side and rear setbacks.</td>
<td></td>
</tr>
</tbody>
</table>
**Class of application**

- A11 Walls on boundaries.
- A12 Daylight to existing windows.
- A13 North-facing windows.
- A14 Overshadowing open space.
- A15 Overlooking.

For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.

---

**Buildings on lots that abut another residential zone**

Any buildings or works constructed on a lot that abuts land which is in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone, or Township Zone must meet the requirements of Clauses 55.03-5, 55.04-1, 55.04-2, 55.04-3, 55.04-5 and 55.04-6 along that boundary.

This does not apply to a building or works for a residential aged care facility.

---

**Maximum building height requirement**

A building must not be constructed that exceeds the maximum building height specified in a schedule to this zone.

A building may exceed the maximum building height specified in a schedule to this zone if:

- It replaces an immediately pre-existing building and the new building does not exceed the building height of the pre-existing building.
- There are existing buildings on both abutting allotments that face the same street and the new building does not exceed the building height of the lower of the existing buildings on the abutting allotments.
- It is on a corner lot abutted by lots with existing buildings and the new building does not exceed the building height of the lower of the existing buildings on the abutting allotments.
- It is constructed pursuant to a valid building permit that was in effect prior to the introduction of this provision.
- It is a residential aged care facility and the maximum building height in the schedule to the zone is less than 16 metres.

An extension to an existing building may exceed the maximum building height specified in a schedule to this zone if it does not exceed the building height of the existing building.

A building may exceed the maximum building height by up to 1 metre if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.

The maximum building height requirement in this zone or a schedule to this zone applies whether or not a planning permit is required for the construction of a building.
Building height if land is subject to inundation

If the land is in a Special Building Overlay, Land Subject to Inundation Overlay or is land liable to inundation the maximum building height specified in the zone or schedule to the zone is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

Application requirements

General

Any application requirements specified in a schedule to this zone.

Use for industry and warehouse

Unless the circumstances do not require, an application to use land for an industry or warehouse must be accompanied by the following information:

- The purpose of the use and the types of activities to be carried out.
- The type and quantity of materials and goods to be stored, processed or produced.
- Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
- Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded.
- How land not required for immediate use is to be maintained.
- The likely effects, if any, on the neighbourhood, including noise levels, traffic, air-borne emissions, emissions to land and water, light spill, glare, solar access and hours of operation (including the hours of delivery and dispatch of materials and goods).

Buildings and works associated with a Section 2 use

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A site analysis and descriptive statement explaining how the proposal responds to the site and its context.
- Plans drawn to scale and dimensioned which show:
  - The layout of proposed buildings and works.
  - An elevation of the building design and height.
  - Setbacks to property boundaries.
  - All proposed access and pedestrian areas.
  - All proposed driveway, car parking and loading areas.
  - Existing vegetation and proposed landscape areas.
  - The location of easements and services.

Exemption from notice and review

Subdivision

An application for subdivision is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.
Other applications

A schedule to this zone may specify that an application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Decision guidelines

General

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The objectives set out in a schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.
- The impact of overshadowing on existing rooftop solar energy facilities on dwellings on adjoining lots in a Mixed Use Zone or Residential Growth Zone.

Use for industry, service station and warehouse

- The effect that existing uses on adjoining or nearby land may have on the proposed use.
- The design of buildings, including provision for solar access.
- The availability and provision of utility services.
- The effect of traffic to be generated by the use.
- The interim use of those parts of the land not required for the proposed use.
- Whether the use is compatible with adjoining and nearby land uses.
- For non-residential uses, the proposed hours of operation, noise and any other likely off-site amenity impacts.

Subdivision

- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.

Construction and extension of one dwelling on a lot

- The objectives, standards and decision guidelines of Clause 54.

Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings

- For two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55. This does not apply to an apartment development of five or more storeys, excluding a basement.
- For an apartment development of five or more storeys, excluding a basement, the objectives, standards and decisions guidelines of Clause 58.

Signs

Sign requirements are at Clause 52.05. This zone is in Category 3 unless a schedule to this zone specifies a different category.
SCHEDULE TO CLAUSE 32.04 MIXED USE ZONE

Shown on the planning scheme map as **MUZ**.

**BENALLA 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>
<tbody>
<tr>
<td>Bed and breakfast</td>
<td>No more than 10 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td>Community care accommodation</td>
<td>Must meet the requirements of Clause 52.22-2.</td>
</tr>
<tr>
<td>Dependent person's unit</td>
<td>Must be the only dependent person's unit on the lot. Must meet the requirements of Clause 32.05-3.</td>
</tr>
<tr>
<td>Domestic animal husbandry</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast)</td>
<td>Must meet the requirements of Clause 32.05-3.</td>
</tr>
<tr>
<td>Home based business</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Medical centre</td>
<td>The gross floor area of all buildings must not exceed 250 square metres.</td>
</tr>
<tr>
<td>Place of worship</td>
<td>The gross floor area of all buildings must not exceed 250 square metres.</td>
</tr>
<tr>
<td>Racing dog husbandry</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Residential aged care facility</td>
<td></td>
</tr>
<tr>
<td>Rooming house</td>
<td>Must meet the requirements of Clause 52.23-2.</td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
</tbody>
</table>
## Section 2 – Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
<tr>
<td><strong>ConditionUse</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Section 2 – Permit required</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Use</strong></td>
<td><strong>Condition</strong></td>
</tr>
<tr>
<td>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>Dependent person's unit - if the Section 1 condition is not met</td>
<td>Must meet the requirements of Clause 32.05-3.</td>
</tr>
<tr>
<td>Domestic animal husbandry (other than Domestic animal boarding) –</td>
<td></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 Transfer station and Refuse disposal)</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>and Motor racing track)</td>
<td></td>
</tr>
<tr>
<td>Office (other than Medical centre)</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Carnival, Circus and Place of</td>
<td></td>
</tr>
<tr>
<td>worship)</td>
<td></td>
</tr>
<tr>
<td>Retail premises (other than Adult sex product shop)</td>
<td></td>
</tr>
<tr>
<td>Transfer station</td>
<td></td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation and</td>
<td></td>
</tr>
<tr>
<td>Telecommunications facility)</td>
<td></td>
</tr>
<tr>
<td>Warehouse</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

## Section 3 - Prohibited

| Use                                                                 |                                                                           |
|--------------------------------------------------------------------|                                                                           |
| Adult sex product shop                                             |                                                                           |
| Animal production (other than Grazing animal production)            |                                                                           |
| Brothel                                                            |                                                                           |
| Dwelling – if the Section 1 condition is not met                    |                                                                           |
| Motor racing track                                                 |                                                                           |
Use

Refuse disposal
Saleyard
Stone extraction

32.05-3
27/03/2017
VC110

Use for a dwelling or a dependent person’s unit

A lot may be used for a dwelling provided the following requirements are met:

- Each dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from each dwelling must be treated and retained within the lot in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

- Each dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply, with appropriate storage capacity, to the satisfaction of the responsible authority.

- Each dwelling must be connected to a reticulated electricity supply or have an alternative energy supply to the satisfaction of the responsible authority.

These requirements also apply to a dependent person’s unit.

32.05-4
27/03/2017
VC110

Use for industry and warehouse

Amenity of the neighbourhood

The use of land for an industry or warehouse must not adversely affect the amenity of the neighbourhood, including through:

- The transport of materials or goods to or from the land.

- The appearance of any stored materials or goods.

- Traffic generated by the use.

- Emissions from the land.

32.05-5
31/07/2018
VC148

Subdivision

Permit requirement

A permit is required to subdivide land.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.

- Should meet all of the standards included in the clauses specified in the following table.

<table>
<thead>
<tr>
<th>Class of subdivision</th>
<th>Objectives and standards to be met</th>
</tr>
</thead>
<tbody>
<tr>
<td>16 or more lots</td>
<td>Clauses 56.02-1, 56.03-5, 56.04-2 to 56.04-5, 56.05-1, 56.05-2, 56.06-2, 56.06-4, 56.06-5, 56.06-7, 56.06-8 and 56.07-1 to 56.09-4.</td>
</tr>
<tr>
<td>3 – 15 lots</td>
<td>Clauses 56.03-5, 56.04-2 to 56.04-5, 56.05-1, 56.06-2, 56.06-4, 56.06-5, 56.06-7 and 56.06-8 to 56.09-4.</td>
</tr>
</tbody>
</table>
Each lot must be provided with reticulated sewerage, if available. If reticulated sewerage is not available, the application must be accompanied by:

- A land assessment which demonstrates that each lot is capable of treating and retaining all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.
- A plan which shows a building envelope and effluent disposal area for each lot.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

**Class of subdivision**

<table>
<thead>
<tr>
<th>Class of subdivision</th>
<th>Objectives and standards to be met</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 lots</td>
<td>Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5 and 56.06-8 to 56.09-2.</td>
</tr>
</tbody>
</table>

**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.

<table>
<thead>
<tr>
<th>Construct or extend a front fence within 3 metres of a street if the fence is associated with one dwelling.</th>
<th>Clause 59.03</th>
</tr>
</thead>
</table>
Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings

Permit requirement

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling if it is on common property.
- Construct or extend a residential building.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with 2 or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in Clause 55.06-2.

A development must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement.

An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.

A permit is not required to construct one dependent person’s unit on a lot.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct or extend a front fence within 3 metres of a street if the fence is associated with 2 or more dwellings on a lot or a residential building.</td>
<td>Clause 59.03</td>
</tr>
</tbody>
</table>

Transitional provisions

Clause 55 of this scheme, as in force immediately before the approval date of Amendment VC136, continues to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

Clause 58 does not apply to:

- An application for a planning permit lodged before the approval date of Amendment VC136.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

Requirements of Clause 54 and Clause 55

A schedule to this zone may specify the requirements of:

- Standards A3, A5, A6, A10, A11, A17 and A20 of Clause 54 of this scheme.
- Standards B6, B8, B9, B13, B17, B18, B28 and B32 of Clause 55 of this scheme.
If a requirement is not specified in a schedule to this zone, the requirement set out in the relevant standard of Clause 54 or Clause 55 applies.

### Residential aged care facility

**Permit requirements**

A permit is required to construct a building or construct or carry out works for a residential aged care facility.

A development must meet the requirements of Clause 53.17 - Residential aged care facility.

### Buildings and works associated with a Section 2 use

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.05-2.

### VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works with an estimated cost of up to $100,000 where:</td>
<td></td>
</tr>
<tr>
<td>- The building or works is not associated with a dwelling.</td>
<td></td>
</tr>
<tr>
<td>- The requirements in the following standards of Clause 54 are met, where the land adjoins land in a residential zone used for residential purposes:</td>
<td></td>
</tr>
<tr>
<td>- A10 Side and rear setbacks.</td>
<td></td>
</tr>
<tr>
<td>- A11 Walls on boundaries.</td>
<td></td>
</tr>
<tr>
<td>- A12 Daylight to existing windows.</td>
<td></td>
</tr>
<tr>
<td>- A13 North-facing windows.</td>
<td></td>
</tr>
<tr>
<td>- A14 Overshadowing open space.</td>
<td></td>
</tr>
<tr>
<td>- A15 Overlooking.</td>
<td></td>
</tr>
</tbody>
</table>

For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.

### Maximum building height requirement for a dwelling or residential building

A building must not be constructed for use as a dwelling or a residential building that exceeds the maximum building height specified in a schedule to this zone.

If no maximum building height is specified in a schedule to this zone, the requirement set out in the relevant standard of Clause 54 and Clause 55 applies.

A building may exceed the maximum building height specified in a schedule to this zone if:
• It replaces an immediately pre-existing building and the new building does not exceed the building height of the pre-existing building.

• There are existing buildings on both abutting allotments that face the same street and the new building does not exceed the building height of the lower of the existing buildings on the abutting allotments.

• It is on a corner lot abutted by lots with existing buildings and the new building does not exceed the building height of the lower of the existing buildings on the abutting allotments.

• It is constructed pursuant to a valid building permit that was in effect prior to the introduction of this provision.

An extension to an existing building may exceed the maximum building height specified in a schedule to this zone if it does not exceed the building height of the existing building.

A building may exceed the maximum building height by up to 1 metre if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.

The maximum building height requirement in a schedule to this zone applies whether or not a planning permit is required for the construction of a building.

**Building height if land is subject to inundation**

If the land is in a Special Building Overlay, Land Subject to Inundation Overlay or is land liable to inundation the maximum building height specified in the zone or schedule to the zone is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

**Application requirements**

**Use for industry and warehouse**

Unless the circumstances do not require, an application to use land for an industry or warehouse must be accompanied by the following information:

• The purpose of the use and the types of activities to be carried out.

• The type and quantity of materials and goods to be stored, processed or produced.

• Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.

• Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the *Dangerous Goods Act 1985* is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded.

• How land not required for immediate use is to be maintained.

• The likely effects, if any, on the neighbourhood, including noise levels, traffic, air-borne emissions, emissions to land and water, light spill, glare, solar access and hours of operation (including the hours of delivery and despatch of materials and goods).

• Any other application requirements specified in a schedule to this zone.

**Decision guidelines**

Before deciding on an application to use land or construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

**General**

• The Municipal Planning Strategy and the Planning Policy Framework.
The objectives set out in a schedule to this zone.

- The protection and enhancement of the character of the town and surrounding area including the retention of vegetation.
- The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.
- In the absence of reticulated sewerage, the capability of the lot to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- The design, height, setback and appearance of the proposed buildings and works including provision for solar access.
- The need for a verandah along the front or side of commercial buildings to provide shelter for pedestrians.
- Provision of car and bicycle parking and loading bay facilities and landscaping.
- The effect that existing uses on adjoining or nearby land may have on the proposed use.
- The scale and intensity of the use and development.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.
- The impact of overshadowing on existing rooftop solar energy facilities on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.
- Any other decision guidelines specified in a schedule to this zone.

**Use for industry and warehouse**

Before deciding on an application to use land for an industry or warehouse, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The 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.

BENALLA TOWNSHIPS

Is a permit required to construct or extend one dwelling on a lot of between 300 square metres and 500 square metres?

No

1.0

Clause 54 and Clause 55 requirements

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Standard</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum street setback</td>
<td>A3 and B6</td>
<td>None specified</td>
</tr>
<tr>
<td>Site coverage</td>
<td>A5 and B8</td>
<td>None specified</td>
</tr>
<tr>
<td>Permeability</td>
<td>A6 and B9</td>
<td>None specified</td>
</tr>
<tr>
<td>Landscaping</td>
<td>B13</td>
<td>None specified</td>
</tr>
<tr>
<td>Side and rear setbacks</td>
<td>A10 and B17</td>
<td>None specified</td>
</tr>
<tr>
<td>Walls on boundaries</td>
<td>A11 and B18</td>
<td>None specified</td>
</tr>
<tr>
<td>Private open space</td>
<td>A17</td>
<td>None specified</td>
</tr>
<tr>
<td></td>
<td>B28</td>
<td>None specified</td>
</tr>
<tr>
<td>Front fence height</td>
<td>A20 and B32</td>
<td>None specified</td>
</tr>
</tbody>
</table>

2.0

Maximum building height requirement for a dwelling or residential building

None specified.

3.0

Application requirements

None specified.

4.0

Decision guidelines

None specified.
GENERAL RESIDENTIAL ZONE

Shown on the planning scheme map as GRZ, R1Z, R2Z or R3Z with a number (if shown).

**Purpose**

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To encourage development that respects the neighbourhood character of the area.

To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

**Neighbourhood character objectives**

A schedule to this zone may contain neighbourhood character objectives to be achieved for the area.

**Table of uses**

**Section 1 - Permit not required**

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and breakfast</td>
<td>No more than 10 persons may be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td></td>
<td>At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td>Community care accommodation</td>
<td>Must meet the requirements of Clause 52.22-2.</td>
</tr>
<tr>
<td>Dependent person’s unit</td>
<td>Must be the only dependent person’s unit on the lot.</td>
</tr>
<tr>
<td>Domestic animal husbandry (other than Domestic animal boarding)</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast)</td>
<td></td>
</tr>
<tr>
<td>Home based business</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Medical centre</td>
<td>The gross floor area of all buildings must not exceed 250 square metres.</td>
</tr>
<tr>
<td></td>
<td>Must not require a permit under Clause 52.06-3.</td>
</tr>
<tr>
<td></td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Place of worship</td>
<td>The gross floor area of all buildings must not exceed 250 square metres.</td>
</tr>
<tr>
<td></td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Racing dog husbandry</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>--------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Residential aged care facility</td>
<td></td>
</tr>
<tr>
<td>Rooming house</td>
<td>Must meet the requirements of Clause 52.23-2.</td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
</tbody>
</table>

**Section 2 - Permit required**

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Community care accommodation, Dependent person’s unit, Dwelling, Residential aged care facility and Rooming house)</td>
<td></td>
</tr>
<tr>
<td>Agriculture (other than Animal production, Animal training, Apiculture, Domestic animal husbandry, Horse husbandry and Racing dog husbandry)</td>
<td></td>
</tr>
<tr>
<td>Car park</td>
<td>Must be used in conjunction with another use in Section 1 or 2.</td>
</tr>
<tr>
<td>Car wash</td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Convenience restaurant</td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Convenience shop</td>
<td></td>
</tr>
<tr>
<td>Domestic animal husbandry (other than Domestic animal boarding) – if the Section 1 condition is not met</td>
<td>Must be no more than 5 animals.</td>
</tr>
<tr>
<td>Food and drink premises (other than Convenience restaurant and Take away food premises)</td>
<td></td>
</tr>
<tr>
<td>Grazing animal production</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation and Motor racing track)</td>
<td></td>
</tr>
<tr>
<td>Market</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Amusement parlour, Carnival, Cinema based entertainment facility, Circus, Nightclub and Place of worship)</td>
<td></td>
</tr>
<tr>
<td>Plant nursery</td>
<td></td>
</tr>
<tr>
<td>Service station</td>
<td>The site must either:</td>
</tr>
<tr>
<td></td>
<td>• Adjoin a commercial zone or industrial zone.</td>
</tr>
<tr>
<td></td>
<td>• Adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td></td>
<td>The site must not exceed either:</td>
</tr>
</tbody>
</table>
### Condition

- 3000 square metres.
- 3600 square metres if it adjoins on two boundaries a road in a Road Zone.

### Use

<table>
<thead>
<tr>
<th>Store</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Take away food premises</th>
<th>The site must adjoin, or have access to, a road in a Road Zone.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Utility installation (other than Minor utility installation and Telecommunications facility)</th>
<th></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Any other use not in Section 1 or 3</th>
<th></th>
</tr>
</thead>
</table>

### Section 3 – Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amusement parlour</td>
</tr>
<tr>
<td>Animal production (other than Grazing animal production)</td>
</tr>
<tr>
<td>Animal training</td>
</tr>
<tr>
<td>Brothel</td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
</tr>
<tr>
<td>Domestic animal boarding</td>
</tr>
<tr>
<td>Horse husbandry</td>
</tr>
<tr>
<td>Industry (other than Car wash)</td>
</tr>
<tr>
<td>Motor racing track</td>
</tr>
<tr>
<td>Nightclub</td>
</tr>
<tr>
<td>Office (other than Medical centre)</td>
</tr>
<tr>
<td>Retail premises (other than Convenience shop, Food and drink premises, Market, and Plant nursery)</td>
</tr>
<tr>
<td>Saleyard</td>
</tr>
<tr>
<td>Stone extraction</td>
</tr>
<tr>
<td>Transport terminal</td>
</tr>
<tr>
<td>Warehouse (other than Store)</td>
</tr>
</tbody>
</table>

### Subdivision

#### Permit requirement

A permit is required to subdivide land.

An application to subdivide land that would create a vacant lot less than 400 square metres capable of development for a dwelling or residential building, must ensure that each vacant lot created less than 400 square metres contains at least 25 percent as garden area. This does not apply to a lot created by an application to subdivide land where that lot is created in accordance with:
An approved precinct structure plan or an equivalent strategic plan;

An incorporated plan or approved development plan; or

A permit for development.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

<table>
<thead>
<tr>
<th>Class of subdivision</th>
<th>Objectives and standards to be met</th>
</tr>
</thead>
<tbody>
<tr>
<td>60 or more lots</td>
<td>All except Clause 56.03-5.</td>
</tr>
<tr>
<td>16 – 59 lots</td>
<td>All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.</td>
</tr>
<tr>
<td>3 – 15 lots</td>
<td>All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.</td>
</tr>
<tr>
<td>2 lots</td>
<td>Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.</td>
</tr>
</tbody>
</table>

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>- The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>- The general direction of the common boundary does not change.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into lots each containing an existing building or car parking space where:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>- The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</td>
<td></td>
</tr>
<tr>
<td>- An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into 2 lots if:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>- The construction of a building or the construction or carrying out of works on the land:</td>
<td></td>
</tr>
<tr>
<td>- Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</td>
<td></td>
</tr>
<tr>
<td>- Has started lawfully.</td>
<td></td>
</tr>
<tr>
<td>- The subdivision does not create a vacant lot.</td>
<td></td>
</tr>
</tbody>
</table>
Construction or extension of a dwelling or residential building

Minimum garden area requirement

An application to construct or extend a dwelling or residential building on a lot must provide a minimum garden area as set out in the following table:

<table>
<thead>
<tr>
<th>Lot size</th>
<th>Minimum percentage of a lot set aside as garden area</th>
</tr>
</thead>
<tbody>
<tr>
<td>400 - 500 sqm</td>
<td>25%</td>
</tr>
<tr>
<td>Above 500 - 650 sqm</td>
<td>30%</td>
</tr>
<tr>
<td>Above 650 sqm</td>
<td>35%</td>
</tr>
</tbody>
</table>

This does not apply to:

- An application to construct or extend a dwelling or residential building if specified in a schedule to this zone as exempt from the minimum garden area requirement;
- An application to construct or extend a dwelling or residential building on a lot if:
  - The lot is designated as a medium density housing site in an approved precinct structure plan or an approved equivalent strategic plan;
  - The lot is designated as a medium density housing site in an incorporated plan or approved development plan; or
- An application to alter or extend an existing building that did not comply with the minimum garden area requirement of Clause 32.08-4 on the approval date of Amendment VC110.

Construction and extension of one dwelling on a lot

Permit requirement

A permit is required to construct or extend one dwelling on:

- A lot of less than 300 square metres.
- A lot of between 300 square metres and 500 square metres if specified in a schedule to this zone.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with one dwelling on:
  - A lot of less than 300 square metres, or
  - A lot of between 300 and 500 square metres if specified in a schedule to this zone, and
- The fence exceeds the maximum height specified in Clause 54.06-2.

A development must meet the requirements of Clause 54.

No permit required

No permit is required to:

- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.
- Make structural changes to a dwelling provided the size of the dwelling is not increased or the number of dwellings is not increased.
**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct an outbuilding or extend a dwelling if the development:</td>
<td>Clause 59.14</td>
</tr>
<tr>
<td>Meets the minimum garden area requirement of Clause 32.08-4.</td>
<td></td>
</tr>
<tr>
<td>Does not exceed a building height of 5 metres.</td>
<td></td>
</tr>
<tr>
<td>Is not visible from the street (other than a lane) or a public park.</td>
<td></td>
</tr>
<tr>
<td>Meets the requirements in the following standards of Clause 54:</td>
<td></td>
</tr>
<tr>
<td>- A10 Side and rear setbacks.</td>
<td></td>
</tr>
<tr>
<td>- A11 Walls on boundaries.</td>
<td></td>
</tr>
<tr>
<td>- A12 Daylight to existing windows.</td>
<td></td>
</tr>
<tr>
<td>- A13 North-facing windows.</td>
<td></td>
</tr>
<tr>
<td>- A14 Overshadowing open space.</td>
<td></td>
</tr>
<tr>
<td>- A15 Overlooking.</td>
<td></td>
</tr>
</tbody>
</table>

For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.

| Construct or extend a front fence within 3 metres of a street if the fence is associated with one dwelling. | Clause 59.03 |

---

**Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings**

**Permit requirement**

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling if it is on common property.
- Construct or extend a residential building.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with 2 or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in Clause 55.06-2.

A development must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement.
An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.

A permit is not required to construct one dependent person’s unit on a lot.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct or extend a front fence within 3 metres of a street if the fence is associated with 2 or more dwellings on a lot or a residential building.</td>
<td>Clause 59.03</td>
</tr>
</tbody>
</table>

**Transitional provisions**

Clause 55 of this scheme, as in force immediately before the approval date of Amendment VC136, continues to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

Clause 58 does not apply to:

- An application for a planning permit lodged before the approval date of Amendment VC136.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

**Requirements of Clause 54 and Clause 55**

A schedule to this zone may specify the requirements of:

- Standards A3, A5, A6, A10, A11, A17 and A20 of Clause 54 of this scheme.
- Standards B6, B8, B9, B13, B17, B18, B28 and B32 of Clause 55 of this scheme.

If a requirement is not specified in a schedule to this zone, the requirement set out in the relevant standard of Clause 54 or Clause 55 applies.

**Residential aged care facility**

**Permit requirements**

A permit is required to construct a building or construct or carry out works for a residential aged care facility.

A development must meet the requirements of Clause 53.17 - Residential aged care facility.

**Buildings and works associated with a Section 2 use**

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-2.
VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works with an estimated cost of up to $100,000 where:</td>
<td>Clause 59.04</td>
</tr>
<tr>
<td>- The building or works is not associated with a dwelling.</td>
<td></td>
</tr>
<tr>
<td>- The requirements in the following standards of Clause 54 are met, where the land adjoins land in a residential zone used for residential purposes:</td>
<td></td>
</tr>
<tr>
<td>- A10 Side and rear setbacks.</td>
<td></td>
</tr>
<tr>
<td>- A11 Walls on boundaries.</td>
<td></td>
</tr>
<tr>
<td>- A12 Daylight to existing windows.</td>
<td></td>
</tr>
<tr>
<td>- A13 North-facing windows.</td>
<td></td>
</tr>
<tr>
<td>- A14 Overshadowing open space.</td>
<td></td>
</tr>
<tr>
<td>- A15 Overlooking.</td>
<td></td>
</tr>
</tbody>
</table>

For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.

Maximum building height requirement for a dwelling or residential building

A building must not be constructed for use as a dwelling or a residential building that:

- exceeds the maximum building height specified in a schedule to this zone; or
- contains more than the maximum number of storeys specified in a schedule to this zone.

If no maximum building height or maximum number of storeys is specified in a schedule to this zone:

- the building height must not exceed 11 metres; and
- the building must contain no more than 3 storeys at any point.

A building may exceed the applicable maximum building height or contain more than the applicable maximum number of storeys if:

- It replaces an immediately pre-existing building and the new building does not exceed the building height or contain a greater number of storeys than the pre-existing building.
- There are existing buildings on both abutting allotments that face the same street and the new building does not exceed the building height or contain a greater number of storeys than the lower of the existing buildings on the abutting allotments.
It is on a corner lot abutted by lots with existing buildings and the new building does not exceed the building height or contain a greater number of storeys than the lower of the existing buildings on the abutting allotments.

It is constructed pursuant to a valid building permit that was in effect prior to the introduction of this provision.

An extension to an existing building may exceed the applicable maximum building height or contain more than the applicable maximum number of storeys if it does not exceed the building height of the existing building or contain a greater number of storeys than the existing building.

A building may exceed the maximum building height by up to 1 metre if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.

A basement is not a storey for the purposes of calculating the number of storeys contained in a building.

The maximum building height and maximum number of storeys requirements in this zone or a schedule to this zone apply whether or not a planning permit is required for the construction of a building.

**Building height if land is subject to inundation**

If the land is in a Special Building Overlay, Land Subject to Inundation Overlay or is land liable to inundation the maximum building height specified in the zone or schedule to the zone is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

### Application requirements

An application must be accompanied by the following information, as appropriate:

- For a residential development of four storeys or less, the neighbourhood and site description and design response as required in Clause 54 and Clause 55.
- For an apartment development of five or more storeys, an urban context report and design response as required in Clause 58.01.
- For an application for subdivision, a site and context description and design response as required in Clause 56.
- Plans drawn to scale and dimensioned which show:
  - Site shape, size, dimensions and orientation.
  - The siting and use of existing and proposed buildings.
  - Adjacent buildings and uses.
  - The building form and scale.
  - Setbacks to property boundaries.
- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of good and materials, hours of operation and light spill, solar access and glare.
- Any other application requirements specified in a schedule to this zone.

If in the opinion of the responsible authority an application requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.
Exemption from notice and review

Subdivision

An application to subdivide land into lots each containing an existing dwelling or car parking space is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General

- The purpose of this zone.
- The objectives set out in a schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.
- The impact of overshadowing on existing rooftop solar energy facilities on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

Subdivision

- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.

Dwellings and residential buildings

- For the construction and extension of one dwelling on a lot, the objectives, standards and decision guidelines of Clause 54.
- For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55. This does not apply to an apartment development of five or more storeys, excluding a basement.
- For the construction and extension of an apartment development of five or more storeys, excluding a basement, the objectives, standards and decisions guidelines of Clause 58.

Non-residential use and development

- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The provision of car and bicycle parking and associated accessways.
- Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

Signs

Sign requirements are at Clause 52.05. This zone is in Category 3.
Transitional provisions

The minimum garden area requirements of Clause 32.08-4 and the maximum building height and number of storeys requirements of Clause 32.08-9 introduced by Amendment VC110 do not apply to:

- A planning permit application for the construction or extension of a dwelling or residential building lodged before the approval date of Amendment VC110.

- Where a planning permit is not required for the construction or extension of a dwelling or residential building:
  - A building permit issued for the construction or extension of a dwelling or residential building before the approval date of Amendment VC110.
  - A building surveyor has been appointed to issue a building permit for the construction or extension of a dwelling or residential building before the approval date of Amendment VC110. A building permit must be issued within 12 months of the approval date of Amendment VC110.
  - A building surveyor is satisfied, and certifies in writing, that substantial progress was made on the design of the construction or extension of a dwelling or residential building before the approval date of Amendment VC110. A building permit must be issued within 12 months of the approval date of Amendment VC110.

The minimum garden area requirement of Clause 32.08-3 introduced by Amendment VC110 does not apply to a planning permit application to subdivide land for a dwelling or a residential building lodged before the approval date of Amendment VC110.
SCHEDULE 1 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE

Shown on the planning scheme map as GRZ1.

BENALLA GENERAL RESIDENTIAL AREA

1.0 Permit requirement for the construction or extension of one dwelling on a lot

Is a permit required to construct or extend one dwelling on a lot of between 300 square metres and 500 square metres?

None specified

2.0 Requirements of Clause 54 and Clause 55

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Standard</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum street setback</td>
<td>A3 and B6</td>
<td>None specified</td>
</tr>
<tr>
<td>Site coverage</td>
<td>A5 and B8</td>
<td>None specified</td>
</tr>
<tr>
<td>Permeability</td>
<td>A6 and B9</td>
<td>None specified</td>
</tr>
<tr>
<td>Landscaping</td>
<td>B13</td>
<td>None specified</td>
</tr>
<tr>
<td>Side and rear setbacks</td>
<td>A10 and B17</td>
<td>None specified</td>
</tr>
<tr>
<td>Walls on boundaries</td>
<td>A11 and B18</td>
<td>None specified</td>
</tr>
<tr>
<td>Private open space</td>
<td>A17</td>
<td>None specified</td>
</tr>
<tr>
<td></td>
<td>B28</td>
<td>None specified</td>
</tr>
<tr>
<td>Front fence height</td>
<td>A20 and B32</td>
<td>None specified</td>
</tr>
</tbody>
</table>

3.0 Maximum building height requirement for a dwelling or residential building

None specified

4.0 Application requirements

None specified

5.0 Decision guidelines

None specified
33.01

INDUSTRIAL 1 ZONE

Shown on the planning scheme map as IN1Z.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.
To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convenience shop</td>
<td></td>
</tr>
<tr>
<td>Crop raising</td>
<td></td>
</tr>
<tr>
<td>Grazing animal production</td>
<td></td>
</tr>
<tr>
<td>Home based business</td>
<td></td>
</tr>
<tr>
<td>Industry (other than Materials recycling and Transfer station)</td>
<td>Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10.</td>
</tr>
<tr>
<td></td>
<td>The land must be at least the following distances from land (not a road) which is in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre:</td>
</tr>
<tr>
<td></td>
<td>• The threshold distance, for a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td></td>
<td>• 30 metres, for a purpose not listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td></td>
<td>Must not adversely affect the amenity of the neighbourhood, including through the:</td>
</tr>
<tr>
<td></td>
<td>• Transport of materials, goods or commodities to or from the land.</td>
</tr>
<tr>
<td></td>
<td>• Appearance of any stored goods or materials.</td>
</tr>
<tr>
<td></td>
<td>• Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.</td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Mail centre</td>
<td></td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Service station</td>
<td>The land must be at least 30 metres from land (not a road) which is in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.</td>
</tr>
<tr>
<td></td>
<td>Must not adversely affect the amenity of the neighbourhood, including through the:</td>
</tr>
<tr>
<td></td>
<td>• Transport of materials, goods or commodities to or from the land.</td>
</tr>
<tr>
<td></td>
<td>• Appearance of any stored goods or materials.</td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil. | Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10. The land must be at least the following distances from land (not a road) which is in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre:  
  - The threshold distance, for a purpose listed in the table to Clause 53.10.  
  - 100 metres, for a purpose not listed in the table to Clause 53.10. The site must adjoin, or have access to, a road in a Road Zone. Shipping containers must be setback at least 9 metres from a road in a Road Zone. The height of shipping container stacks must not exceed 6 containers or 16 metres, whichever is the lesser. Must not adversely affect the amenity of the neighbourhood, including through the:  
  - Transport of materials, goods or commodities to or from the land.  
  - Appearance of any stored goods or materials.  
  - Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil. |
| Take away food premises                       | Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10. Must not adversely affect the amenity of the neighbourhood, including through the:  
  - Transport of materials, goods or commodities to or from the land.  
  - Appearance of any stored goods or materials.  
  - Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil. |
| Tramway                                       | Must meet the requirements of Clause 62.01.                                                                                                                                                               |
| Warehouse (other than Mail centre and Shipping container storage) | Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10. The land must be at least the following distances from land (not a road) which is in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre:  
  - The threshold distance, for a purpose listed in the table to Clause 53.10.  
  - 30 metres, for a purpose not listed in the table to Clause 53.10. Must not adversely affect the amenity of the neighbourhood, including through the:  
  - Transport of materials, goods or commodities to or from the land.  
  - Appearance of any stored goods or materials.  
  - Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil. |
| Any use listed in Clause 62.01                | Must meet the requirements of Clause 62.01.                                                                                                                                                               |
### Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult sex product shop</td>
<td>Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone or land used for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school.</td>
</tr>
<tr>
<td>Agriculture (other than Apiculture, Crop raising, Grazing animal production, Intensive animal production, Pig farm and Poultry farm)</td>
<td></td>
</tr>
<tr>
<td>Caretaker's house</td>
<td></td>
</tr>
<tr>
<td>Education centre</td>
<td>Must not be a primary or secondary school.</td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation)</td>
<td></td>
</tr>
<tr>
<td>Materials recycling</td>
<td>The land must be at least 30 metres from land (not a road) which is in a residential zone or land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.</td>
</tr>
<tr>
<td>Office</td>
<td>The leasable floor area must not exceed the amount specified in the schedule to this zone.</td>
</tr>
<tr>
<td>Place of assembly (other than Carnival, Cinema based entertainment facility and Circus)</td>
<td></td>
</tr>
<tr>
<td>Restricted retail premises</td>
<td></td>
</tr>
<tr>
<td>Retail premises (other than Shop and Take away food premises)</td>
<td></td>
</tr>
<tr>
<td>Transfer Station</td>
<td>The land must be at least 30 metres from land (not a road) which is in a residential zone or land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.</td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation and Telecommunications facility)</td>
<td>Any gas holder, or sewerage or refuse treatment or disposal works, must be at least 30 metres from land (not a road) which is in a residential zone, Capital City Zone or Docklands Zone land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.</td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

### Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Caretaker's house)</td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
</tr>
</tbody>
</table>
Use

Hospital
Intensive animal production
Pig farm
Poultry farm
Shop (other than Adult sex product shop, Convenience shop and Restricted retail premises)

33.01-2
31/07/2018
VC148

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></td>
</tr>
<tr>
<td>- The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>- The general direction of the common boundary does not change.</td>
<td></td>
</tr>
<tr>
<td>Clause 59.01</td>
<td></td>
</tr>
<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>Clause 59.02</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:</td>
<td></td>
</tr>
<tr>
<td>- Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</td>
<td></td>
</tr>
<tr>
<td>- Has started lawfully.</td>
<td></td>
</tr>
<tr>
<td>- The subdivision does not create a vacant lot.</td>
<td></td>
</tr>
<tr>
<td>Clause 59.02</td>
<td></td>
</tr>
</tbody>
</table>

Exemption from notice and review

An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone or land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- Any natural or cultural values on or near the land.
- Streetscape character.
- Landscape treatment.
- Interface with non-industrial areas.

### Buildings and works

#### Permit requirement

A permit is required to construct a building or construct or carry out works.

This does not apply to:

- A building or works which rearrange, alter or renew plant if the area or height of the plant is not increased.
- A building or works which are used for crop raising or informal outdoor recreation.
- A rainwater tank with a capacity of more than 10,000 litres if the following requirements are met:
  - The rainwater tank is not located within the building’s setback from a street (other than a lane).
  - The rainwater tank is no higher than the existing building on the site.
  - The rainwater tank is not located in an area that is provided for car parking, loading, unloading or accessway.
- A building or works which are used for grazing animal production, except for permanent or fixed feeding infrastructure for seasonal or supplementary feeding constructed within 100 metres of:
  - A waterway, wetland or designated flood plain.
  - A dwelling not in the same ownership.
  - A residential or urban growth zone.

### VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works with an estimated cost of up to</td>
<td>Clause 59.04</td>
</tr>
<tr>
<td>$1,000,000 where the land is not:</td>
<td></td>
</tr>
<tr>
<td>- Within 30 metres of land (not a road) which is in a residential zone.</td>
<td></td>
</tr>
<tr>
<td>- Used for a purpose listed in the table to Clause 53.10.</td>
<td></td>
</tr>
<tr>
<td>- Used for a Brothel or Adult sex product shop.</td>
<td></td>
</tr>
</tbody>
</table>

### Application requirements

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - Relevant ground levels.
- The layout of existing and proposed buildings and works.
- Driveways and vehicle parking and loading areas.
- Proposed landscape areas.
- External storage and waste treatment areas.

- Elevation drawings to scale which show the colour and materials of all buildings and works.
- Construction details of all drainage works, driveways and vehicle parking and loading areas.
- A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, a site works specification and the method of preparing, draining, watering and maintaining the landscape area.

**Exemption from notice and review**

An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. This exemption does not apply to an application for a building or works within 30 metres of land (not a road) which is in a residential zone or land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

**Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- Any natural or cultural values on or near the land.
- Streetscape character.
- Built form.
- Landscape treatment.
- Interface with non-industrial areas.
- Parking and site access.
- Loading and service areas.
- Outdoor storage.
- Lighting.
- Stormwater discharge.

**Maintenance**

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

**Signs**

Sign requirements are at Clause 52.05. This zone is in Category 2.
## SCHEDULE TO CLAUSE 33.01 INDUSTRIAL 1 ZONE

<table>
<thead>
<tr>
<th>Land</th>
<th>Maximum leasable floor area (m²) for office</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
</tr>
</tbody>
</table>
INDUSTRIAL 2 ZONE

Shown on the planning scheme map as IN2Z.

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 facilities in a manner which does not affect the safety and amenity of local communities.

To promote manufacturing industries and storage facilities that require a substantial threshold distance within the core of the zone.

To keep the core of the zone free of uses which are suitable for location elsewhere so as to be available for manufacturing industries and storage facilities that require a substantial threshold distance as the need for these arises.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<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>Railway</td>
<td></td>
</tr>
<tr>
<td>Service station</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>Adult sex product shop</td>
<td>Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone or land used for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school.</td>
</tr>
<tr>
<td>Agriculture (other than Apiculture, Crop raising, Grazing animal production, Intensive animal production, Pig farm and Poultry farm)</td>
<td></td>
</tr>
<tr>
<td>Caretaker's house</td>
<td></td>
</tr>
<tr>
<td>Convenience shop</td>
<td></td>
</tr>
<tr>
<td>Education centre</td>
<td>Must not be a primary or secondary school.</td>
</tr>
<tr>
<td>Equestrian supplies</td>
<td></td>
</tr>
<tr>
<td>Industry</td>
<td></td>
</tr>
</tbody>
</table>
Leisure and recreation (other than Informal outdoor recreation)

Office
The leasable floor area must not exceed the amount specified in the schedule to this zone.

Party supplies
Retail premises (other than Shop)
Utility installation (other than Minor utility installation and Telecommunications facility)

Warehouse
Any other use not in Section 1 or 3

Section 3 - Prohibited

Accommodation (other than Caretaker’s house)
Display home centre
Hospital
Intensive animal production
Pig farm
Place of assembly
Poultry farm
Shop (other than Adult sex product shop, Convenience shop, Equestrian supplies, and Party supplies)
Veterinary centre

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 suitability of the industry or warehouse being located in the core of the zone, where the land is more than 1500 metres from land (not a road) which is in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre and the industry or warehouse is a purpose which is listed in the Table to Clause 53.10 as requiring a threshold distance of less than 1500 metres, or is not listed in the Table.

- 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 dispatch.
  - Light spill or glare.

**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, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

**Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The suitability of the industry or warehouse being located in the core of the zone, where the land is more than 1500 metres from land (not a road) which is in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre and the industry or warehouse is a purpose which is listed in the Table to Clause 53.10 as requiring a threshold distance of less than 1500 metres, or is not listed in the Table.
- 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.
### Class of application

<table>
<thead>
<tr>
<th>Clause 59.01</th>
<th>Subdivide land to realign the common boundary between 2 lots where:</th>
</tr>
</thead>
<tbody>
<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>

<table>
<thead>
<tr>
<th>Clause 59.02</th>
<th>Subdivide land into lots each containing an existing building or car parking space where:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<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></td>
<td>- An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Clause 59.02</th>
<th>Subdivide land into 2 lots if:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- The construction of a building or the construction or carrying out of works on the land:</td>
</tr>
<tr>
<td></td>
<td>- Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</td>
</tr>
<tr>
<td></td>
<td>- Has started lawfully.</td>
</tr>
<tr>
<td></td>
<td>- The subdivision does not create a vacant lot.</td>
</tr>
</tbody>
</table>

### 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.
- The suitability of the proposed lots for the types of industries and warehouses shown in the table to Clause 53.10.

### 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:

- The suitability of the proposed buildings or works for the types of industries and warehouses shown in the table to Clause 53.10.
- Any natural or cultural values on or near the land.
- Streetscape character.
- Built form.
- Landscape treatment.
- Interface with non-industrial areas.
- Parking and site access.
- Loading and service areas.
- Outdoor Storage.
- Lighting.
- Stormwater discharge.

Maintenance
All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

Signs
Sign requirements are at Clause 52.05. This zone is in Category 2.
## SCHEDULE TO CLAUSE 33.02 INDUSTRIAL 2 ZONE

<table>
<thead>
<tr>
<th>Land</th>
<th>Maximum leasable floor area (m²) for office</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
</tr>
</tbody>
</table>


COMMERCIAL 1 ZONE

Shown on the planning scheme map as B1Z, B2Z, B5Z or C1Z.

Purpose
To implement the Municipal Planning Strategy and the Planning Policy Framework.
To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.
To provide for residential uses at densities complementary to the role and scale of the commercial centre.

Operation
A schedule may apply under this zone to a planning scheme outside of metropolitan Melbourne. That schedule may:

- specify the maximum leasable floor area for office
- specify the maximum leasable floor area for shop (other than restricted retail premises).

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Community care accommodation, Corrective institution and Rooming house)</td>
<td>Any frontage at ground floor level must not exceed 2 metres (other than a bed and breakfast and caretaker's house).</td>
</tr>
<tr>
<td>Art and craft centre</td>
<td></td>
</tr>
<tr>
<td>Child care centre</td>
<td>Any frontage at ground floor level must not exceed 2 metres and access must not be shared with a dwelling (other than a caretaker's house).</td>
</tr>
<tr>
<td>Cinema</td>
<td></td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
<td></td>
</tr>
<tr>
<td>Community care accommodation</td>
<td>Any frontage at ground floor level must not exceed 2 metres.</td>
</tr>
<tr>
<td></td>
<td>Must meet the requirements of Clause 52.22-2.</td>
</tr>
<tr>
<td>Education centre (other than Child care centre)</td>
<td></td>
</tr>
<tr>
<td>Exhibition centre</td>
<td></td>
</tr>
<tr>
<td>Home based business</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>The leasable floor area for all offices must not exceed any amount specified in the schedule to this zone.</td>
</tr>
<tr>
<td>Place of worship</td>
<td>The gross floor area of all buildings must not exceed 250 square metres.</td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
</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>Must not be a purpose listed in the table to Clause 53.10.</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></td>
</tr>
<tr>
<td>Warehouse</td>
<td>Must not be a purpose listed in the table to Clause 53.10.</td>
</tr>
</tbody>
</table>

### Any other use not in Section 1 or 3

### Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal production (other than Grazing animal production)</td>
</tr>
<tr>
<td>Corrective institution</td>
</tr>
</tbody>
</table>
Use

Major sports and recreation facility
Motor racing track

Use of land
A use must not detrimentally affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any building, works or materials.
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

Subdivision
A permit is required to subdivide land.

VicSmart applications
Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>- The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>- The general direction of the common boundary does not change.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into lots each containing an existing building or car parking space where:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>- The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</td>
<td></td>
</tr>
<tr>
<td>- An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into 2 lots if:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>- The construction of a building or the construction or carrying out of works on the land:</td>
<td></td>
</tr>
<tr>
<td>- Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</td>
<td></td>
</tr>
<tr>
<td>- Has started lawfully.</td>
<td></td>
</tr>
<tr>
<td>- The subdivision does not create a vacant lot.</td>
<td></td>
</tr>
</tbody>
</table>

Buildings and works
A permit is required to construct a building or construct or carry out works.
This does not apply to:

- The installation of an automatic teller machine.
- An alteration to an existing building façade provided:
  - The alteration does not include the installation of an external roller shutter.
  - At least 80 per cent of the building 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 provisions specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works with an estimated cost of up to $500,000 where the land is not:</td>
<td>Clause 59.04</td>
</tr>
<tr>
<td>- Within 30 metres of land (not a road) which is in a residential zone.</td>
<td></td>
</tr>
<tr>
<td>- Used for a purpose listed in the table to Clause 53.10.</td>
<td></td>
</tr>
<tr>
<td>- Used for a Brothel or Adult sex product shop.</td>
<td></td>
</tr>
</tbody>
</table>

**Transitional provisions**

Clause 58 does not apply to:

- An application for a planning permit lodged before the approval date of Amendment VC136.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

**Maintenance**

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

**Neighbourhood and site description and design response**

An application for any of the following must be accompanied by a neighbourhood and site description and a design response as described in Clause 54.01 or 55.01, as appropriate:

- Construction or extension of one dwelling on a lot of less than 300 square metres.
- Construction of a dwelling if there is at least one dwelling existing on the lot.
- Construction of two or more dwellings on a lot.
- Extension of a dwelling if there are two or more dwellings on the lot.
- Construction or extension of a dwelling on common property.
- Construction or extension of a residential building.

Clause 34.01-5 does not apply to an apartment development.
Satisfactory neighbourhood and site description before notice and decision

If the responsible authority decides that the neighbourhood and site description is not satisfactory, it may require more information from the applicant under Section 54 of the Act.

The responsible authority must not require notice of an application to be given or decide an application until it is satisfied that the neighbourhood and site description meets the requirements of Clause 54.01 or 55.01 and is satisfactory.

This does not apply if the responsible authority refuses an application under Section 52(1A) of the Act.

Application requirements

Use

An application to use land must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of activities which will be carried out.
- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of goods and materials, hours of operation and light spill, solar access and glare.
- The means of maintaining land not required for immediate use.
- If an industry or warehouse:
  - The type and quantity of goods to be stored, processed or produced.
  - Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
  - Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded.
  - The likely effects on adjoining land, including air-borne emissions and emissions to land and water.

Buildings and works

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - The location, height and purpose of buildings and works on adjoining land.
  - Relevant ground levels.
  - The layout of existing and proposed buildings and works.
  - All driveway, car parking and loading areas.
  - Proposed landscape areas.
  - All external storage and waste treatment areas.
  - Areas not required for immediate use.
- Elevation drawings to scale showing the colour and materials of all buildings and works.
- Construction details of all drainage works, driveways, vehicle parking and loading areas.
A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, site works specification and method of preparing, draining, watering and maintaining the landscape area.

An application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development, must be accompanied by an urban context report and design response as required in Clause 58.01.

**Exemption from notice and review**

An application to subdivide land or construct a building or construct or carry out works is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

**Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

**General**

- The interface with adjoining zones, especially the relationship with residential areas.

**Use**

- The effect that existing uses may have on the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.

**Subdivision**

- Provision for vehicles providing for supplies, waste removal and emergency services and public transport.
- The effect the subdivision will have on the potential of the area to accommodate the uses which will maintain or enhance its competitive strengths.

**Building and works**

- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking.
- The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- The storage of rubbish and materials for recycling.
- Defining the responsibility for the maintenance of buildings, landscaping and paved areas.
Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

The impact of overshadowing on existing rooftop solar energy facilities on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

The availability of and connection to services.

The design of buildings to provide for solar access.

The objectives, standards and decision guidelines of Clause 54 and Clause 55. This does not apply to an apartment development.

For an apartment development, the objectives, standards and decision guidelines of Clause 58.

Transitional provisions
The objectives, standards and decision guidelines of Clause 55 of this scheme, as in force immediately before the approval date of Amendment VC136, continue to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

Signs
Sign requirements are at Clause 52.05. This zone is in Category 1.
### SCHEDULE TO CLAUSE 34.01 COMMERCIAL 1 ZONE

<table>
<thead>
<tr>
<th>Land</th>
<th>Maximum leasable floor area (m²) for office</th>
<th>Maximum leasable floor area (m²) for shop (other than restricted retail premises)</th>
</tr>
</thead>
<tbody>
<tr>
<td>37 Sydney Road, Benalla (Lot 1, TP 191277)</td>
<td>None specified</td>
<td>3200</td>
</tr>
</tbody>
</table>
COMMERCIAL 2 ZONE

Shown on the planning scheme map as B3Z, B4Z or C2Z.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.

To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art and craft centre</td>
<td></td>
</tr>
<tr>
<td>Art gallery</td>
<td></td>
</tr>
<tr>
<td>Cinema</td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
<td></td>
</tr>
<tr>
<td>Food and drink premises</td>
<td>The leasable floor area must not exceed 100 square metres.</td>
</tr>
<tr>
<td>Industry (other than Materials recycling and Transfer station)</td>
<td>Must not be a purpose 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, Commercial 1 Zone, Capital City Zone, Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre:</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>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Mail centre</td>
<td></td>
</tr>
<tr>
<td>Museum</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td></td>
</tr>
<tr>
<td>Postal agency</td>
<td></td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Restricted retail premises</td>
<td></td>
</tr>
<tr>
<td>Shop (other than Adult sex product shop, Restricted retail premises and Supermarket)</td>
<td>Must adjoin, or be on the same land as, a supermarket when the use commences.</td>
</tr>
<tr>
<td></td>
<td>The combined leasable floor area for all shops adjoining or on the same land as the supermarket must not exceed 500 square metres.</td>
</tr>
<tr>
<td></td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
</tbody>
</table>
### Use

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Supermarket</strong></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><strong>Trade supplies</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Tramway</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Warehouse (other than Mail centre)</strong></td>
<td>Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10.</td>
</tr>
<tr>
<td></td>
<td>The land must be at least the following distances from land (not a road) which is in a residential zone, Commercial 1 Zone, Capital City Zone, Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre:</td>
</tr>
<tr>
<td></td>
<td>• The threshold distance, for a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td></td>
<td>• 30 metres, for a purpose not listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td><strong>Any use listed in Clause 62.01</strong></td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
</tbody>
</table>

### Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>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, 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 Animal production and Apiculture)</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Caretaker’s house</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Education centre</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Grazing animal production</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>Materials recycling</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Place of assembly (other than Art gallery, Carnival, Cinema, Cinema based entertainment facility, Circus and Museum)</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Residential hotel</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Retail premises (other than Food and drink premises, Postal agency, Restricted retail premises, Supermarket and Trade supplies)</strong></td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>--------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| Supermarket – if the Section 1 conditions are not met              | The leasable floor area must not exceed 1800 square metres unless on land within the City of Greater Geelong or within an urban growth boundary in metropolitan Melbourne.  
|                                                                    | The site must adjoin, or have access to, a road in a Road Zone.                                                                           |
| Transfer station                                                   | The land must be at least 30 metres from land (not a road) which is in a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre. |
| Utility installation (other than Minor utility installation and Telecommunications facility) |                                                                                                                                         |
| Any other use not in Section 1 or 3                                |                                                                                                                                         |

### Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Caretaker's house and Residential hotel)</td>
</tr>
<tr>
<td>Animal production (other than Grazing animal production)</td>
</tr>
<tr>
<td>Hospital</td>
</tr>
<tr>
<td>Major sports and recreation facility</td>
</tr>
<tr>
<td>Motor racing track</td>
</tr>
</tbody>
</table>

#### 34.02-2

<table>
<thead>
<tr>
<th>Use of land</th>
</tr>
</thead>
<tbody>
<tr>
<td>A use must not detrimentally 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 building, works or materials.</td>
</tr>
<tr>
<td>- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.</td>
</tr>
</tbody>
</table>

#### 34.02-3

<table>
<thead>
<tr>
<th>Subdivision</th>
</tr>
</thead>
<tbody>
<tr>
<td>A permit is required to subdivide land.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>VicSmart applications</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
</tr>
</tbody>
</table>

<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>
</tbody>
</table>
### Information requirements and decision guidelines

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
</table>
|                      | ■ The area of either lot is reduced by less than 15 percent.  
|                      | ■ The general direction of the common boundary does not change. |

Subdivide land into lots each containing an existing building or car parking space where:

- The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.
- An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.

Subdivide land into 2 lots if:

- The construction of a building or the construction or carrying out of works on the land:
  - Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.
  - Has started lawfully.
- The subdivision does not create a vacant lot.

### Buildings and works

A permit is required to construct a building or construct or carry out works. This does not apply to:

- The installation of an automatic teller machine.
- An alteration to an existing building façade provided:
  - The alteration does not include the installation of an external roller shutter.
  - At least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing.
- An awning that projects over a road if it is authorised by the relevant public land manager.

### VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
</table>
|                      | Construct a building or construct or carry out works with an estimated cost of up to $500,000 where the land is not:  
|                      | ■ Within 30 metres of land (not a road) which is in a residential zone.  
|                      | ■ Used for a purpose listed in the table to Clause 53.10.  
|                      | Clause 59.04 |

---

Page 269 of 836
Maintenance
All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

34.02-5
31/07/2018
VC148

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.

### 34.02-6

**Exemption from notice and review**

An application to subdivide land or construct a building or construct or carry out works is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

### 34.02-7

**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><strong>Bed and breakfast</strong></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><strong>Community care accommodation</strong></td>
<td>Must meet the requirements of Clause 52.22-2.</td>
</tr>
<tr>
<td><strong>Dependent person's unit</strong></td>
<td>Must be the only dependent person's unit on the lot.</td>
</tr>
<tr>
<td></td>
<td>Must meet the requirements of Clause 35.03-2.</td>
</tr>
<tr>
<td><strong>Domestic animal husbandry (other than Domestic animal boarding)</strong></td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td><strong>Dwelling (other than Bed and breakfast)</strong></td>
<td>The lot must be at least the area specified in a schedule to this zone. If no area is specified, the lot must be at least 2 hectares.</td>
</tr>
<tr>
<td></td>
<td>Must be the only dwelling on the lot.</td>
</tr>
<tr>
<td></td>
<td>Must meet the requirements of Clause 35.03-2.</td>
</tr>
<tr>
<td><strong>Home based business</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Informal outdoor recreation</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Poultry farm</strong></td>
<td>Must be no more than 100 poultry (not including emus or ostriches).</td>
</tr>
<tr>
<td></td>
<td>Must be no more than 10 emus and ostriches.</td>
</tr>
<tr>
<td><strong>Racing dog husbandry</strong></td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td><strong>Railway</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Tramway</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Any use listed in Clause 62.01</strong></td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
</tbody>
</table>
## Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>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>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>---------------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Rural industry (other than Abattoir and Sawmill)</td>
<td>The site must either:</td>
</tr>
<tr>
<td>Service station</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>Any other use not in Section 1 or 3</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 TO THE RURAL LIVING ZONE

Shown on the planning scheme map as **RLZ**.

<table>
<thead>
<tr>
<th>Land</th>
<th>Area/Dimensions/Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum subdivision area (hectares).</td>
<td>Lot 1, PS 610956, Lots 3 and 4, PS 631153 and Lots 2 and 3, PS 436641, Gardner Road, Benalla, as delineated on the map forming part of this schedule.</td>
</tr>
<tr>
<td></td>
<td>All land included in PS 316386, being land west and north of Lake Mokoan Road, east of Chesney Vale Road and south of the unnamed government road running east – west between Chesney Vale Road and Lake Mokoan Road, Chesney Vale, as delineated on the map forming part of this schedule.</td>
</tr>
<tr>
<td></td>
<td>Lot 7, PS 436932, Lots 1, 2, 3 and 4, PS436931, Lots 1, 2, 3, 4, 5 and 6, PS436932, Lot 1 PS 538104 and Lots 1 and 2, PS 605736, Murray Road, Benalla; and Lot 2, PS538104 and Lots 1 and 2, PS528789, Dennis Road, Benalla, as delineated on the map forming part of this schedule.</td>
</tr>
<tr>
<td></td>
<td>All land west of the Broken River and Kealy Road, north of Basin and Goomalibee Roads, east of Four Mile Creek and Goomalibee Road and south of Kealy Road / TP 330681, Benalla, as delineated on the map forming part of this schedule.</td>
</tr>
<tr>
<td></td>
<td>All other land</td>
</tr>
<tr>
<td>Minimum area for which no permit is required to use land for a dwelling (hectares).</td>
<td>Lot 1, PS 610956, Lots 3 and 4, PS 631153 and Lots 2 and 3, PS 436641, Gardner Road, Benalla, as delineated on the map forming part of this schedule.</td>
</tr>
<tr>
<td></td>
<td>All land included in PS 316386, being land west and north of Lake Mokoan Road, east of Chesney Vale Road and south of the unnamed government road running east – west between Chesney Vale Road and Lake Mokoan Road, Chesney Vale, as delineated on the map forming part of this schedule.</td>
</tr>
<tr>
<td></td>
<td>Lot 7, PS 436932, Lots 1, 2, 3 and 4, PS436931, Lots 1, 2, 3, 4, 5 and 6, PS436932, Lot 1 PS 538104 and Lots 1 and 2, PS 605736, Murray Road, Benalla; and Lot 2, PS538104 and Lots 1 and 2, PS528789, Dennis Road, Benalla, as delineated on the map forming part of this schedule.</td>
</tr>
<tr>
<td></td>
<td>All land west of the Broken River and Kealy Road, north of Basin and Goomalibee Roads, east of Four Mile Creek and Goomalibee Road and south of Kealy Road / TP 330681, Benalla, as delineated on the map forming part of this schedule.</td>
</tr>
<tr>
<td></td>
<td>All other land</td>
</tr>
<tr>
<td>Land</td>
<td>Area/Dimensions/Distance</td>
</tr>
<tr>
<td>---------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| Maximum floor area for which no permit is required to alter or extend an existing dwelling (square metres). | All land 200 square metres gross floor area, including attached garages and storage areas, provided:  
  - Cladding materials and colours are of muted tones;  
  - The building is single storey only. |
| Maximum floor area for which no permit is required to construct an out-building associated with an existing dwelling (square metres) | All land 100 square metres gross floor area, including attached garages and storage areas, provided:  
  - Cladding materials and colours are of muted tones;  
  - The building is single storey only. |
| Maximum floor area for which no permit is required to alter or extend an existing building used for agriculture (square metres) | All land 100 square metres gross floor area, including attached garages and storage areas, provided:  
  - Cladding materials and colours are of muted tones;  
  - The building is single storey only. |
| Minimum setback from a road (metres).                              | All land 20 metres                                                                       |
| Minimum setback from a boundary (metres).                          | All land 5 metres                                                                         |
| Minimum setback from a dwelling not in the same ownership (metres). | All land 50 metres                                                                        |

**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>
- Land: Lot 1, PS 610956,
  Lots 3 and 4, PS 631153
  and
  Lots 2 and 3, PS 436641,
  Gardiner Road, Benalla.

- Minimum subdivision size:
  Must be in accordance with the proposed plan of subdivision prepared

- Minimum area for which no permit is required to use land for a dwelling:
  Must be in accordance with the proposed plan of subdivision prepared
- Land: All land included in PS 316388, being land west and north of Lake Mokoan Road, east of Chesney Vale Road and south of the unnamed government road running east-west between Chesney Vale Road and Lake Mokoan Road, Chesney Vale.

- Minimum subdivision size: 2 hectares

- Minimum area for which no permit is required to use land for a dwelling: 2 hectares
- Land: Lot 7, PS 436932, Lots 1, 2, 3 and 4, PS 436931, Lots 1, 2, 3, 4, 5 and 6, PS 436932, Lot 1, PS 538104, Lots 1 and 2, PS 605736, Murray Road, Benalla, and Lot 2, PS 538104, Lots 1 and 2, PS 528789, Dennis Road, Benalla.

- Minimum subdivision size: 2 hectares

- Minimum area for which no permit is required to use land for a dwelling: 2 hectares
- Land: All land west of the Broken River and Kealy Road, north of Basin and Goomalibee Roads, east of Four Mile Creek and Goomalibee Road and south of Kealy Road / TP330681, Benalla.

- Minimum subdivision size: 4 hectares

- Minimum area for which no permit is required to use land for a dwelling: 4 hectares
RURAL CONSERVATION ZONE

Shown on the planning scheme map as RCZ with a number (if shown).

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To conserve the values specified in a schedule to this zone.

To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values.

To protect and enhance natural resources and the biodiversity of the area.

To encourage development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality.

To provide for agricultural use consistent with the conservation of environmental and landscape values of the area.

To conserve and enhance the cultural significance and character of open rural and scenic non urban landscapes.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and breakfast</td>
<td>No more than 10 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td>Domestic animal husbandry (other than Domestic animal boarding)</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Home based business</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Poultry farm</td>
<td>Must be no more than 100 poultry (not including emus or ostriches). Must be no more than 10 emus and ostriches.</td>
</tr>
<tr>
<td>Racing dog husbandry</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
</tbody>
</table>
### Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture (other than Apiculture, Broiler farm, Domestic animal husbandry, Intensive animal production, Racing dog husbandry, Rice growing and Timber production)</td>
<td>Must be no more than 10,000 chickens.</td>
</tr>
<tr>
<td>Broiler farm - if the Section 1 condition to Poultry farm is not met</td>
<td>Must be no more than 10,000 chickens.</td>
</tr>
<tr>
<td>Car park</td>
<td>Must be used in conjunction with another use in Section 1 or 2.</td>
</tr>
<tr>
<td>Dependent person’s unit</td>
<td>Must be the only dependent person’s unit on the lot.</td>
</tr>
<tr>
<td></td>
<td>Must meet the requirements of Clause 35.06-2.</td>
</tr>
<tr>
<td>Domestic animal boarding</td>
<td></td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast)</td>
<td>Must be the only dwelling on the lot. This does not apply to the replacement of an existing dwelling if the existing dwelling is removed or altered (so it can no longer be used as a dwelling) within one month of the occupation of the replacement dwelling.</td>
</tr>
<tr>
<td></td>
<td>Must meet the requirements of Clause 35.06-2.</td>
</tr>
<tr>
<td>Emergency services facility</td>
<td></td>
</tr>
<tr>
<td>Freezing and cool storage</td>
<td></td>
</tr>
<tr>
<td>Group accommodation</td>
<td></td>
</tr>
<tr>
<td>Host farm</td>
<td></td>
</tr>
<tr>
<td>Landscape gardening supplies</td>
<td></td>
</tr>
<tr>
<td>Market</td>
<td></td>
</tr>
<tr>
<td>Primary produce sales</td>
<td></td>
</tr>
<tr>
<td>Primary school</td>
<td></td>
</tr>
<tr>
<td>Racing dog husbandry - if the Section 1 condition is not met</td>
<td>Must meet the requirements of Clause 53.12.</td>
</tr>
<tr>
<td>Recreational boat facility</td>
<td></td>
</tr>
<tr>
<td>Renewable energy facility (other than Wind energy facility)</td>
<td>Must meet the requirements of Clause 53.13.</td>
</tr>
<tr>
<td>Residential hotel</td>
<td></td>
</tr>
<tr>
<td>Restaurant</td>
<td></td>
</tr>
<tr>
<td>Rural industry (other than Abattoir and Sawmill)</td>
<td></td>
</tr>
<tr>
<td>Rural store</td>
<td></td>
</tr>
<tr>
<td>Secondary school</td>
<td></td>
</tr>
<tr>
<td>Timber production</td>
<td>Must meet the requirements of Clause 53.11.</td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>--------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation and Telecommunications facility)</td>
<td>Must meet the requirements of Clause 52.32.</td>
</tr>
<tr>
<td>Wind energy facility</td>
<td></td>
</tr>
<tr>
<td>Winery</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
<tr>
<td>Section 3 - Prohibited</td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td></td>
</tr>
<tr>
<td>Abattoir</td>
<td></td>
</tr>
<tr>
<td>Accommodation (other than Bed and breakfast, Dependent person’s unit, Dwelling, Group accommodation, Host farm and Residential hotel)</td>
<td></td>
</tr>
<tr>
<td>Amusement parlour</td>
<td></td>
</tr>
<tr>
<td>Brothel</td>
<td></td>
</tr>
<tr>
<td>Education centre (other than Primary school and Secondary school)</td>
<td></td>
</tr>
<tr>
<td>Industry (other than Rural industry)</td>
<td></td>
</tr>
<tr>
<td>Intensive animal production</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation)</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Carnival and Circus)</td>
<td></td>
</tr>
<tr>
<td>Retail premises (other than Landscape gardening supplies, Market, Primary produce sales and Restaurant)</td>
<td></td>
</tr>
<tr>
<td>Rice growing</td>
<td></td>
</tr>
<tr>
<td>Sawmill</td>
<td></td>
</tr>
<tr>
<td>Transport terminal</td>
<td></td>
</tr>
<tr>
<td>Warehouse (other than Freezing and cool storage and Rural store)</td>
<td></td>
</tr>
</tbody>
</table>

**Use of land for a dwelling**

A lot used for a dwelling must meet the following requirements:

- Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.
- The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

These requirements also apply to a dependent person’s unit.
Subdivision

A permit is required to subdivide land. Each lot must be at least the area specified for the land in a schedule to this zone. If no area is specified, each lot must be at least 40 hectares.

A permit may be granted to create smaller lots if any of the following apply:

- The subdivision is the re-subdivision of existing lots, the number of lots is not increased, and the number of dwellings that the land could be used for does not increase.
- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>Each new lot is at least the area specified for the land in the zone or the schedule to the zone.</td>
<td></td>
</tr>
<tr>
<td>The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>The general direction of the common boundary does not change.</td>
<td></td>
</tr>
</tbody>
</table>

Long term lease or licence for accommodation

A permit is required to lease or license a portion of a lot for a period of more than 10 years if the portion is to be leased or licensed for the purpose of Accommodation.

Each portion of a lot leased or licensed for the purpose of Accommodation must be at least the area specified as the minimum subdivision area for the land in a schedule to this zone. If no area is specified, each portion of a lot leased or licensed for the purpose of Accommodation must be at least 40 hectares.

This provision only applies to land in Metropolitan Melbourne.

Buildings and works

A permit is required to construct or carry out any of the following:

- A building or works associated with a use in Section 2 of Clause 35.06-1. This does not apply to:
  - An alteration or extension to an existing dwelling provided the floor area of the alteration or extension does not exceed the area specified in a schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres.
- An out-building associated with an existing dwelling provided the floor area of the out-building does not exceed the area specified in a schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres.
- An alteration or extension to an existing building used for agriculture provided the floor area of the alteration or extension does not exceed the area specified in a schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres. The building must not be used to keep, board, breed or train animals.
- A rainwater tank.
- Earthworks specified in a schedule to this zone, if on land specified in a schedule.
- A building which is within any of the following setbacks:
  - 100 metres from a Road Zone Category 1 or land in a Public Acquisition Overlay to be acquired for a road, Category 1.
  - 40 metres from a Road Zone Category 2 or land in a Public Acquisition Overlay to be acquired for a road, Category 2.
  - 20 metres from any other road.
  - 5 metres from any other boundary.
  - 100 metres from a dwelling not in the same ownership.
  - 100 metres from a waterway, wetlands or designated flood plain.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works with an estimated cost of up to $250,000 where the land is not:</td>
<td>Clause 59.13</td>
</tr>
<tr>
<td>- Used for Domestic animal husbandry, Pig farm, Poultry farm, Poultry hatchery, Racing dog husbandry or Rural industry.</td>
<td></td>
</tr>
<tr>
<td>- Within 30 metres of land (not a road) which is in a residential zone.</td>
<td></td>
</tr>
<tr>
<td>Any works must not be earthworks specified in the schedule to the zone.</td>
<td></td>
</tr>
</tbody>
</table>

Decision guidelines

Before deciding on an application to use or subdivide land, lease or license a portion of a lot for a period of more than 10 years if the portion is to be leased or licensed for the purpose of Accommodation, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General issues
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development.
- How the use or development conserves the values identified for the land in a schedule.
• Whether use or development protects and enhances the environmental, agricultural and landscape qualities of the site and its surrounds.

• Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses.

Rural issues

• The environmental capacity of the site to sustain the rural enterprise.

• The need to prepare an integrated land management plan.

• The impact on the existing and proposed infrastructure.

• Whether the use or development will have an adverse impact on surrounding land uses.

Environmental issues

• An assessment of the likely environmental impact on the biodiversity and in particular the flora and fauna of the area.

• The protection and enhancement of the natural environment of the area, including the retention of vegetation and faunal habitats and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge areas.

• How the use and development relates to sustainable land management and the need to prepare an integrated land management plan which addresses the protection and enhancement of native vegetation and waterways, stabilisation of soil and pest plant and animal control.

• The location of on site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

Dwelling issues

• Whether the dwelling will result in the loss or fragmentation of productive agricultural land.

• Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.

• Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.

Design and siting issues

• The need to minimise any adverse impacts of siting, design, height, bulk, and colours and materials to be used, on landscape features, major roads and vistas.

• The location and design of existing and proposed infrastructure services which minimises the visual impact on the landscape.

• The need to minimise adverse impacts on the character and appearance of the area or features of archaeological, historic or scientific significance or of natural scenic beauty or importance.

• The location and design of roads and existing and proposed infrastructure services to minimise the visual impact on the landscape.

Signs

Sign requirements are at Clause 52.05. This zone is in Category 4.
SCHEDULE TO THE RURAL CONSERVATION ZONE

Shown on the planning scheme map as RCZ.

CONSERVATION VALUES

To protect areas with sensitive environments particularly surrounding the Warby Ranges. Special consideration is needed to protect water quality, erosion prone soils and visual amenity in these areas.

<table>
<thead>
<tr>
<th>Land</th>
<th>Area/Dimensions/Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum subdivision area (hectares).</td>
<td>All land</td>
</tr>
<tr>
<td>Maximum floor area for which no permit is required to alter or extend an existing dwelling (square metres).</td>
<td>None specified</td>
</tr>
<tr>
<td>Maximum floor area for which no permit is required to construct an out-building associated with a dwelling (square metres).</td>
<td>None specified</td>
</tr>
<tr>
<td>Maximum floor area for which no permit is required to alter or extend an existing building used for agriculture (square metres).</td>
<td>None specified</td>
</tr>
</tbody>
</table>

**Permit requirement for earthworks**

- Earthworks which change the rate of flow or the discharge point of water across a property boundary. All land
- Earthworks which increase the discharge of saline groundwater. All land
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></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>Cattle feedlot</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>Dependent person’s unit</td>
<td>Must be the only dependent person’s unit on the lot.</td>
</tr>
<tr>
<td></td>
<td>Must meet the requirements of Clause 35.07-2.</td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td></td>
<td>The lot must be at least the area specified in a schedule to this zone. If no area is specified, the lot must be at least 40 hectares.</td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Grazing animal production</td>
<td>Must meet the requirements of Clause 35.07-2.</td>
</tr>
<tr>
<td>Home based business</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Poultry farm</td>
<td>Must be no more than 100 poultry (not including emus or ostriches). Must be no more than 10 emus and ostriches.</td>
</tr>
<tr>
<td>Primary produce sales</td>
<td>Must not be within 100 metres of a dwelling in separate ownership. The area used for the display and sale of primary produce must not exceed 50 square metres.</td>
</tr>
<tr>
<td>Racing dog husbandry</td>
<td>Must be no more than 5 animals.</td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<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 with a Note 1 or Note 2 in the table to Clause 53.10. The land must be at least the following distances from land (not a road) which is in a residential zone or Rural Living Zone:</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. 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. 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:</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. 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>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>----------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Condition</strong></td>
<td></td>
</tr>
<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>
<tr>
<td><strong>Section 2 – Permit required</strong></td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>Abattoir</td>
<td></td>
</tr>
<tr>
<td>Animal production (other than Broiler farm, Cattle feedlot and Grazing animal production)</td>
<td></td>
</tr>
<tr>
<td>Broiler farm - if the Section 1 condition to Poultry farm is not met</td>
<td>Must meet the requirements of Clause 53.09.</td>
</tr>
<tr>
<td>Camping and caravan park</td>
<td>Must be used in conjunction with another use in Section 1 or 2.</td>
</tr>
<tr>
<td>Car park</td>
<td></td>
</tr>
<tr>
<td>Cattle feedlot – if the Section 1 condition is not met</td>
<td>Must meet the requirements of Clause 53.08.</td>
</tr>
<tr>
<td></td>
<td>The site must be located outside a catchment area listed in Appendix 2 of the Victorian Code for Cattle Feedlots – August 1995.</td>
</tr>
<tr>
<td>Cemetery</td>
<td></td>
</tr>
<tr>
<td>Crematorium</td>
<td></td>
</tr>
<tr>
<td>Dependent person’s unit – if the Section 1 condition is not met</td>
<td>Must meet the requirements of Clause 35.07-2.</td>
</tr>
<tr>
<td>Domestic animal boarding</td>
<td></td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast) – if the Section 1 condition is not met</td>
<td>Must meet the requirements of Clause 35.07-2.</td>
</tr>
<tr>
<td>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>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>Carnival, Cinema based entertainment facility, Circus and</td>
<td></td>
</tr>
<tr>
<td>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</td>
<td></td>
</tr>
<tr>
<td>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**

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Bed and breakfast, Camping and caravan</td>
</tr>
<tr>
<td>park, Dependent person’s unit, Dwelling, Group accommodation, Host</td>
</tr>
<tr>
<td>farm and Residential hotel)</td>
</tr>
<tr>
<td>Amusement parlour</td>
</tr>
<tr>
<td>Brothel</td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
</tr>
<tr>
<td>Education centre (other than Primary school and Secondary school)</td>
</tr>
<tr>
<td>Nightclub</td>
</tr>
<tr>
<td>Office</td>
</tr>
<tr>
<td>Retail premises (other than Market, Landscape gardening supplies,</td>
</tr>
<tr>
<td>Manufacturing sales, Primary produce sales, Restaurant and Trade</td>
</tr>
<tr>
<td>supplies)</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.

**35.07-3**

**Subdivision**

A permit is required to subdivide land.

Each lot must be at least the area specified for the land in a schedule to this zone. If no area is specified, each lot must be at least 40 hectares.

A permit may be granted to create smaller lots if any of the following apply:

- The subdivision is to create a lot for an existing dwelling. The subdivision must be a two lot subdivision.

- The subdivision is the re-subdivision of existing lots and the number of lots is not increased.

- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>Each new lot is at least the area specified for the land in the zone or the schedule to the zone.</td>
<td></td>
</tr>
<tr>
<td>The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>The general direction of the common boundary does not change.</td>
<td></td>
</tr>
</tbody>
</table>

| Subdivide land into 2 lots where each new lot is at least the area specified for the land in the zone or the schedule to the zone. | Clause 59.12 |

**35.07-4**

**Buildings and works**

A permit is required to construct or carry out any of the following:

- A building or works associated with a use in Section 2 of Clause 35.07-1. This does not apply to:
  - An alteration or extension to an existing dwelling provided the floor area of the alteration or extension is not more than the area specified in a schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres.
- An out-building associated with an existing dwelling provided the floor area of the out-building is not more than the area specified in a schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres.
- An alteration or extension to an existing building used for agriculture provided the floor area of the alteration or extension is not more than the area specified in a schedule to this zone or, if no area is specified, 200 square metres. Any area specified must be more than 200 square metres. The building must not be used to keep, board, breed or train animals.
- A rainwater tank.
- Earthworks specified in a schedule to this zone, if on land specified in a schedule.
- A building which is within any of the following setbacks:
  - The setback from a Road Zone Category 1 or land in a Public Acquisition Overlay to be acquired for a road, Category 1 specified in a schedule to this zone or, if no setback is specified, 50 metres.
  - The setback from any other road or boundary specified in a schedule to this zone.
  - The setback from a dwelling not in the same ownership specified in a schedule to this zone.
  - 100 metres from a waterway, wetlands or designated flood plain.
- Permanent or fixed feeding infrastructure for seasonal or supplementary feeding for grazing animal production constructed within 100 metres of:
  - A waterway, wetland or designated flood plain.
  - A dwelling not in the same ownership.
  - A residential or urban growth zone.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works associated with a Section 1 use in the Table of uses of the zone with an estimated cost of up to $500,000.</td>
<td>Clause 59.13</td>
</tr>
<tr>
<td>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>
</tbody>
</table>

**Application requirements for dwellings**

An application to use a lot for a dwelling must be accompanied by a written statement which explains how the proposed dwelling responds to the decision guidelines for dwellings in the zone.
Decision guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General issues

- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- How the use and development makes use of existing infrastructure and services.

Agricultural issues and the impacts from non-agricultural uses

- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- Any integrated land management plan prepared for the site.

Dwelling issues

- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.
- The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

Environmental issues

- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.
- The impact of the use or development on the flora and fauna on the site and its surrounds.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.
Design and siting issues

- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.
- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the use and development will require traffic management measures.

Signs

Sign requirements are at Clause 52.05. This zone is in Category 4.
**SCHEDULE TO THE FARMING ZONE**

Shown on the planning scheme map as **FZ**

<table>
<thead>
<tr>
<th>Land</th>
<th>Area/Dimensions/Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum subdivision area (hectares).</td>
<td>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 area for which no permit is required to use land for timber production (hectares).</td>
<td>None specified</td>
</tr>
<tr>
<td>Maximum floor area for which no permit is required to alter or extend an existing dwelling (square metres).</td>
<td>None specified</td>
</tr>
<tr>
<td>Maximum floor area for which no permit is required to construct an out-building associated with a dwelling (square metres)</td>
<td>None specified</td>
</tr>
<tr>
<td>Maximum floor area for which no permit is required to alter or extend an existing building used for agriculture (square metres).</td>
<td>None specified</td>
</tr>
<tr>
<td>Minimum setback from a road (metres).</td>
<td>A Road Zone Category 1 or land in a Public Acquisition Overlay to be acquired for a road, Category 1</td>
</tr>
<tr>
<td></td>
<td>A Road Zone Category 2 or land in a Public Acquisition Overlay to be acquired for a road, Category 2</td>
</tr>
<tr>
<td></td>
<td>Any other road</td>
</tr>
<tr>
<td>Minimum setback from a boundary (metres).</td>
<td>Any other boundary</td>
</tr>
<tr>
<td>Minimum setback from a dwelling not in the same ownership (metres).</td>
<td>Any dwelling not in the same ownership</td>
</tr>
</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>
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

<table>
<thead>
<tr>
<th>Section 1 - Permit not required</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Use</strong></td>
</tr>
<tr>
<td>Railway</td>
</tr>
<tr>
<td>Railway station</td>
</tr>
<tr>
<td>Tramway</td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
</tr>
<tr>
<td>Any other use</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section 2 - Permit required</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Use</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section 3 - Prohibited</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Use</strong></td>
</tr>
<tr>
<td>Nil</td>
</tr>
</tbody>
</table>

**Permit requirement**

A permit is required to:

- Construct a building or construct or carry out works for any use in Section 2 of Clause 36.01-1. This does not apply to navigational beacons and aids.
- Subdivide land.

**Application requirements**

An application for a permit by a person other than the relevant public land manager must be accompanied by the written consent of the public land manager, indicating that the public land manager consents generally or conditionally either:

- To the application for permit being made.
To the application for permit being made and to the proposed use or development.

**Decision guidelines**

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The comments of any Minister or public land manager having responsibility for the care or management of the land or adjacent land.
- Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.

**Permit not required**

A permit is not required to use land, or to construct a building or construct or carry out works on land, listed in a schedule to this zone, provided any condition in the schedule is complied with.

**Table of public land use**

<table>
<thead>
<tr>
<th>Shown on the planning scheme map</th>
<th>Purpose of public land use</th>
</tr>
</thead>
<tbody>
<tr>
<td>PUZ1</td>
<td>Service &amp; Utility</td>
</tr>
<tr>
<td>PUZ2</td>
<td>Education</td>
</tr>
<tr>
<td>PUZ3</td>
<td>Health &amp; Community</td>
</tr>
<tr>
<td>PUZ4</td>
<td>Transport</td>
</tr>
<tr>
<td>PUZ5</td>
<td>Cemetery/Crematorium</td>
</tr>
<tr>
<td>PUZ6</td>
<td>Local Government</td>
</tr>
<tr>
<td>PUZ7</td>
<td>Other public use</td>
</tr>
</tbody>
</table>

**Signs**

Sign requirements are at Clause 52.05. This zone, except for the PUZ4 (Transport), is in Category 4 unless a different requirement is specified in the schedule to this zone.

For land within the PUZ4 (Transport), the sign category which applies is the category which applies to the adjoining zone nearest to the land. If land is equidistant from two or more adjoining zones, the least restrictive category applies.

Where the Road Zone is the nearest adjoining zone, a permit is required to display a sign.
## SCHEDULE TO THE PUBLIC USE ZONE

<table>
<thead>
<tr>
<th>Public land</th>
<th>Use or development</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Land</th>
<th>Advertising Sign Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
</tr>
</tbody>
</table>
PUBLIC PARK AND RECREATION ZONE

Shown on the planning scheme map as PPRZ.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.
To recognise areas for public recreation and open space.
To protect and conserve areas of significance where appropriate.
To provide for commercial uses where appropriate.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Informal outdoor recreation</td>
<td>Must be conducted by or on behalf of the public land manager.</td>
</tr>
<tr>
<td></td>
<td>Must not be on coastal Crown land under the Coastal Management Act 1995</td>
</tr>
<tr>
<td></td>
<td>Must not be costeaning or bulk sampling.</td>
</tr>
<tr>
<td>Open sports ground</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
<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>A use specified in an Incorporated plan in a schedule to this zone.</td>
</tr>
<tr>
<td>Retail premises</td>
<td></td>
</tr>
<tr>
<td>Store</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 3</td>
<td></td>
</tr>
</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)

36.02-2

Permit requirement

A permit is required to:

- Construct a building or construct or carry out works. This does not apply to:
  - Pathways, trails, seating, picnic tables, drinking taps, shelters, barbeques, rubbish bins, security lighting, irrigation, drainage or underground infrastructure.
  - Playground equipment or sporting equipment, provided these facilities do not occupy more than 10 square metres of parkland.
  - Navigational beacons and aids.
  - Planting or landscaping.
  - Fencing that is 1 metre or less in height above ground level.
  - A building or works shown in an Incorporated plan which applies to the land.
  - A building or works carried out by or on behalf of a public land manager or Parks Victoria under the Local Government Act 1989, the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975, the Forest Act 1958, the Water Industry Act 1994, the Water Act 1989, the Marine Act 1988, the Port of Melbourne Authority Act 1958 or the Crown Land (Reserves) Act 1978.

- Subdivide land.

36.02-3

Application requirements

An application for a permit by a person other than the relevant public land manager must be accompanied by the written consent of the public land manager, indicating that the public land manager consents generally or conditionally either:

- To the application for permit being made.
- To the application for permit being made and to the proposed use or development.
Exemption from notice and review

An application to subdivide land which is consistent with an Incorporated plan is exempt from the notice requirements of section 52(1) (a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Decision guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The comments of any public land manager or other relevant land manager having responsibility for the care or management of the land or adjacent land.
- Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.

Incorporated plan

An Incorporated plan is a plan which shows the way the land is to be used and developed. An Incorporated plan may include the following information:

- Recognition of existing use and how the area is to be developed.
- The building envelope of any proposed buildings.
- Details of any proposed buildings or works.
- The location of pedestrian or vehicle access points or car parking areas.
- The location of any areas for specific uses or a schedule of specific uses which are allowed without permit.
- Topographic details including any proposed cut and fill.
- The location of existing and proposed features.
- The location of existing native and other vegetation and any proposed landscaping works or areas of vegetation to be added or removed.
- The identification of sites of flora or fauna significance (including, in particular, any potentially threatened species or significant habitat) or other places of cultural heritage or scientific value.

The Incorporated plan must be consistent with the intent of the public land reservation under any Act and make reference to relevant policies and guidelines.

An Incorporated plan may be prepared in parts or stages.

Use and development of land identified in a schedule

Land identified in a schedule to this zone may be used and developed in accordance with the schedule or the specific controls contained in an incorporated document corresponding to the land, provided any condition in the schedule or incorporated document is complied with.

Signs

Sign requirements are at Clause 52.05. This zone is in Category 4 unless a different requirement is specified in the schedule to this zone.
## SCHEDULE TO THE PUBLIC PARK AND RECREATION ZONE

<table>
<thead>
<tr>
<th>Public land</th>
<th>Use or development</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land</td>
<td>Advertising Sign Category</td>
<td></td>
</tr>
<tr>
<td>None specified</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
PUBLIC CONSERVATION AND RESOURCE ZONE

Shown on the planning scheme map as PCRZ.

**Purpose**

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To protect and conserve the natural environment and natural processes for their historic, scientific, landscape, habitat or cultural values.

To provide facilities which assist in public education and interpretation of the natural environment with minimal degradation of the natural environment or natural processes.

To provide for appropriate resource based uses.

### Table of uses

**Section 1 - Permit not required**

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>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>Road</td>
<td></td>
</tr>
<tr>
<td>Utility installation (other than</td>
<td></td>
</tr>
<tr>
<td>Telecommunications facility)</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 2 or 3</td>
<td>- Must be a use conducted by or on behalf of a public land manager or Parks Victoria under the relevant provisions of the Local Government Act 1989, the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975, the Forests Act 1958, the Water Industry Act 1994, the Water Act 1989, the Marine Act 1988, the Port of Melbourne Authority Act 1958 or the Crown Land (Reserves) Act 1978.</td>
</tr>
</tbody>
</table>
Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency services facility</td>
<td></td>
</tr>
<tr>
<td>Renewable energy facility (other than Wind energy facility)</td>
<td>Must not be located on land reserved under the National Parks Act 1975. Must meet the requirements of Clause 53.13.</td>
</tr>
<tr>
<td>Wind energy facility</td>
<td>Must not be located on land described in a schedule to the National Parks Act 1975. This does not apply where the Wind energy facility is principally used to supply electricity to a facility used in conjunction with conservation, recreation, administration or accommodation use of the land. Must meet the requirements of Clause 52.32.</td>
</tr>
</tbody>
</table>

Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>The use in Section 1 described as ‘Any other use not in Section 2 or 3’ – if the Section 1 condition is not met</td>
<td></td>
</tr>
</tbody>
</table>

**Permit requirement**

A permit is required to:

- Construct a building or construct or carry out works. This does not apply to:
  - A building or works shown in an Incorporated plan which applies to the land.
  - A building or works specified in Clause 62.02-1 or 62.02-2 carried out by or on behalf of a public authority or municipal council, if the public authority or municipal council is carrying out functions, powers or duties conferred by or under the Local Government Act 1989, the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975, the Forests Act 1958, the Water Industry Act 1994, the Water Act 1989, the Marine Act 1988, the Port of Melbourne Authority Act 1958 or the Crown Land (Reserves) Act 1978.
  - A building or works carried out by or on behalf of a public land manager or Parks Victoria under the Local Government Act 1989, the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975, the Forests Act 1958, the Water Industry Act 1994, the Water Act 1989, the Marine Act 1988, the Port of Melbourne Authority Act 1958, the Crown Land (Reserves) Act 1978, or the Road Management Act 2004.
- Subdivide land.

**Application requirements**

An application for a permit by a person other than the relevant public land manager must be accompanied by the written consent of the public land manager, indicating that the public land manager consents generally or conditionally either:

- To the application for permit being made.
- To the application for permit being made and to the proposed use or development.
Where there is no public land manager, an application for a permit must be accompanied by the written consent of the Secretary to the Department of Environment, Land, Water and Planning.

Exemption from notice and review

An application to subdivide land which is consistent with an Incorporated plan is exempt from the notice requirements of section 52(1) (a), (b), and (d), the decision requirements of sections 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Referral of applications

An application to use or develop land for the purpose of an emergency services facility must be referred under Section 55 of the Act to the person or body specified as the referral authority in Clause 66.03.

Decision guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The comments of any public land manager or other relevant land manager having responsibility for the care or management of the land or adjacent land.
- Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.

Incorporated plan

An Incorporated plan is a plan which shows the way the land is to be used and developed. An Incorporated plan may include the following information:

- Recognition of existing use and how the area is to be developed.
- The building envelope of any proposed buildings.
- Details of proposed buildings or works.
- The location of pedestrian or vehicle access points or car parking areas.
- The location of any areas for specific uses and a schedule of specific uses which are allowed without permit.
- Topographic details including any proposed cut and fill.
- The location of existing and proposed features.
- The location of existing native or other vegetation and any proposed landscaping works or areas of vegetation to be added or removed.
- The identification of sites of flora or fauna significance (including, in particular, any potentially threatened species or significant habitat) or other places of cultural, heritage or scientific value.

The Incorporated plan must be consistent with the intent of the public land reservation under any Act and make reference to relevant policies and guidelines.

An Incorporated plan may be prepared in parts or stages.
Use and development of land identified in a schedule

Land identified in a schedule to this zone may be used and developed in accordance with the schedule or the specific controls contained in an incorporated document corresponding to the land, provided any condition in the schedule or incorporated document is complied with.

Signs

Sign requirements are at Clause 52.05. This zone is in Category 4 unless a different requirement is specified in the schedule to this zone.
### SCHEDULE TO THE PUBLIC CONSERVATION AND RESOURCE ZONE

<table>
<thead>
<tr>
<th>Public land</th>
<th>Use or development</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land</td>
<td>Advertising Sign Category</td>
<td>None specified</td>
</tr>
</tbody>
</table>
ROAD ZONE

Shown on the planning scheme map as **RDZ1** for a Category 1 road and **RDZ2** for a Category 2 road.

**Purpose**

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify significant existing roads.

To identify land which has been acquired for a significant proposed road.

---

Table of uses

**Section 1 - Permit not required**

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
</tbody>
</table>

**Section 2 - Permit required**

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Utility installation (other than Minor utility installation and</td>
<td>Any other use not in Section 1 or 3</td>
</tr>
<tr>
<td>Telecommunications facility)</td>
<td></td>
</tr>
</tbody>
</table>

**Section 3 - Prohibited**

<table>
<thead>
<tr>
<th>Use</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Nil</td>
<td></td>
</tr>
</tbody>
</table>

---

**Permit requirement**

A permit is required to:

- Construct a building or construct or carry out works for a use in Section 2 of Clause 36.04-1.
- Subdivide land.

---

**Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider:

- The views of the relevant road authority.
- The effect of the proposal on the operation of the road and on public safety.
Signs

Sign requirements are at Clause 52.05. A permit is required to display a sign over the road formation or over land within 600 millimetres of the road formation. For other land in this zone, the category of advertising control which applies is the category which applies to the adjoining zone nearest to the land. If land is equidistant from two or more adjoining zones, the least restrictive category applies.

Where the Public Use Zone 4 is the nearest adjoining zone, a permit is required to display a sign.
SPECIAL USE ZONE

Shown on the planning scheme map as SUZ with a number.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.
To recognise or provide for the use and development of land for specific purposes as identified in a schedule to this zone.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use in Section 1 of the schedule to this zone</td>
<td>Must comply with any condition in Section 1 of the schedule to this zone</td>
</tr>
</tbody>
</table>

Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use in Section 2 of the schedule to this zone</td>
<td>Must comply with any condition in Section 2 of the schedule to this zone.</td>
</tr>
</tbody>
</table>

Any other use not in Section 1 or 3 of the schedule to this zone

Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use in Section 3 of the schedule to this zone</td>
<td></td>
</tr>
</tbody>
</table>

Use of land

Any requirement in the schedule to this zone must be met.

Application requirements

An application to use land must be accompanied by any information specified in the schedule to this zone.

Exemption from notice and review

The schedule to this zone may specify that an application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- Any guidelines in the schedule to this zone.
Subdivision

Permit requirement

A permit is required to subdivide land.

Any requirement in the schedule to this zone must be met.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>- The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>- The general direction of the common boundary does not change.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into lots each containing an existing building or car parking space where:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>- The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</td>
<td></td>
</tr>
<tr>
<td>- An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into 2 lots if:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>- The construction of a building or the construction or carrying out of works on the land:</td>
<td></td>
</tr>
<tr>
<td>- Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</td>
<td></td>
</tr>
<tr>
<td>- Has started lawfully.</td>
<td></td>
</tr>
<tr>
<td>- The subdivision does not create a vacant lot.</td>
<td></td>
</tr>
</tbody>
</table>

Application requirements

An application to subdivide land must be accompanied by any information specified in the schedule to this zone.

Exemption from notice and review

The schedule to this zone may specify that an application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- Any guidelines in the schedule to this zone.
Buildings and works

Permit requirement
A permit is required to construct a building or construct or carry out works unless the schedule to this zone specifies otherwise.
Any requirement in the schedule to this zone must be met.
An apartment development must meet the requirements of Clause 58.

VicSmart applications
Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works with an estimated cost of up to $500,000 and the land is not:</td>
<td>Clause 59.04</td>
</tr>
<tr>
<td>• Within 30 metres of land (not a road) which is in a residential zone.</td>
<td></td>
</tr>
<tr>
<td>• Used for a purpose listed in the table to Clause 53.10.</td>
<td></td>
</tr>
</tbody>
</table>

Transitional provisions
Clause 58 does not apply to:
• An application for a planning permit lodged before the approval date of Amendment VC136.
• An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

Application requirements
An application to construct a building or construct or carry out works must be accompanied by any information specified in the schedule to this zone.
An application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development, must be accompanied by an urban context report and design response as required in Clause 58.01.

Exemption from notice and review
The schedule to this zone may specify that an application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Decision guidelines
Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:
• The Municipal Planning Strategy and the Planning Policy Framework.
• For an apartment development, the objectives, standards and decision guidelines of Clause 58.
• Any guidelines in the schedule to this zone.
Signs

Sign requirements are at Clause 52.05. This zone is in Category 3 unless a schedule to this zone specifies a different category.
SCHEDULE 1 TO THE SPECIAL USE ZONE

Shown on the planning scheme map as SUZ1.

DEFENCE INDUSTRIES BENALLA

Purpose
Provide for defence industry with extensive buffer areas of undeveloped land.
Provide for defence industry with extensive areas of undeveloped land.
Encourage the development of employment activities.
Provide for the orderly establishment of defence industry uses.
Limit undesirable impacts on the environment.
Ensure that the development process provides for the conservation, enhancement and management of buffer lands.
Conserve the integrity of the landscape and encourage high aesthetic standards in all development, especially in areas of high environmental sensitivity.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture (other than intensive animal husbandry)</td>
<td></td>
</tr>
<tr>
<td>Defence industry</td>
<td>Must be engaged in a government approved program of defence goods manufacture, testing or storage.</td>
</tr>
<tr>
<td>Mineral exploration</td>
<td></td>
</tr>
<tr>
<td>Mining</td>
<td>Must meet the conditions of Clause 52.08-2.</td>
</tr>
<tr>
<td>Minor utility installation</td>
<td></td>
</tr>
<tr>
<td>Search for stone</td>
<td>Must not be costeaming or bulk sampling.</td>
</tr>
<tr>
<td>Road</td>
<td></td>
</tr>
</tbody>
</table>

Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling</td>
<td></td>
</tr>
<tr>
<td>Home occupation</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Mining - if the Section 1 condition is not met</td>
<td></td>
</tr>
<tr>
<td>Place of worship</td>
<td></td>
</tr>
<tr>
<td>Search for stone - if the Section 1 condition is not met</td>
<td></td>
</tr>
</tbody>
</table>
Section 3 - Prohibited

Use

Any use not in Section 1 or 2.

Concept plan

Except with a permit, the use and development provided for under the terms of this special use zone must be in accordance with a concept plan approved by the responsible authority known as “ADI Benalla Facility Concept Plan, BAC – WMR 03, October 1992”.

The responsible authority may endorse a more detailed concept plan for all or part of the zone as being consistent with an approved Concept Plan.

Subdivision

Each lot must be at least 16 hectares.

Buildings and works

Development of any area of land within the zone may be undertaken according to a development plan for that area, or including that area, which has been prepared and approved to the satisfaction of the responsible authority, without a permit.

A development plan must be generally in accordance with the relevant components of an approved Concept Plan and must show or include:

- The relationship to existing development.
- The stages, if any, in which the land is to be developed and the time for commencement and completion of each and any stage of development.
- The location, height, dimensions, floor area and elevations of all proposed buildings and works to the satisfaction of the responsible authority.
- Materials and external finishes of all proposed buildings.
- Landscaping proposed with the development generally in accordance with the Landscape Concept Plan.
- All relevant existing natural and physical features of the land including topography, vegetation, buildings and other works to the satisfaction of the responsible authority.
- Details of proposed traffic and access arrangements and associated works on or adjacent to the land.
- Location and design of all vehicle and pedestrian access ways.
- Location and design of all car parking areas and access to and from them.
- Provision for loading and unloading of vehicles associated with the development.
- Provision for utility services to be associated with the development.
- Details of drainage for the proposed works.
- Details of any advertising signs or advertisements proposed to be constructed or displayed on the land.
- Details of environmental management measures to be implemented during construction of buildings and works.

All buildings and works and landscaping must be in accordance with the development plan. The responsible authority may consider a development plan for any stage of the proposed development.
At the request or with the consent of the owner, the development plan may be amended to the satisfaction of the responsible authority.

The responsible authority may issue a permit for development which is inconsistent with an approved development plan.

**Site Coverage**

Except with a permit all buildings must not exceed the site coverage specified in the following table for the development areas shown on the ADI Benalla Facility Concept Plan.

<table>
<thead>
<tr>
<th>Development Area</th>
<th>Site Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration and Components</td>
<td>30%</td>
</tr>
<tr>
<td>Explosives Processing, Filling and Assembly</td>
<td>15%</td>
</tr>
<tr>
<td>Magazine Storage</td>
<td>7.5%</td>
</tr>
</tbody>
</table>

**Height**

Except with a permit a building must not exceed the height above natural ground level specified in the following table for the development areas shown on the ADI Benalla Facility Concept Plan.

<table>
<thead>
<tr>
<th>Development Area</th>
<th>Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration and Components</td>
<td>15 metres</td>
</tr>
<tr>
<td>Explosives Processing, Filling and Assembly</td>
<td>13 metres</td>
</tr>
<tr>
<td>Magazine Storage</td>
<td>7 metres</td>
</tr>
</tbody>
</table>

**Landscape concept plan**

No buildings or works may be constructed or carried out until a Landscape Concept Plan has been prepared for the whole of the land within the zone and approved by the responsible authority.

The plan must provide the overall landscaping concept for the land and must show:

- A fence to be constructed around the redgum swamp located approximately 300m to the south of "Colwonga" homestead. This area is be managed as a nature conservation area to preserve the existing ecosystem of the swamp.

At the request or with the consent of the owner, the Landscape Concept Plan may be amended and approved by the responsible authority.

**Exempt development**

The requirements of Clause 4.0 and 7.0 do not apply to:

- Outbuildings, garages or similar buildings which are not used for storage of explosive goods and materials with a height not exceeding 3m and a floor area not exceeding 30m².
- Site preparation works involving the construction of fences and provision of utility services necessary for the construction of buildings and works.
- Maintenance of landscaped areas, roads and access ways, and utility services.
Decision Guidelines

Before deciding whether a permit should be granted and when deciding whether the development plan is satisfactory or can be amended, the responsible authority must consider:

- The purpose of the zone.
- The need for buffer areas between defence industry and nearby activities.
- The need to protect the environment quality and attributes of the area.
SCHEDULE 2 TO THE SPECIAL USE ZONE

Shown on the planning scheme map as SUZ2.

WINTON MOTOR RACEWAY

Purpose

Provide for the use and development of the land for the purpose of motor sport including associated recreation and entertainment activities.

Encourage the development of a range of facilities including accommodation and tourist attractions associated with motor sport.

Encourage employment opportunities.

Retain and enhance the economic benefit brought to Benalla, the municipality and the region by motor sport and allied activities.

Ensure that the combination of uses and the scale and character of development are compatible with the amenity of the surrounding area and the capacity of existing essential services and road systems.

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 Apiculture and Intensive animal husbandry)</td>
<td>Must be associated with a motor sport activity.</td>
</tr>
<tr>
<td>Camping and caravan park</td>
<td>The designation of the area to be used and the provision of any toilet, ablation, cooking, laundry, fireplace, drainage and sewage treatment facilities must be carried out to the satisfaction of the responsible authority.</td>
</tr>
<tr>
<td>Caretaker’s house</td>
<td>Must be associated with a motor sport activity.</td>
</tr>
<tr>
<td>Commercial display area</td>
<td>Must be driver training or associated with a motor sport activity.</td>
</tr>
<tr>
<td>Gross leasable floor area must not exceed 500 square metres.</td>
<td></td>
</tr>
<tr>
<td>Education centre</td>
<td></td>
</tr>
<tr>
<td>Heliport</td>
<td>Must only be used for emergency services or operational purposes in conjunction with race meetings, promotions or practice sessions.</td>
</tr>
<tr>
<td>Must not be used for helicopter joy flights.</td>
<td></td>
</tr>
<tr>
<td>Helicopter flights must not take place on more than fifteen days</td>
<td></td>
</tr>
<tr>
<td>Must not take place before 8.00 am or after 6.00 pm on any day.</td>
<td></td>
</tr>
<tr>
<td>This condition does not apply to emergency services’ flights.</td>
<td></td>
</tr>
<tr>
<td>Helicopter flight paths and the location of the heliport must be</td>
<td></td>
</tr>
<tr>
<td>arranged so that helicopters do not pass over adjacent dwellings or</td>
<td></td>
</tr>
<tr>
<td>Winton Primary School at low altitudes during landing, take-off or</td>
<td></td>
</tr>
<tr>
<td>general operations.</td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>--------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Industry (other than Research and development centre and Service industry)</td>
<td>Must be vehicle testing or analysis. Must only be conducted on weekdays between the hours of 8.00 am and 6.00 pm.</td>
</tr>
<tr>
<td>Medical centre</td>
<td>Must be associated with a motor sport activity.</td>
</tr>
<tr>
<td>Minor utility installation</td>
<td></td>
</tr>
<tr>
<td>Motor racing track</td>
<td>Must not be the racing of motor vehicles on a purpose-built straight track, within its own enclosure, constructed principally for competitive motor sport.</td>
</tr>
<tr>
<td>Place of assembly (other than Carnival, Circus, Place of worship, and Reception centre)</td>
<td>Must be associated with a motor sport activity.</td>
</tr>
<tr>
<td>Research and development centre</td>
<td></td>
</tr>
<tr>
<td>Research centre</td>
<td></td>
</tr>
<tr>
<td>Restaurant</td>
<td></td>
</tr>
<tr>
<td>Shop</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 Camping and caravan park, Corrective institution, Dwelling, Residential building, Residential village, and Retirement village)</td>
<td></td>
</tr>
<tr>
<td>Industry (other than Research and development centre and Service industry) if the Section 1 condition is not met</td>
<td>Must be vehicle testing or analysis.</td>
</tr>
<tr>
<td>Leisure and recreation (other than Motor racing track)</td>
<td></td>
</tr>
<tr>
<td>Motor repairs</td>
<td>Must be associated with a motor sport activity.</td>
</tr>
<tr>
<td>Office (other than Medical centre)</td>
<td></td>
</tr>
<tr>
<td>Place of worship</td>
<td></td>
</tr>
<tr>
<td>Reception centre</td>
<td></td>
</tr>
<tr>
<td>Residential hotel</td>
<td></td>
</tr>
<tr>
<td>Retail premises (other than Restaurant and Shop)</td>
<td></td>
</tr>
<tr>
<td>Service industry (other than Motor repairs)</td>
<td>Must be associated with a motor sport activity.</td>
</tr>
<tr>
<td>Service station</td>
<td>Must not be a purpose listed in the table to Clause 52.10.</td>
</tr>
<tr>
<td>Transport terminal (other than Heliport)</td>
<td>Must be associated with a motor sport activity.</td>
</tr>
</tbody>
</table>
### Use of land

#### Commencement of use

The use of any building, or part of the site, must not commence until all drainage works, soil conservation and erosion control measures, car parking, landscaping and other associated works approved as part of the Development Plan (or staged Development Plan) which includes the building or part of the site, are completed to the satisfaction of the responsible authority.

This sub-clause does not apply to lawful existing use rights established on the site prior to the approval date of this scheme.

#### Frequency and notification of events

Except with a permit:

- Not more than twelve major meetings shall be conducted in any calendar year.
- Not more than two major meetings shall be conducted in any calendar month.
- Not more than ten club race meetings shall be conducted in any calendar year.

The remaining weekends may be used for inter-club events and social events which generate smaller numbers of participants and reduced noise levels.

The person or persons using the land for events covered by this clause must:

- At the start of each calendar year, notify the responsible authority in writing of the proposed dates of all events at which the presence of 5,000 or more people is anticipated.
- Inform local residents by means of public notice in a local newspaper of the proposed dates of all major meetings, with such notice including advice of the type of the meeting being published at least two weeks prior to the commencement of the meeting.

#### Hours of motor racing

Motor racing of any type shall only be conducted between the hours of 8.30 am and 10.00 pm on any day with an additional 30 minutes if required due to unscheduled delays.
Except with a permit, motor racing of any type shall not be conducted after 6.00 pm on more than one night in any week (Monday to Sunday).

**Control of noise emissions from motor racing**

With the exception of historic racing vehicles, noise emissions from motor racing vehicles of any type shall not exceed 95 dB(A) measured at a distance of 30 metres from the edge of the track on which the vehicles are racing, at a point where the vehicles are under maximum acceleration, as nominated on the appropriate Development Plan approved in accordance with Clause 4.0 to this schedule.

**Subdivision**

A permit is required to subdivide land.

Each lot intended to be used for agriculture or animal husbandry must be at least 16 hectares with a road frontage of not less than 300 metres.

Before deciding on an application to create a lot intended to be used for a use in Section 1 of Clause 1.0 to this schedule (other than agriculture, animal husbandry or public utility installation), the responsible authority must consider whether the area of the proposed lot is sufficient to accommodate the activities, development and effluent disposal associated with the intended use.

The responsible authority may only consider an application to create a lot intended to be used for a use included in Section 2 of Clause 1.0 to this schedule as part of an application which also includes the intended use. A permit for the subdivision must only be issued if the permit is also issued for the intended use.

**Buildings and works**

No permit is required to construct a building or construct or carry out works for a use in Section 1 of Clause 1.0 to this schedule provided the buildings or works is in accordance with a Development Plan that has been prepared to the satisfaction of the responsible authority.

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 1.0 to this schedule.

Notice in accordance with Section 52(1)(c) of the Act must be given of an application for a permit. Notice must be given:

- To the owners and occupiers of adjoining land.
- By publishing the notice in a newspaper circulating generally in the area.

**Landscape Concept Plan**

No building or works may be constructed or carried out until a Landscape Concept Plan has been prepared for the whole of the land within the zone to the satisfaction of the responsible authority.

At the request of or with the consent of the owner of the land, the Landscape Concept Plan may be amended to the satisfaction of the responsible authority.

**Development Plan**

A Development Plan must show or describe (as is appropriate to the circumstances):

- Existing natural and built features of the land including topography, vegetation, buildings, other works, utility services, drainage lines and watercourses.
- The location, height, dimensions, floor area dimensions of all proposed buildings and works.
- Details of the nature and colour of external cladding of all proposed buildings.
- The relationship of all proposed buildings and works to existing development.
The proposed use of each building.

- Any areas where it is proposed to remove native vegetation.
- Details of site preparation works including the erection of fences, construction of accessways, temporary drainage works, and any excavation or filling works.
- Landscaping proposed within the development generally in accordance with the Landscape Concept Plan.
- The location, dimensions and levels of any excavation or alteration to the natural surface of the land, including details of works or planting proposed to stabilise batters in areas of fill or excavation.
- Details of environmental management measures, including sediment control methods to be implemented during construction of buildings or works.
- The relationship between stages of development, if any, and the time for commencement and completion of each stage.
- Details of a drainage system for the land, including proposals with respect to its construction and management.
- Works to control drainage run-off from all buildings, track areas, paved areas, access roads, car parking areas, driveways, and any other impervious surfaces.
- Any retarding basins or other drainage measures necessary to ensure that peak drainage discharge to Seven Mile Creek does not exceed the discharge level of pre-development conditions.
- Proposals to avoid water logging or flooding.
- Proposals for the avoidance, containment and neutralisation of any contamination of surface drainage waters to ensure compliance with State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.
- Erosion control works and revegetation proposals to assist with the conservation of soils, to safeguard against soil erosion and to provide land stability in the area.
- Proposals for sewage treatment and disposal to ensure compliance with State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.
- Proposals for waste management and disposal including measures for waste minimisation, recycling and waste removal.
- Proposals for water supply for all purposes including sewage treatment, firefighting and landscape management.
- An emergency management plan for the land.
- Firefighting facilities.
- Proposals for the provision of utility services and infrastructure associated with the development, use and maintenance of the land.
- Noise containment, abatement and mitigation measures.
- Details of proposed traffic and access arrangements and associated works on and adjacent to the land.
- The location, layout, dimensions, design and capacity of all car parking areas and access to and from them.
- The location and design of all pedestrian and vehicle access ways.
- Provision for the loading and unloading of vehicles associated with the development and use of the land.
Location and details of floodlighting and amplification equipment and of advertisements or advertising signs proposed to be displayed or constructed on the land including those for which a permit is required.

An approved Development Plan may be amended to the satisfaction of the responsible authority. All buildings and works shown on an approved Development Plan must be continued, completed and maintained in accordance with the Development Plan to the satisfaction of the responsible authority.

The responsible authority may consider a Development Plan for any stage of the proposed development provided that the plan shows or describes all the matters set out in this clause which relate to that stage.

Unless specifically approved otherwise, buildings and works shown on an approved Development Plan (including an approved Development Plan for a stage) must be commenced within a period of two years from the date of approval. The buildings and works shown on an approved Development Plan must be completed within two years of their commencement. The time for commencement or completion may be extended by the responsible authority upon application in writing made within three months of the date on which the approval would otherwise lapse.

**Height of buildings or works**

Except with a permit, no building or works shall exceed a height above natural ground level which is the lesser of two storeys or 7.5 metres.

**Car parking provision**

Sufficient car parking spaces must be provided to the satisfaction of the responsible authority to adequately accommodate all vehicles driven by people attending the motor raceway.

Sufficient car parking attendants must be engaged to ensure orderly parking within the areas provided.

**Decision guidelines**

Before deciding whether a permit should be granted or when deciding whether a Development Plan is satisfactory, or can be amended, the responsible authority must consider:

- The purpose of the zone.
- Whether proposed buildings or works are designed, located, constructed and clad in a manner to avoid significant visual intrusion in the area.
- Whether drainage, effluent treatment and dispersal of wastewater meet the appropriate standards and will avoid pollution, erosion, sedimentation and waterlogging on and off the site.
- Whether the provision of public toilet facilities and other amenities will meet the likely demand and will be appropriately located throughout the site.
- Whether the proposals for waste management and recycling will ensure appropriate retention, collection and removal of litter and other waste, and will maximise the proportion of recyclable materials separately collected.
- Whether adequate means for firefighting and other emergency management requirements are included.
- Whether the proposed noise containment, abatement and mitigation measures will minimise the external noise effects of activities on the site.
- Whether the proposed landscaping, revegetation and remedial planting will ensure that any visual intrusion of the raceway into the surrounding landscape is minimised.
5.0

Advertising signs

In addition to the exemptions in Clause 52.05-4, a permit is not required to construct or display an advertising sign on any land within the Winton Motor Raceway which is directed toward people attending the Motor Raceway and which is not intended to be generally seen from outside the Motor Raceway.

Advertising sign requirements are at Clause 52.05. This schedule is in Category 3.
SCHEDULE 3 TO THE SPECIAL USE ZONE

Shown on the planning scheme map as SUZ3.

CAL COMMUNITY FARM

Purpose
To provide for the continued use and development of land for a community farm, educational centre and associated uses.
To ensure that use and development of the land is in accordance with an approved Concept Plan.
To ensure that the development of a community farm and education centre takes place in an orderly and proper manner and does not cause loss of amenity to the neighbourhood.

1.0 Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal keeping (other than Animal boarding)</td>
<td></td>
</tr>
<tr>
<td>Agriculture (other than animal keeping, animal training, intensive animal husbandry and horse stables)</td>
<td></td>
</tr>
<tr>
<td>Accommodation (other than a corrective institution)</td>
<td>Must be generally in accordance with an approved Concept Plan for the site.</td>
</tr>
<tr>
<td>Apiculture</td>
<td>Must meet the requirements of the Apiary Code of Practice, May 1997.</td>
</tr>
<tr>
<td>Art &amp; Craft Centre</td>
<td>Must be generally in accordance with an approved Concept Plan for the site.</td>
</tr>
<tr>
<td>Carnival</td>
<td>Must meet the requirements of a “Good Neighbour” Code of Practice for a Circus or a Carnival, October 1997.</td>
</tr>
<tr>
<td>Car park</td>
<td>Must be generally in accordance with an approved Concept Plan for the site.</td>
</tr>
<tr>
<td></td>
<td>Must not require new road access.</td>
</tr>
<tr>
<td></td>
<td>The total car park capacity for the site is not to exceed 50 spaces.</td>
</tr>
<tr>
<td>Circus</td>
<td>Must meet the requirements of a “Good Neighbour” Code of Practice for a Circus or a Carnival, October 1997.</td>
</tr>
<tr>
<td>Education Centre</td>
<td>Must be generally in accordance with an approved Concept Plan for the site.</td>
</tr>
<tr>
<td>Geothermal Energy Extraction</td>
<td>Must meet the requirements of Clause 52.08-4.</td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td>Must be generally in accordance with an approved Concept Plan for the site.</td>
</tr>
<tr>
<td>Leisure and Recreation</td>
<td>Must be generally in accordance with an approved Concept Plan for the site.</td>
</tr>
</tbody>
</table>

Page 333 of 836
<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Market</td>
<td>Must be generally in accordance with an approved Concept Plan for the site.</td>
</tr>
<tr>
<td>Mineral Exploration</td>
<td></td>
</tr>
<tr>
<td>Mining</td>
<td>Must meet the requirements of Clause 52.08-2.</td>
</tr>
<tr>
<td>Minor Sports and Recreation facility</td>
<td></td>
</tr>
<tr>
<td>Minor Utility installation</td>
<td></td>
</tr>
<tr>
<td>Natural systems</td>
<td></td>
</tr>
<tr>
<td>Open sports Ground</td>
<td>Must be generally in accordance with an approved Concept Plan for the site.</td>
</tr>
<tr>
<td>Place of Assembly (Other than Amusement Parlour, Carnival, Cinema, Drive-in Theatre, Nightclub)</td>
<td>Must be generally in accordance with an approved Concept Plan for the site.</td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Road</td>
<td></td>
</tr>
<tr>
<td>Retail Premises</td>
<td>Must be generally in accordance with an approved Concept Plan for the site.</td>
</tr>
<tr>
<td>Search for Stone</td>
<td>Must not be costeaming or bulk sampling.</td>
</tr>
<tr>
<td>Shop</td>
<td>Must be generally in accordance with an approved Concept Plan for the site.</td>
</tr>
<tr>
<td>Telecommunications facility</td>
<td>Buildings and works must meet the requirements of Clause 52.19.</td>
</tr>
</tbody>
</table>

**Section 2 - Permit required**

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Car park (where the Section 1 condition is not met)</td>
<td>Must be in conjunction with another use in Section 1 or 2. Where the total car park capacity for the site is proposed to exceed 50 spaces the matter is to be referred to VicRoads for a Transport Impact Assessment Report (TIAR) and any other requirements.</td>
</tr>
<tr>
<td>Child Care Centre</td>
<td></td>
</tr>
<tr>
<td>Emergency services facility</td>
<td></td>
</tr>
<tr>
<td>Industry</td>
<td></td>
</tr>
<tr>
<td>Medical Centre</td>
<td></td>
</tr>
<tr>
<td>Mineral, stone or soil extraction (other than Mineral exploration, Geothermal energy extraction, Mining and Search for stone)</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>Place of Worship</td>
<td></td>
</tr>
<tr>
<td>Utility Installation (other than Minor utility installation and Telecommunications facility)</td>
<td></td>
</tr>
<tr>
<td>Wind energy facility</td>
<td></td>
</tr>
<tr>
<td>Winery</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Section 1 if the condition/s is not met.</td>
<td></td>
</tr>
</tbody>
</table>

### Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Any other use not in Sections 1 and 2</td>
<td></td>
</tr>
</tbody>
</table>

#### 2.0 Concept plan

The use and development provided for under the terms of this schedule must be in accordance with a concept plan approved by the responsible authority known as “CAL Community Farm Concept Plan, 133241GO4”.

The responsible authority may amend the approved Concept Plan following a process of public exhibition, notification to abutting landowners and occupiers and referral in accordance with section 52 of the *Planning and Environment Act 1987* of the proposed changes, and consideration of any subsequent submissions.

#### 3.0 Development Plan

No building or works may be constructed or carried out unless a development plan for the land or part of the land has been approved by the responsible authority. This does not apply to minor works associated only with the existing uses and development on the site.

A Development Plan must be generally in accordance with the approved CAL Community Farm Concept Plan.

A Development Plan must provide details on the following:

- Site plans at an appropriate scale showing the proposed location, type, floor plans, elevations and heights and proposed use of all buildings and works.
- Details of any staging of the development.
- Estimated number of students, employees or community members associated with the building and works on the development.
- Car parking for each stage of the development.
- Landscaping for each stage of the development.
- A land contamination assessment for any part of the site proposed to be developed for accommodation or other sensitive use.
- Access to the site (pedestrian and vehicular, including emergency service, staff and visitor vehicles).
- Stormwater drainage management plan.
**Use of land**

**Amenity of the neighbourhood**

- A use must not adversely affect the amenity of the neighbourhood, including through the:
  - transport of materials, good 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 must be accompanied by the following information:

- The purpose of the use and the types of activities which will be carried out.
- The proposed hours of operation.
- The potential off-site effects including noise levels, traffic, hours of operation and light spill.
- The effect of the proposed use on existing land use and service infrastructure.
- Access to the site (pedestrian and vehicular, including emergency service, staff and visitor vehicles).
- Proposed number of students, employees and community member using the facility.
- Site plans at an appropriate scale showing the location of all buildings to be used.
- A land contamination assessment for any part of the site proposed to be developed for accommodation or other sensitive use.

**Decision Guidelines**

Before deciding on an application to use land, the responsible authority must, (notwithstanding any approved Concept Plan or Development Plan) consider:

- The effect the proposed use may have on existing or future neighbouring uses of the surrounding area.
- The effect the existing or future neighbouring uses may have on the proposed use.
- The effect of any additional traffic on the operation, convenience and efficiency of existing roads.
- Whether any proposed use will adversely affect the ongoing operation and expansion of adjoining and nearby uses.
- Whether any proposed use will be adversely affected by activities on adjacent and nearby lands due to dust, noise, odour, use of chemicals and farm machinery.

**Subdivision**

An application to subdivide land other than the realignment of lot boundaries must be in accordance with the approved Concept Plan.

**Application requirements**

Any application must state the intended outcome of the proposed subdivision and its impact on the overall operation of the community farm and education establishment.
Exemption from notice and appeal

An application to subdivide land in accordance with a subdivision designated on an approved Concept Plan for the subject land is exempt from the notice and review requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Buildings and works

A permit is required for buildings and works except for any of the following:

- A garage, a storage shed (less than 150m² floor area), a covered walkway, a verandah, a carport, a pergola, a shade sail, and a rainwater tank, subject to the following requirements:
  - the buildings and works proposed are generally in accordance with a Development Plan which has been prepared and approved to the satisfaction of the Responsible Authority in accordance with paragraph 3.0 to this schedule; and
  - the buildings and works proposed will not allow an increase in the number of students, employees or community members on the site; and
  - the buildings and works proposed do not alter vehicular access to and from the site or alter the movement of traffic within the site; and
  - the buildings and works are in accordance with an approved stormwater drainage plan.

Application Requirements

Any application for buildings and works must be accompanied by a plan, drawn to scale, which shows:

- The boundaries and dimensions of the site including setbacks from site boundaries.
- Elevation drawings indicating the material and colour of all proposed buildings.
- The layout and use of existing and proposed buildings and works, including accessways, carparking and loading areas.
- The location, size and form of any signage to be erected.
- Details of existing and proposed landscaping
- The potential off-site effects including noise levels, traffic and light spill on existing land use and service infrastructure.

Exemption from notice and appeal

An application to construct a building or construct or carry out works that is generally in accordance with an approved Development Plan for the subject land is exempt from the notice and review 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 approved Concept Plan and Development Plan.
- The capability of the land to accommodate the proposed use or development.
- Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses
The need to minimise any adverse impacts of siting, design, height, bulk, and colours and materials to be used, on landscape features, major roads and vistas.

Whether use or development protects and enhances the environmental and landscape qualities of the site and its surrounds.

The effect any proposed subdivision will have on the potential of the land to accommodate existing and future uses in accordance with the purpose of the zone and the approved Concept Plan.

The movement of pedestrians and cyclists, supplies vehicles, waste removal, emergency service and public transport.

The provision of car parking.

The availability of and connection to services.

Advertising signs

This zone is in Category 3.

Notes: Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies, which may affect the use and development of land.

Check whether an overlay also applies to the land.

Other requirements may also apply. These can be found at Particular Provisions.
SCHEDULE 4 TO THE SPECIAL USE ZONE

Shown on the planning scheme map as SUZ4.

GLENROWAN TERMINAL STATION

Purpose
To provide for the future use and development of the Glenrowan Terminal Station facility.
To ensure that use and development of the land does not adversely impact upon the operation of the Terminal facility.

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>Car park</td>
<td>Must be in conjunction with a Utility installation</td>
</tr>
<tr>
<td>Earth and energy resources industry</td>
<td>Must be in conjunction with a Utility installation</td>
</tr>
<tr>
<td>Road</td>
<td>Must be in conjunction with a Utility installation</td>
</tr>
<tr>
<td>Utility installation (other than</td>
<td></td>
</tr>
<tr>
<td>Telecommunications facility)</td>
<td></td>
</tr>
</tbody>
</table>

Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture (other than Apiculture)</td>
<td></td>
</tr>
<tr>
<td>Store</td>
<td>Must be in conjunction with a Section 1 use</td>
</tr>
<tr>
<td>Telecommunications facility</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td>Must be in conjunction with a Section 1 use</td>
</tr>
</tbody>
</table>

Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation</td>
</tr>
<tr>
<td>Brothel</td>
</tr>
<tr>
<td>Cemetery</td>
</tr>
<tr>
<td>Child care centre</td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
</tr>
<tr>
<td>Crematorium</td>
</tr>
<tr>
<td>Education centre</td>
</tr>
<tr>
<td>Hospital</td>
</tr>
<tr>
<td>Leisure and recreation</td>
</tr>
<tr>
<td>Place of assembly</td>
</tr>
<tr>
<td>Retail premises</td>
</tr>
<tr>
<td>Saleyard</td>
</tr>
<tr>
<td>Service station</td>
</tr>
<tr>
<td>Transport terminal</td>
</tr>
</tbody>
</table>
Use of land

Land may not be used for any purpose which would either be in conflict with or likely to impair the optimal operation of the Terminal facility.

Application Requirements

The following information must be provided with an Application to use the land for any other purpose:

- The purpose of the use and the types of activities which will be carried out.
- The likely effects, if any, on adjoining land, including noise levels, air-borne emissions, emissions to land and water, traffic, light-spill and glare.
- The likely effects on the Terminal facility.

Subdivision

A Permit is required to subdivide land.

Buildings and works

A Permit is not required for buildings and works associated with a Section 1 use.

Decision Guidelines

Before deciding on an Application to use or develop land, in addition to the Decision Guidelines in Clause 65, the Responsible Authority must consider (as appropriate):

- Existing use of land and the reason for the proposed use and/or development in relation to that use.
- Possible effect of the development on the continued operation of the Terminal facility.
- The impact on surrounding areas.
- The views of the operator of the Terminal facility.
- The need to protect the Terminal facility from encroachment by inappropriate amenity-sensitive uses.
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.

**37.03-5**

**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.

**37.03-6**

**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.

**37.03-7**

**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 THE URBAN FLOODWAY ZONE

<table>
<thead>
<tr>
<th>Land</th>
<th>Advertising Sign Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
</tr>
</tbody>
</table>

---
OVERLAYS

This section sets out the overlays which apply in this scheme.
[NO CONTENT]
ENVIRONMENTAL AND LANDSCAPE OVERLAYS
ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO with a number.

Purpose
To implement the Municipal Planning Strategy and the Planning Policy Framework.
To identify areas where the development of land may be affected by environmental constraints.
To ensure that development is compatible with identified environmental values.

Environmental significance and objectives
A schedule to this overlay must contain:

- A statement of environmental significance.
- The environmental objectives to be achieved.

Permit requirement
A permit is required to:

- Construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.
- Construct a fence if specified in a schedule to this overlay.
- Construct bicycle pathways and trails.
- Subdivide land. This does not apply if a schedule to this overlay specifically states that a permit is not required.
- Remove, destroy or lop any vegetation, including dead vegetation. This does not apply:
  - If a schedule to this overlay specifically states that a permit is not required.
  - If the table to Clause 42.01-3 specifically states that a permit is not required.
  - To the removal, destruction or lopping of native vegetation in accordance with a native vegetation precinct plan specified in the schedule to Clause 52.16.

VicSmart applications
Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>- The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>- The general direction of the common boundary does not change.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into lots each containing an existing building or car parking space where:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>- The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</td>
<td></td>
</tr>
</tbody>
</table>
Information requirements and decision guidelines

### Class of application

- An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.

### Subdivide land into 2 lots if:

- The construction of a building or the construction or carrying out of works on the land:
  - Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.
  - Has started lawfully.
- The subdivision does not create a vacant lot.

### Construct a fence.

### Remove, destroy or lop one tree.

### Construct a building or construct or carry out works for:

- A carport, garage, pergola, verandah, deck, shed or similar structure.
- A rainwater tank.

The buildings and works must be associated with a dwelling.

### Table of exemptions

#### The requirement to obtain a permit does not apply to:

<table>
<thead>
<tr>
<th>Emergency works</th>
<th>Vegetation that is to be removed, destroyed or lopped:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>in an emergency by, or on behalf of, a public authority or municipal council to create an emergency access or to enable emergency works; or</td>
</tr>
<tr>
<td></td>
<td>where it presents an immediate risk of personal injury or damage to property. Only that part of the vegetation that presents the immediate risk may be removed, destroyed or lopped under this exemption.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Fire protection</th>
<th>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of any of the following fire protection activities:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>fire fighting;</td>
</tr>
<tr>
<td></td>
<td>planned burning;</td>
</tr>
<tr>
<td></td>
<td>making or maintenance of a fuelbreak or fire fighting access track (or any combination thereof) that does not exceed a combined width of 6 metres;</td>
</tr>
<tr>
<td></td>
<td>making of a strategic fuelbreak up to 40 metres wide by, or on behalf of, a public authority in accordance with a strategic fuelbreak plan approved by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987);</td>
</tr>
<tr>
<td></td>
<td>is ground fuel within 30 metres of a building and is vegetation other than native vegetation;</td>
</tr>
<tr>
<td></td>
<td>in accordance with a fire prevention notice issued under either:</td>
</tr>
<tr>
<td></td>
<td>Section 65 of the Forests Act 1958; or</td>
</tr>
<tr>
<td></td>
<td>Section 41 of the Country Fire Authority Act 1958.</td>
</tr>
</tbody>
</table>
The requirement to obtain a permit does not apply to:

- keeping vegetation clear of, or minimising the risk of bushfire ignition from, an electric line in accordance with a code of practice prepared under Part 8 of the *Electricity Safety Act 1998*;
- minimising the risk to life and property from bushfire on a roadside of a public road managed by the relevant responsible road authority, and carried out by, or on behalf of that authority in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*). In this exemption, roadside, public road and responsible road authority have the same meanings as in section 3 of the *Road Management Act 2004*.

*N*ote: *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 extraction         | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by the holder of an exploration, mining, prospecting, or retention licence issued under the *Mineral Resources (Sustainable Development) Act 1990*:  
  - that is low impact exploration within the meaning of Schedule 4A of the *Mineral Resources (Sustainable Development) Act 1990*; or  
  - in accordance with a work plan approved under Part 3 of the *Mineral Resources (Sustainable Development) Act 1990*.  
  *Note: Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990 specifies limits on the extent of native vegetation that may be removed as part of low impact exploration.* |
| Noxious weeds                              | Vegetation that is a noxious weed subject of a declaration under section 58 or section 58A of the *Catchment and Land Protection Act 1994*. This exemption does not apply to Australian Dodder (*Cuscuta australis*). |
| Pest animal burrows                        | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal of pest animal burrows.  
  In the case of native vegetation the written agreement of an officer of the department responsible for administering the *Flora and Fauna Guarantee Act 1988* is required before the vegetation can be removed, destroyed or lopped. |
| Planted vegetation                         | Vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding for Crop raising or Grazing animal production. |
| Railways                                   | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to maintain the safe and efficient function of an existing railway, or railway access road, in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*). |
| Regrowth                                   | Vegetation that is to be removed, destroyed or lopped that has naturally established or regenerated on land lawfully cleared of naturally established vegetation, and is:  
  - bracken (*Pteridium esculentum*); or  
  - within the boundary of a timber production plantation, as indicated on a Plantation Development Notice or other documented record, and has established after the plantation. |
The requirement to obtain a permit does not apply to:

| **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. |
| **Stone extraction** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone extraction in accordance with a work plan approved under the Mineral Resources (Sustainable Development) Act 1990 and authorised by a work authority granted under that Act. |
| **Surveying** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by, or on behalf of, a licenced surveyor (within the meaning of section 3 of the Surveying Act 2004) using hand-held tools to establish a sightline for the measurement of land. |
| **Traditional owners** | Vegetation that is to be removed, destroyed or lopped by a person acting under, and in accordance with:  
  - a natural resources agreement under Part 6 of the Traditional Owners Settlement Act 2010; or  
  - an authorisation order made under sections 82 or 84 of the Traditional Owner Settlement Act 2010 as those sections were in force immediately before the commencement of section 24 of the Traditional owners Settlement Amendment Act in 2016 (1 May 2017). |

### Application requirements

An application must be accompanied by any information specified in a schedule to this overlay.

### Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The statement of environmental significance and the environmental objective contained in a schedule to this overlay.
- The need to remove, destroy or lop vegetation to create a defendable space to reduce the risk of bushfire to life and property.
- Any other matters specified in a schedule to this overlay.
SCHEDULE 1 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO1.

WINTON MOTOR RACEWAY ENVIRONS AREA

1.0

Statement of environmental significance

Winton Motor Raceway is a major motor sports facility within Victoria. Due to the noise levels that can be experienced during operation, it is important to protect the site by requiring development associated with noise sensitive uses within the immediate area to be compatible with the Raceway.

2.0

Environmental objective to be achieved

To encourage development appropriate to the area and protect the amenity of the environment.

To ensure that dwellings constructed within the immediate proximity of Winton Motor Raceway provide an acceptable level of sound attenuation for their occupants.

To provide for uses that are not noise sensitive and that are related to motor sports to locate in proximity to Winton Motor Raceway.

3.0

Permit requirement

Development of land

A permit may be granted to develop land that is either directly related to servicing the motor sports industry, or is ancillary to an activity within the motor sports industry provided the use is permitted in this scheme and is not for a purpose listed in the table to Clause 52.10.

Development Requirements for Dwellings

Any dwelling or extension to a dwelling must be constructed in accordance with the guidelines of Australian Standard AS 3671 Acoustics - Road traffic noise intrusion - Building siting and construction.

4.0

Decision guidelines

Before deciding on an application to develop land, to construct a building or to construct or carry out works, the responsible authority must consider:

- The degree to which the proposal is compatible with the operation of a motor sports precinct.
- Whether a proposal to construct a dwelling complies with the guidelines of Australian Standard AS 3671 Acoustics - Road traffic noise intrusion - Building siting and construction.
SCHEDULE 3 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO3.

LAKE NILLAHCOOTIE CATCHMENT

1.0

Statement of environmental significance

Lake Nillahcootie is situated on the Broken River and supplies domestic, stock and irrigation water for the Broken Valley. As well as for water supply, Lake Nillahcootie is important for the provision of aquatic habitat and for recreational purposes. The water quality of Lake Nillahcootie is threatened by increasing nutrient levels and turbidity.

To prevent further decline of the water quality in Lake Nillahcootie, land use and development within the catchment of the lake needs to be regulated.

2.0

Environmental objective to be achieved

The objective of the overlay is to ensure the protection and maintenance of water quality and water yield within the Lake Nillahcootie Proclaimed Catchment Area.

3.0

Permit requirement

Applications of the kind listed below 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:

- Subdivision creating lots less than 40 hectares.
- Development associated with intensive animal husbandry.
- All applications for development of land within 200 metres of the full supply level of Lake Nillahcootie or from any watercourse within the catchment area.

No permit is required for:

- The conduct of agricultural activities, including cultivation and fencing, but not the construction of dams.
- Sewerage, drainage, water and gas mains.
- Power lines of less than 220,000 volts.
- Low impact telecommunications infrastructure.
- The carrying out of any works required by or approved by the Department of Sustainability and Environment or the responsible authority to prevent soil erosion and ensure conservation and reclamation.
- The carrying out of any stream improvement, drainage or water supply works by the Goulburn - Murray Rural Water Authority or the Goulburn Broken Catchment Management Authority when the relevant body has consulted with the responsible authority on the proposed works and has the approval in writing of the responsible authority.
- Construct a building or construct or carry out works that do not require a permit in the Residential zone when sewerage is available.
- Works associated with timber production.

4.0

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The potential for the proposed development to degrade water quality or quantity.
- The intensity of the development.
- Appropriate measures to prevent erosion of banks, streambeds and adjoining land and the siltation of watercourses, drains and other features.

- Appropriate measures to prevent pollution, increased nutrient loads and increased turbidity of water in watercourses, drains and other features.

- Whether the environmental objectives of this schedule will have been met.

- Appropriate measures to prevent increased surface water run-off or concentration of surface water run-off leading to erosion, siltation, pollution of watercourses, drains and other features.

- Any management plan prepared by the relevant water board or water supply authority.

- The comments of the relevant water board or water supply authority, and the Goulburn Broken Catchment Management Authority.

- The Rural Land Study and General Guidelines for Subdivision, Buildings and Works in Rural Areas.
SCHEDULE 4 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO4.

BENALLA WASTEWATER TREATMENT FACILITY

1.0

Statement of environmental significance

The Benalla Wastewater Treatment Facility (Facility) is essential and critical infrastructure servicing the Benalla Rural City. The inappropriate establishment or siting of odour-sensitive development could impact on the operation of the Facility. In order to protect the infrastructure and future expansion capacity from encroachment by inappropriate sensitive development the area of environmental significance has been established based upon research and odour modelling.

2.0

Environmental objective to be achieved

- To ensure that the development of land around the Facility is compatible with the Facility’s operation.
- To regulate the establishment and siting of odour-sensitive development so that the impact of any non-routine odour emissions from the Facility is minimised.
- To avoid residential development.
- To avoid development that requires the presence of a large number of people over an extended period of time.
- To avoid development that would compromise the ongoing operation of the Facility.

3.0

Permit requirement

A permit is required for development of land. This does not apply if a development is specifically listed in this schedule as a development for which a permit is not required.

A permit is not required to:

- Construct a building or carry out works by or on behalf of the agency responsible for operation and management of the Facility;
- Conduct agricultural activities, including cultivation, the construction of a fence, outbuilding and dam;
- Construct a building or construct or carry out works undertaken by, or on behalf of, a municipal council, public authority or utility service provider in the exercise of any power conferred on them under any Act.

An application must be referred to the North East Region Water Corporation in accordance with Clause 66.04 or a schedule to that clause.

4.0

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The proximity of the site to the Facility.
- The sensitivity of the proposed use of the development to odour that may be generated from the Facility.
- The availability of ameliorative measures on the site to reduce the impact of odour.
- The number of people likely to use the proposed development.
- The potential for the proposed development to expand and attract additional people.
- The degree of choice a person has to remain on the site associated with the development.
• The length and frequency of stay of any person on the site associated with the development.

• Built form of the development, including:
  - Building design to isolate the internal air environments for occupied rooms during an odour event.
  - The layout of buildings to maximise the separation distance to the Facility.
  - Building design to ensure apertures (including roller doors) are oriented away from the Facility.
  - Vegetation to improve air flow turbulence.
VEGETATION PROTECTION OVERLAY

Shown on the planning scheme map as VPO with a number.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To protect areas of significant vegetation.

To ensure that development minimises loss of vegetation.

To preserve existing trees and other vegetation.

To recognise vegetation protection areas as locations of special significance, natural beauty, interest and importance.

To maintain and enhance habitat and habitat corridors for indigenous fauna.

To encourage the regeneration of native vegetation.

Vegetation significance and objectives

A schedule to this overlay must contain:

- A statement of the nature and significance of the vegetation to be protected.

- The vegetation protection objectives to be achieved.

Permit requirement

A permit is required to remove, destroy or lop any vegetation specified in a schedule to this overlay.

This does not apply:

- If the table to Clause 42.02-3 specifically states that a permit is not required.

- To the removal, destruction or lopping of native vegetation in accordance with a native vegetation precinct plan specified in the schedule to Clause 52.16.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Remove, destroy or lop one tree.</td>
<td>Clause 59.06</td>
</tr>
</tbody>
</table>

Table of exemptions

The requirement to obtain a permit does not apply to:

- Emergency works
  - Vegetation that is to be removed, destroyed or lopped:
    - in an emergency by, or on behalf of, a public authority or municipal council to create an emergency access or to enable emergency works; or
    - where it presents an immediate risk of personal injury or damage to property. Only that part of the vegetation that presents the immediate risk may be removed, destroyed or lopped under this exemption.

- Fire protection
  - Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of any of the following fire protection activities:
    - fire fighting;
The requirement to obtain a permit does not apply to:

- planned burning;
- making or maintenance of a fuelbreak or fire fighting access track (or any combination thereof) that does not exceed a combined width of 6 metres;
- making a strategic fuelbreak up to 40 metres wide by, or on behalf of, a public authority in accordance with a strategic fuelbreak plan approved by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987);
- is ground fuel within 30 metres of a building and is vegetation other than native vegetation;
- in accordance with a fire prevention notice issued under either:
  - Section 65 of the Forests Act 1958; or
  - Section 41 of the Country Fire Authority Act 1958.
- keeping vegetation clear of, or minimising risk of bushfire ignition from, an electric line in accordance with a code of practice prepared under Part 8 of the Electricity Safety Act 1998;
- minimising the risk to life and property from bushfire on a roadside of a public road managed by the relevant responsible road authority, and carried out by, or on behalf of that authority in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987). In this exemption, roadside, public road and responsible road authority have the same meanings as in section 3 of the Road Management Act 2004.

Note: Additional permit exemptions for bushfire protection are provided at Clause 52.12.

<table>
<thead>
<tr>
<th>Geothermal energy exploration and extraction</th>
<th>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the Geothermal Energy Resources Act 2005.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greenhouse gas sequestration and exploration</td>
<td>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the Greenhouse Gas Geological Sequestration Act 2008.</td>
</tr>
<tr>
<td>Land management and directions notice</td>
<td>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land management notice or directions notice served under the Catchment and Land Protection Act 1994.</td>
</tr>
<tr>
<td>Land use conditions</td>
<td>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land use condition served under the Catchment and Land Protection Act 1994.</td>
</tr>
<tr>
<td>Mineral exploration and extraction</td>
<td>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by the holder of an exploration, mining, prospecting, or retention licence issued under the Mineral Resources (Sustainable Development) Act 1990:</td>
</tr>
<tr>
<td></td>
<td>- that is low impact exploration within the meaning of Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990; or</td>
</tr>
<tr>
<td></td>
<td>- in accordance with a work plan approved under Part 3 of the Mineral Resources (Sustainable Development) Act 1990.</td>
</tr>
<tr>
<td></td>
<td>Note: Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990 specifies limits on the extent of native vegetation that may be removed as part of low impact exploration.</td>
</tr>
<tr>
<td>Noxious weeds</td>
<td>Vegetation that is a noxious weed subject of a declaration under section 58 or section 58A of the Catchment and Land Protection Act 1994. This exemption does not apply to Australian Dodder (Cuscuta australis).</td>
</tr>
<tr>
<td>Pest animal burrows</td>
<td>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal of pest animal burrows.</td>
</tr>
<tr>
<td></td>
<td>In the case of native vegetation the written agreement of an officer of the department responsible for administering the Flora and Fauna Guarantee Act 1988 is required before the vegetation can be removed, destroyed or lopped.</td>
</tr>
</tbody>
</table>
The requirement to obtain a permit does not apply to:

**Planted vegetation**
Vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding for Crop raising or Grazing animal production.

**Railways**
Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to maintain the safe and efficient function of an existing railway, or railway access road, in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).

**Regrowth**
Vegetation that is to be removed, destroyed or lopped that has naturally established or regenerated on land lawfully cleared of naturally established vegetation, and is:
- bracken (*Pteridium esculentum*); or
- within the boundary of a timber production plantation, as indicated on a Plantation Development Notice or other documented record, and has established after the plantation.

This exemption does not apply to land on which vegetation has been destroyed or otherwise damaged as a result of flood, fire or other natural disaster.

**Road safety**
Vegetation is to be removed, destroyed or lopped to the minimum extent necessary by and on behalf of a public authority or municipal council to maintain the safe and efficient function of an existing public road in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).

**Stone exploration**
Vegetation is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone exploration.

The maximum extent of vegetation removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:
- 1 hectare of vegetation which does not include a tree.
- 15 trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.
- 5 trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.

This exemption does not apply to costeasing and bulk sampling activities.

**Stone extraction**
Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone extraction in accordance with a work plan approved under the Mineral Resources (Sustainable Development) Act 1990 and authorised by a work authority granted under that Act.

**Surveying**
Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by, or on behalf of, a licenced surveyor (within the meaning of section 3 of the Surveying Act 2004) using hand-held tools to establish a sightline for the measurement of land.

**Traditional owners**
Vegetation that is to be removed, destroyed or lopped by a person acting under, and in accordance with:
- a natural resources agreement under Part 6 of the Traditional Owners Settlement Act 2010; or
- an authorisation order made under sections 82 or 84 of the Traditional Owners Settlement Act 2010 as those sections were in force immediately before the commencement of section 24 of the Traditional Owners Settlement Amendment Act in 2016 (1 May 2017).

### Application requirements
An application must be accompanied by any information specified in a schedule to this overlay.

### Decision guidelines
Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:
- The statement of the nature and significance of the vegetation to be protected and the vegetation protection objective contained in a schedule to this overlay.
- The effect of the proposed use, building, works or subdivision on the nature and type of vegetation to be protected.
- The role of native vegetation in conserving flora and fauna.
- The need to retain native or other vegetation if it is rare, supports rare species of flora or fauna or forms part of a wildlife corridor.
- The need to retain vegetation which prevents or limits adverse effects on ground water recharge.
- The need to retain vegetation:
  - Where ground slopes exceed 20 percent.
  - Within 30 metres of a waterway or wetland.
  - On land where the soil or subsoil may become unstable if cleared.
  - On land subject to or which may contribute to soil erosion, slippage or salinisation.
  - In areas where the removal, destruction or lopping of vegetation could adversely affect the integrity or long term preservation of an identified site of scientific, nature conservation or cultural significance.
  - Which is of heritage or cultural significance.
- The need to remove, destroy or lop vegetation to create a defensible 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 2 TO THE VEGETATION PROTECTION OVERLAY

Shown on the planning scheme map as VPO2

GREY-CROWNED BABBLER HABITAT VEGETATION PROTECTION AREA

1.0

Statement of nature and significance of vegetation to be protected

This area provides one of the limited habitat areas remaining of the Grey-crowned Babbler, which is listed as endangered under the *Fauna and Flora Guarantee Act*.

2.0

Vegetation protection objective to be achieved

To protect habitat areas that support Grey-crowned Babbler populations and to ensure that unnecessary removal of native vegetation in these areas does not occur.

3.0

Application requirements

An application must show the species of native vegetation proposed to be removed and measures proposed to minimise the removal of rough-barked eucalypt species (especially box), eucalypt saplings, Golden wattles or Bulokes, all of which support the survival of the Grey-crowned Babbler.
SCHEDULE 3 TO THE VEGETATION PROTECTION OVERLAY

Shown on the planning scheme map as VPO3

REGENT HONEYEATER HABITAT/LURG IRONBARK VEGETATION PROTECTION AREA

1.0

Statement of nature and significance of vegetation to be protected

This area provides one of the limited habitat areas remaining of the Regent honeyeater which is listed as an endangered species under the Fauna and Flora Guarantee Act.

The area also provides habitat for Squirrel gliders, Brush-tailed phascogales (Tuan), Grey-crowned bowerbirds, Bush stone curlews and Quools, which are listed as rare or endangered under the Fauna and Flora Guarantee Act.

The area maintains vegetative links between the Warby Range and the Great Dividing Range used as habitat and migratory routes by the indigenous fauna species.

2.0

Vegetation protection objective to be achieved

To protect and stop the removal of native vegetation in areas that support Regent honeyeater.

3.0

Application requirements

An application must show the species of native vegetation proposed for removal and measures proposed to minimise the removal of Mugga Ironbark, White Box, Yellow Box and Blakeley’s Red Gum all of which support the survival of the Regent honeyeater and the other threatened species.

4.0

Decision guidelines

Before deciding on an application, the responsible authority must consider the recommendations of the “Regent Honeyeater Recovery Plan”, Department of Natural Resources and Environment 1997, and the status of vegetation shown on the map series “Remnant Vegetation of the Lurg Hills”, Sally Mann and Doug Robinson 1992.
SCHEDULE 4 TO THE VEGETATION PROTECTION OVERLAY

Shown on the planning scheme map as VPO4

SIGNIFICANT TREE PROTECTION AREA

Statement of nature and significance of vegetation to be protected

This schedule includes trees identified as significant trees for their botanical, historic, cultural, size, growth habit or community association values.

Trees or groups of trees affected by this schedule are:

<table>
<thead>
<tr>
<th>Species</th>
<th>Common Name</th>
<th>Location</th>
<th>Significance</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eucalyptus melliodora</td>
<td>Yellow Box</td>
<td>Terretts Rd, nr RMB5230 Goomalibee</td>
<td>Curious growth form: abnormal outgrowths</td>
<td>Known as the “Camel Tree” due to unusual growth form</td>
</tr>
<tr>
<td>Acacia decora</td>
<td>Western Silver Wattle</td>
<td>Binnie Rd 2-4 km east of Bungeet, on roadside</td>
<td>Rare or localised: disjunct community; Outstanding size</td>
<td>Small stand- 14 trees</td>
</tr>
<tr>
<td>Acacia decora</td>
<td>Western Silver Wattle</td>
<td>Stand, Thoona Devenish Rd., 2.2 km from Thoona</td>
<td>Rare or localised: disjunct community</td>
<td>Stand of about 70 trees sparsely spread over the disused roadside</td>
</tr>
<tr>
<td>Eucalyptus camaldulens-sis</td>
<td>River Red Gum</td>
<td>Witt St Benalla, northern paddock, near corner of Racecourse</td>
<td>Curious growth form: fusion of branches</td>
<td>An unusual example of fusion of trees in which a limb from the tree has grown into another now dead tree</td>
</tr>
<tr>
<td>Eucalyptus cadens</td>
<td>Swamp Gum</td>
<td>North side of Taminick Gap Road, 3.2 km NW of Hume Highway</td>
<td>Rare or localised</td>
<td>The only known occurrence of this species. The trees have a distinctive lean in the main truck and glaucous leaves</td>
</tr>
<tr>
<td>Quercus canariensis</td>
<td>Algerian Oak</td>
<td>Lima School Community Centre, Lima Rd, Lima</td>
<td>Contribution to landscape, Outstanding size</td>
<td>Impressive tree dedicated to the memory of the early settlers of the Lima district 1839-1979</td>
</tr>
<tr>
<td>Group planting - various</td>
<td>Group Planting</td>
<td>Road reserve Goomalibee - Baddaginnie Road, Goomalibee</td>
<td>Avenue of Honour</td>
<td>Avenue of honour to Pioneer Settlers</td>
</tr>
</tbody>
</table>

Vegetation protection objective to be achieved

To protect native vegetation that is of significance for historic, botanic and environmental reasons or because it is valued by the local community.
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

The requirement to obtain a permit does not apply to:

<table>
<thead>
<tr>
<th>Emergency Works</th>
<th>Vegetation that is to be removed, destroyed or lopped:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- in an emergency by, or on behalf of, a public authority or municipal council to create an emergency access or to enable emergency works; or</td>
</tr>
<tr>
<td></td>
<td>- where it presents an immediate risk of personal injury or damage to property. Only that part of the vegetation that presents the immediate risk may be removed, destroyed or lopped under this exemption.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Fire Protection</th>
<th>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of any of the following fire protection activities:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- fire fighting;</td>
</tr>
<tr>
<td></td>
<td>- planned burning;</td>
</tr>
<tr>
<td></td>
<td>- making or maintaining of a fuelbreak or fire fighting access track (or any combination thereof) that does not exceed a combined width of 6 metres;</td>
</tr>
<tr>
<td></td>
<td>- making of strategic fuelbreak up to 40 metres wide by, or on behalf of, a public authority in accordance with a strategic fuelbreak plan approved by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987);</td>
</tr>
<tr>
<td></td>
<td>- is ground fuel within 30 metres of a building and is vegetation other than native vegetation;</td>
</tr>
<tr>
<td></td>
<td>- in accordance with a fire prevention notice issued under either:</td>
</tr>
<tr>
<td></td>
<td>- Section 65 of the Forests Act 1958; or</td>
</tr>
<tr>
<td></td>
<td>- Section 41 of the Country Fire Authority Act 1958.</td>
</tr>
<tr>
<td></td>
<td>- keeping vegetation clear of, or minimising the risk of bushfire ignition from, an electric line in accordance with a code of practice prepared under Part 8 of the Electricity Safety Act 1998;</td>
</tr>
<tr>
<td></td>
<td>- minimising the risk to life and property from bushfire of a roadside of a public road managed by the relevant responsible road authority, and carried out by or on behalf of that authority, in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987). In this exemption, roadside, public road and responsible road authority have the same meanings as in section 3 of the Road Management Act 2004.</td>
</tr>
<tr>
<td></td>
<td>Note: Additional permit exemptions for bushfire protection are provided at Clause 52.12.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Geothermal Energy Exploration and Extraction</th>
<th>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the Geothermal Energy Resources Act 2005.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Greenhouse Gas Sequestration and Exploration</th>
<th>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the Greenhouse Gas Geological Sequestration Act 2008.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Land Management or Directions Notice</th>
<th>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land management notice or directions notice served under the Catchment and Land Protection Act 1994.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Land Use Conditions</th>
<th>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land use condition served under the Catchment and Land Protection Act 1994.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Mineral Exploration and Extraction</th>
<th>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by the holder of an exploration, mining, prospecting, or retention licence issued under the Mineral Resources (Sustainable Development) Act 1990:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- that is low impact exploration within the meaning of Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990; or</td>
</tr>
<tr>
<td></td>
<td>- in accordance with a work plan approved under Part 3 of the Mineral Resources (Sustainable Development) Act 1990.</td>
</tr>
</tbody>
</table>


The requirement to obtain a permit does not apply to:

**Note:** Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990 specifies limits on the extent of native vegetation that may be removed as part of low impact exploration.

| **Noxious weeds** | Vegetation that is a noxious weed subject of a declaration under section 58 or section 58A of the Catchment and Land Protection Act 1994. This exemption does not apply to Australian Dodder (*Cuscuta australis*). |
| **Pest animal burrows** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal of pest animal burrows. In the case of native vegetation the written agreement of an officer of the department responsible for administering the *Flora and Fauna Guarantee Act 1988* is required before the vegetation can be removed, destroyed or lopped. |
| **Planted vegetation** | Vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding for Crop raising or Grazing animal production. |
| **Railways** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to maintain the safe and efficient function of an existing railway, or railway access road, in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*). |
| **Regrowth** | Vegetation that is to be removed, destroyed or lopped that has naturally established or regenerated on land lawfully cleared of naturally established vegetation, and is:
- bracken (*Pteridium esculentum*); or
- within the boundary of a timber production plantation, as indicated on a Plantation Development Notice or other documented record, and has established after the plantation.
This exemption does not apply to land on which vegetation has been destroyed or otherwise damaged as a result of flood, fire or other natural disaster. |
| **Road safety** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by and on behalf of a public authority or municipal council to maintain the safe and efficient function of an existing public road in accordance with written agreement of the Secretary of the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*). |
| **Stone exploration** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone exploration.

The maximum extent of vegetation removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:
- 1 hectare of vegetation which does not include a tree.
- 15 trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.
- 5 trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.

This exemption does not apply to costeasing and bulk sampling activities. |
| **Stone extraction** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone extraction in accordance with a work plan approved under the *Mineral Resources (Sustainable Development) Act 1990* and authorised by a work authority granted under that Act. |
| **Surveying** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by, or on behalf of, a licenced surveyor (within the meaning of section 3 of the *Surveying Act 2004*) using hand-held tools to establish a sightline for the measurement of land. |
| **Traditional owners** | Vegetation that is to be removed, destroyed or lopped by a person acting under, and in accordance with:
The requirement to obtain a permit does not apply to:

- a natural resources agreement under Part 6 of the *Traditional Owners Settlement Act 2010*; or
- an authorisation order made under sections 82 or 84 of the *Traditional Owner Settlement Act 2010* as those sections were in force immediately before the commencement of section 24 of the *Traditional owners Settlement Amendment Act* in 2016 (1 May 2017).

### Application requirements

An application must be accompanied by any information specified in a schedule to this overlay.

### Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The statement of the nature and key elements of the landscape and the landscape character objective contained in a schedule to this overlay.
- The conservation and enhancement of the landscape values of the area.
- The need to remove, destroy or lop vegetation to create a defendable space to reduce the risk of bushfire to life and property.
- The impact of the proposed buildings and works on the landscape due to height, bulk, colour, general appearance or the need to remove vegetation.
- The extent to which the buildings and works are designed to enhance or promote the landscape character objectives of the area.
- The impact of buildings and works on significant views.
- Any other matters specified in a schedule to this overlay.
SCHEDULE 1 TO THE SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as SLO1

WARBY RANGE SLOPES SIGNIFICANT LANDSCAPE AREA

1.0

Statement of nature and key elements of landscape

The Warby Ranges provide an important landscape feature with the timbered hills contrasting with the surrounding plains.

2.0

Landscape character objective to be achieved

Identify and protect the visual values of the western slopes of the Warby Range, which includes a heavily dissected terrain with a diverse woodland cover.

Recognise the importance of vegetation to landscape quality and to maintain vegetation as an important element of the landscape.

Promote the siting and design of buildings and works which is responsive to landscape character.

Minimise the visual impact of buildings and works by requiring setbacks from prominent visual areas, ridgelines and the like.

3.0

Permit requirement

The controls in the schedule do not apply for:

- Sewerage, drainage, water and gas mains.
- Low impact telecommunications infrastructure.
- The carrying out of any works required by or approved by the Department of Natural Resources and Environment or the responsible authority to prevent soil erosion and ensure conservation and reclamation.
- The carrying out of any stream improvement, drainage or water supply works by the Goulburn - Murray Rural Water Authority or the Goulburn Broken Catchment Management Authority when the relevant body has consulted with the responsible authority on the proposed works and has the approval in writing of the responsible authority.
HERITAGE OVERLAY

Shown on the planning scheme map as **HO** with a number (if shown).

**Purpose**

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To conserve and enhance heritage places of natural or cultural significance.

To conserve and enhance those elements which contribute to the significance of heritage places.

To ensure that development does not adversely affect the significance of heritage places.

To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

**Scope**

The requirements of this overlay apply to heritage places specified in the schedule to this overlay. A heritage place includes both the listed heritage item and its associated land. Heritage places may also be shown on the planning scheme map.

**Permit requirement**

A permit is required to:

- Subdivide land.
- Demolish or remove a building.
- Construct a building or construct or carry out works, including:
  - Domestic services normal to a dwelling if the services are visible from a street (other than a lane) or public park.
  - A solar energy facility attached to a building that primarily services the land on which it is situated if the services are visible from a street (other than a lane) or public park.
  - A rainwater tank if the rainwater tank is visible from a street (other than a lane) or public park.
  - A fence, if the fence is visible from a street (other than a lane) or public park.
  - Roadworks which change the appearance of a heritage place or which are not generally undertaken to the same details, specifications and materials.
  - Street furniture other than:
    - traffic signals, traffic signs, fire hydrants, parking meters, post boxes and seating.
    - speed humps, pedestrian refuges and splitter islands.
  - A domestic swimming pool or spa and associated mechanical and safety equipment, if the swimming pool or spa and associated equipment are visible from a street (other than a lane) or public park.
  - A pergola or verandah, including an open-sided pergola or verandah to a dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level.
  - A deck, including a deck to a dwelling with a finished floor level not more than 800mm above ground level, if the deck is visible from a street (other than a lane) or public park.
  - Non-domestic disabled access, excluding a non-domestic disabled access ramp if the ramp is not visible from a street (other than a lane) or public park.
- An electric vehicle charging station if the charging station is visible from a street (other than a lane) or public park.

- Services normal to a building other than a dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar, if the works are visible from a street (other than a lane) or public park.

- Externally alter a building by structural work, rendering, sandblasting or in any other way.

- Construct or display a sign.

- Externally paint a building if the schedule to this overlay specifies the heritage place as one where external paint controls apply.

- Externally paint an unpainted surface.

- Externally paint a building if the painting constitutes an advertisement.

- Internally alter a building if the schedule to this overlay specifies the heritage place as one where internal alteration controls apply.

- Carry out works, repairs and routine maintenance which change the appearance of a heritage place or which are not undertaken to the same details, specifications and materials.

- Remove, destroy or lop a tree if the schedule to this overlay specifies the heritage place as one where tree controls apply. This does not apply:
  - To any action which is necessary to keep the whole or any part of a tree clear of an electric line provided the action is carried out in accordance with a code of practice prepared under Section 86 of the *Electricity Safety Act 1998*.
  - If the tree presents an immediate risk of personal injury or damage to property.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where the area of either lot is reduced by less than 15 percent and the general direction of the common boundary does not change.</td>
<td>Clause 59.07</td>
</tr>
<tr>
<td>Subdivide land into lots each containing an existing building or car parking space where:</td>
<td></td>
</tr>
<tr>
<td>- The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</td>
<td></td>
</tr>
<tr>
<td>- An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into 2 lots if:</td>
<td></td>
</tr>
<tr>
<td>- The construction of a building or the construction or carrying out of works on the land is approved under this scheme or by a permit issued under this scheme and the permit has not expired.</td>
<td></td>
</tr>
</tbody>
</table>
Class of application

- The construction or carrying out of the approved building or works on the land has started lawfully.
- The subdivision does not create a vacant lot.

Demolish or remove an outbuilding (including a carport, garage, pergola, verandah, deck, shed or similar structure) unless the outbuilding is specified in the schedule to the Heritage Overlay.

Demolish or remove a fence unless the fence is specified in the schedule to the Heritage Overlay.

Externally alter a non-contributory building.

External painting.

Construct a fence.

Construct a carport, garage, pergola, verandah, deck, shed or similar structure.

Construct and install domestic services normal to a dwelling.

Construct and install a non-domestic disabled access ramp.

Construct a vehicle cross-over.

Construct a domestic swimming pool or spa and associated mechanical equipment and safety fencing.

Construct a rainwater tank.

Construct or display a sign.

Lop a tree.

Construct or install a solar energy facility attached to a dwelling.

Construct and install an electric vehicle charging station.

Construct and install services normal to a building other than a dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar.

---

43.01-2

Places in the Victorian Heritage Register

A heritage place which is included in the Victorian Heritage Register is subject to the requirements of the Heritage Act 2017.

Permit requirement

A permit is required under this overlay to subdivide a heritage place which is included in the Victorian Heritage Register. This includes the subdivision or consolidation of land including any building or airspace.

Referral of applications

An application to subdivide a heritage place which is included in the Victorian Heritage Register must be referred to the relevant referral authority under Section 55 of the Act in accordance with Clause 66 of this scheme.
No permit required

No permit is required under this overlay:

- For anything done in accordance with an incorporated plan specified in a schedule to this overlay.
- To internally alter a church for liturgical purposes if the responsible authority is satisfied that the alterations are required for liturgical purposes.
- For interments, burials and erection of monuments, re-use of graves, burial of cremated remains and exhumation of remains in accordance with the *Cemeteries and Crematoria Act 2003*.
- To develop a heritage place which is included in the Victorian Heritage Register, other than an application to subdivide a heritage place of which all or part is included in the Victorian Heritage Register.

Exemption from notice and review

An application under this overlay for any of the following classes of development is exempt from the notice requirements of section 52(1) (a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act:

- Demolition or removal of an outbuilding (including a carport, garage, pergola, verandah, deck, shed or similar structure) unless the outbuilding is specified in the schedule to this overlay.
- Demolition or removal of a fence unless the fence is specified in the schedule to this overlay.
- External alteration of a building.
- External painting.
- Construction of a fence.
- Construction of a carport, garage, pergola, verandah, deck, shed or similar structure.
- Domestic services normal to a dwelling.
- Carry out works, repairs and routine maintenance.
- Internally alter a building.
- Non-domestic disabled access ramp.
- Construction of a vehicle cross-over.
- Construction of a domestic swimming pool or spa and associated mechanical equipment and safety fencing.
- Construction of a tennis court.
- Construction of a rainwater tank.
- Construction or display of a sign.
- Lopping of a tree.
- Construction of seating, picnic tables, drinking taps, barbeques, rubbish bins, security lighting, irrigation, drainage or underground infrastructure, bollards, telephone boxes.
- Roadworks.
- An electric vehicle charging station.
- Services normal to a building other than a dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar.
**Statements of significance**

The schedule to this overlay must specify a statement of significance for each heritage place included in the schedule after the commencement of Amendment VC148. This does not apply to:

- a heritage place included in the schedule to this overlay by an amendment prepared or authorised by the Minister under section 8(1)(b) or section 8A(4) of the Act before or within three months after the commencement of Amendment VC148.
- a registered heritage place included in the Victorian Heritage Register established under Part 3 of the *Heritage Act 2017*.

**Heritage design guidelines**

The schedule to this overlay may specify heritage design guidelines for any heritage place included in the schedule. A heritage design guideline must not contain any mandatory requirements.

**Application requirements**

An application must be accompanied by any information specified in the schedule to this overlay.

**Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.
- Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.
- Any applicable heritage design guideline specified in the schedule to this overlay.
- Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.
- Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.
- Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.
- Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.
- Whether the proposed subdivision will adversely affect the significance of the heritage place.
- Whether the proposed subdivision may result in development which will adversely affect the significance, character or appearance of the heritage place.
- Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.
- Whether the lopping or development will adversely affect the health, appearance or significance of the tree.
- Whether the location, style, size, colour and materials of the proposed solar energy facility will adversely affect the significance, character or appearance of the heritage place.
43.01-9

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.

43.01-10

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

The requirements of this overlay apply to both the heritage place and its associated land.

<table>
<thead>
<tr>
<th>PS Map Ref</th>
<th>Heritage Place</th>
<th>External Paint Controls Apply?</th>
<th>Internal Alteration Controls Apply?</th>
<th>Tree Controls Apply?</th>
<th>Outbuildings or fences which are not exempt under Clause 43.01-3</th>
<th>Included on the Victorian Heritage Register under the Heritage Act 1995?</th>
<th>Prohibited uses may be permitted?</th>
<th>Name of Incorporated Plan under Clause 43.01-2</th>
<th>Aboriginal heritage place?</th>
</tr>
</thead>
<tbody>
<tr>
<td>HO1</td>
<td>Rail Bridge over Broken River, Ackerly Ave., Benalla</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Yes Ref No H1061</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>HO3</td>
<td>St Joseph's Catholic Church, 42 Arundel Street, Benalla.</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Yes Ref No H845</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>HO4</td>
<td>Former Benalla Courthouse, 69 Arundel Street, Benalla.</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Yes Ref No H1070</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>HO16</td>
<td>Former Lands Office, 71 Arundel Street, Benalla.</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Yes Ref No H1069</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>HO5</td>
<td>Holy Trinity Church, 73 Arundel Street, Benalla.</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Yes Ref No H1073</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>HO10</td>
<td>Road Bridge over Broken River, Bridge Street, Benalla and part</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Yes Ref No H1043 and part Yes Ref No H2260</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>HO11</td>
<td>Grandstand, Benalla Showgrounds, Bridge Street West, Benalla</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Yes Ref No H976</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>HO12</td>
<td>Benalla Botanical Gardens and Art Gallery, Bridge Street West, Benalla (see also HO10)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Yes Ref No H2260</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>HO76</td>
<td>Former Shire Offices, 13 Mair Street, Benalla</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Yes Ref No H2189</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

Victorian Heritage Register
<table>
<thead>
<tr>
<th>PS Map Ref</th>
<th>Heritage Place</th>
<th>External Paint Controls Apply?</th>
<th>Internal Alteration Controls Apply?</th>
<th>Tree Controls Apply?</th>
<th>Outbuildings or fences which are not exempt under Clause 43.01-3</th>
<th>Included on the Victorian Heritage Register under the Heritage Act 1995?</th>
<th>Prohibited uses may be permitted?</th>
<th>Name of Incorporated Plan under Clause 43.01-2</th>
<th>Aboriginal heritage place?</th>
</tr>
</thead>
<tbody>
<tr>
<td>HO75</td>
<td>Spring Creek Sawmill and Seasoning Works, Mount Samaria State Park, Bridge Creek</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Yes Ref No H1824</td>
<td>No</td>
<td>No</td>
<td></td>
<td>No</td>
</tr>
<tr>
<td>HO23</td>
<td>National Bank, 75-79 Nunn Street, Benalla</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Yes Ref No H1056</td>
<td>Yes</td>
<td>No</td>
<td></td>
<td>No</td>
</tr>
<tr>
<td>HO24</td>
<td>Benalla Water Supply Depot, 1-3 Riverview Road, Benalla</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Yes Ref No H1048</td>
<td>Yes</td>
<td>No</td>
<td></td>
<td>No</td>
</tr>
<tr>
<td>HO77</td>
<td>Former Benalla Migrant Camp, 1 &amp; 57 Samaria Road, Benalla</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Yes Ref No H2358</td>
<td>Yes</td>
<td>No</td>
<td></td>
<td>No</td>
</tr>
<tr>
<td>HO74</td>
<td>Former Thoona Dairy and Butter Factory, 38 Sargeant Street, Thoona</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Yes Ref No H1330</td>
<td>Yes</td>
<td>No</td>
<td></td>
<td>No</td>
</tr>
<tr>
<td>HO66</td>
<td>Stringybark Creek Site, Tatong-Tolmie Road and Stringybark Creek Road, Archerton</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Yes Ref No H2205</td>
<td>No</td>
<td>No</td>
<td></td>
<td>No</td>
</tr>
<tr>
<td>HO67</td>
<td>Kelly Gang Camp Site, Tatong-Tolmie Road and Old Tolmie Road, Archerton</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Yes Ref No H2123</td>
<td>No</td>
<td>No</td>
<td></td>
<td>No</td>
</tr>
</tbody>
</table>

**Local Significance**

<table>
<thead>
<tr>
<th>HO2</th>
<th>&quot;The Faithful Companions of Jesus&quot; Convent, 40 Arundel Street, Benalla.</th>
<th>Yes</th>
<th>No</th>
<th>Yes</th>
<th>No</th>
<th>No</th>
<th>Yes</th>
<th>None specified</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>HO6</td>
<td>Ombu Tree adjacent to 21 Arundel Street North, Benalla.</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None specified</td>
<td>No</td>
</tr>
<tr>
<td>HO7</td>
<td>Shop, 64A Arundel Street, Benalla.</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None specified</td>
<td>No</td>
</tr>
<tr>
<td>HO8</td>
<td>&quot;Moira House&quot; 1-3 Benalla Street, Benalla</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes-</td>
<td>No</td>
<td>Yes</td>
<td>None specified</td>
<td>No</td>
</tr>
<tr>
<td>PS Map Ref</td>
<td>Heritage Place</td>
<td>External Paint Controls Apply?</td>
<td>Internal Alteration Controls Apply?</td>
<td>Tree Controls Apply?</td>
<td>Outbuildings or fences which are not exempt under Clause 43.01-3</td>
<td>Included on the Victorian Heritage Register under the Heritage Act 1995?</td>
<td>Prohibited uses may be permitted?</td>
<td>Name of Incorporated Plan under Clause 43.01-2</td>
<td>Aboriginal heritage place?</td>
</tr>
<tr>
<td>------------</td>
<td>-------------------------------------</td>
<td>-------------------------------</td>
<td>------------------------------------</td>
<td>----------------------</td>
<td>---------------------------------------------------------------</td>
<td>-------------------------------------------------------------------</td>
<td>-----------------------------------</td>
<td>----------------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>HO9</td>
<td><em>Sunningdale</em> Villa &amp; Garden 48-52 Benson Street, Benalla</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes-Front gates</td>
<td>No</td>
<td>No</td>
<td>None specified</td>
<td>No</td>
</tr>
<tr>
<td>HO13</td>
<td>Former Presbyterian Church, Church Street, Benalla.</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None specified</td>
<td>No</td>
</tr>
<tr>
<td>HO14</td>
<td>&quot;Yathong&quot; (Garden and trees only), 11 Church Street, Benalla</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None specified</td>
<td>No</td>
</tr>
<tr>
<td>HO15</td>
<td>Faithful Massacre Site, &amp; Memorial, Kent Street, Benalla</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None specified</td>
<td>No</td>
</tr>
<tr>
<td>HO17</td>
<td>Former Mechanics Institute and Free Library, 16 Mair Street, Benalla.</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>None specified</td>
<td>No</td>
</tr>
<tr>
<td>HO18</td>
<td>House, 3 Mair Street, Benalla</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None specified</td>
<td>No</td>
</tr>
<tr>
<td>HO19</td>
<td>House, 9 Mitchell Street, Benalla.</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes - former stables</td>
<td>No</td>
<td>No</td>
<td>None specified</td>
<td>No</td>
</tr>
<tr>
<td>HO20</td>
<td>&quot;Wooleen&quot; (Garden and trees only), 18 Mitchell Street, Benalla.</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None specified</td>
<td>No</td>
</tr>
<tr>
<td>HO21</td>
<td>Former Reilly's Flour Mill, 41 Nunn Street, Benalla.</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None specified</td>
<td>No</td>
</tr>
<tr>
<td>HO22</td>
<td>Former Benalla Shire Hall, Nunn Street, Benalla</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>None specified</td>
<td>No</td>
</tr>
<tr>
<td>HO25</td>
<td>Arundel Street</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None specified</td>
<td>No</td>
</tr>
</tbody>
</table>
## BENALLA PLANNING SCHEME

<table>
<thead>
<tr>
<th>PS Map Ref</th>
<th>Heritage Place</th>
<th>External Paint Controls Apply?</th>
<th>Internal Alteration Controls Apply?</th>
<th>Tree Controls Apply?</th>
<th>Outbuildings or fences which are not exempt under Clause 43.01-3</th>
<th>Included on the Victorian Heritage Register under the Heritage Act 1995?</th>
<th>Prohibited uses may be permitted?</th>
<th>Name of Incorporated Plan under Clause 43.01-2</th>
<th>Aboriginal heritage place?</th>
</tr>
</thead>
<tbody>
<tr>
<td>HO26</td>
<td>Benalla Central Urban Conservation Area, Benalla.</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None specified</td>
<td>No</td>
</tr>
<tr>
<td>HO27</td>
<td>House, 80 Arundel Street, Benalla.</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None specified</td>
<td>No</td>
</tr>
<tr>
<td>HO28</td>
<td>&quot;Vaucluse&quot; House, Baddaginnie Road, (Old Hume Highway), Benalla.</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>None specified</td>
<td>No</td>
</tr>
<tr>
<td>HO37</td>
<td>Kelly Homestead Site, Greta Road, Greta West</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Yes-All fencing, bridges and outbuilding remains.</td>
<td>No</td>
<td>No</td>
<td>None specified</td>
<td>No</td>
</tr>
<tr>
<td>HO51</td>
<td>&quot;Doherty’s” Row of Shops, 46-52 Bridge Street, Benalla</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None specified</td>
<td>No</td>
</tr>
<tr>
<td>HO52</td>
<td>Commercial Hotel 4-10 Bridge Street, Benalla</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>None specified</td>
<td>No</td>
</tr>
<tr>
<td>HO53</td>
<td>Toll Gate, Bridge Street West, Benalla</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes-Associated Gate &amp; Fence</td>
<td>No</td>
<td>No</td>
<td>None specified</td>
<td>No</td>
</tr>
<tr>
<td>HO54</td>
<td>Royal Hotel 2 Bridge Street West, Benalla.</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None specified</td>
<td>No</td>
</tr>
<tr>
<td>HO55</td>
<td>“Ravenhurst” House 40 Byrne Street, Benalla</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None specified</td>
<td>No</td>
</tr>
<tr>
<td>HO56</td>
<td>Shop and Residence,</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None specified</td>
<td>No</td>
</tr>
<tr>
<td>PS Map Ref</td>
<td>Heritage Place</td>
<td>External Paint Controls Apply?</td>
<td>Internal Alteration Controls Apply?</td>
<td>Tree Controls Apply?</td>
<td>Outbuildings or fences which are not exempt under Clause 43.01-3</td>
<td>Included on the Victorian Heritage Register under the Heritage Act 1995?</td>
<td>Prohibited uses may be permitted?</td>
<td>Name of Incorporator Plan under Clause 43.01-2</td>
<td>Aboriginal heritage place?</td>
</tr>
<tr>
<td>------------</td>
<td>----------------</td>
<td>-------------------------------</td>
<td>-----------------------------------</td>
<td>---------------------</td>
<td>---------------------------------------------------------------</td>
<td>---------------------------------------------------------------</td>
<td>--------------------------------</td>
<td>---------------------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>HO57</td>
<td>Victoria Hotel and Stables, 2-4 Carrier Street, Benalla</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes-Stables</td>
<td>No</td>
<td>No</td>
<td>None specified</td>
<td>No</td>
</tr>
<tr>
<td>HO58</td>
<td>“Reilly House” (now Benalla Church Street Clinic) 34 Church Street, Benalla</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None specified</td>
<td>No</td>
</tr>
<tr>
<td>HO59</td>
<td>Farmers Arms Hotel 1 Commercial Street, Benalla</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None specified</td>
<td>No</td>
</tr>
<tr>
<td>HO60</td>
<td>Benalla Rail-way Station, Mackellar Street, Benalla</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes-Outbuildings Platform and Fencing.</td>
<td>No</td>
<td>No</td>
<td>None specified</td>
<td>No</td>
</tr>
<tr>
<td>HO61</td>
<td>Former Star Hotel, 4 Bridge Street West, Benalla</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes-outbuilding</td>
<td>No</td>
<td>No</td>
<td>None specified</td>
<td>No</td>
</tr>
<tr>
<td>HO62</td>
<td>North Eastern Hotel 1-3 Nunn Street, Benalla</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>None specified</td>
<td>No</td>
</tr>
<tr>
<td>HO63</td>
<td>Signal Boxes (A &amp; B boxes) adj. Mackellar Street, Benalla</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None specified</td>
<td>No</td>
</tr>
</tbody>
</table>
DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO with a number.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.
To identify areas which are affected by specific requirements relating to the design and built form of new development.

Design objectives

A schedule to this overlay must contain a statement of the design objectives to be achieved for the area affected by the schedule.

Buildings and works

Permit requirement

A permit is required to:

- Construct a building or construct or carry out works. This does not apply:
  - If a schedule to this overlay specifically states that a permit is not required.
  - To the construction of an outdoor swimming pool associated with a dwelling unless a specific requirement for this matter is specified in a schedule to this overlay.

- Construct a fence if specified in a schedule to this overlay.

Buildings and works must be constructed in accordance with any requirements in a schedule to this overlay. A schedule may include requirements relating to:

- Building setbacks.
- Building height.
- Plot ratio.
- Landscaping.
- Any other requirements relating to the design or built form of new development.

A permit may be granted to construct a building or construct or carry out works which are not in accordance with any requirement in a schedule to this overlay, unless the schedule specifies otherwise.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</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>Clause 59.05</td>
</tr>
<tr>
<td>- An outdoor swimming pool.</td>
<td>Clause 59.05</td>
</tr>
</tbody>
</table>

The buildings and works must be associated with a dwelling.
<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works with an estimated cost of up to $1,000,000 where the land is in an industrial zone.</td>
<td>Clause 59.05</td>
</tr>
<tr>
<td>Construct a building or construct or carry out works with an estimated cost of up to $500,000 where the land is in a commercial zone or a Special Use, Comprehensive Development, Capital City, Docklands, Priority Development or Activity Centre Zone.</td>
<td>Clause 59.05</td>
</tr>
</tbody>
</table>

**Exemption from notice and review**

A schedule to this overlay may specify that an application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

**Subdivision**

**Permit requirement**

A permit is required to subdivide land.

This does not apply if a schedule to this overlay specifically states that a permit is not required.

Subdivision must occur in accordance with any lot size or other requirement specified in a schedule to this overlay.

A permit may be granted to subdivide land which is not in accordance with any lot size or other requirement in a schedule to this overlay, unless the schedule specifies otherwise.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<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>
</tbody>
</table>
Information requirements and decision guidelines

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.

43.02-4
31/07/2018
VC148

Signs

Sign requirements are at Clause 52.05 unless otherwise specified in a schedule to this overlay.

43.02-5
31/07/2018
VC148

Application requirements

An application must be accompanied by any information specified in a schedule to this overlay.

43.02-6
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 design objectives of the relevant schedule to this overlay.
- The provisions of any relevant policies and urban design guidelines.
- Whether the bulk, location and appearance of any proposed buildings and works will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.
- Whether the design, form, layout, proportion and scale of any proposed buildings and works is compatible with the period, style, form, proportion, and scale of any identified heritage places surrounding the site.
- Whether any proposed landscaping or removal of vegetation will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.
- The layout and appearance of areas set aside for car parking, access and egress, loading and unloading and the location of any proposed off street car parking
- Whether subdivision will result in development which is not in keeping with the character and appearance of adjacent buildings, the streetscape or the area.
- Any other matters specified in a schedule to this overlay.
SCHEDULE 1 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO1

AERODROME ENVIRONS AREA BENALLA

1.0

Design objectives

Protect Benalla aerodrome, an important asset from development that may affect the safe flying environment of the aerodrome and approaches.

Protect the approaches to the Benalla Aerodrome by regulating the construction and height of buildings or works or natural vegetation.

Specify the height limitations which apply to the area around the Benalla Aerodrome and along the flight path approaches to the runways.

2.0

Buildings and works

An application must indicate that any proposed building or works within the areas described in Clause 2.1 to this schedule will not be constructed to a height greater than indicated on the drawings attached to this schedule.

The responsible authority may require a property owner or occupier to reduce the height of any building or works, or natural vegetation to ensure that the specified height limitations are not exceeded.

Description of Height Limitation Areas

Part A

All that piece of land bounded by a line starting at a point of commencement bearing 272 deg. 02 min. 42 sec. distance 4863.191m from the Aerodrome Reference Point (411206.792E, 5953946.957N (AMG)) then on a tangential arc of 8688.584m and radius 4525m centred at AMG Point 410839.533E, 5954659.080N, then by a line 2194.023m bearing 103 deg. 10 min. 47 sec., then by an arc 12374.021m radius 4525 centred at AMG point 412975.765E, 595158.833N, then by a line 2064.940m bearing 259 deg. 51 min. 36 sec., then by an arc 7368.808m radius 4525 centred at AMG point 410943.078E, 5953795.295N, then by a line 869.969m bearing 353 deg. 09 min. 52 sec., to the point of commencement.

Part B

The outer edge of the Inner Horizontal Surface starting at a point of commencement bearing 273 deg. 06 min. 50 sec. distance 4345.241m from the Aerodrome Reference Point (411206.792E, 5953946.957N (AMG)), then on a tangential arc of 7680.517m and radius 4000m centred at AMG point 410839.533E, 5954659.080N, then by a line 2194.023m bearing 103 deg. 10 min. 47 sec., then by an arc 10,938.361m radius 4000m centred at AMG point 412975.765E, 595158.833N, then by a line 2064.940m bearing 259 deg. 51 min. 36 sec., then by an arc 6513.863m radius 4000 centred at AMG point 41943.078E, 5953795N, then by a line 896.969m bearing 353 deg. 09 min. 52 sec., to the point of commencement.

Part C

All that part of land bounded by the line starting at a point of commencement bearing 3 deg. 59 min. 30 sec. distance 804.469m from the Aerodrome Reference point (411206.792E, 5953946.957N (AMG)) then by lines 1748.569m bearing 93 deg. 49 min. 35 sec., then 2312.811m bearing 94 deg. 41 min. 8 sec. then 440.192m bearing 183 deg. 49 min. 35 sec. then 876.999m bearing 273 deg. 49 min. 35 sec. then 440.197m bearing 183 deg. 49 min. 35 sec. then 2321.683m bearing 273 deg. 12 min. 51 sec. then 694.671m bearing 273 deg. 0 min. 12 sec. then 2264.814m bearing 174 deg. 1 min. 25 sec. then 790.388m bearing 263 deg. 9 min. 52 sec. then 2321.811m bearing 352 deg. 18 min. 18 sec. then 92.117m bearing 352 deg. 49 min. 7 sec. then 1918.055m bearing 3 deg.
49 min. 35 sec. then 1749.790m bearing 92 deg. 58 min. 1 sec. then 1386.998m bearing 358 deg. 1 min. 22 sec. then 301.588m bearing 83 deg. 9 min. 52 sec. then 155.853m bearing 173 deg. 9 min. 52 sec. then 282.106m bearing 83 deg. 9 min. 52 sec. then 1385.495 bearing 166 deg. 59 min. 41 sec. to the point of commencement.

3.0  
19/01/2006  
VC37

Decision guidelines
Before deciding on an application to construct a building or to construct or carry out works, the responsible authority must consider:

- The need to protect the approaches to the Benalla Aerodrome by regulating the construction and height of buildings or works or natural vegetation within the flight path approaches.
- The requirements to ensure the safety and efficient operation of the aerodrome.
SCHEDULE 2 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO2

LAKE BENALLA ENVIRONS RESIDENTIAL INTERFACE: MITCHELL AND ARUNDEL STREETS

1.0

Design objectives

- Encourage siting and design of new residential development that protects views and the integrity of Lake Benalla and environs.
- Encourage low scale development which is unobtrusive and will not have a detrimental impact visually or physically on the environs of Lake Benalla.
- Improve provision of walking trail access and viewpoints around Lake Benalla.
- Ensure protection and enhancement of views and vistas to Benalla Art Gallery, Benalla Botanical Gardens and road and rail bridges.
- Ensure landscaping and tree planting within passive recreation areas protect views of Lake Benalla and significant buildings in the lake environs such as Benalla Art Gallery.

2.0

Buildings and works

Any application for buildings or works should meet the following requirements:

- Siting and design of proposed development and redevelopment are to protect views and visual qualities of the lake environs.
- Proposed dwellings and alterations to dwellings are to be of mass, form and height that will not visually dominate the character and setting of the lake and environs.
- Building heights are low scale, unobtrusive and complement the setting, landscape, character, views and amenity of the lake and environs.
- If the proposed building exceeds one storey, whether the development satisfies the design objectives and would unduly impact on the visual amenity of the lake environs.
- Lot boundary fences abutting the lake reserve are to be of wire, post and rail construction, or similar open type construction.

An application for planning permit for buildings and/or works should be accompanied by plan/s and report that includes:

- How the proposal addresses and meets the requirements of this schedule.
- An assessment of urban design and landscape context of the site and adjoining land.
- Elevations of proposed buildings including fencing.
- Proposed building materials and finishes to external surfaces.
- Proposed landscaping, including species.
- Assessment of visual impact on lake environs.

3.0

Subdivision

An application for subdivision of land must include a subdivision plan showing proposed building envelopes and, as appropriate, plans showing elevations of proposed buildings. Applications must address how the proposed subdivision and building envelopes satisfies the design objectives for this schedule.
Decision guidelines

Before deciding on an application to subdivide land, construct a building or carry out works, the responsible authority must consider the following:

- Whether the building design, mass, form and height is consistent with adjacent urban character and the landscape character and environmental integrity of the lake and its environs.
- Whether the proposal has regard to protection of important viewlines and vistas.
- Whether the proposal is consistent with the findings and recommendations of the *Lake Benalla Environs Study*, 2007.
- Comments of the Goulburn Broken Catchment Management Authority and Department of Sustainability and Environment, as appropriate.
- Comments of Benalla Rural City Council’s Heritage Advisor in relation to development proposals adjacent to Heritage Overlay sites and areas.
SCHEDULE 3 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO3

BENALLA BOWING CLUB

1.0

Design objectives

- Ensure new development protects and enhances the significance, character and appearance of heritage places, precincts, buildings, streetscapes in Arundel Street.
- Ensure siting and design of development complements, enhances and integrates with the landscape and heritage character and setting of the Lake Benalla environs.
- Ensure siting and design of development complements the residential character of Wedge Street.

2.0

Buildings and works

Any application for buildings or works should meet the following requirements:

- All proposed buildings are to have a mass, form, height and scale and external materials and colours that will not visually dominate in adjacent settings of the Lake environs and Arundel Street heritage and streetscape character.
- Design and layout of proposed development is to have regard to the natural and built heritage features of the site and surrounding area, including FJC College, St Josephs Church, Moreton Bay Fig tree, Wedge Street street plantings and the sports oval grandstand.
- Active frontage to Arundel Street is to be encouraged by:
  - Provision of public entry and access to any proposed development;
  - Provision of a building setback from Arundel Street that is no greater than 5.0 metres;
  - Provision of off street car parking at the rear with an entry/exit from Wedge Street.
- Visual openness and integration with adjacent public space is to be achieved by:
  - Siting of development including vehicle access ways and car parking at an appropriate distance from the Lake reserve boundary.
  - Any fencing be of open design and type to allow views to and from Lake Benalla environs, be in muted tones and be in keeping with the character of the lake environs.
  - Site coverage, including impermeable surfaces, that does not dominate development of the site or the spatial context and setting of the lake environs.
- Tree planting and landscaping of private open space areas and public spaces including road reserves is to be in accordance with an approved Landscape Plan prepared by a qualified landscape architect and/or horticulturalist.
- Off street car parking is to be sensitively incorporated within developments at the rear of the site and is to have minimal impact on the landscape character and setting of the Lake environs. Siting, design and provision of off street car parking is to demonstrate that:
  - Demand generated by existing land uses in immediate area has been considered;
  - Visibility from the Lake environs has been minimised.

An application for planning permit for buildings and/or works should be accompanied by plan/s and report that includes:

- How the proposal addresses and meets the requirements of this schedule.
- An assessment of urban design and landscape context of the site and adjoining land.
- An overall assessment of the visual impact of proposed development on the Lake environs and the streetscapes of Arundel and Hedge Streets.
- The frontage setbacks of proposed buildings having regard to setbacks of adjacent buildings and the streetscape character.
- Building siting, height, scale and mass having regard to the landscape character of the Lake environs and Arundel Street heritage streetscape character.
- Opportunities to create view openings to St Josephs Church.
- Visual appearance of car parking areas and measures including landscaping to soften the impact on existing streetscape character and adjacent public spaces including the Lake environs.
- Facade treatments and their potential to maintain and enhance existing streetscape and landscape character of the surrounding area.
- Public lighting in car parking areas, private open space areas and public spaces and the visual amenity impact on the Lake environs.
- Pedestrian safety having regard to adjacent location of two schools.

### 3.0 Subdivision

An application for subdivision of land must include a subdivision plan showing proposed building envelopes and, as appropriate, plans showing elevations of proposed buildings. Applications must address how the proposed subdivision and building envelopes satisfies the design objectives for this schedule.

### 4.0 Advertising signs

In addition to decision guidelines at Clause 52.05.02, advertising signs should be designed to integrate with the architectural style and character of the building and streetscape image and should be included as an integral part of the design theme of the development.

### 5.0 Decision guidelines

Before deciding on an application to subdivide land, construct a building or carry out works, the responsible authority must consider the following:

- Whether the proposed building or works has regard to the features of the land including the Moreton Bay Fig tree and is designed and sited in recognition of adjacent heritage buildings and places and the environs of Lake Benalla.
- Whether the siting, mass, height, and design of proposed buildings and works will be in keeping with the landscape character of the lake environs and heritage streetscape character of Arundel Street.
- Whether the proposed development satisfactorily incorporates environmentally sustainable building design techniques and materials to reduce energy use.
- Whether the proposal is consistent with the findings and recommendations of the *Lake Benalla Environs Study, 2007*.
- Comments of Benalla Rural City Council’s Heritage Advisor in relation to development proposals adjacent to Heritage Overlay sites and areas.
SCHEDULE 4 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO4

LAKE BENALLA ENVIRONS RESIDENTIAL INTERFACE: ARUNDEL STREET BETWEEN CECIL AND MAUDE STREETS – RESIDENTIAL 1 ZONE

1.0 Design objectives

- Encourage new development and redevelopment of residential lots in Arundel Street that achieves physical and visual integration with adjacent Showgrounds Reserve and public spaces.
- Ensure that development is of a scale, density and design that is not visually intrusive on the adjoining Showgrounds Reserve and is sympathetic to adjacent heritage buildings, places and streetscapes.

2.0 Buildings and works

A permit is not required to construct a fence less than 1.2 metres in height.

Any application for buildings or works should meet the following requirements:

- Siting and design of development, redevelopment, alterations to existing dwellings and construction of ancillary buildings and structures (including fencing) are to:
  - Respond to and integrate with the adjacent Showgrounds Reserve;
  - Respond to and acknowledge the heritage significance and character of the Holy Trinity Church (HO5) and the Arundel Street Urban Conservation Area (HO 25).
- New dwellings are to be orientated to look onto the Showgrounds Reserve.
- Design of alterations and extensions to the rear of existing dwellings and ancillary buildings is to have regard to potential visual impact from the adjacent Showgrounds Reserve.
- Proposals for solid fencing styles along lot boundaries with the Showgrounds Reserve are to be avoided.
- Fencing proposals along lot boundaries with the Showgrounds Reserve are to be of an open style construction and a height that encourages public safety and surveillance of the adjacent reserve. Post and wire, post and railing, vegetation hedges or a combination thereof will be supported.

An application for planning permit for buildings and/or works should be accompanied by plan/s and report that includes:

- How the proposal addresses and meets the requirements of this schedule.
- An assessment of urban design and landscape context of the site and adjoining land.
- Frontage and rear setbacks, building height, scale and mass of proposed buildings having regard to Arundel Street streetscape character and open landscape character of Showgrounds Reserve.
- External colours and finishes and their potential to maintain and enhance adjacent landscape and heritage character.
- How proposed tree planting and landscaping responds to and maintains the existing landscape and vegetation character of the Showgrounds Reserve and adjacent heritage places.

3.0 Subdivision

An application for subdivision of land must include a subdivision plan showing proposed building envelopes and, as appropriate, plans showing elevations of proposed buildings. Applications must address how the proposed subdivision and building envelopes satisfies the design objectives for this schedule.
Decision guidelines

Before deciding on an application to subdivide land, construct a building or carry out works, the responsible authority must consider the following:

- Whether the siting, mass, height, and design of proposed buildings and proposed landscaping will be in keeping with the landscape and vegetation character of the Showgrounds Reserve and adjacent heritage buildings and areas.
- Whether the proposed development would integrate visually and physically with the Showgrounds Reserve.
- The need to require building envelopes to be determined at the time of subdivision as a means of minimising the impact of future development on the adjacent Showgrounds Reserve and heritage buildings and areas.
- Whether the proposal is consistent with the findings and recommendations of the Lake Benalla Environs Study, 2007.
- Comments of Benalla Rural City Council’s Heritage Advisor in relation to development proposals adjacent to Heritage Overlay sites and areas.
SCHEDULE 5 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO5

ARUNDEL STREET – URBAN FLOODWAY ZONE

1.0

Design objectives

- Encourage bank stabilisation of Chinaman’s Creek.
- Protect riverine vegetation alongside and adjacent to Chinaman’s Creek.
- Ensure proposed buildings and works adjacent to Chinaman’s Creek are in keeping with the riverine environment and landscape setting.
- Maintain free passage and temporary storage of floodwaters.

2.0

Buildings and works

Any application for buildings or works should meet the following requirements:

- All proposed buildings must have a height, mass, scale, external materials and colours that will not visually dominate in the riverine landscape and setting.
- Proposed buildings and works must protect and enhance riverine character and views obtained from Casey Island.
- Proposed buildings and works and use of land in the vicinity of Chinaman’s Creek must preserve floodplain functions.
- Lot boundary fences are to be of post and wire or post and rail fencing or similar open type construction.

An application for planning permit for buildings and/or works should be accompanied by plan/s and report that includes:

- How the proposal addresses and meets the requirements of this schedule.
- An assessment of urban design and landscape context of the site and adjoining land.
- Elevations indicating the design of proposed buildings.
- Proposed building materials and finishes to external surfaces.
- An assessment of the visual impact of proposed buildings on the riverine landscape and from viewpoints on Casey Island.

3.0

Subdivision

An application for subdivision of land must include a subdivision plan showing proposed building envelopes and, as appropriate, plans showing elevations of proposed buildings. Applications must address how the proposed subdivision and building envelopes satisfies the design objectives for this schedule.

4.0

Decision guidelines

Before deciding on an application to subdivide land, construct a building or carry out works, the responsible authority must consider the following:

- Purpose and provisions of the Urban Floodway Zone.
- Whether the location of proposed buildings and works will minimise the need for the removal of native vegetation.
- Whether the proposed building or works has regard to natural features of the land and is designed and sited in recognition of existing vegetation, habitat values, natural drainage and flooding potential.
- Whether the siting, mass, height, and design of proposed building will be in keeping with the landscape character of the area.
- Whether the proposal is consistent with the findings and recommendations of the *Lake Benalla Environ Study*, 2007.
- Comments of the Department of Sustainability and Environment in relation protection of native vegetation and proposed planting and landscaping.
- Comments of the Goulburn Broken Catchment Management Authority.
SCHEDULE 6 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO6

FAWCKNER DRIVE AND LOWRY PLACE– BUSINESS 1 ZONE

1.0 Design objectives

Built Form:

- Create a quality public environment
- Reinforce and promote Fawckner Drive and Lowry Place as an active business precinct.
- Ensure building scale and height is appropriate from the lake environs, scale and height of new development / redevelopment in Fawckner Drive and Lowry Place.
- Encourage commercial properties in on the southern side of Bridge Street, extending through to Fawckner Drive and Lowry Place, to develop dual frontages.
- Encourage development in keeping with the character and setting of Lake Benalla, that reflects the strategic and design importance of the lake and lake environs.

Street Edges:

- Encourage street edges that enhance the pedestrian environment.
- Encourage continuous and active street frontages in Fawckner Drive and Lowry Place.
- Encourage development with active retail uses at the ground floor level in Fawckner Drive and Lowry Place.
- Encourage business and tourist uses in Fawckner Drive and Lowry Place.
- Maximise opportunities for street frontages.

Environment:

- Protect the habitat and flooding functions of the riverine environment.

2.0 Buildings and works

Any application for buildings or works should meet the following requirements:

- Fences should not be constructed along Fawckner Drive and Lowry Place street frontages.
- New vehicle crossovers in Fawckner Drive and Lowry Place should be avoided.
- Storage and loading areas should be screened from the street and public spaces.
- Development should provide windows, decks, seating and viewing areas to the lake and public open space.
- Developments adjacent to the Lake environs should:
  - Be orientated appropriately;
  - Be sympathetic to the character and setting of the lake environs and riverine environment;
  - Not dominate the Lake environs setting;
  - Have regard to views from the environs of the lake.

An application for planning permit for buildings and/or works should be accompanied by plan/s and report that includes:

- How the proposal addresses and meets the requirements of this schedule.
- An assessment of urban design and landscape context of the site and adjoining land.
How frontage setbacks of proposed buildings have regard to streetscape character.

How building height, scale and mass have regard to streetscape and heritage character.

How the proposal will encourage development of a preferred active business and tourist precinct for Fawckner Drive and Lowry Place.

How the proposal will impact on and enhance views to and from the Lake environs.

How the proposal will enhance visual, pedestrian and cycle links to Lowry Place.

How the proposal protects environmental qualities of the riverine environment and floodplain.

How the proposal responds to the heritage character of Benalla Central Urban Conservation Area (HO26) and adjacent urban character.

### Subdivision

An application for subdivision of land must include a subdivision plan showing proposed building envelopes and, as appropriate, plans showing elevations of proposed buildings. Applications must address how the proposed subdivision and building envelopes satisfies the design objectives for this schedule.

### Advertising signs

In addition to decision guidelines at Clause 52.05.02, advertising signs must be designed to integrate with the architectural style and character of the building and streetscape image and should be included as an integral part of the design theme of the development or shopfront façade treatment.

### Decision guidelines

Before deciding on an application to subdivide land, construct a building or carry out works, the responsible authority must consider the following:

- Whether the proposed building or works has regard to the design objectives.
- Whether the proposed building or works has regard to preferred streetscape character.
- Whether the proposal has regard to protection of important viewlines and vistas.
- Whether the proposal is consistent with the findings and recommendations of the *Lake Benalla Environ Study*, 2007.
- Comments of the Goulburn Broken Catchment Management Authority and Department of Sustainability and Environment, as appropriate.
- Comments of Benalla Rural City Council’s Heritage Advisor in relation to development proposals adjacent to Heritage Overlay sites and areas.
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.
- A pergola or verandah, including an open-sided pergola or verandah to a dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level.
- A deck, including a deck to a dwelling with a finished floor level not more than 800mm above ground level.
- A non-domestic disabled access ramp.
- A dependent person’s unit.

This does not apply:

- If a schedule to this overlay specifically states that a permit is not required.
- To flood mitigation works carried out by the responsible authority or floodplain management authority.
To the following works in accordance with plans prepared to the satisfaction of the responsible authority:

- The laying of underground sewerage, water and gas mains, oil pipelines, underground telephone lines and underground power lines provided they do not alter the topography of the land.

- The erection of telephone or power lines provided they do not involve the construction of towers or poles.

- To post and wire and post and rail fencing.

**44.03-3**

**Subdivision**

A permit is required to subdivide land. A permit may only be granted to subdivide land if the following apply:

- The subdivision does not create any new lots, which are entirely within this overlay. This does not apply if the subdivision creates a lot, which by agreement between the owner and the relevant floodplain management authority, is to be transferred to an authority for a public purpose.

- The subdivision is the resubdivision of existing lots and the number of lots is not increased, unless a local floodplain development plan incorporated into this scheme specifically provides otherwise.

**44.03-4**

**Application requirements**

**Local floodplain development plan**

If a local floodplain development plan has been developed for the area and has been incorporated into this scheme, an application must be consistent with the plan.

**Flood risk report**

If a local floodplain development plan for the area has not been incorporated into this scheme, an application must be accompanied by a flood risk report to the satisfaction of the responsible authority, which must consider the following, where applicable:


- The existing use and development of the land.

- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.

- The susceptibility of the development to flooding and flood damage.

- The potential flood risk to life, health and safety associated with the development. Flood risk factors to consider include:
  - The frequency, duration, extent, depth and velocity of flooding of the site and accessway.
  - The flood warning time available.
  - The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.

- The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.

- The effects of the development on river health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality and sites of scientific significance.
An application must be accompanied by any information specified in a schedule to this overlay.

**Exemption from notice and review**

An application under this overlay is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

**Referral of applications**

An application must be referred to the relevant floodplain management authority under Section 55 of the Act unless in the opinion of the responsible authority the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the floodplain management authority.

**Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The local floodplain development plan or flood risk report.
- Any comments of the relevant floodplain management authority.
- The Victorian River Health Strategy (2002) and any relevant regional river health strategy and associated wetland plan.
- Any other matters specified in a schedule to this overlay.
SCHEDULE TO THE FLOODWAY OVERLAY

Shown on the planning scheme map as FO or RFO
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 floodplain health.

Land subject to inundation objectives and statement of risk

A schedule to this overlay may contain:

- Land subject to inundation management objectives to be achieved.
- A statement of risk.

Buildings and works

A permit is required to construct a building or to construct or carry out works, including:

- A fence.
- Roadworks, if the water flow path is redirected or obstructed.
- Bicycle pathways and trails.
- Public toilets.
- A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
- Rainwater tank with a capacity of not more than 10,000 litres.
- A pergola or verandah, including an open-sided pergola or verandah to a dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level.
- A deck, including a deck to a dwelling with a finished floor level not more than 800mm above ground level.
- A non-domestic disabled access ramp.
- A dependent person’s unit.

This does not apply:

- If a schedule to this overlay specifically states that a permit is not required.
- To flood mitigation works carried out by the responsible authority or floodplain management authority.
To the following works in accordance with plans prepared to the satisfaction of the responsible authority:

- The laying of underground sewerage, water and gas mains, oil pipelines, underground telephone lines and underground power lines provided they do not alter the topography of the land.
- The erection of telephone or power lines provided they do not involve the construction of towers or poles.

- To post and wire and post and rail fencing.

**Subdivision**

A permit is required to subdivide land.

**Application requirements**

An application must be accompanied by any information specified in a schedule to this overlay.

**Local floodplain development plan**

If a local floodplain development plan has been developed for the area and has been incorporated into this scheme, an application must be consistent with the plan.

**Exemption from notice and review**

An application under this overlay is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

**Referral of applications**

An application must be referred to the relevant floodplain management authority under Section 55 of the Act unless in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the floodplain management authority.

**Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- Any local floodplain development plan.
- Any comments from the relevant floodplain management authority.
- The existing use and development of the land.
- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.
- The susceptibility of the development to flooding and flood damage.
- The potential flood risk to life, health and safety associated with the development. Flood risk factors to consider include:
  - The frequency, duration, extent, depth and velocity of flooding of the site and accessway.
  - The flood warning time available.
- The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.

- The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.

- The effect of the development on river health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality and sites of scientific significance.

- Any other matters specified in a schedule to this overlay.
SCHEDULE 1 TO CLAUSE 44.04 LAND SUBJECT TO INUNDATION OVERLAY

Shown on the planning scheme map as LSIO1.

DWELLING HEIGHT EXEMPTIONS

1.0

Land subject to inundation objectives to be achieved
None specified.

2.0

Statement of risk
None specified.

3.0

Permit requirement
A permit is not required to construct or carry out buildings or works for a single dwelling on an allotment within the General Residential Zone at 72-82 Samaria Road and 60-64 Coster Street, Benalla where the floor level is at least 300 mm above the 100-year ARI flood level, or a higher level set by the responsible authority.

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:
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.

BENALLA BAL-12.5 AREAS

1.0

Statement of the bushfire management objectives to be achieved

To specify bushfire protection measures to construct or extend one dwelling on a lot.

To specify referral requirements for applications to construct or extend one dwelling on a lot.

Application

An application to construct or extend one dwelling on a lot must include all the requirements set out in this schedule.

Clause 52.47 applies in all other circumstances.

2.0

Permit requirement

None specified.

3.0

Application requirements

An application must be accompanied by a bushfire management plan that:

- Shows all of the required bushfire protection measures specified in this schedule,
- Includes written conditions that implement the required bushfire protection measures,
- Identifies water supply including the location of any fire hydrant within 120 metres of the rear of the building, and
- Details vehicle access.

4.0

Requirements to be met

The following requirements apply to an application to construct a single dwelling on a lot:

- The dwelling must be constructed to BAL-12.5
- Defendable space is to be provided for a distance of 30 metres around the dwelling or to the property boundary, whichever is the lesser and maintained in accordance with the vegetation management requirements of Clause 52.47 with the following variation:
  - The canopy of trees must be separated by at least 2 metres.
- A static water supply must be provided in accordance with Clause 52.47, and
- Vehicle access must be provided in accordance with Clause 52.47.

If these requirements are not met, the requirements of Clause 52.47 apply.

5.0

Substitute approved measures for Clause 52.47

None specified.

6.0

Additional alternative measures for Clause 52.47

None specified.

7.0

Mandatory Condition

An application must include the mandatory conditions as specified in Clause 44.06-4.
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.
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.
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 THE PARKING OVERLAY

Shown on the planning scheme map as PO1.

BENALLA CENTRAL BUSINESS AREA

1.0

Car parking objectives to be achieved

To achieve a balanced outcome with respect to the provision of public and private car parking facilities throughout the Benalla Central Business Area.

To identify appropriate car parking rates for various land uses within the Benalla Central Business Area.

To provide for the collection of financial contributions to contribute to the construction of shared car parking facilities.

To provide the future orderly development of the Benalla Central Business Area and its environs, and improvements to public amenity.

2.0

Number of car parking spaces to be provided

The required number of car spaces is shown in Column A of Table 1 in Clause 52.06, unless otherwise specified in the following table.

Table 1: Car parking spaces

<table>
<thead>
<tr>
<th>Use</th>
<th>Rate</th>
<th>Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child Care Centre</td>
<td>1.0</td>
<td>To each employee</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Plus</td>
</tr>
<tr>
<td></td>
<td>0.1</td>
<td>To each child that is part of the maximum number of children on the site at any time</td>
</tr>
<tr>
<td>Industry</td>
<td>1.5</td>
<td>To each 100 square metres of net floor area</td>
</tr>
<tr>
<td>Medical Centre</td>
<td>4.0</td>
<td>To each practitioner</td>
</tr>
<tr>
<td>Motel</td>
<td>1.0</td>
<td>To each unit</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Plus</td>
</tr>
<tr>
<td></td>
<td>1.0</td>
<td>To each resident employee</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Plus</td>
</tr>
<tr>
<td></td>
<td>2.0</td>
<td>To each 100 square metres of service floor area not available for use by guests</td>
</tr>
<tr>
<td>Office</td>
<td>3.0</td>
<td>To each 100 square metres of net floor area</td>
</tr>
<tr>
<td>Restaurant</td>
<td>0.3</td>
<td>To each patron permitted</td>
</tr>
</tbody>
</table>

The responsible authority must specify the number of car spaces which must be provided for such (determined on a case-by-case basis) having regard to:

- Relevant State and local planning policies
- The results of surveys of local parking supply and demand
- Operational characteristics of the proposed use

3.0

Reducing the provision of car parking

A permit may be granted to reduce the requirement for car parking spaces in accordance with Clause 52.06-3.
When a land use lawfully exists and the number of car parking spaces provided for that use (either on the same land or by formal approval on other land) is less than the number specified in Paragraph 2.0 above or in Clause 52.06, the number of car parking spaces that is less than the number specified shall be deemed to be a “credit”. Any such “credit” may be carried forward to assist in satisfying the car parking requirements for any future development (including redevelopment) or change of use of the land.

In addition to the provisions in Clause 52.06-6, the responsible authority may consent to a reduced provision of car parking spaces where there are two or more land uses on the land, which have staggered peak operational characteristics that result in a net reduction in overall car parking demand.

### Financial contributions requirement

If on any land affected by this Overlay the number of car parking spaces that are required for a proposed use (including a reduced requirement that has been determined by the responsible authority in a particular case) cannot be provided on the land, the responsible authority may consent to a discharge of this requirement by way of a financial contribution arrangement, under the following terms:

- The contribution must be paid to the responsible authority either prior to the commencement of the use, or by instalments on terms that are approved by the responsible authority.
- The contribution monies must be paid into a “Parking and Access Fund” established by the responsible authority, and may be used only for the development of public car parking facilities and other measures to address parking issues within the area affected by this Overlay.
- Except as provided below, the contribution must be paid at the rate of $6431 per parking space. This amount is to be indexed on a compound basis at the end of each financial year, according to movements in either the Consumer Price Index or an alternative Producer Price Index published by the Australian Bureau of Statistics.
- The contribution rate must be reviewed by the responsible authority at least once every 3 years, and adjusted where appropriate to reflect changes which have occurred in land values and construction costs associated with the development of new car parking facilities.
- The establishment of a liability to contribute to the “Parking and Access Fund” must occur by way of conditions in a planning permit that authorises a reduced provision of car parking on the land. These conditions must include a requirement that an Agreement under Section 173 of the *Planning and Environment Act 1987* must be entered into between the responsible authority and the landowner, that:
  - Acknowledges that the contribution has been levied and paid.
  - Establishes a record that the land is benefited by the number of car parking spaces in respect of which the contribution has been paid.

The Agreement must be registered on the Title of the land, pursuant to Section 181 of the *Planning and Environment Act 1987*.

### Reference document

*Benalla CBA Car Parking Precinct Plan, CPG Australia Pty Ltd, April 2011*
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.

Expiration 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>All land required for works associated with the Lake Mokoan Decommissioning Project shown on plans included in the incorporated document.</td>
<td>Lake Mokoan Decommissioning Project Planning Scheme Incorporated Document</td>
</tr>
</tbody>
</table>
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

#### 1.0

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>

#### 2.0

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>

#### 3.0

Under Section 36 of the Subdivision Act 1988

<table>
<thead>
<tr>
<th>Land</th>
<th>Easement or right of way</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
SATELLITE DISH

Purpose
To provide an opportunity to consider the impact of a satellite dish attached to a building or structure listed in a schedule to the Heritage Overlay.
To provide an opportunity to consider the effect of a satellite dish on the amenity of residential areas.

Application
This clause applies to:
- A building or structure listed in a schedule to the Heritage Overlay.
- Land in a Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Low Density Residential Zone, Mixed Use Zone or Township Zone.

Permit requirement
A permit is required to use land or to construct or install or carry out works for a satellite dish (whether or not it forms part of a network) even if it is ancillary to another use on the land.
This does not apply to a satellite dish with a diameter:
- Less than 1.2 metres.
- Between 1.2 metres and 2.4 metres provided:
  - The dish is not visible from the street (other than a lane) or a public park,
  - The dish is setback from the side or rear boundary 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, and
  - The dish is setback at least 3 metres from the boundary where it is opposite an existing habitable room window.

Decision guidelines
Before deciding on an application, in addition to Clause 15.01-2S and the decision guidelines in clause 65, the responsible authority must consider the effect of the satellite dish on the visual amenity of nearby land.
**52.05**

**SIGNs**

**Purpose**

To regulate the development of land for signs and associated structures.

To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.

To ensure signs do not contribute to excessive visual clutter or visual disorder.

To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

**Application**

This clause applies to the development of land for signs.

**Requirements**

**Sign categories**

Clauses 52.05-11 to 52.05-14 specify categories of sign control. The zone provisions specify which category of sign control applies to the zone.

Each category is divided into three sections.

If a sign can be interpreted in more than one way, the most restrictive requirement must be met.

**Section 1**

A sign in Section 1 of the category may be constructed or put up for display without a permit, but all the conditions opposite the sign must be met. If the conditions are not met, the sign is in Section 2.

Some overlays require a permit for Section 1 signs.

**Section 2**

A permit is required to construct or put up for display a sign in Section 2.

This does not apply to a sign specified in Clause 52.05-10.

All the conditions opposite the sign must be met. If the conditions are not met, the sign is prohibited.

**Section 3**

A sign in Section 3 is prohibited and must not be constructed or put up for display.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct or put up for display a sign in an industrial zone, commercial zone, Special Use Zone, Comprehensive Development Zone, Docklands Zone, Priority Development Zone or Activity Centre Zone if:</td>
<td></td>
</tr>
<tr>
<td>- The sign is not within 30 metres of land (not a road) which is in a residential zone.</td>
<td>Clause 59.09</td>
</tr>
</tbody>
</table>
Referral of applications

An application to construct or put up for display an animated or electronic sign within 60 metres of a freeway or arterial road declared under the Road Management Act 2004 must be referred in accordance with section 55 of the Act to the referral authority specified in Clause 66.03 or a schedule to that clause.

Expiry of permits

A permit for a sign other than a major promotion sign expires on the date specified in the permit. If no date is specified, the expiry date is 15 years from the date of issue of the permit.

Existing signs

A sign that was lawfully displayed on the approval date or that was being constructed or put up for display on that date may be displayed or continue to be displayed and may be repaired and maintained.

The content of a lawfully displayed sign may be renewed or replaced. However, a permit is required if:

- The display area is to be increased.
- The renewal or replacement would result in a different type of sign.

A major promotion sign displayed in accordance with a permit granted between 19 September 1995 and 18 September 1997 may continue to be displayed:

- until 31 December 2008; or
- where a permit application seeking permission to display the sign is lodged before 31 December 2008, until the permit application is finally determined.

Application requirements

An application must be accompanied by the following information, as appropriate:

Site context

- A site context report, using a site plan, photographs or other methods to accurately describe:
  - The location of the proposed sign on the site or building and distance from property boundaries.
  - The location and size of existing signage on the site including details of any signs to be retained or removed.
  - The location and form of existing signage on abutting properties and in the locality.
  - The location of closest traffic control signs.
  - Identification of any view lines or vistas that could be affected by the proposed sign.
Sign details

- The location, dimensions, height above ground level and extent of projection of the proposed sign.
- The height, width, depth of the total sign structure including method of support and any associated structures such as safety devices and service platforms.
- Details of associated on-site works.
- Details of any form of illumination, including details of baffles and the times at which the sign would be illuminated.
- The colour, lettering style and materials of the proposed sign.
- The size of the display (total display area, including all sides of a multi-sided sign).
- The location of any logo box and proportion of display area occupied by such a logo box.
- For animated or electronic signs, a report addressing the decision guidelines at Clause 52.05-8 relating to road safety.
- Any landscaping details.

Signs with a display area of 18 square metres or more

- For a sign with a display area of 18 square metres or more:
  - A description of the existing character of the area including built form and landscapes.
  - The location of any other signs over 18 square metres, or scrolling, electronic or animated signs within 200 metres of the site.
  - Any existing identifiable advertising theme in the area.
  - Photo montages or a streetscape perspective of the proposed sign.
  - Level of illumination including:
    - Lux levels for any sign on or within 60 metres of a Road Zone or a residential zone or public land zone.
    - The dwell and change time for any non-static images.
  - The relationship to any significant or prominent views and vistas.

Exemption from notice and review

An application for a sign is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act provided the sign:

- Is to be constructed or displayed on land specified in the schedule to this clause.
- Meets any condition specified in the schedule to this clause.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

All signs

- The character of the area including:
  - The sensitivity of the area in terms of the natural environment, heritage values, waterways and open space, rural landscape or residential character.
- The compatibility of the proposed sign with the existing or desired future character of the area in which it is proposed to be located.
- The cumulative impact of signs on the character of an area or route, including the need to avoid visual disorder or clutter of signs.
- The consistency with any identifiable outdoor advertising theme in the area.

- **Impacts on views and vistas:**
  - The potential to obscure or compromise important views from the public realm.
  - The potential to dominate the skyline.
  - The potential to impact on the quality of significant public views.
  - The potential to impede views to existing signs.

- **The relationship to the streetscape, setting or landscape:**
  - The proportion, scale and form of the proposed sign relative to the streetscape, setting or landscape.
  - The position of the sign, including the extent to which it protrudes above existing buildings or landscape and natural elements.
  - The ability to screen unsightly built or other elements.
  - The ability to reduce the number of signs by rationalising or simplifying signs.
  - The ability to include landscaping to reduce the visual impact of parts of the sign structure.

- **The relationship to the site and building:**
  - The scale and form of the sign relative to the scale, proportion and any other significant characteristics of the host site and host building.
  - The extent to which the sign displays innovation relative to the host site and host building.
  - The extent to which the sign requires the removal of vegetation or includes new landscaping.

- **The impact of structures associated with the sign:**
  - The extent to which associated structures integrate with the sign.
  - The potential of associated structures to impact any important or significant features of the building, site, streetscape, setting or landscape, views and vistas or area.

- **The impact of any illumination:**
  - The impact of glare and illumination on the safety of pedestrians and vehicles.
  - The impact of illumination on the amenity of nearby residents and the amenity of the area.
  - The potential to control illumination temporally or in terms of intensity.

- **The impact of any logo box associated with the sign:**
  - The extent to which the logo box forms an integral part of the sign through its position, lighting and any structures used to attach the logo box to the sign.
  - The suitability of the size of the logo box in relation to its identification purpose and the size of the sign.

- **The need for identification and the opportunities for adequate identification on the site or locality.**

- **The impact on road safety. A sign is a safety hazard if the sign:**
Obstructs a driver’s line of sight at an intersection, curve or point of egress from an adjacent property.

Obstructs a driver’s view of a traffic control device, or is likely to create a confusing or dominating background that may reduce the clarity or effectiveness of a traffic control device.

Could dazzle or distract drivers due to its size, design or colouring, or it being illuminated, reflective, animated or flashing.

Is at a location where particular concentration is required, such as a high pedestrian volume intersection.

Is likely to be mistaken for a traffic control device, because it contains red, green or yellow lighting, or has red circles, octagons, crosses, triangles or arrows.

Requires close study from a moving or stationary vehicle in a location where the vehicle would be unprotected from passing traffic.

Invites drivers to turn where there is fast moving traffic or the sign is so close to the turning point that there is no time to signal and turn safely.

Is within 100 metres of a rural railway crossing.

Has insufficient clearance from vehicles on the carriageway.

Could mislead drivers or be mistaken as an instruction to drivers.

**Major promotion signs**

- The effect of the proposed major promotion sign on:
  - Significant streetscapes, buildings and skylines.
  - The visual appearance of a significant view corridor, viewline, gateway location or landmark site identified in a framework plan or local policy.
  - Residential areas and heritage places.
  - Open space and waterways.

- When determining the effect of a proposed major promotion sign, the following locational principles must be taken into account:
  - Major promotion signs are encouraged in commercial and industrial locations in a manner that complements or enhances the character of the area.
  - Major promotion signs are discouraged along forest and tourist roads, scenic routes or landscaped sections of freeways.
  - Major promotion signs are discouraged within open space reserves or corridors and around waterways.
  - Major promotion signs are discouraged where they will form a dominant visual element from residential areas, within a heritage place or where they will obstruct significant viewlines.
  - In areas with a strong built form character, major promotion signs are encouraged only where they are not a dominant element in the streetscape and except for transparent feature signs (such as neon signs), are discouraged from being erected on the roof of a building.
**Mandatory conditions**

**All signs**

A permit for a sign that includes an expiry date must include a condition that provides that on expiry of the permit the sign and structures built specifically to support and illuminate it must be removed.

**Major promotion signs**

A permit for a major promotion sign must include conditions that specify:

- That the sign must not:
  - Dazzle or distract drivers due to its colouring.
  - Be able to be mistaken for a traffic signal because it has, for example, red circles, octagons, crosses or triangles.
  - Be able to be mistaken as an instruction to drivers.

- An expiry date that is 15 years from the date the permit is issued unless otherwise specified in this clause. This does not apply to a permit for major promotion sign for a special event or temporary building shrouding.

A permit for a major promotion sign may specify an expiry date other than 15 years, but the date must not be less than 10 years or more than 25 years from the date the permit is issued. Before deciding to alter the specified expiry date of 15 years, the responsible authority must consider, as appropriate:

- The purpose of the sign.
- The existing or desired character of the area.
- The Municipal Planning Strategy and the Planning Policy Framework in terms of the extent to which the proposed sign is consistent with any relevant policy direction and the extent to which the area may be expected to change over time.
- The extent to which the signage is physically and visually integrated into the architecture of the building.

**Signs not requiring a permit**

Despite any provision in a zone, overlay, or other particular provision of this scheme, a permit is not required to construct or put up for display any of the following signs:

- A sign identifying the functions or property of a government department, public authority or municipal council, but not a promotion sign displayed at the direction of any of these bodies.
- A sign controlling traffic on a public road, railway, tramway, water or in the air, provided it is displayed at the direction of a government department, public authority or municipal council.
- A sign at a hospital that gives direction to emergency facilities.
- A sign in a road reserve that gives direction or guidance about a tourist attraction, service or facility of interest to road users. The sign must be displayed to the satisfaction of the road authority.
- A sign required by statute or regulation, provided it is strictly in accordance with the requirement.
- A sign at a railway station or bus terminal that provides information or direction for people using the station or terminal.
- A sign on a showground, on a motor racing track or on a major sports and recreation facility, provided the sign’s display cannot be seen from nearby land.
A sign with a display area not exceeding 1 square metre to each premises that provides information about a place of worship. It must not be an animated or internally illuminated sign.

A sign inside a building that cannot generally be seen outside.

A sign with a display area not exceeding 2 square metres concerning construction work on the land. Only one sign may be displayed, it must not be an animated or internally illuminated sign and it must be removed when the work is completed.

A sign with a display area not exceeding 5 square metres publicising a local educational, cultural, political, religious, social or recreational event not held for commercial purposes. Only one sign may be displayed on the land, it must not be an animated or internally illuminated sign and it must not be displayed longer than 14 days after the event is held or 3 months, whichever is sooner. A sign publicising a local political event may include information about a candidate for an election.

A sign publicising a special event on the land or in the building on which it is displayed, provided no more than 8 signs are displayed in a calendar year and the total number of days the signs are displayed does not exceed 28 in that calendar year. The sign must be removed when the event is finished.

A sign with a display area not exceeding 2 square metres publicising the sale of goods or livestock on the land or in the building on which it is displayed, provided the land or building is not normally used for that purpose. Only one sign may be displayed, it must not be an animated or internally illuminated sign and it must not be displayed longer than 3 months without a permit.

A sign with an display area not exceeding 10 square metres publicising the sale or letting of the property on which it is displayed. Only one sign may be displayed, it must not be an animated sign and it must not be displayed longer than 7 days after the sale date. A permit may be granted for:
- The display area to exceed 10 square metres if the sign concerns more than 20 lots.
- The sign to be displayed on land excised from the subdivision and transferred to the municipal council.
- The sign to be displayed longer than 7 days after the sale date.

No permit is required to fly the Australian flag or to display the flag on a building, painted or otherwise represented, provided it is correctly dimensioned and coloured in accordance with the Flags Act 1953.

Category 1 - Commercial areas
Minimum limitation

Purpose
To provide for identification and promotion signs and signs that add vitality and colour to commercial areas.

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and breakfast sign</td>
<td>The total display area of all signs to each premises must not exceed 8 sqm. This does not include a sign with a display area not exceeding 1.5 sqm that is below a verandah or, if no verandah, that is less than 3.7 m above pavement level.</td>
</tr>
<tr>
<td>Business identification sign</td>
<td></td>
</tr>
<tr>
<td>Home based business sign</td>
<td></td>
</tr>
<tr>
<td>Promotion sign</td>
<td></td>
</tr>
<tr>
<td>Sign</td>
<td>Condition</td>
</tr>
<tr>
<td>------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Direction sign</td>
<td>None specified</td>
</tr>
<tr>
<td>Internally illuminated sign</td>
<td>The total display area to each premises must not exceed 1.5 sqm.</td>
</tr>
<tr>
<td></td>
<td>No part of the sign may be above a verandah or, if no verandah, more than 3.7 m above pavement level.</td>
</tr>
<tr>
<td></td>
<td>The sign must be more than 30 m from a residential zone or pedestrian or traffic lights.</td>
</tr>
</tbody>
</table>

### Section 2 - Permit required

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any sign not in Section 1</td>
<td>None specified</td>
</tr>
</tbody>
</table>

### Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nil</td>
<td>None specified</td>
</tr>
</tbody>
</table>

### Category 2 - Office and industrial

**Low limitation**

**Purpose**

To provide for adequate identification signs and signs that are appropriate to office and industrial areas.

### Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and breakfast sign</td>
<td>The total display area of all signs to each premises must not exceed 8 sqm. This does not include a direction sign.</td>
</tr>
<tr>
<td>Business identification sign</td>
<td></td>
</tr>
<tr>
<td>Home based business sign</td>
<td></td>
</tr>
<tr>
<td>Pole sign</td>
<td></td>
</tr>
<tr>
<td>Direction sign</td>
<td>Only one to each premises.</td>
</tr>
<tr>
<td>Internally illuminated sign</td>
<td>The display area must not exceed 1.5 sqm. The sign must be more than 30 m from a residential zone or pedestrian or traffic lights.</td>
</tr>
</tbody>
</table>

### Section 2 - Permit required

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any sign not in Section 1</td>
<td>None specified</td>
</tr>
</tbody>
</table>
Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nil</td>
<td>None specified</td>
</tr>
</tbody>
</table>

Category 3 - High amenity areas

Medium limitation

Purpose

To ensure that signs in high-amenity areas are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed or the surrounding area.

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and breakfast sign</td>
<td>Only one to each premises.</td>
</tr>
<tr>
<td>Home based business sign</td>
<td>The display area must not exceed 0.2 sqm.</td>
</tr>
<tr>
<td>Direction sign</td>
<td>None specified</td>
</tr>
</tbody>
</table>

Section 2 - Permit required

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Above-verandah sign</td>
<td>None specified</td>
</tr>
<tr>
<td>Business identification sign</td>
<td></td>
</tr>
<tr>
<td>Electronic sign</td>
<td>The display area must not exceed 3 sqm.</td>
</tr>
<tr>
<td>Floodlit sign</td>
<td>None specified</td>
</tr>
<tr>
<td>High-wall sign</td>
<td>Must be a business logo or street number.</td>
</tr>
<tr>
<td>Internally illuminated sign</td>
<td>None specified</td>
</tr>
<tr>
<td>Pole sign</td>
<td></td>
</tr>
<tr>
<td>Promotion sign</td>
<td>The display area must not exceed 3 sqm.</td>
</tr>
<tr>
<td>Reflective sign</td>
<td>None specified</td>
</tr>
</tbody>
</table>

Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any sign not in Sections 1 or 2</td>
<td>None specified</td>
</tr>
</tbody>
</table>

Category 4 - Sensitive areas

Maximum limitation

Purpose

To provide for unobtrusive signs in areas requiring strong amenity control.
### Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and breakfast sign</td>
<td>Only one to each premises.</td>
</tr>
<tr>
<td>Home based business sign</td>
<td>The display area must not exceed 0.2 sqm.</td>
</tr>
<tr>
<td>Direction sign</td>
<td>None specified</td>
</tr>
</tbody>
</table>

### Section 2 - Permit required

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business identification sign</td>
<td>The total display area to each premises must not exceed 3 sqm.</td>
</tr>
<tr>
<td>Floodlit sign</td>
<td>None specified</td>
</tr>
</tbody>
</table>

### Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any sign not in Sections 1 or 2</td>
<td>None specified</td>
</tr>
</tbody>
</table>
### SCHEDULE TO CLAUSE 52.05 ADVERTISING SIGNS

<table>
<thead>
<tr>
<th>Land</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
</tr>
</tbody>
</table>
CAR PARKING

Purpose

To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.

To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.

To support sustainable transport alternatives to the motor car.

To promote the efficient use of car parking spaces through the consolidation of car parking facilities.

To ensure that car parking does not adversely affect the amenity of the locality.

To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

Scope

Clause 52.06 applies to:

- a new use; or

- an increase in the floor area or site area of an existing use; or

- an increase to an existing use by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.

Clause 52.06 does not apply to:

- the extension of one dwelling on a lot in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone; or

- the construction and use of one dwelling on a lot in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone unless the zone or a schedule to the zone specifies that a permit is required to construct or extend one dwelling on a lot.

Provision of car parking spaces

Before:

- a new use commences; or

- the floor area or site area of an existing use is increased; or

- an existing use is increased by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use,

the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be provided to the satisfaction of the responsible authority in one or more of the following ways:

- on the land; or

- in accordance with a permit issued under Clause 52.06-3; or

- in accordance with a financial contribution requirement specified in a schedule to the Parking Overlay.

If a schedule to the Parking Overlay specifies a maximum parking provision, the maximum provision must not be exceeded except in accordance with a permit issued under Clause 52.06-3.

Permit requirement

A permit is required to:
Reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay.

Provide some or all of the car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay on another site.

Provide more than the maximum parking provision specified in a schedule to the Parking Overlay.

A permit is not required if a schedule to the Parking Overlay specifies that a permit is not required under this clause.

A permit is not required to reduce the number of car parking spaces required for a new use of land if the following requirements are met:

- The number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay for the new use is less than or equal to the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay for the existing use of the land.

- The number of car parking spaces currently provided in connection with the existing use is not reduced after the new use commences.

A permit is not required to reduce the required number of car parking spaces for a new use of an existing building if the following requirements are met:

- The building is in the Commercial 1 Zone, Commercial 2 Zone, Commercial 3 Zone or Activity Centre Zone.

- The gross floor area of the building is not increased.

- The reduction does not exceed 10 car parking spaces.

- The building is not in a Parking Overlay with a schedule that allows a financial contribution to be paid in lieu of the provision of the required car parking spaces for the use.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause to reduce the required number of car parking spaces by no more than 10 car parking spaces is a class of VicSmart application and must be assessed against Clause 59.10.

**Exemption from notice and review**

An application under Clause 52.06-3 is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if:

- the application is only for a permit under Clause 52.06-3; or

- the application is also for a permit under another provision of the planning scheme and in respect of all other permissions sought, the application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

**Number of car parking spaces required under Table 1**

Table 1 of this clause sets out the car parking requirement that applies to a use listed in the Table. A car parking requirement in Table 1 may be calculated as either:

- a number of car parking spaces; or

- a percentage of the total site area that must be set aside for car parking.
A car parking requirement in Table 1 is calculated by multiplying the figure in Column A or Column B (whichever applies) by the measure (for example square metres, number of patrons or number of bedrooms) in Column C.

Column A applies unless Column B applies.

Column B applies if:

- any part of the land is identified as being within the Principal Public Transport Network Area as shown on the Principal Public Transport Network Area Maps (State Government of Victoria, August 2018); or
- a schedule to the Parking Overlay or another provision of the planning scheme specifies that Column B applies.

Where an existing use is increased by the measure specified in Column C of Table 1 for that use, the car parking requirement only applies to the increase, provided the existing number of car parking spaces currently being provided in connection with the existing use is not reduced.

If in calculating the number of car parking spaces the result is not a whole number, the required number of car parking spaces is to be rounded down to the nearest whole number.

Where the car parking requirement specified in Table 1 is calculated as a percentage of the total site area, the area to be provided for car parking includes an accessway that directly abuts any car parking spaces, but does not include any accessway or portion of an accessway that does not directly abut any car parking spaces.

The car parking requirement specified in Table 1 includes disabled car parking spaces. The proportion of spaces to be allocated as disabled spaces must be in accordance with Australian Standard AS2890.6-2009 (disabled) and the Building Code of Australia.

The car parking requirement specified for a use listed in Table 1 does not apply if:

- a car parking requirement for the use is specified under another provision of the planning scheme; or
- a schedule to the Parking Overlay specifies the number of car parking spaces required for the use.

Table 1: Car parking requirement

<table>
<thead>
<tr>
<th>Use</th>
<th>Rate Column A</th>
<th>Rate Column B</th>
<th>Car Parking Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amusement parlour</td>
<td>4</td>
<td>3.5</td>
<td>To each 100 sq m of net floor area</td>
</tr>
<tr>
<td>Art &amp; craft centre</td>
<td>4</td>
<td>3.5</td>
<td>To each 100 sq m of net floor area</td>
</tr>
<tr>
<td>Bar</td>
<td>0.4</td>
<td>3.5</td>
<td>To each patron permitted</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Space to each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Betting agency</td>
<td>4</td>
<td>3.5</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Bowling green</td>
<td>6</td>
<td>6</td>
<td>To each rink plus 50 per cent of the relevant requirement of any ancillary use</td>
</tr>
<tr>
<td>Child care centre</td>
<td>0.22</td>
<td>0.22</td>
<td>To each child</td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
<td>0.3</td>
<td>0.3</td>
<td>To each patron permitted</td>
</tr>
<tr>
<td>Convenience restaurant</td>
<td>0.3</td>
<td>3.5</td>
<td>To each patron permitted</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Use</td>
<td>Rate Column A</td>
<td>Rate Column B</td>
<td>Car Parking Measure</td>
</tr>
<tr>
<td>---------------------------------------------------------------------</td>
<td>---------------</td>
<td>---------------</td>
<td>--------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Convenience shop if the leasable floor area exceeds 80 sq m</td>
<td>10</td>
<td>3.5</td>
<td>To each premises</td>
</tr>
<tr>
<td>Display home centre</td>
<td>5</td>
<td></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, other than listed in this table</td>
<td>1.5</td>
<td>1</td>
<td>To each 100 sq m of net floor area</td>
</tr>
<tr>
<td>Fuel depot</td>
<td>10</td>
<td>10</td>
<td>Per cent of site area</td>
</tr>
<tr>
<td>Funeral Parlour</td>
<td>0.3</td>
<td>0.3</td>
<td>To each patron permitted</td>
</tr>
<tr>
<td>Gambling premises other than listed in this table</td>
<td>0.4</td>
<td></td>
<td>To each patron permitted</td>
</tr>
<tr>
<td></td>
<td>3.5</td>
<td></td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Golf course</td>
<td>4</td>
<td>4</td>
<td>To each hole plus 50 per cent of the relevant requirement of any ancillary uses.</td>
</tr>
<tr>
<td>Home based business</td>
<td>1</td>
<td>0</td>
<td>To each employee not a resident of the dwelling</td>
</tr>
<tr>
<td>Hotel</td>
<td>0.4</td>
<td></td>
<td>To each patron permitted</td>
</tr>
<tr>
<td></td>
<td>3.5</td>
<td></td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Industry other than listed in this table</td>
<td>2.9</td>
<td>1</td>
<td>To each 100 sq m of net floor area</td>
</tr>
<tr>
<td>Landscape gardening supplies</td>
<td>10</td>
<td>10</td>
<td>Per cent of site area</td>
</tr>
<tr>
<td>Mail centre</td>
<td>3.5</td>
<td>3</td>
<td>To each 100 sq m of net floor area</td>
</tr>
<tr>
<td>Manufacturing sales</td>
<td>4</td>
<td>3.5</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Market</td>
<td>8</td>
<td>3.5</td>
<td>To each 100 sq m of site area</td>
</tr>
<tr>
<td>Materials recycling</td>
<td>10</td>
<td>10</td>
<td>Per cent of site area</td>
</tr>
<tr>
<td>Medical centre</td>
<td>5</td>
<td></td>
<td>To the first person providing health services plus</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td></td>
<td>To every other person providing health services</td>
</tr>
<tr>
<td></td>
<td>3.5</td>
<td></td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Milk depot</td>
<td>10</td>
<td>10</td>
<td>Per cent of site area</td>
</tr>
<tr>
<td>Use</td>
<td>Rate Column A</td>
<td>Rate Column B</td>
<td>Car Parking Measure</td>
</tr>
<tr>
<td>-----------------------------------------</td>
<td>---------------</td>
<td>---------------</td>
<td>--------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Motel</td>
<td>1</td>
<td>1</td>
<td>To each unit, and one to each manager dwelling, plus 50 per cent of the relevant</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>requirement of any ancillary use</td>
</tr>
<tr>
<td>Motor repairs</td>
<td>3</td>
<td>3</td>
<td>To each 100 sq m of net floor area plus</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>1</td>
<td>for each vehicle being serviced, repaired or fitted with accessories, including</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>vehicles waiting to be serviced, repaired, fitted with accessories or collected by</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>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</td>
<td>0.3</td>
<td>0.3</td>
<td>To each patron permitted</td>
</tr>
<tr>
<td>this table</td>
<td></td>
<td></td>
<td></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</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>time</td>
</tr>
<tr>
<td>Research and development centre</td>
<td>3.5</td>
<td>3</td>
<td>To each 100 sq m of net floor area</td>
</tr>
<tr>
<td>Residential aged care facility</td>
<td>0.3</td>
<td>0.3</td>
<td>To each lodging room</td>
</tr>
<tr>
<td>Residential village</td>
<td>1</td>
<td>1</td>
<td>To each one or two bedroom dwelling plus</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>2</td>
<td>To each three or more bedroom dwelling (with studies or studios that are separate</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>rooms counted as a bedrooms) plus</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>0</td>
<td>For visitors to every five dwellings for developments of five or more dwellings</td>
</tr>
<tr>
<td>Retirement village</td>
<td>1</td>
<td>1</td>
<td>To each one or two bedroom dwelling plus</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>2</td>
<td>To each three or more bedroom dwelling (with studies or studios that are separate</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>rooms counted as a bedrooms) plus</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>0</td>
<td>For visitors to every five dwellings for developments of five or more dwellings</td>
</tr>
<tr>
<td>Restaurant</td>
<td>0.4</td>
<td></td>
<td>To each patron permitted</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3.5</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Restricted retail premises</td>
<td>3</td>
<td>2.5</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Rooming house</td>
<td>1</td>
<td>1</td>
<td>To each four bedrooms</td>
</tr>
<tr>
<td>Saleyard</td>
<td>10</td>
<td>10</td>
<td>Per cent of site area</td>
</tr>
<tr>
<td>Secondary school</td>
<td>1.2</td>
<td>1.2</td>
<td>To each employee that is part of the maximum number of employees on the site at any</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>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</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>
### Use

<table>
<thead>
<tr>
<th>Use</th>
<th>Rate Column A</th>
<th>Rate Column B</th>
<th>Car Parking Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Store other than listed in this table</td>
<td>10</td>
<td>10</td>
<td>Per cent of site area</td>
</tr>
<tr>
<td>Supermarket</td>
<td>5</td>
<td>5</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Swimming pool – other than in conjunction with a dwelling</td>
<td>5.6</td>
<td>5.6</td>
<td>To each 100 sq m of the site</td>
</tr>
<tr>
<td>Tennis court – other than in conjunction with a dwelling</td>
<td>4</td>
<td>4</td>
<td>To each court plus 50% of the requirement of any ancillary use</td>
</tr>
<tr>
<td>Trade supplies</td>
<td>10</td>
<td>10</td>
<td>Per cent of site area</td>
</tr>
<tr>
<td>Veterinary centre</td>
<td>5</td>
<td>To the first person providing animal health services plus</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>To every other person providing animal health services</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3.5</td>
<td>To each 100 sq m of leasable floor area</td>
<td></td>
</tr>
<tr>
<td>Warehouse other than listed in this table</td>
<td>2</td>
<td>2</td>
<td>To each premises plus</td>
</tr>
<tr>
<td></td>
<td>1.5</td>
<td>1</td>
<td>To each 100 sq m of net floor area</td>
</tr>
<tr>
<td>Winery</td>
<td>0.4</td>
<td></td>
<td>To each patron permitted</td>
</tr>
<tr>
<td></td>
<td>3.5</td>
<td></td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
</tbody>
</table>

### Number of car parking spaces required for other uses

Where a use of land is not specified in Table 1 or where a car parking requirement is not specified for the use in another provision of the planning scheme or in a schedule to the Parking Overlay, before a new use commences or the floor area or site area of an existing use is increased, car parking spaces must be provided to the satisfaction of the responsible authority. This does not apply to the use of land for a temporary portable land sales office located on the land for sale.

### Application requirements and decision guidelines for permit applications

**For applications to reduce the car parking requirement**

An application to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be accompanied by a Car Parking Demand Assessment.

The Car Parking Demand Assessment must assess the car parking demand likely to be generated by the proposed:

- new use; or
- increase in the floor areas or site area of the existing use; or
- increase to the existing use by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.

The Car Parking Demand Assessment must address the following matters, to the satisfaction of the responsible authority:

- The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use.
- The variation of car parking demand likely to be generated by the proposed use over time.
• The short-stay and long-stay car parking demand likely to be generated by the proposed use.
• The availability of public transport in the locality of the land.
• The convenience of pedestrian and cyclist access to the land.
• The provision of bicycle parking and end of trip facilities for cyclists in the locality of the land.
• The anticipated car ownership rates of likely or proposed visitors to or occupants (residents or employees) of the land.
• Any empirical assessment or case study.

Before granting a permit to reduce the number of spaces, the responsible authority must consider the following, as appropriate:

• The Car Parking Demand Assessment.
• Any relevant local planning policy or incorporated plan.
• The availability of alternative car parking in the locality of the land, including:
  - Efficiencies gained from the consolidation of shared car parking spaces.
  - Public car parks intended to serve the land.
  - On street parking in non residential zones.
  - Streets in residential zones specifically managed for non-residential parking.
• On street parking in residential zones in the locality of the land that is intended to be for residential use.
• The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.
• Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.
• The future growth and development of any nearby activity centre.
• Any car parking deficiency associated with the existing use of the land.
• Any credit that should be allowed for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment.
• Local traffic management in the locality of the land.
• The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.
• The need to create safe, functional and attractive parking areas.
• Access to or provision of alternative transport modes to and from the land.
• The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.
• The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.
• Any other matter specified in a schedule to the Parking Overlay.
• Any other relevant consideration.
For applications to allow some or all of the required car parking spaces to be provided on another site

Before granting a permit to allow some or all of the car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay to be provided on another site, the responsible authority must consider the following, as appropriate:

- The proximity of the car parking on the alternate site to the subject site.
- The likelihood of the long term provision and availability of the car parking spaces.
- Whether the location of the car parking spaces is consistent with any relevant local policy or incorporated plan.
- Any other matter specified in a schedule to the Parking Overlay.

For applications to provide more than the maximum parking provision specified in a schedule to the Parking Overlay

An application to provide more than the maximum parking provision specified in a schedule to the Parking Overlay must be accompanied by a Car Parking Demand Assessment.

The Car Parking Demand Assessment must assess the car parking demand likely to be generated by the proposed use or increase to the existing use.

The Car Parking Demand Assessment must address the following matters, to the satisfaction of the responsible authority:

- The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use.
- The variation of car parking demand likely to be generated by the proposed use over time.
- The short-stay and long-stay car parking demand likely to be generated by the proposed use.
- The availability of public transport in the locality of the land.
- The convenience of pedestrian and cyclist access to the land.
- The provision of bicycle parking and end of trip facilities for cyclists in the locality of the land.
- The anticipated car ownership rates of likely or proposed visitors to or occupants (residents or employees) of the land.
- Any empirical assessment or case study.

52.06-8

25/05/2017
VC133

Requirement for a car parking plan

Plans must be prepared to the satisfaction of the responsible authority before any of the following occurs:

- a new use commences; or
- the floor area or site area of an existing use is increased; or
- an existing use is increased by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.

The plans must show, as appropriate:

- All car parking spaces that are proposed to be provided (whether on the land or on other land).
- Access lanes, driveways and associated works.
- Allocation of car parking spaces to different uses or tenancies, if applicable.
- Any landscaping and water sensitive urban design treatments.
- Finished levels, if required by the responsible authority.
Any other matter specified in a schedule to the Parking Overlay.

Plans must be provided to the responsible authority under Clause 52.06-8 wherever Clause 52.06 applies, whether or not a permit application is being made under Clause 52.06-3 or any other provision of the planning scheme.

Where an application is being made for a permit under Clause 52.06-3 or another provision of the planning scheme, the information required under Clause 52.06-8 may be included in other plans submitted with the application.

Clause 52.06-8 does not apply where no car parking spaces are proposed to be provided.

52.06-9

Design standards for car parking

Plans prepared in accordance with Clause 52.06-8 must meet the design standards of Clause 52.06-9, unless the responsible authority agrees otherwise.

Design standards 1, 3, 6 and 7 do not apply to an application to construct one dwelling on a lot.

Design standard 1 – Accessways

Accessways must:

- Be at least 3 metres wide.
- Have an internal radius of at least 4 metres at changes of direction or intersection or be at least 4.2 metres wide.
- Allow vehicles parked in the last space of a dead-end accessway in public car parks to exit in a forward direction with one manoeuvre.
- Provide at least 2.1 metres headroom beneath overhead obstructions, calculated for a vehicle with a wheel base of 2.8 metres.
- If the accessway serves four or more car spaces or connects to a road in a Road Zone, the accessway must be designed so that cars can exit the site in a forward direction.
- Provide a passing area at the entrance at least 6.1 metres wide and 7 metres long if the accessway serves ten or more car parking spaces and is either more than 50 metres long or connects to a road in a Road Zone.
- Have a corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.

If an accessway to four or more car parking spaces is from land in a Road Zone, the access to the car spaces must be at least 6 metres from the road carriageway.

If entry to the car space is from a road, the width of the accessway may include the road.

Design standard 2 – Car parking spaces

Car parking spaces and accessways must have the minimum dimensions as outlined in Table 2.

Table 2: Minimum dimensions of car parking spaces and accessways

<table>
<thead>
<tr>
<th>Angle of car parking spaces to access way</th>
<th>Accessway width</th>
<th>Car space width</th>
<th>Car space length</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parallel</td>
<td>3.6 m</td>
<td>2.3 m</td>
<td>6.7 m</td>
</tr>
<tr>
<td>45°</td>
<td>3.5 m</td>
<td>2.6 m</td>
<td>4.9 m</td>
</tr>
<tr>
<td>Angle of car parking spaces to access way</td>
<td>Accessway width</td>
<td>Car space width</td>
<td>Car space length</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>----------------</td>
<td>----------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>60°</td>
<td>4.9 m</td>
<td>2.6 m</td>
<td>4.9 m</td>
</tr>
<tr>
<td>90°</td>
<td>6.4 m</td>
<td>2.6 m</td>
<td>4.9 m</td>
</tr>
<tr>
<td></td>
<td>5.8 m</td>
<td>2.8 m</td>
<td>4.9 m</td>
</tr>
<tr>
<td></td>
<td>5.2 m</td>
<td>3.0 m</td>
<td>4.9 m</td>
</tr>
<tr>
<td></td>
<td>4.8 m</td>
<td>3.2 m</td>
<td>4.9 m</td>
</tr>
</tbody>
</table>

*Note to Table 2: Some dimensions in Table 2 vary from those shown in the Australian Standard AS2890.1-2004 (off street). The dimensions shown in Table 2 allocate more space to aisle widths and less to marked spaces to provide improved operation and access. The dimensions in Table 2 are to be used in preference to the Australian Standard AS2890.1-2004 (off street) except for disabled spaces which must achieve Australian Standard AS2890.6-2009 (disabled).*

A wall, fence, column, tree, tree guard or any other structure that abuts a car space must not encroach into the area marked ‘clearance required’ on Diagram 1, other than:

- A column, tree or tree guard, which may project into a space if it is within the area marked ‘tree or column permitted’ on Diagram 1.
- A structure, which may project into the space if it is at least 2.1 metres above the space.

**Diagram 1 Clearance to car parking spaces**

Car spaces in garages or carports must be at least 6 metres long and 3.5 metres wide for a single space and 5.5 metres wide for a double space measured inside the garage or carport.

Where parking spaces are provided in tandem (one space behind the other) an additional 500 mm in length must be provided between each space.

Where two or more car parking spaces are provided for a dwelling, at least one space must be under cover.

Disabled car parking spaces must be designed in accordance with Australian Standard AS2890.6-2009 (disabled) and the Building Code of Australia. Disabled car parking spaces may encroach into an accessway width specified in Table 2 by 500mm.
Design standard 3: Gradients

Accessway grades must not be steeper than 1:10 (10 per cent) within 5 metres of the frontage to ensure safety for pedestrians and vehicles. The design must have regard to the wheelbase of the vehicle being designed for; pedestrian and vehicular traffic volumes; the nature of the car park; and the slope and configuration of the vehicle crossover at the site frontage. This does not apply to accessways serving three dwellings or less.

Ramps (except within 5 metres of the frontage) must have the maximum grades as outlined in Table 3 and be designed for vehicles travelling in a forward direction.

Table 3: Ramp gradients

<table>
<thead>
<tr>
<th>Type of car park</th>
<th>Length of ramp</th>
<th>Maximum grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public car parks</td>
<td>20 metres or less</td>
<td>1:5 (20%)</td>
</tr>
<tr>
<td></td>
<td>longer than 20 metres</td>
<td>1:6 (16.7%)</td>
</tr>
<tr>
<td>Private or residential car parks</td>
<td>20 metres or less</td>
<td>1:4 (25%)</td>
</tr>
<tr>
<td></td>
<td>longer than 20 metres</td>
<td>1:5 (20%)</td>
</tr>
</tbody>
</table>

Where the difference in grade between two sections of ramp or floor is greater that 1:8 (12.5 per cent) for a summit grade change, or greater than 1:6.7 (15 per cent) for a sag grade change, the ramp must include a transition section of at least 2 metres to prevent vehicles scraping or bottoming.

Plans must include an assessment of grade changes of greater than 1:5.6 (18 per cent) or less than 3 metres apart for clearances, to the satisfaction of the responsible authority.

Design standard 4: Mechanical parking

Mechanical parking may be used to meet the car parking requirement provided:

- At least 25 per cent of the mechanical car parking spaces can accommodate a vehicle height of at least 1.8 metres.
- Car parking spaces that require the operation of the system are not allocated to visitors unless used in a valet parking situation.
- The design and operation is to the satisfaction of the responsible authority.

Design standard 5: Urban design

Ground level car parking, garage doors and accessways must not visually dominate public space. Car parking within buildings (including visible portions of partly submerged basements) must be screened or obscured where possible, including through the use of occupied tenancies, landscaping, architectural treatments and artworks.

Design of car parks must take into account their use as entry points to the site.

Design of new internal streets in developments must maximise on street parking opportunities.

Design standard 6: Safety

Car parking must be well lit and clearly signed.

The design of car parks must maximise natural surveillance and pedestrian visibility from adjacent buildings.

Pedestrian access to car parking areas from the street must be convenient.

Pedestrian routes through car parking areas and building entries and other destination points must be clearly marked and separated from traffic in high activity parking areas.
Design standard 7: Landscaping

The layout of car parking areas must provide for water sensitive urban design treatment and landscaping.

Landscaping and trees must be planted to provide shade and shelter, soften the appearance of ground level car parking and aid in the clear identification of pedestrian paths.

Ground level car parking spaces must include trees planted with flush grilles. Spacing of trees must be determined having regard to the expected size of the selected species at maturity.

Decision guidelines

Before deciding that a plan prepared under Clause 52.06-8 is satisfactory the responsible authority must consider, as appropriate:

- The role and function of nearby roads and the ease and safety with which vehicles gain access to the site.
- The ease and safety with which vehicles access and circulate within the parking area.
- The provision for pedestrian movement within and around the parking area.
- The provision of parking facilities for cyclists and disabled people.
- The protection and enhancement of the streetscape.
- The provisions of landscaping for screening and shade.
- The measures proposed to enhance the security of people using the parking area particularly at night.
- The amenity of the locality and any increased noise or disturbance to dwellings and the amenity of pedestrians.
- The workability and allocation of spaces of any mechanical parking arrangement.
- The design and construction standards proposed for paving, drainage, line marking, signage, lighting and other relevant matters.
- The type and size of vehicle likely to use the parking area.
- Whether the layout of car parking spaces and access lanes is consistent with the specific standards or an appropriate variation.
- The need for the required car parking spaces to adjoin the premises used by the occupier/s, if the land is used by more than one occupier.
- Whether the layout of car spaces and accessways are consistent with Australian Standards AS2890.1-2004 (off street) and AS2890.6-2009 (disabled).
- The relevant standards of Clauses 56.06-2, 56.06-4, 56.06-5, 56.06-7 and 56.06-8 for residential developments with accessways longer than 60 metres or serving 16 or more dwellings.
- Any other matter specified in a schedule to the Parking Overlay.

Construction of car parking

Where a plan is required under Clause 52.06-8, the car parking spaces, access lanes, driveways and associated works and landscaping shown on the plan must be:

- constructed and available for use in accordance with the plan approved by the responsible authority; and
- formed to such levels and drained so that they can be used in accordance with the plan; and
- treated with an all-weather seal or some other durable surface; and
- line-marked or provided with some other adequate means of showing the car parking spaces, before any of the following occurs:
  - the new use commences; or
  - the floor area or site area of the existing use is increased; or
  - the existing use is increased by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.
EARTH AND ENERGY RESOURCES INDUSTRY

Purpose

To encourage land to be used and developed for exploration and extraction of earth and energy resources in accordance with acceptable environmental standards.

To ensure that mineral extraction, geothermal energy extraction, greenhouse gas sequestration and petroleum extraction are not prohibited land uses.

To ensure that planning controls for the use and development of land for the exploration and extraction of earth and energy resources are consistent with other legislation governing these land uses.

Permit requirement

A permit is required to use and develop land for earth and energy resources industry unless the table to this clause specifically states that a permit is not required.

Table of exemptions

<table>
<thead>
<tr>
<th>No permit is required to use or develop land for earth and energy resources industry if the following conditions are met:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mineral exploration</td>
</tr>
<tr>
<td>Mineral extraction</td>
</tr>
<tr>
<td>Stone exploration</td>
</tr>
<tr>
<td>Stone extraction</td>
</tr>
<tr>
<td>Geothermal energy exploration</td>
</tr>
<tr>
<td>Geothermal energy extraction</td>
</tr>
<tr>
<td>Petroleum exploration</td>
</tr>
<tr>
<td>Petroleum extraction</td>
</tr>
</tbody>
</table>

Application requirements for mineral extraction

An application to use and develop land for mineral extraction must be accompanied by:

- A copy of a work plan or a variation to an approved work plan that has received statutory endorsement under section 77TD of the Mineral Resources (Sustainable Development) Act 1990.

- The written notice of statutory endorsement under section 77TD(1) of the Mineral Resources (Sustainable Development) Act 1990.

- Any conditions specified under section 77TD(3) of the Mineral Resources (Sustainable Development) Act 1990.
Referral requirements for mineral extraction

Before deciding on any applications to use and develop land for mineral extraction the Responsible Authority must refer the application to the referral authorities specified under section 55 of the Planning and Environment Act 1987.

Unless the referral authority is the Roads Corporation, the referral requirements of Clause 52.08-2 do not apply to an application to use and develop land for mineral extraction if a copy of the work plan or a variation to an approved work plan was previously referred to the referral authority listed in Clause 66 under section 77TE of the Mineral Resources (Sustainable Development) Act 1990.
STONE EXTRACTION AND EXTRACTIVE INDUSTRY INTEREST AREAS

Purpose

To ensure that use and development of land for stone extraction does not adversely affect the environment or amenity of the area during or after extraction.

To ensure that excavated areas can be appropriately rehabilitated.

To ensure that sand and stone resources, which may be required by the community for future use, are protected from inappropriate development.

Application

These provisions apply to planning permit applications for:

- The use and development of land for stone extraction.
- The use and development of land within an extractive industry interest area.
- The use and development of land within 500 metres of stone extraction.

Permit exemptions for stone extraction

A permit to use and develop land for stone extraction will not be required if the conditions in the table to Clause 52.08-1 are met.

Application requirements

An application to use and develop land for stone extraction must be accompanied by:

- A copy of a work plan or a variation to an approved work plan that has received statutory endorsement under section 77TD of the Mineral Resources (Sustainable Development) Act 1990.

- The written notice of statutory endorsement under section 77TD(1) of the Mineral Resources (Sustainable Development) Act 1990.

- Any conditions specified under section 77TD(3) of the Mineral Resources (Sustainable Development) Act 1990.

These requirements do not apply to an application to use and develop land for stone extraction which is exempt from:

- The requirement to obtain a work plan under Section 77G of the Mineral Resources (Sustainable Development) Act 1990, or

- The provisions of the Mineral Resources (Sustainable Development) Act 1990 under Section 5AA of that Act.

Referral requirements

Before deciding on any applications to use and develop land for stone extraction the responsible authority must refer the application to the referral authorities specified under section 55 of the Planning and Environment Act 1987.

Unless the referral authority is the Roads Corporation, the referral requirements of Clause 52.09-4 do not apply to an application to use and develop land for stone extraction if a copy of the work plan or a variation to an approved work plan was previously referred to the referral authority listed in Clause 66 under section 77TE of the Mineral Resources (Sustainable Development) Act 1990.
Decision guidelines
Before deciding on an application, in addition to the decision guidelines in Clause 65, responsible authority must consider, as appropriate:

- The effect of the proposed stone extraction on any native flora and fauna on and near the land.
- The impact of the stone extraction operations on sites of cultural and historic significance, including any effects on Aboriginal places.
- The effect of the stone extraction operation on the natural and cultural landscape of the surrounding land and the locality generally.
- The ability of the stone extraction operation to contain any resultant industrial emissions within the boundaries of the subject land in accordance with the Regulations associated with the Mineral Resources (Sustainable Development) Act 1990 and other relevant regulations.
- The effect of vehicular traffic, noise, blasting, dust and vibration on the amenity of the surrounding area.
- The ability to rehabilitate the affected land to a form or for a use which is compatible with the natural systems or visual appearance of the surrounding area.
- The ability to rehabilitate the land so it can be used for a purpose or purposes beneficial to the community.
- The effect of the proposed stone extraction on groundwater and quality and the impact on any affected water uses.
- The impact of the proposed stone extraction on surface drainage and surface water quality.
- Any proposed provisions, conditions or requirements in a work plan that has received statutory endorsement issued under the Mineral Resources (Sustainable Development) Act 1990.

Permit conditions for stone extraction
A permit for the use and development of land for stone extraction must not include conditions which require the use to cease by a specified date unless either:
- The subject land is situated in or adjoins land which is being developed or is proposed to be developed for urban purposes.
- Such condition is suggested by the applicant.

A permit for the use and development of land for stone extraction must include conditions which are consistent with the requirements specified in Clause 52.09-7.

Requirements for the use and development of land for stone extraction

Boundary setback
Except with a permit, no alteration may be made to the natural condition or topography of the land within 20 metres of the boundary of the land. This does not apply to driveways, drains, bund walls or landscaping.

Screen planting
Shrubs and trees must be planted and maintained to screen activity on the site to the satisfaction of the responsible authority.

Parking areas
Parking areas must be provided for employees’ cars and all vehicles used on the site to the satisfaction of the responsible authority.
Notice of an application

Notice of the kinds of application listed below must be given under section 52(1)(c) of the Act to the person or body specified as a person or body to be notified in Clause 66.05:

- An application to use or subdivide land or construct a building for Accommodation, Child care centre, Education centre or Hospital:
  - Within an Extractive Industry Interest Area.
  - On land which is within 500 metres of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.

- An application to construct a building or construct or carry out works on land for which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.

These requirements do not apply to an extension to buildings or works.
HOME BASED BUSINESS

Purpose
To ensure that the amenity of the neighbourhood is not adversely affected by a business conducted in or from a dwelling.

Requirements to be met
A home based business must meet the following requirements:

- The person conducting the home based business must use the dwelling as their principal place of residence.
- No more than two persons who does not live in the dwelling may work in the home based business at any one time.
- The net floor area used in conducting the business including the storage of any materials or goods must not exceed 100 square metres or one-third of the net floor area of the dwelling, whichever is the lesser. The net floor area includes out-buildings and works normal to a dwelling.
- The business must not impose a load on any utility greater than normally required for domestic use.
- The business must not adversely affect the amenity of the neighbourhood in any way including:
  - The appearance of any building, works or materials used.
  - The parking of motor vehicles.
  - The transporting of materials or goods to or from the dwelling.
  - The hours of operation.
  - Electrical interference.
  - The storage of chemicals, gasses or other hazardous materials.
  - Emissions from the site.
- No motor vehicle may be adjusted, modified, serviced or repaired for gain.
- Only one commercial vehicle (a commercial goods vehicle, commercial passenger vehicle or tow truck within the meaning of the Transport Act 1983), not exceeding 2 tonnes capacity and with or without a trailer registered to a resident of the dwelling may be present at any time. The vehicle must not be fuelled or repaired on the site.
- No goods other than goods manufactured or serviced in the home based business may be offered for sale. This requirement does not apply to goods offered for sale online.
- Materials used or goods manufactured, serviced or repaired in the home based business must be stored within a building.
- No goods manufactured, serviced or repaired may be displayed so that they are visible from outside the site.
- Any goods offered for sale online must not be collected from the dwelling.

Permit requirement
Despite the requirements of Clause 52.11-1, a permit may be granted for a home occupation:

- Which allows no more than three people who do not live in the dwelling to work in the occupation at any one time; or
- Which has a floor area not exceeding 200 square metres or one-third of the net floor area of the dwelling, whichever is the lesser.
Which allows no more than one additional commercial vehicle (a commercial goods vehicle, commercial passenger vehicle or tow truck within the meaning of the Transport Act 1983), not exceeding two tonnes capacity and with or without a trailer registered to a resident of the dwelling, to be present at any time.

**Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- Whether there is a need for additional parking or loading facilities.
- The effect of any vehicle parking, storage or washing facilities on the amenity and character of the street.
- Whether the site is suitable for the particular home based business and is compatible with the surrounding use and development.
- Whether there is a need for landscaping to screen any outbuildings or car parking or loading areas or any other area relating to the home based business.
BUSHFIRE PROTECTION: EXEMPTIONS

Exemption to create defendable space around buildings used for accommodation

Any requirement of a planning permit, including any condition, which has the effect of prohibiting the removal, destruction or lopping of vegetation, or any requirement of this planning scheme to obtain a planning permit, or any provision of this planning scheme that prohibits the removal, destruction or lopping of vegetation or requires the removal, destruction or lopping of vegetation to be carried out in a particular manner, does not apply to:

- The removal, destruction or lopping of any vegetation within 10 metres of an existing building used for accommodation that was:
  - constructed before 10 September 2009; or
  - approved by a permit issued under this scheme before 10 September 2009; or
  - approved by a building permit issued under the Building Act 1993 before 10 September 2009; or
  - constructed to replace a dwelling or dependent persons unit that was damaged or destroyed by a bushfire that occurred between 1 January 2009 and 31 March 2009.

This does not apply to land covered by the Banyule, Bayside, Boroondara, Brimbank, Darebin, Glen Eira, Greater Dandenong, Hobsons Bay, Kingston, Knox, Maribyrnong, Maroondah, Melbourne, Monash, Moonee Valley, Moreland, Port of Melbourne, Port Phillip, Stonnington, Whitehorse and Yarra planning schemes unless the land is included in a Bushfire Management Overlay or is specified in a schedule to this clause.

- The removal, destruction or lopping of any vegetation, except trees, within 30 metres of an existing building used for accommodation that was:
  - constructed before 10 September 2009; or
  - approved by a permit issued under this scheme before 10 September 2009; or
  - approved by a building permit issued under the Building Act 1993 before 10 September 2009; or
  - constructed to replace a dwelling or dependent persons unit that was damaged or destroyed by a bushfire that occurred between 1 January 2009 and 31 March 2009.

This does not apply to land covered by the Banyule, Bayside, Boroondara, Brimbank, Darebin, Glen Eira, Greater Dandenong, Hobsons Bay, Kingston, Knox, Maribyrnong, Maroondah, Melbourne, Monash, Moonee Valley, Moreland, Port of Melbourne, Port Phillip, Stonnington, Whitehorse and Yarra planning schemes unless the land is specified in a schedule to this clause.

- The removal, destruction or lopping of any vegetation, except trees, within 50 metres of an existing building used for accommodation where land is within the Bushfire Management Overlay and where the existing building was:
  - constructed before 10 September 2009 or lawfully erected before 18 November 2011 without the need for a planning permit; or
  - approved by a permit issued under this scheme before 10 September 2009 and erected before 18 November 2011; or
  - approved by a building permit issued under the Building Act 1993 before 10 September 2009 and erected before 18 November 2011; or
  - constructed to replace a dwelling or dependent persons unit that was damaged or destroyed by a bushfire that occurred between 1 January 2009 and 31 March 2009.
Exemption for vegetation removal along a fenceline
Any requirement of a planning permit, including any condition, which has the effect of prohibiting the removal, destruction or lopping of vegetation, or any requirement of this planning scheme to obtain a planning permit, or any provision of this planning scheme that prohibits the removal, destruction or lopping of vegetation or requires the removal, destruction or lopping of vegetation to be carried out in a particular manner, does not apply to:

- The removal, destruction or lopping of any vegetation for a combined maximum width of 4 metres either side of an existing fence on a boundary between properties in different ownership that was constructed before 10 September 2009.

This does not apply to land covered by the Banyule, Bayside, Boroondara, Brimbank, Darebin, Glen Eira, Greater Dandenong, Hobsons Bay, Kingston, Knox, Maribyrnong, Maroondah, Melbourne, Monash, Moonee Valley, Moreland, Port of Melbourne, Port Phillip, Stonnington, Whitehorse and Yarra planning schemes unless the land is included in a Bushfire Management Overlay.

Exemption for buildings and works associated with a community fire refuge
Any requirement in this scheme relating to the construction of a building or the construction or carrying out of works does not apply to modifying an existing building to create a community fire refuge in accordance with Ministerial Direction No. 4, Construction Requirements for a Community Fire Refuge (1 August 2012).

Exemption for buildings and works associated with a private bushfire shelter
Any requirement in this scheme relating to the construction of a building or the construction or carrying out of works does not apply to buildings and works associated with a private bushfire shelter (a Class 10c building within the meaning of the Building Regulations 2006), provided the total area of all buildings and works does not exceed 30 square metres.

This clause does not apply to land in the Urban Floodway Zone, Erosion Management Overlay, Floodway Overlay, Land Subject to Inundation Overlay, Special Building Overlay or Heritage Overlay.

Exemption to create defendable space for a dwelling approved under Clause 44.06 of this planning scheme
Any requirement of a planning permit, including any condition, which has the effect of prohibiting the removal, destruction or lopping of vegetation, or any requirement of this planning scheme to obtain a planning permit, or any provision of this planning scheme that prohibits the removal, destruction or lopping of vegetation or requires the removal, destruction or lopping of vegetation to be carried out in a particular manner, does not apply to the removal, destruction or lopping of vegetation to construct a dwelling and create its defendable space if all of the following requirements are met:

- Land is in the Bushfire Management Overlay.
- Land is in the General Residential Zone, Residential Growth Zone, Neighbourhood Residential Zone, Urban Growth Zone, Low Density Residential Zone, Township Zone, Rural Living Zone, Farming Zone or Rural Activity Zone.
- The removal, destruction or lopping of vegetation:
  - Does not exceed the distance specified in Table 1 to Clause 53.02-3 of this planning scheme, based on the bushfire attack level determined by a relevant building surveyor in deciding an application for a building permit under the Building Act 1993 for a dwelling or alteration or extension to the dwelling; or
- Is required to be undertaken by a condition in a planning permit issued after 31 July 2014 under Clause 44.06 of this scheme for a dwelling or an alteration or extension to the dwelling.
SCHEDULE TO CLAUSE 52.12 BUSHFIRE PROTECTION: EXEMPTIONS

1.0 Exemptions for vegetation removal

<table>
<thead>
<tr>
<th>Land</th>
<th>None specified</th>
</tr>
</thead>
</table>

2009 BUSHFIRE - RECOVERY EXEMPTIONS

Purpose
To support recovery operations following the 2009 Victorian bushfires.

Scope
This clause applies to a use or development specified in Clause 52.13-3 carried out for the purposes of recovery from a bushfire that occurred after 1 January 2009.

Exemptions from planning scheme requirements
Any requirement of the scheme to obtain a permit or any provision in the scheme which prohibits the use or development of land or requires the use or development of land to be carried out in a particular manner does not apply to a use or development specified in Clause 52.13-3 provided the following requirements are met:

- Works must only be constructed or carried out for bushfire recovery or in association with the construction of a building under this provision to be used for temporary accommodation.
- A building constructed under this provision must only be used:
  - To provide temporary accommodation for a person or persons whose normal place of residence was damaged or destroyed by bushfire; or
  - For a use that is directly associated with bushfire recovery.
- A building constructed under this provision to be used for temporary accommodation must be located on the same lot as a building used for accommodation that was damaged or destroyed by bushfire unless the building is being constructed by or on behalf of a municipality, the Victorian Bushfire Reconstruction and Recovery Authority or other public authority.
- The construction of a building or the construction or carrying out of works must be completed prior to 31 March 2011.
- Native vegetation must only be removed, destroyed or lopped:
  - To provide access to, make safe or remove building and demolition rubble from a property; or
  - To enable emergency and bushfire recovery works undertaken by or on behalf of a municipality, the Victorian Bushfire Reconstruction and Recovery Authority, other public authority or a utility service provider in the exercise of any power conferred on them under any Act.
- Native vegetation must not be removed, destroyed or lopped after 31 March 2011.
- Any sign displayed must be directly associated with bushfire recovery.
- Any sign displayed must be removed prior to 31 March 2011.

Use and development
The requirements of Clause 52.13-2 apply to the following types of development:

- Demolition or removal of a building.
- Construction of a building.
- Construction or carrying out of works.
- Removal, destruction or lopping of vegetation.
- Display of a sign.
The requirements of Clause 52.13-2 apply to the following uses:

- Temporary accommodation.
- Any use directly associated with bushfire recovery.

**Land in a Heritage Overlay**

For land within a Heritage Overlay, in addition to the requirements specified in Clause 52.13-2, the written authorisation of the responsible authority must be obtained prior to:

- Demolishing or removing a building;
- Externally altering a building by structural work;
- Internally altering a building if the schedule to the Heritage Overlay identifies the heritage place as one where internal alteration controls apply;
- Carrying out works, repairs and routine maintenance which change the appearance of a heritage place or which are not undertaken to the same details, specifications and materials; or
- Removing, destroying or lopping a tree if the schedule to the Heritage Overlay identifies the heritage place as one where tree controls apply.

**Land in a Land Management Overlay**

For land within a Floodway Overlay, Land Subject to Inundation Overlay or Special Building Overlay, in addition to the requirements specified in Clause 52.13-2, the written authorisation of the responsible authority must be obtained prior to constructing a building or constructing and carrying out works.

For land within an Erosion Management Overlay, in addition to the requirements specified in Clause 52.13-2, the written authorisation of the responsible authority must be obtained prior to:

- Constructing a building or constructing and carrying out works; or
- Removing, destroying or lopping vegetation.

**Land in an Environmental Audit Overlay**

For land within an Environmental Audit Overlay, in addition to the requirements specified in Clause 52.13-2, the written authorisation of the responsible authority must be obtained prior to commencing a sensitive use (residential use, child care centre, pre school centre or primary school).

**Cessation of use**

A use must not continue after 31 March 2020 unless in accordance with the requirements of this scheme.

A building must not be used after 31 March 2020 unless in accordance with the requirements of this scheme.

**Decision guidelines**

Before deciding on an application to allow the retention or continuing use of a building, in addition to the decision guidelines in Clause 65 and any other requirements of the Act, the responsible authority must consider the extent to which compliance can be reasonably achieved with all requirements of this scheme.
2009 BUSHFIRE - REPLACEMENT BUILDINGS

Purpose

To support the rebuilding of dwellings, dependent persons’ units and buildings used for agriculture damaged or destroyed by the 2009 Victorian bushfires.

Scope

This clause applies to:

- The construction of a building or the construction and carrying out of works, associated with rebuilding:
  - a dwelling or dependent person’s unit; or
  - a building used for agriculture,
    that was damaged or destroyed by a bushfire that occurred between 1 January 2009 and 31 March 2009.

- The use of land for:
  - a dwelling or dependent person’s unit that is rebuilt in accordance with this clause; or
  - agriculture to the extent that the use relates to a building that was destroyed by a bushfire that occurred between 1 January 2009 and 31 March 2009 and that use cannot continue unless that building is rebuilt.

- The removal, destruction or lopping of vegetation to enable the construction, use and maintenance of a building rebuilt in accordance with this Clause.

This clause does not apply to land in a Heritage Overlay.

For the avoidance of doubt, any planning permit exemption provided by the scheme continues to apply to the use and development specified in this Clause.

If any use or development is within the scope of both this Clause 52.14 and Clause 52.13, then this Clause 52.14 prevails over Clause 52.13 in the event of any inconsistency.

Exemption from planning scheme requirements

Any requirement of the scheme to obtain a permit or any provision in the scheme which prohibits the use or development of land or requires the use or development of land to be carried out in a particular manner does not apply to the use and development specified in Clause 52.14-1 provided the following requirements are met:

Site plan

Before the commencement of construction of a building or the construction or carrying out of works, a site plan must be provided to and approved by the responsible authority. The site plan must show:

- The boundaries of the property.

- The location of any damaged or destroyed dwelling, dependent person’s unit or building used for agriculture.

- The proposed location of the replacement dwelling, dependent person’s unit or building used for agriculture.

- The existing and proposed access to the lot.
• Vegetation to be removed destroyed or lopped to enable rebuilding including construction of vehicle access, water storage and waste water treatment.

• For replacement dwellings and dependent persons’ units on land in a Farming Zone, Rural Conservation Zone, Rural Activity Zone, Green Wedge Zone, Green Wedge A Zone or the Rural Living Zone:
  - The location and dimensions of vehicle access.
  - The location and storage of water for potable and fire fighting purposes if the dwelling or dependent person’s unit cannot be connected to a reticulated potable water supply.
  - The location of the waste water treatment system if waste water is to be retained and treated on site.

The site plan must be submitted to the responsible authority by 30 September 2017.

Commencement of development

• The development must commence within two years after the approval of a site plan by the responsible authority and must be completed within two years after the development commences. The responsible authority may allow an extension of time on the request of the owner or the occupier of the land to which the approved site plan applies, provided that request is made before the expiry of the applicable period or within three months of the expiry of the applicable period.

Compliance with site plan

• The development must comply with the approved site plan.

Use and development conditions

• The land must not be used for more than the number of dwellings or dependent persons’ units that were damaged or destroyed.

• The removal, destruction or lopping of vegetation to enable the maintenance of a building must not exceed 10 metres beyond the building.

• For land in the Farming Zone, Rural Conservation Zone, Rural Activity Zone, Green Wedge Zone, Green Wedge A Zone or the Rural Living Zone:
  - Access to the dwelling or dependent person’s unit must be provided via an all weather road with dimensions adequate to accommodate emergency vehicles.
  - The dwelling or dependent person’s unit must be connected to a reticulated sewerage system or if not available, the waste water must be managed to the satisfaction of the responsible authority.
  - The dwelling or dependent person’s unit must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
  - The dwelling or dependent person’s unit must be connected to a reticulated electricity supply or have an alternative energy source.

• A building must be constructed of materials that are non-reflective and of muted tones in the following locations:
  - Land in an Environmental Significance Overlay, Design and Development Overlay or Significant Landscape Overlay.
  - Land in a Green Wedge Zone, Green Wedge A Zone or Rural Conservation Zone in the municipal districts of the Shire of Yarra Ranges and the Shire of Nillumbik.
For land in a Restructure Overlay, a building must be consistent with any Restructure Plan.

For land adjacent to a Road Zone, Category 1, or Land in a Public Acquisition Overlay if the purpose of acquisition is for a Category 1 road, access must not be created or altered.

**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.

**Land in a Floodway Overlay, Land Subject to Inundation Overlay or Special Building Overlay**

For land in a Floodway Overlay, Land Subject to Inundation Overlay or Special Building Overlay, in addition to the requirements specified in Clause 52.14-2, the written authorisation of the relevant floodplain management authority must be obtained prior to the commencement of construction of a building or the construction or carrying out of works.

**Decision guidelines**

Before deciding on approval of the site plan, in addition to the decision guidelines in Clause 65 and any other requirements of the Act, the responsible authority must consider, as appropriate:

- The extent to which the siting of the building and associated development can reasonably achieve compliance with other relevant requirements of this scheme.
- The extent to which the replacement dwelling or dependent person’s unit can be located on the land to assist the minimisation of risk to life and property from bushfire.
HELIPORT AND HELICOPTER LANDING SITE

Purpose
To ensure the amenity impacts of a heliport and a helicopter landing site on surrounding areas is considered.

Permit requirement
A permit is required to use or develop any land for a heliport or a helicopter landing site even if it is ancillary to another use on the land, unless the table to this Clause specifically states that a permit is not required.

Table of exemptions for use

<table>
<thead>
<tr>
<th>No permit is required to use land for a helicopter landing site if any of the following apply:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Emergency services</strong></td>
</tr>
<tr>
<td><strong>Agriculture</strong></td>
</tr>
<tr>
<td><strong>Public land management</strong></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><strong>General</strong></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></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

Application requirements
An application to use or develop land for a heliport or a helicopter landing site must be accompanied by the following information, as appropriate:

- A site plan, including:
  - Site boundaries and dimensions.
  - The current land use.
  - The existing siting and layout of buildings and works.
  - The proposed siting and layout of buildings and works.
  - Existing vegetation and proposed vegetation removal.
Vehicle and pedestrian access.

An application to use land for a heliport or a helicopter landing site must be accompanied by the following information:

- A location plan, including:
  - The siting and use of buildings on adjacent properties.
  - The direction and distance to any building used for a sensitive use (accommodation, child care centre, education centre and hospital) that is not associated with the helicopter operation and is located within 500 metres of the proposed heliport or helicopter landing site.

- A written report which:
  - Demonstrates a suitable separation distance between the landing point of a heliport or helicopter landing site and any building used for a sensitive use that is not associated with the helicopter operation by either:
    - Locating the proposed heliport or helicopter landing site at least 150 metres for helicopters of less than 2 tonnes all-up weight, or 250 metres for helicopters of less than 15 tonnes all-up weight, or
    - Providing an acoustic report by a suitably qualified consultant.
  - Includes details of the proposed frequency of flight movements.
  - Includes the proposed hours of operation.

Decision guidelines

Before deciding on an application to use land for a heliport or a helicopter landing site, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- Whether the proposal achieves a suitable separation distance from a nearby sensitive use, having regard to the Noise Control Guidelines (Environment Protection Authority, 2008).

- The effect of the proposal on nearby sensitive uses in terms of the proposed frequency of flight movements and hours of operation.
NATIVE VEGETATION PRECINCT PLAN

Purpose

To provide for the protection, management and removal of native vegetation through the use of a native vegetation precinct plan incorporated into this scheme.

To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):

1. Avoid the removal, destruction or lopping of native vegetation.
2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.

To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

Application

This clause applies to land if a native vegetation precinct plan corresponding to that land is incorporated into this scheme and listed in the schedule to this clause.

Native vegetation precinct plans

A native vegetation precinct plan is a plan relating to native vegetation within a defined area which is incorporated into this scheme and listed in the schedule to this clause.

A native vegetation precinct plan may form part of a more general strategic or precinct structure plan.

A native vegetation precinct plan must include the information and provide for the matters set out in section 10.1 of the Guidelines.

Permit requirement

A permit is required to remove, destroy or lop any native vegetation, including dead native vegetation. This does not apply:

- If the removal, destruction or lopping of native vegetation is in accordance with a native vegetation precinct plan incorporated into this scheme. Any conditions or requirements specified in the plan must be met.

- To the removal, destruction or lopping of native vegetation specified in the table to Clause 52.16-8, unless a native vegetation precinct plan specifies otherwise.

Application requirements

An application to remove, destroy or lop native vegetation must comply with the application requirements specified in the Guidelines.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines at Clause 65, the responsible authority must consider the decision guidelines specified in the Guidelines as appropriate.
Offset requirements
If a permit is required to remove, destroy or lop native vegetation, the biodiversity impacts from the removal, destruction or lopping of native vegetation must be offset in accordance with the Guidelines. The conditions on the permit for the removal, destruction or lopping of native vegetation must specify the offset requirement and timing to secure the offset.

Transitional provisions
The requirements of this clause in force immediately before the commencement of Amendment VC138 continue to apply to an application for:

- A permit lodged before that date.
- An amendment to a permit if:
  - the original permit application was lodged before that date; or
  - the original permit application was one that benefited from the following transitional provision.
- A permit lodged within 12 months after that date, if the Secretary to the Department of Environment, Land Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987) has stated in writing that a report about the proposed removal, destruction or lopping of native vegetation has been generated by the Department of Environment, Land, Water and Planning’s native vegetation information systems within 12 months before that date.

Table of exemptions

<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></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Crown land</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Emergency works</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Fire protection</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>
The requirement to obtain a permit does not apply to:

- making a strategic fuelbreak up to 40 metres wide by, or on behalf of, a public authority in accordance with a strategic fuelbreak plan approved by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987);
- in accordance with a fire prevention notice issued under either:
  - section 65 of the Forests Act 1958; or
- keeping native vegetation clear of, or minimising the risk of bushfire ignition from, an electric line in accordance with a code of practice prepared under Part 8 of the Electricity Safety Act 1998;
- minimising the risk to life and property from bushfire on a roadside of a public road managed by the relevant responsible road authority, and carried out by or on behalf of that authority, in accordance with written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forest and Lands Act 1987). In this exemption, roadside, public road and responsible road authority have the same meanings as in section 3 of the Road Management Act 2004. Note: Additional permit exemptions for bushfire protection are provided at Clause 52.12.
- 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.
- Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to maintain the safe and efficient function of an existing railway, or railway access road, in accordance with written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).
The requirement to obtain a permit does not apply to:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>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>- 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.</td>
</tr>
<tr>
<td></td>
<td>This exemption does not apply to land where native vegetation has been destroyed or otherwise damaged as a result of flood, fire or other natural disaster.</td>
</tr>
<tr>
<td>Road safety</td>
<td>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of a public authority or municipal council to maintain the safe and efficient function of an existing road in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <em>Conservation, Forests and Lands Act 1987</em>).</td>
</tr>
<tr>
<td>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 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 trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.</td>
</tr>
<tr>
<td></td>
<td>This exemption does not apply to costeasing and bulk sampling activities.</td>
</tr>
<tr>
<td>Stone extraction</td>
<td>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone extraction in accordance with a work plan approved under the <em>Mineral Resources (Sustainable Development) Act 1990</em> and authorised by a work authority under that Act.</td>
</tr>
<tr>
<td>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 <em>Surveying Act 2004</em>) 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 <em>Traditional Owner Settlement Act 2010</em>; or</td>
</tr>
<tr>
<td></td>
<td>- an authorisation order made under sections 82 or 84 of the <em>Traditional Owner Settlement Act 2010</em> as those sections were in force immediately before the commencement of section 24 of the <em>Traditional Owner Settlement Amendment Act in 2016</em> (1 May 2017).</td>
</tr>
<tr>
<td>Utility installations</td>
<td>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary:</td>
</tr>
<tr>
<td></td>
<td>- to maintain the safe and efficient function of a Minor utility installation; or</td>
</tr>
<tr>
<td></td>
<td>- by or on behalf of a utility service provider to maintain or construct a utility installation in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <em>Conservation, Forests and Lands Act 1987</em>).</td>
</tr>
</tbody>
</table>
SCHEDULE TO CLAUSE 52.16

1.0

Native vegetation precinct plan

<table>
<thead>
<tr>
<th>Name of plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
</tr>
</tbody>
</table>
NATIVE VEGETATION

Purpose

To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):

1. Avoid the removal, destruction or lopping of native vegetation.
2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.

To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

Permit requirement

A permit is required to remove, destroy or lop native vegetation, including dead native vegetation. This does not apply:

- If the table to Clause 52.17-7 specifically states that a permit is not required.
- If a native vegetation precinct plan corresponding to the land is incorporated into this scheme and listed in the schedule to Clause 52.16.
- To the removal, destruction or lopping of native vegetation specified in the schedule to this clause.

Application requirements

An application to remove, destroy or lop native vegetation must comply with the application requirements specified in the Guidelines.

Property vegetation plans

A permit granted to remove, destroy or lop native vegetation in accordance with a property vegetation plan must include the following condition:

“This permit will expire if one of the following circumstances applies:

- The removal, destruction or lopping of native vegetation does not start within two years of the date of this permit.
- The removal, destruction or lopping of native vegetation is not completed within ten years of the date of this permit.”

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider the decision guidelines specified in the Guidelines as appropriate.

Offset requirements

If a permit is required to remove, destroy or lop native vegetation, the biodiversity impacts from the removal, destruction or lopping of native vegetation must be offset, in accordance with the Guidelines. The conditions on the permit for the removal, destruction or lopping of native vegetation must specify the offset requirement and the timing to secure the offset.
Transitional provisions

The requirements of this clause in force immediately before the commencement of Amendment VC138 continue to apply to an application for:

- A permit lodged before that date.
- An amendment to a permit if:
  - the original permit application was lodged before that date; or
  - the original permit application was one that benefited from the following transitional provision.
- A permit lodged within 12 months after that date, if the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987) has stated in writing that a report about the proposed removal, destruction or lopping of native vegetation has been generated by the Department of Environment, Land, Water and Planning’s native vegetation information systems within 12 months before that date.

Table of exemptions

<table>
<thead>
<tr>
<th>The requirement to obtain a permit does not apply to:</th>
</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>Dead native vegetation</strong></td>
</tr>
<tr>
<td>Native vegetation that is dead.</td>
</tr>
<tr>
<td>This exemption does not apply to a standing dead tree with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.</td>
</tr>
<tr>
<td><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>
</tbody>
</table>
### The requirement to obtain a permit does not apply to:

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Existing buildings</strong></td>
<td>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:</td>
</tr>
<tr>
<td>-</td>
<td>the operation or maintenance of a fence; or</td>
</tr>
<tr>
<td>-</td>
<td>native vegetation located more than 10 metres measured from the outermost point of the building.</td>
</tr>
<tr>
<td><strong>Existing buildings and works in the Farming Zone and Rural Activity Zone</strong></td>
<td>Native vegetation that is to be removed, destroyed, or lopped to the minimum extent necessary to enable the use or maintenance of an existing building or works used for Agricultural production, including a dam, utility service, bore, horticultural trellising and accessway in the Farming Zone or the Rural Activity Zone. This exemption does not apply to:</td>
</tr>
<tr>
<td>-</td>
<td>the use or maintenance of a Dwelling; or</td>
</tr>
<tr>
<td>-</td>
<td>the operation or maintenance of a fence; or</td>
</tr>
<tr>
<td>-</td>
<td>native vegetation located more than 10 metres measured from the outermost point of the building or works.</td>
</tr>
<tr>
<td><strong>Fences</strong></td>
<td>Native vegetation that is to be removed, destroyed, or lopped to the minimum extent necessary to enable:</td>
</tr>
<tr>
<td>-</td>
<td>the operation or maintenance of an existing fence; or</td>
</tr>
<tr>
<td>-</td>
<td>the construction of a boundary fence between properties in different ownership. The clearing along both sides of the fence when combined must not exceed 4 metres in width, except where land has already been cleared 4 metres or more along one side of the fence, then up to 1 metre can be cleared along the other side of the fence.</td>
</tr>
<tr>
<td><strong>Fire protection</strong></td>
<td>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to carry out any of the following fire protection activities:</td>
</tr>
<tr>
<td>-</td>
<td>fire fighting;</td>
</tr>
<tr>
<td>-</td>
<td>planned burning;</td>
</tr>
<tr>
<td>-</td>
<td>making or maintenance of a fuelbreak or firefighting access track (or any combination thereof) that does not exceed a combined width of 6 metres;</td>
</tr>
<tr>
<td>-</td>
<td>making a strategic fuelbreak up to 40 metres wide by, or on behalf of, a public authority in accordance with a strategic fuelbreak plan approved by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987);</td>
</tr>
<tr>
<td>-</td>
<td>in accordance with a fire prevention notice issued under either:</td>
</tr>
<tr>
<td>-</td>
<td>Section 65 of the Forests Act 1958; or</td>
</tr>
<tr>
<td>-</td>
<td>Section 41 of the Country Fire Authority Act 1958.</td>
</tr>
<tr>
<td>-</td>
<td>keeping native vegetation clear of, or minimising the risk of bushfire ignition from, an electric line in accordance with a code of practice prepared under Part 8 of the Electricity Safety Act 1998;</td>
</tr>
</tbody>
</table>
The requirement to obtain a permit does not apply to:

- minimising the risk to life and property from bushfire on a roadside of a public road managed by the relevant responsible road authority, and carried out by or on behalf of that authority, in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987). In this exemption, roadside, public road and responsible road authority have the same meanings as in section 3 of the Road Management Act 2004.

*Note: Additional permit exemptions for bushfire protection are provided at Clause 52.12.*

<table>
<thead>
<tr>
<th>Geothermal energy exploration and extraction</th>
<th>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the <em>Geothermal Energy Resources Act 2005</em>.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grasses</td>
<td>Native grass that is to be mowed or slashed for maintenance only, provided that the grass is:</td>
</tr>
<tr>
<td></td>
<td>- located within a lawn, garden or other landscaped area; or</td>
</tr>
<tr>
<td></td>
<td>- maintained at a height of at least 10 centimetres above ground level.</td>
</tr>
<tr>
<td>Grazing</td>
<td>Native vegetation that is to be removed, destroyed or lopped by domestic stock grazing on:</td>
</tr>
<tr>
<td></td>
<td>- freehold land; or</td>
</tr>
<tr>
<td></td>
<td>- Crown land in accordance with a license, permit or lease granted under applicable legislation.</td>
</tr>
<tr>
<td>Greenhouse gas sequestration and exploration</td>
<td>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the <em>Greenhouse Gas Geological Sequestration Act 2008</em>.</td>
</tr>
<tr>
<td>Harvesting for timber production – naturally established native vegetation</td>
<td>Naturally established native vegetation that is to be removed, destroyed or lopped to enable timber harvesting operations and associated activities that are in accordance with the <em>Code of Practice for Timber Production 2014</em> and are:</td>
</tr>
<tr>
<td></td>
<td>- undertaken on public land under a licence or permit issued under section 52 of the <em>Forests Act 1958</em>; or</td>
</tr>
<tr>
<td></td>
<td>- authorised in accordance with Part 5 of the <em>Sustainable Forests (Timber) Act 2004</em>.</td>
</tr>
<tr>
<td>Land management or directions notice</td>
<td>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land management notice or directions notice served under the <em>Catchment and Land Protection Act 1994</em>.</td>
</tr>
<tr>
<td>Land use conditions</td>
<td>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land use condition served under the <em>Catchment and Land Protection Act 1994</em>.</td>
</tr>
<tr>
<td>Lopping and pruning for maintenance</td>
<td>Lopping or pruning native vegetation, for maintenance only, provided no more than 1/3 of the foliage of each individual plant is lopped or pruned. This exemption does not apply to:</td>
</tr>
<tr>
<td></td>
<td>- the pruning or lopping of the trunk of a native tree; or</td>
</tr>
<tr>
<td></td>
<td>- native vegetation on a roadside or railway reservation.</td>
</tr>
</tbody>
</table>
The requirement to obtain a permit does not apply to:

| **Mineral exploration and extraction** | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by the holder of an exploration, mining, prospecting, or retention license issued under the *Mineral Resources (Sustainable Development) Act 1990*:
| | • that is low impact exploration within the meaning of Schedule 4A of the *Mineral Resources (Sustainable Development) Act 1990*; or
| | • in accordance with a work plan approved under Part 3 of the *Mineral Resources (Sustainable Development) Act 1990*.  
*Note: Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990 specifies limits on the extent of native vegetation that may be removed as part of low impact exploration.*

| **New buildings and works in the Farming Zone and Rural Activity Zone** | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the construction of a building or works used for *Agricultural* production, including a dam, utility service, bore and accessway, in the Farming Zone or the Rural Activity Zone.  
The maximum extent of native vegetation that may be removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:
| | • 1 hectare of native vegetation which does not include a tree.
| | • 15 native trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.
| | • 5 native trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.
| | This exemption does not apply to the construction or operation of a pivot irrigation system or horticultural trellising.

| **New dwellings in the Farming Zone and Rural Activity Zone** | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the construction of a dwelling in the Farming Zone or Rural Activity Zone.  
The maximum extent of native vegetation removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:
| | • 300 square metres of native vegetation which does not include a tree.
| | • 5 native trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.
| | • 1 native tree with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.
| | This exemption does not apply native vegetation removed, destroyed or lopped to enable the construction of a swimming pool, tennis court or horse ménage.

| **Personal use** | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to obtain reasonable amounts of wood for personal use by the owner or lawful occupier of the land.  
For the purpose of this exemption personal use means uses such as heating and cooking, building and fence construction on land, and hobbies such as arts and craft.  
This exemption does not apply to:
| | • contiguous land in one ownership that has an area of less than 10 hectares;
The requirement to obtain a permit does not apply to:

- the removal, destruction or lopping of native vegetation by means other than cutting or chopping; or
- a standing native tree (including a dead tree) with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.

### Pest animal burrows

Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal of pest animal burrows in the Farming Zone or the Rural Activity Zone:

- in accordance with written agreement of an officer of the department responsible for administering the *Flora and Fauna Guarantee Act 1988*; or
- provided the maximum extent of native vegetation removed, destroyed or lopped on contiguous land in the same ownership in a five year period does not exceed any of the following:
  - 1 hectare of native vegetation which does not include a tree; or
  - 15 native trees with a trunk diameter of less than 20 centimetres at a height of 1.3 metres above ground level.

### Planted vegetation

Native vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding.

This exemption does not apply to native vegetation planted or managed with public funding for the purpose of land protection or enhancing biodiversity unless the removal, destruction or lopping of the native vegetation is in accordance with written permission of the agency (or its successor) that provided the funding.

### Railways

Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to maintain the safe and efficient function of an existing railway, or railway access road, in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*).

### Regrowth

Native vegetation that is to be removed, destroyed or lopped that has naturally established or regenerated on land lawfully cleared of naturally established native vegetation, and is:

- less than 10 years old; or
- bracken (*Pteridium esculentum*); or
- within the boundary of a timber production plantation, as indicated on a Plantation Development Notice or other documented record, and has established after the plantation; or
- less than ten years old at the time of a property vegetation plan being signed by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*), and is:
  - shown on that plan as being ‘certified regrowth’; and
  - on land that is to be used or maintained for cultivation or pasture during the term of that plan.

This exemption does not apply to land where native vegetation has been destroyed or otherwise damaged as a result of flood, fire or other natural disaster.
## The requirement to obtain a permit does not apply to:

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Road safety</strong></td>
<td>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by and on behalf of a public authority or municipal council to maintain the safe and efficient function of an existing road in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).</td>
</tr>
<tr>
<td><strong>Site area</strong></td>
<td>Native vegetation that is to be removed, destroyed or lopped on land, together with all contiguous land in one ownership, which has an area of less than 0.4 hectares. This exemption does not apply to native vegetation on a roadside or rail reservation.</td>
</tr>
<tr>
<td><strong>Stock movements on roads</strong></td>
<td>Native vegetation that is to be removed, or destroyed by stock being moved along a road. This exemption does not apply to grazing as a result of holding stock in a temporary fence (including an electric fence) on a roadside for the purpose of feeding.</td>
</tr>
</tbody>
</table>
| **Stone exploration**     | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone exploration. The maximum extent of native vegetation that may be removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:  
  - 1 hectare of native vegetation which does not include a tree.  
  - 15 native trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.  
  - 5 native trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level. This exemption does not apply to costeuning and bulk sampling activities. |
| **Stone extraction**      | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone extraction in accordance with a work plan approved under the Mineral Resources (Sustainable Development) Act 1990 and authorised by a work authority under that Act.                                                                                           |
| **Surveying**             | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by, or on behalf of, a licenced surveyor (within the meaning of section 3 of the Surveying Act 2004) using hand-held tools to establish a sightline for the measurement of land.                                                                                                  |
| **Traditional owners**    | Native vegetation that is to be removed, destroyed or lopped by a person acting under, and in accordance with:  
  - a natural resource agreement under Part 6 of the Traditional Owner Settlement Act 2010; or  
  - an authorisation order made under sections 82 or 84 of the Traditional Owner Settlement Act 2010 as those sections were in force immediately before the commencement of section 24 of the Traditional Owner Settlement Amendment Act in 2016 (1 May 2017). |
| **Utility installations** | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary:  
  - to maintain the safe and efficient function a Minor utility installation; or |
The requirement to obtain a permit does not apply to:

- by or on behalf of a utility service provider to maintain or construct a utility installation in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).

Vehicle access from public roads

Native vegetation that is to be removed, destroyed, or lopped to the minimum extent necessary to enable the construction or maintenance of a vehicle access across a road reserve from a property boundary to a public road.

This exemption only applies to properties which share a common boundary with the road reserve, and the total width of clearing must not exceed 6 metres.

This exemption does not apply where there is a practical opportunity to site the accessway to avoid the removal, destruction or lopping of native vegetation.

In this exemption, roadside and public road have the same meanings as in section 3 of the Road Management Act 2004.

Note: Under the Road Management Act 2004 the written consent of the coordinating road authority is required to conduct any works, including removing a tree or other vegetation, in, on, under or over a road.

Weeds

Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal or destruction of a weed listed in the schedule to Clause 52.17.

The maximum extent of native vegetation that may be removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:

- 1 hectare of native vegetation which does not include a tree.
- 15 native trees with a trunk diameter of less than 20 centimetres at a height of 1.3 metres above ground level.
### SCHEDULE TO CLAUSE 52.17 NATIVE VEGETATION

#### Scheduled area

<table>
<thead>
<tr>
<th>Area</th>
<th>Description of native vegetation for which no permit is required to remove, destroy or lop</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
</tr>
</tbody>
</table>

#### Scheduled weed

<table>
<thead>
<tr>
<th>Area</th>
<th>Description of weed</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
</tr>
</tbody>
</table>

#### Utility installation code of practice

<table>
<thead>
<tr>
<th>Name of code of practice</th>
<th>None specified</th>
</tr>
</thead>
</table>
TELECOMMUNICATIONS FACILITY

Purpose
To ensure that telecommunications infrastructure and services are provided in an efficient and cost effective manner to meet community needs.
To facilitate an effective statewide telecommunications network in a manner consistent with orderly and proper planning.
To encourage the provision of telecommunications facilities with minimal impact on the amenity of the area.

Permit requirement
A permit is required to construct a building or construct or carry out works for a Telecommunications facility. This does not apply to buildings and works for:

- A low-impact facility as described in the Telecommunications (Low-impact) Facilities Determination 1997 (Cth).
- The inspection and maintenance of a Telecommunications facility as defined in the Telecommunications Act 1997 (Cth).
- A facility authorised by a Facilities Installation Permit issued under the Telecommunications Act 1997 (Cth).
- A temporary defence facility.
- The connection of a building, structure, caravan or mobile home to a Telecommunications line forming part of a Telecommunications network.
- A Telecommunications facility that complies with the requirements of section 5 of A Code of Practice for Telecommunications Facilities in Victoria, July 2004.
- An activity authorised under clause 6(2) of Division 3 of Schedule 3 of the Telecommunications Act 1997 (Cth).
- An activity carried out by a body listed in sections 46 to 51 (inclusive) of the Telecommunications Act 1997 (Cth) pursuant to legislation applying to that body.

Land in public ownership
An application affecting land in a public land zone must be accompanied by written confirmation from the public land manager that the public land manager consents generally or conditionally:

- To the application being made; or
- To the application being made and to the proposed development.
This requirement does not apply if the applicant is the public land manager.

Exemption from notice and review
An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act unless:

- The Telecommunications facility is a radio communications dish greater than 1.2 metres in diameter; or
- The Telecommunications facility is a Telecommunications tower (other than a low-impact facility described in the Telecommunications (Low-impact Facilities) Determination 1997 (Cth)); or
The land is located in an Environmental Significance Overlay, a Vegetation Protection Overlay, a Significant Landscape Overlay, a Heritage Overlay, a Design and Development Overlay or an Erosion Management Overlay; or

The land is public land not in a public land zone and the responsible authority is not the public land manager.

An application under any provision of this scheme to use or develop land for a Telecommunications facility is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if the Telecommunications facility is funded, or partly funded, by:

- The Commonwealth through the Mobile Black Spot Program; or
- The State of Victoria.

### Application requirements

An application must be accompanied by the following information as appropriate to the proposal and the location:

- A site analysis and design response explaining how the proposed facility addresses the principles for the design, siting, construction and operation of telecommunications facilities and the requirements in *A Code of Practice for Telecommunications Facilities in Victoria, July 2004*.

- Site boundaries and dimensions.

- The purpose and location of all buildings and works required in the construction of the facility.

- The location of all existing buildings and works to be retained and demolished.

- The location of all proposed buildings and works including dimensions, elevations, materials, colours and finishes.

- The location and use of all buildings on adjoining properties.

- The location of all adjoining streets and access ways.

- Australian Height Datum levels.

- Natural drainage lines, watercourses, coastal dunes, beach systems and wetlands.

- Proposals for the rehabilitation of the land on which development is to occur.

- Roads and parking areas.

- Materials, landscaping, external lighting, colour and reflectivity.

### Decision guidelines

Before deciding on an application, in addition to the decision guidelines of Clause 65, the responsible authority must consider, as appropriate:

- The principles for the design, siting, construction and operation of a Telecommunications facility set out in *A Code of Practice for Telecommunications Facilities in Victoria, July 2004*.

- The effect of the proposal on adjacent land.

- If the Telecommunications facility is located in an Environmental Significance Overlay, a Vegetation Protection Overlay, a Significant Landscape Overlay, a Heritage Overlay, a Design and Development Overlay or an Erosion Management Overlay, the decision guidelines in those overlays and the schedules to those overlays.
PRIVATE TENNIS COURT

Purpose

To ensure that tennis courts used in association with a dwelling are sited and constructed to minimise the effects of the development on nearby properties.

To ensure that the use of tennis courts in association with a dwelling does not cause unreasonable disturbance to adjoining residents or adversely affect the residential amenity of adjoining areas.

Application

This clause applies to any private tennis court which is used in association with a dwelling.

Permit requirement

A permit is not required under any provision of this scheme to construct, use or illuminate a private tennis court if the performance requirements specified in the Code of Practice - Private Tennis Court Development Revision 1 March 1999 are met.

A permit is required to construct, use or illuminate a private tennis court:

- If any of the performance requirements specified in the Code of Practice - Private Tennis Court Development Revision 1 March 1999 are not met.

- If the land is in an Environmental Significance Overlay, a Vegetation Protection Overlay, a Significant Landscape Overlay, a Heritage Overlay, an Urban Floodway Zone, a Floodway Overlay or a Land Subject to Inundation Overlay and a permit is required for any of the following:
  - To construct a building or construct or carry out works.
  - To remove, destroy, prune or lop a tree or vegetation.

Application requirements

Unless the circumstances do not require, an application under this clause must be accompanied by the following information:

- A copy of title of the land.

- A layout plan to a scale of not less than 1:200.

- The location of dwellings on adjoining land within 10 metres of the court site showing habitable room windows.

- Existing and proposed site levels.

- Location of vegetation to be removed.

- Proposed landscaping.

- Illumination levels and the position and height of light poles and fencing.

- Description of fencing material.

- The location of easements.

- Volume of excavated material to be brought to or removed from the site.

- Means of access to the site.

- Construction method and timing.
**Notice provisions**

An application for a permit to construct, use or illuminate a private tennis court under any provision of this scheme is exempt from the notice requirements of section 52(1)(a), (b) and (d) of the Act. In accordance with section 52(1)(c) of the Act notice of an application to construct, use or illuminate a private tennis court under any provision of this scheme must be given by ordinary post to the owners and occupiers of adjoining and opposite properties.

**Decision guidelines**

Before deciding on an application under this Clause, in addition to the decision guidelines in Clause 65, the responsible authority must consider the relevant objectives and considerations specified in the Code of Practice - Private Tennis Court Development Revision 1 March 1999.
COMMUNITY CARE ACCOMMODATION

Purpose
To facilitate the establishment of community care accommodation.
To support the confidentiality of community care accommodation.

Application
This clause applies to the use and development of land for community care accommodation.

Use exemption
Any requirement in the Activity Centre Zone, Capital City Zone, Commercial 1 Zone, General Residential Zone, Low Density Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone, Rural Living Zone or Township Zone to obtain a permit to use land for community care accommodation does not apply if all of the following requirements are met:

- Any condition opposite the use ‘community care accommodation’ in the table of uses in the zone or schedule to the zone is met.
- The use is funded by, or conducted by or on behalf of, a government department or public authority, including a public authority established for a public purpose under a Commonwealth Act.
- No more than 20 clients are accommodated. This does not include staff.
- No more than 5 persons at any one time who are not residents may access support services provided on the land.

Buildings and works exemption
Any requirement in the General Residential Zone, Low Density Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone, Rural Living Zone or Township Zone to obtain a permit to construct a building or construct or carry out works for community care accommodation does not apply if all of the following requirements are met:

- The development is funded by, or carried out by or on behalf of, a government department or public authority, including a public authority established for a public purpose under a Commonwealth Act.
- If the development is in the General Residential Zone or Neighbourhood Residential Zone, a garden area is provided in accordance with the minimum garden area requirement specified in the zone.
- If the development is in the General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone, standards B6, B17, B18, B19, B20, B21 and B22 of Clause 55 are met.

Exemption from notice and review
An application under any provision of this planning scheme to use land or construct a building or construct or carry out works for community care accommodation is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if the application is made by or on behalf of a government department or public authority, including a public authority established for a public purpose under a Commonwealth Act.
52.23

ROOMING HOUSE

Purpose
To facilitate the establishment of domestic-scale rooming houses.

52.23-1

Application
This clause applies to use and development of land for a rooming house.

52.23-2

Use exemption
Any requirement in the Activity Centre Zone, Capital City Zone, Commercial 1 Zone, General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone to obtain a permit to use land for a rooming house does not apply if all of the following requirements are met:

- Any condition opposite the use ‘rooming house’ in the table of uses in the zone or schedule to the zone is met.
- The total floor area of all buildings on the land does not exceed 300 square metres, excluding outbuildings.
- No more than 12 persons are accommodated.
- No more than 9 bedrooms are provided.

52.23-3

Buildings and works exemption
Any requirement in the General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone to obtain a permit to construct a building or construct or carry out works for a rooming house does not apply if all of the following requirements are met:

- No more than 9 bedrooms are developed on the land.
- Bedrooms can only be accessed from within the building.
- The total floor area of all buildings on the land does not exceed 300 square metres, excluding outbuildings.
- If the development is in the General Residential Zone or Neighbourhood Residential Zone, a garden area is provided in accordance with the minimum garden area requirement specified in the zone.
- Shared entry facilities and common areas, including a kitchen and living area, are provided.
CREMATORIUM

Purpose
To ensure that crematoria in cemeteries are developed and used in an appropriate manner.

Permit required
A permit is required to develop and use a crematorium on land that is used for cemetery purposes. This does not apply to land in the Springvale Crematorium.

Decision guidelines
Before deciding on an application to use and develop land for a crematorium, in addition to the decision guidelines in Clause 65, the responsible authority must consider:

- The provision of landscaping and screen planting.
- The location and design of the buildings to be constructed.
- The effect on traffic movement generated by the use.
- The provision of parking facilities.
LICENCED PREMISES

Purpose
To ensure that licensed premises are situated in appropriate locations.
To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.

Scope
These provisions apply to premises licensed, or to be licensed, under the **Liquor Control Reform Act 1998**.

Permit required
A permit is required to use land to sell or consume liquor if any of the following apply:

- A licence is required under the **Liquor Control Reform Act 1998**.
- A different licence or category of licence is required from that which is in force.
- The hours of trading allowed under a licence are to be extended.
- The number of patrons allowed under a licence is to be increased.
- The area that liquor is allowed to be consumed or supplied under a licence is to be increased.

This does not apply:

- To a limited licence.
- To a licence to manufacture liquor.
- If the schedule to this clause specifies that a permit is not required to use land to sell or consume liquor under a particular type of licence.
- To a variation that reduces the hours of trading allowed under a licence.
- To a variation that reduces the number of patrons allowed under a licence.
- To a variation that reduces the area within which liquor is allowed to be consumed or supplied under a licence.
- To a variation of licence at the initiative of the Victorian Commission for Gambling and Liquor Regulation, pursuant to Section 58 of the **Liquor Control Reform Act 1998**.
- To a variation of licence for a variation prescribed in Part 6, Regulation 31 of the Liquor Control Reform Regulations 2009.
- If a different licence or category of licence is required solely as a result of changes to licence categories.
- To a licence to sell only packaged liquor for consumption elsewhere issued before 8 April 2011.

The schedule to this clause may specify that a permit may not be granted to use land to sell or consume liquor under a particular type of licence.

Referral of applications
An application must be referred and notice of the application must be given in accordance with Clause 66 of this scheme.

Decision guidelines
Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.

The impact of the hours of operation on the amenity of the surrounding area.

The impact of the number of patrons on the amenity of the surrounding area.

The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.
### SCHEDULE TO CLAUSE 52.27

**Permit not required**

<table>
<thead>
<tr>
<th>Land</th>
<th>Type of licence</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
</tr>
</tbody>
</table>

**Permit may not be granted**

<table>
<thead>
<tr>
<th>Land</th>
<th>Type of licence</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
</tr>
</tbody>
</table>
GAMING

Purpose
To ensure that gaming machines are situated in appropriate locations and premises.
To ensure the social and economic impacts of the location of gaming machines are considered.
To prohibit gaming machines in specified shopping complexes and strip shopping centres.

Gaming objectives
A schedule to this clause may specify objectives to be achieved in relation to the installation or use of a gaming machine.

Permit requirement
A permit is required to install or use a gaming machine.
This does not apply in either of the following circumstances:
- Clause 52.28-4 or Clause 52.28-5 specifically prohibit a gaming machine.
- the gaming machine is in an approved venue under the Gambling Regulation Act 2003 on 18 October 2006 and the maximum number of gaming machines for the approved venue on 18 October 2006 is not exceeded.

Prohibition of a gaming machine in a shopping complex
Installation or use of a gaming machine is prohibited on land specified in a schedule to this clause.
This does not apply to a gaming machine in an approved venue under the Gambling Regulation Act 2003 on 18 October 2006; and the maximum number of gaming machines for the approved venue on 18 October 2006 is not exceeded.

Prohibition of a gaming machine in a strip shopping centre
Installation or use of a gaming machine is prohibited in a strip shopping centre if:
- the strip shopping centre is specified in the schedule to this clause.
- the schedule provides that a gaming machine is prohibited in all strip shopping centres on land covered by this planning scheme.
This does not apply to a gaming machine in an approved venue under the Gambling Regulation Act 2003 on 18 October 2006; and the maximum number of gaming machines for the approved venue on 18 October 2006 is not exceeded.
A strip shopping centre is an area that meets all of the following requirements:
- it is zoned for commercial use;
- it consists of at least two separate buildings on at least two separate and adjoining lots;
- it is an area in which a significant proportion of the buildings are shops;
- it is an area in which a significant proportion of the lots abut a road accessible to the public generally;
but it does not include the Capital City Zone in the Melbourne Planning Scheme.

Locations for gaming machines
A schedule to this clause may specify guidelines relating to locations for gaming venues and machines.
52.28-7  
31/07/2018  
VC148  

**Venues for gaming machines**  
A schedule to this clause may specify guidelines relating to venues for gaming machines.

52.28-8  
31/07/2018  
VC148  

**Application requirements**  
An application must be accompanied by any information specified in a schedule to this overlay.

52.28-9  
31/07/2018  
VC148  

**Decision guidelines**  
Before deciding on an application, in addition to the decision guidelines of Clause 65, the responsible authority must consider, as appropriate:

- The compatibility of the proposal with adjoining and nearby land uses.
- The capability of the site to accommodate the proposal.
- Whether the gaming premises provides a full range of hotel facilities or services to patrons or a full range of club facilities or services to members and patrons.
- Any other matters specified in the schedule to this clause.
SCHEDULE TO CLAUSE 52.28 GAMING

Prohibition of a gaming machine in a shopping complex
Installation or use of a gaming machine as specified in Clause 52.28-3 is prohibited on land described in Table 1 below.

Table 1

<table>
<thead>
<tr>
<th>Name of shopping complex and locality</th>
<th>Land description</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
</tr>
</tbody>
</table>

Prohibition of a gaming machine in a strip shopping centre
A gaming machine as specified in Clause 52.28-4 is prohibited in a strip shopping centre specified in Table 2 below.

Table 2

<table>
<thead>
<tr>
<th>Name of strip shopping centre and locality</th>
<th>Land description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benalla Town Centre, Benalla</td>
<td>All land zoned Commercial and bound by the Broken River, the railway reservation, McKellar Street, Samaria Road and Coster Street, Benalla.</td>
</tr>
<tr>
<td>West of the Broken River, Benalla</td>
<td>All land zoned Commercial on the south side of Bridge Street West in Thomas Street and Arundel Street.</td>
</tr>
</tbody>
</table>
LAND ADJACENT TO A ROAD ZONE, CATEGORY 1, OR A PUBLIC ACQUISITION OVERLAY FOR A CATEGORY 1 ROAD

Purpose
To ensure appropriate access to identified roads.
To ensure appropriate subdivision of land adjacent to identified roads.

Application
This clause applies to land adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay if the purpose of acquisition is for a Category 1 road.

Permit requirement
A permit is required to:
- Create or alter access to:
  - A road in a Road Zone, Category 1.
  - Land in a Public Acquisition Overlay if the purpose of acquisition is for a Category 1 road.
- Subdivide land adjacent to:
  - A road in a Road Zone, Category 1.
  - Land in a Public Acquisition Overlay if the purpose of acquisition is for a Category 1 road.

Permit not required
A permit is not required to:
- Realign a boundary.
- Subdivide an existing building, provided the building is already connected to services and no new access is required.
- Subdivide land into two lots, provided no new access is required.

Referral of applications
An application to create or alter access to, or to subdivide land adjacent to, a road declared as a freeway or arterial road under the Road Management Act 2004, land owned by the Roads Corporation for the purpose of a road, or land in a Public Acquisition Overlay if the Roads Corporation is the acquiring authority for the land, must be referred to the Roads Corporation under section 55 of the Act.

Any other application must be referred to the owner of, or the acquiring authority for, the adjacent land in the Road Zone, Category 1, or the Public Acquisition Overlay.

Exemption from notice and review
An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Decision guidelines
Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider:
- The views of the relevant road authority.
- The effect of the proposal on the operation of the road and on public safety.
- Any policy made by the relevant road authority pursuant to Schedule 2, Clause 3 of the Road Management Act 2004 regarding access between a controlled access road and adjacent land.
[NO CONTENT]
**WIND ENERGY FACILITY**

**Purpose**
To facilitate the establishment and expansion of wind energy facilities, in appropriate locations, with minimal impact on the amenity of the area.

**Application**
This clause applies to land used and developed or proposed to be used and developed for a Wind energy facility.

**Use and development of land**
A permit is required to use and develop land for a Wind energy facility.
The use and development of land for a Wind energy facility is prohibited at a location listed in the table to this clause unless the condition opposite the location specified in the table is met.

**Table to Clause 52.32-2**

<table>
<thead>
<tr>
<th>Location</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>On land where any turbine (measured from the centre of the tower at ground level) that forms part of the facility is located within one kilometre of an existing dwelling. This does not apply to a Wind energy facility that is located on land in a residential zone, an industrial zone, a commercial zone or a special purpose zone.</td>
<td>Must meet the requirements of clause 52.32-3.</td>
</tr>
<tr>
<td>Land described in a schedule to the National Parks Act 1975</td>
<td>Must be principally used to supply electricity to a facility used in conjunction with conservation, recreation, administration or accommodation use of the land.</td>
</tr>
<tr>
<td>Land declared a Ramsar wetland as defined under section 17 of the Environment Protection and Biodiversity Conservation Act 1999 (Cwth)</td>
<td></td>
</tr>
<tr>
<td>Land listed in a schedule to Clause 52.32-2</td>
<td>Must be on land in a residential zone, industrial zone, commercial zone or special purpose zone and must be integrated as part of the development of the land.</td>
</tr>
</tbody>
</table>

**Turbine within one kilometre of a dwelling**
An application that includes a proposed turbine within one kilometre of an existing dwelling must be accompanied by:

- A plan showing all dwellings within one kilometre of a proposed turbine (measured from the centre of the tower at ground level).
- Evidence of the written consent of any owner as at the date of that application of an existing dwelling located within one kilometre of a proposed turbine (measured from the centre of the tower at ground level) that forms part of a Wind energy facility. This does not apply to an application to amend such a permit under section 72 or section 97I of the Act unless the amendment of the permit would:
  - increase the number of turbines; or
- change the location of a turbine so that the centre of the tower (at ground level) is located closer to an existing dwelling (within one kilometre of a permitted turbine) than the centre of the tower (at ground level) of the closest permitted turbine to that dwelling.

This does not apply to a Wind energy facility that is located on land in a residential zone, an industrial zone, a commercial zone or a special purpose zone.

Application requirements
An application must be accompanied by the following information as appropriate:

Site and context analysis
A site and context analysis may use a site plan, photographs or other techniques to accurately describe the site and surrounding area and must include the following information:

- In relation to the site:
  - Site shape, dimensions and size
  - Orientation and contours
  - Current land use
  - The existing use and siting of buildings or works on the land
  - Existing vegetation types, condition and coverage
  - The landscape of the site
  - Sites of cultural heritage significance
  - Wind characteristics
  - Any other notable features, constraints or other characteristics of the site.

- In relation to the surrounding area:
  - Existing land uses
  - Above-ground utilities
  - Access to infrastructure
  - Direction and distances to nearby dwellings, townships, urban areas, significant conservation and recreation areas, water features, tourist routes and walking tracks, major roads, airports, aerodromes and existing and proposed wind energy facilities
  - The siting and use of buildings on adjacent properties
  - Views to and from the site, including views from existing dwellings and key vantage points including major roads, walking tracks, tourist routes and regional population growth corridors
  - Sites of flora and fauna listed under the Flora and Fauna Guarantee Act 1988 and Environment Protection and Biodiversity Conservation Act 1999 (Cwth), including significant habitat corridors, and movement corridors for these fauna
  - Sites of cultural heritage significance
  - National Parks, State Parks, Coastal Reserves and other land subject to the National Parks Act 1975
  - Land declared a Ramsar wetland as defined under section 17 of the Environment Protection and Biodiversity Conservation Act 1999 (Cwth)
- Location of any land included in the schedule to clause 52.32-2 of the planning scheme
- Any other notable features or characteristics of the area
- Bushfire risks.

**Design response**

- Detailed plans of the proposed development.
- Plans and elevations of transmission infrastructure and electricity utility works required to connect the facility to the electricity network, and access road options.
- Accurate visual simulations illustrating the development in the context of the surrounding area and from key public viewpoint.
- A rehabilitation plan for the site.
- A written report(s), including:
  - A description of the proposal.
  - An explanation of how the proposed design derives from and responds to the site analysis.
  - A description of how the proposal responds to any significant landscape features for the area identified in the planning scheme.
  - An assessment of:
    - the visual impact of the proposal on the surrounding landscape.
    - the visual impact on abutting land that is described in a schedule to the *National Parks Act 1975* and Ramsar wetlands and coastal areas.
    - the impact of the proposal on any species (including birds and bats) listed under the *Flora and Fauna Guarantee Act 1988* or the *Environment Protection and Biodiversity Conservation Act 1999* (Cwth).
    - the noise impacts of the proposal prepared in accordance with the New Zealand Standard NZS6808:2010, Acoustics – Wind Farm Noise, including an assessment of whether a high amenity noise limit is applicable, as assessed under Section 5.3 of the Standard.
    - the impacts upon Aboriginal or non-Aboriginal cultural heritage.
  - A statement of why the site is suitable for the wind energy facility.
  - An environmental management plan including any rehabilitation and monitoring requirements.

If in the opinion of the responsible authority a requirement of the site and context analysis or design response is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

An application must be accompanied by the following information:

**Mandatory noise assessment**

- A pre-construction (predictive) noise assessment report demonstrating that the proposal can comply with the New Zealand Standard NZS6808:2010, Acoustics – Wind Farm Noise, including an assessment of whether a high amenity noise limit is applicable under Section 5.3 of the Standard.
- An environmental audit report of the pre-construction (predictive) noise assessment report prepared under Part IXD, Section 53V of the *Environment Protection Act 1970* by an environmental auditor appointed under Part IXD of the *Environment Protection Act 1970*. The environmental audit report must verify that the acoustic assessment undertaken for the purpose
of the pre-construction (predictive) noise assessment report has been conducted in accordance with the New Zealand Standard NZS6808:2010, Acoustics – Wind Farm Noise.

**Mandatory condition**

A permit to use or develop land for a wind energy facility must include the following conditions:

- A post-construction noise assessment report prepared in accordance with the New Zealand Standard NZS6808:2010, Acoustics – Wind Farm Noise demonstrating whether the wind energy facility complies with the Standard, must be submitted to the Responsible Authority. If the wind energy facility is constructed in stages, additional post-construction noise assessment reports for each stage must be submitted to the Responsible Authority.

- Each post-construction noise assessment report must be accompanied by an environmental audit report prepared under Part IXD, Section 53V of the *Environment Protection Act 1970* by an environmental auditor appointed under Part IXD of the *Environment Protection Act 1970*. The environmental audit report must verify that the acoustic assessment undertaken for the purpose of the post-construction noise assessment report has been conducted in accordance with the New Zealand Standard NZS6808:2010, Acoustics – Wind Farm Noise.

---

**Decision guidelines**

Before deciding on an application, in addition to the decision guidelines of Clause 65, the responsible authority must consider, as appropriate:


- The effect of the proposal on the surrounding area in terms of noise, blade glint, shadow flicker and electromagnetic interference.

- The impact of the development on significant views, including visual corridors and sightlines.

- The impact of the facility on the natural environment and natural systems.

- The impact of the facility on cultural heritage.

- The impact of the facility on aircraft safety.


---

**Anemometer**

Despite anything to the contrary in this scheme a permit may be granted to use and develop land for the purpose of wind measurement by an anemometer for a period of more than three years.

---

**Application to amend a permit under section 72 of the Act**

An application to amend a permit made under section 72 of the Act is exempt from the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if the amendment of the permit does not:

- increase the number of turbines; or

- change the location of a turbine so that the centre of the tower (at ground level) is located closer to an existing dwelling (within one kilometre of a permitted turbine) than the centre of the tower (at ground level) of the closest permitted turbine to that dwelling.
An application to amend a referred wind energy facility permit made under section 97I of the Act is wholly exempt from the requirements of section 97E(1) of the Act if the application does not seek to:

- increase the total number of turbines; or
- increase the maximum height of any turbine; or
- change the location of a turbine so that the centre of the tower (at ground level) is located closer to an existing dwelling (within one kilometre of a permitted turbine) than the centre of the tower (at ground level) of the closest permitted turbine to that dwelling.

The requirements of section 97E(1) of the Act are modified so as to require referral of objections and submissions to an advisory committee established under section 151 of the Act if an application to amend a referred wind energy facility permit made under section 97I of the Act does not seek to:

- increase the total number of turbines by more than 15%; or
- increase the maximum height of any turbine by more than 20%; or
- change the location of a turbine so that the centre of the tower (at ground level) is located closer to an existing dwelling (within one kilometre of a permitted turbine) than the centre of the tower (at ground level) of the closest permitted turbine to that dwelling.
SCHEDULE TO CLAUSE 52.32 WIND ENERGY FACILITY

1.0 Wind energy facility prohibition

<table>
<thead>
<tr>
<th>Land where a Wind energy facility is prohibited</th>
</tr>
</thead>
<tbody>
<tr>
<td>All land within five kilometres of a residential zone, an industrial zone, a business zone or a special purpose zone in the urban area of Benalla.</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

## Permit requirement for dry stone walls

<table>
<thead>
<tr>
<th>Land</th>
<th>None specified</th>
</tr>
</thead>
</table>


BICYCLE FACILITIES

Purpose
To encourage cycling as a mode of transport.
To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.

Provision of bicycle facilities
A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.
Where the floor area occupied by an existing use is increased, the requirement for bicycle facilities only applies to the increased floor area of the use.

Permit requirement
A permit may be granted to vary, reduce or waive any requirement of Clause 52.34-5 and Clause 52.34-6.

Exemption from notice and review
An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Decision guidelines
Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- Whether the proposed number, location and design of bicycle facilities meets the purpose of this clause.
- The location of the proposed land use and the distance a cyclist would need to travel to reach the land.
- The users of the land and their opportunities for bicycle travel.
- Whether showers and change rooms provided on the land for users other than cyclists are available to cyclists.
- The opportunities for sharing of bicycle facilities by multiple uses, either because of variation of bicycle parking demand over time or because of efficiencies gained from the consolidation of shared bicycle facilities.
- Any relevant bicycle parking strategy or equivalent.

Required bicycle facilities
Tables 1, 2 and 3 to this clause set out the number and type of bicycle facilities required. Bicycle facilities are required if the use is listed in column 1 of the table. The number of bicycle facilities required for a use is the sum of columns 2 and 3 of the tables.
If in calculating the number of bicycle facilities the result is not a whole number, the required number of bicycle facilities is the nearest whole number. If the fraction is one-half, the requirement is the next whole number.
A bicycle space for an employee or resident must be provided either in a bicycle locker or at a bicycle rail in a lockable compound.
A bicycle space for a visitor, shopper or student must be provided at a bicycle rail.

**Table 1 to Clause 52.34-5 Bicycle spaces**

<table>
<thead>
<tr>
<th>Use</th>
<th>Employee/Resident</th>
<th>Visitor/Shopper/Student</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amusement parlour</td>
<td>None</td>
<td>2 plus 1 to each 50 sq m of net floor area</td>
</tr>
<tr>
<td>Convenience restaurant</td>
<td>1 to each 25 sq m of floor area available to the public</td>
<td>2</td>
</tr>
<tr>
<td>Dwelling</td>
<td>In developments of four or more storeys, 1 to each 5 dwellings</td>
<td>In developments of four or more storeys, 1 to each 10 dwellings</td>
</tr>
<tr>
<td>Education centre (excluding Child care centre) other than specified in this table</td>
<td>1 to each 20 employees</td>
<td>1 to each 20 full-time students</td>
</tr>
<tr>
<td>Hospital</td>
<td>1 to each 15 beds</td>
<td>1 to each 30 beds</td>
</tr>
<tr>
<td>Hotel</td>
<td>1 to each 25 sq m of bar floor area available to the public</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>
Use | Employee/Resident | Visitor/Shopper/Student
--- | --- | ---
Take-away food premises | 1 to each 100 sq m of net floor area | 1 to each 50 sq m of net floor area

Table 2 to Clause 52.34-5 Showers

<table>
<thead>
<tr>
<th>USE</th>
<th>Employee/Resident</th>
<th>Visitor/Shopper/Student</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use listed in Table 1</td>
<td>If 5 or more employee bicycle spaces are required, 1 shower for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter.</td>
<td>None</td>
</tr>
</tbody>
</table>

Table 3 to Clause 52.34-5 – Change rooms

<table>
<thead>
<tr>
<th>USE</th>
<th>Employee/Resident</th>
<th>Visitor/Shopper/Student</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use listed in Table 1</td>
<td>1 change room or direct access to a communal change room to each shower. The change room may be a combined shower and change room.</td>
<td>None</td>
</tr>
</tbody>
</table>

Design of bicycle spaces

Bicycle spaces should:

- Provide a space for a bicycle of minimum dimensions of 1.7 metres in length, 1.2 metres in height and 0.7 metres in width at the handlebars.
- Be located to allow a bicycle to be ridden to within 30 metres of the bicycle parking space.
- Be located to provide convenient access from surrounding bicycle routes and main building entrances.
- Not interfere with reasonable access to doorways, loading areas, access covers, furniture, services and infrastructure.
- Not cause a hazard.
- Be adequately lit during periods of use.

Bicycle rails

A bicycle rail must:

- Be securely fixed to a wall or to the floor or ground.
- Be in a highly visible location for bicycle security (when not in a compound).
- Be of a shape that allows a cyclist to easily lock the bicycle frame and wheels.
- Be located to allow easy access to park, lock and remove the bicycle.

Bicycle compounds and lockers

A bicycle compound or a bicycle locker must:

- Be located to provide convenient access to other bicycle facilities including showers and change rooms.
- Be fully enclosed.
- Be able to be locked.
- If outside, provide weather protection for the bicycle.

A bicycle locker must provide a bicycle parking space for at least one bicycle.

A bicycle compound must:
- Include wall or floor rails for bicycle parking.
- Provide an internal access path of at least 1.5 metres in width.

**Bicycle signage**

If bicycle facilities are required by this clause, bicycle signage that directs the cyclists to the bicycle facilities must be provided to the satisfaction of the responsible authority.

Bicycle signage should:

- Be at least 0.3 metres wide and 0.45 metres high.
- Display a white bicycle on a blue background on the top half of the sign.
- Display information about the direction of facilities on the bottom half of the sign.
PUBLIC OPEN SPACE CONTRIBUTION AND SUBDIVISION

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the Subdivision Act 1988.

Exemption from public open space requirement specified in the scheme

A subdivision is exempt from a public open space requirement specified in this scheme if:

- It is one of the following classes of subdivision:
  - Class 1: The subdivision of a building used for residential purposes provided each lot contains part of the building. The building must have been constructed or used for residential purposes immediately before 30 October 1989 or a planning permit must have been issued for the building to be constructed or used for residential purposes immediately before that date.
  - Class 2: The subdivision of a commercial or industrial building provided each lot contains part of the building.

- It is for the purpose of excising land to be transferred to a public authority, council or a Minister for a utility installation.

- It subdivides land into two lots and the council considers it unlikely that each lot will be further subdivided.

Exemption from public open space requirement under section 18(8)(a) of the Subdivision Act 1988

For the purposes of section 18(8)(a) of the Subdivision Act 1988, the following classes of subdivision are exempt from the public open space requirement:

- Class 1: The subdivision of a building used for residential purposes provided each lot contains part of the building. The building must have been constructed or used for residential purposes immediately before 30 October 1989 or a planning permit must have been issued for the building to be constructed or used for residential purposes immediately before that date.

- Class 2: The subdivision of a commercial or industrial building provided each lot contains part of the building.

Note: Check section 18A of the Subdivision Act 1988 for other requirements that apply to a public open space requirement specified in the planning scheme.
## 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>None specified</td>
<td></td>
</tr>
</tbody>
</table>


**BUSHFIRE PLANNING**

**Purpose**
To implement the Municipal Planning Strategy and the Planning Policy Framework.
To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.
To ensure that the location, design and construction of development appropriately responds to the bushfire hazard.
To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.
To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level.

**Application**
This clause applies to an application under Clause 44.06 - Bushfire Management Overlay, unless the application meets all of the requirements specified in a schedule to Clause 44.06.
Clause 53.02-3 applies to an application to construct a single dwelling or construct or carry out works associated with a single dwelling if all of the following requirements are met:

- The land is zoned Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Urban Growth Zone, Low Density Residential Zone, Township Zone or Rural Living Zone.
- There is only one dwelling on the lot.
- The application meets all of the approved measures contained in Clause 53.02-3.

Clause 53.02-4 applies to all other applications.

**Operation**
The provisions of this clause contain:

- **Objectives.** An objective describes the outcome that must be achieved in a completed development.
- **Approved measures (AM).** An approved measure meets the objective.
- **Alternative measures (AltM).** An alternative measure may be considered where the responsible authority is satisfied that the objective can be met. The responsible authority may consider other unspecified alternative measures.
- **Decision guidelines.** The decision guidelines set out the matters that the responsible authority must consider before deciding on an application, including whether any proposed alternative measure is appropriate.

A schedule to Clause 44.06 may specify substitute approved measures, additional alternative measures and additional or substitute decision guidelines.

A substitute approved measure specified in a schedule to Clause 44.06 substitutes the applicable approved measure contained in this clause.

**Dwellings in existing settlements – Bushfire protection objective**
To specify bushfire design and construction measures for a single dwelling or alteration and extension to an existing dwelling that reduces the risk to life and property to an acceptable level.
Approved measures

<table>
<thead>
<tr>
<th>Measure</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>AM 1.1</td>
<td>A building is sited to ensure the site best achieves the following:</td>
</tr>
<tr>
<td></td>
<td>- The maximum separation distance between the building and the bushfire hazard.</td>
</tr>
<tr>
<td></td>
<td>- The building is in close proximity to a public road.</td>
</tr>
<tr>
<td></td>
<td>- Access can be provided to the building for emergency service vehicles.</td>
</tr>
<tr>
<td>AM 1.2</td>
<td>A building provides the defendable space in accordance with Table 1 Columns A, B, C, D or E and Table 6 to Clause 53.02-5. Adjoining land may be included as defendable space where there is a reasonable assurance that the land will remain or continue to be managed in that condition as part of the defendable space.</td>
</tr>
<tr>
<td></td>
<td>A building is constructed to the bushfire attack level:</td>
</tr>
<tr>
<td></td>
<td>- That corresponds to the defendable space provided in accordance with Table 1 to Clause 53.02-5, or</td>
</tr>
<tr>
<td></td>
<td>- The next lower bushfire attack level that corresponds to the defendable space provided in accordance with Table 1 to Clause 53.02-5 where all of the following apply:</td>
</tr>
<tr>
<td></td>
<td>- A private bushfire shelter (a Class 10c building within the meaning of the Building Regulations 2006) is constructed on the same land as the dwelling.</td>
</tr>
<tr>
<td></td>
<td>- A minimum bushfire attack level of BAL12.5 is provided in all circumstances.</td>
</tr>
<tr>
<td>AM 1.3</td>
<td>A building is provided with:</td>
</tr>
<tr>
<td></td>
<td>- A static water supply for fire fighting and property protection purposes specified in Table 4 to Clause 53.02-5. The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies.</td>
</tr>
<tr>
<td></td>
<td>- Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5.</td>
</tr>
</tbody>
</table>

53.02-3.1 Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider:

- The bushfire hazard site assessment and the bushfire management statement submitted with the application.
- Whether all of the 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><strong>AM 2.1</strong></td>
<td>The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level.</td>
</tr>
</tbody>
</table>
| **AM 2.2** | A building is sited to ensure the site best achieves the following:  
- The maximum separation distance between the building and the bushfire hazard.  
- The building is in close proximity to a public road.  
- Access can be provided to the building for emergency service vehicles. |
| **AM 2.3** | A building is designed to be responsive to the landscape risk and reduce the impact of bushfire on the building. |

### 53.02-4.2 Defendable space and construction objective

Defendable space and building construction mitigate the effect of flame contact, radiant heat and embers on buildings.

### Approved measures

<table>
<thead>
<tr>
<th>Measure</th>
<th>Requirement</th>
</tr>
</thead>
</table>
| **AM 3.1** | A building used for a dwelling (including an extension or alteration to a dwelling), a dependent person’s unit, industry, office or retail premises is provided with defendable space in accordance with:  
- Table 2 Columns A, B or C and Table 6 to Clause 53.02-5 wholly within the title boundaries of the land; or  
- If there are significant siting constraints, Table 2 Column D and Table 6 to Clause 53.02-5.  
The building is constructed to the bushfire attack level that corresponds to the defendable space provided in accordance with Table 2 to Clause 53.02-5. |
| **AM 3.2** | A building used for accommodation (other than a dwelling or dependent person’s unit), a child care centre, an education centre, a hospital, leisure and recreation or a place of assembly is:  
- Provided with defendable space in accordance with Table 3 and Table 6 to Clause 53.02-5 wholly within the title boundaries of the land.  
- Constructed to a bushfire attack level of BAL12.5. |

### Alternative measures

<table>
<thead>
<tr>
<th>Measure</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>AltM 3.3</strong></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><strong>AltM 3.4</strong></td>
<td>Defendable space and the bushfire attack level is determined using Method 2 of <em>AS3959:2009 Construction of buildings in bushfire prone areas</em> (Standards Australia) subject to any guidance published by the relevant fire authority.</td>
</tr>
</tbody>
</table>
AltM 3.5
A building used for a dwelling (including an extension or alteration to a dwelling) may provide defendable space to the property boundary where it can be demonstrated that:

- The lot has access to urban, township or other areas where:
  - Protection can be provided from the impact of extreme bushfire behaviour.
  - Fuel is managed in a minimum fuel condition.
  - There is sufficient distance or shielding to protect people from direct flame contact or harmful levels of radiant heat.

- Less defendable space and a higher construction standard is appropriate having regard to the bushfire hazard landscape assessment.
- The dwelling is constructed to a bushfire attack level of BAL FZ.

This alternative measure only applies where the requirements of AM 3.1 cannot be met.

AltM 3.6
A building used for accommodation (other than a dwelling or dependent person’s unit), child care centre, education centre, hospital, leisure and recreation or place of assembly may provide defendable space in accordance with Table 2 Columns A, B or C and Table 6 to Clause 53.02-5 where it can be demonstrated that:

- An integrated approach to risk management has been adopted that considers:
  - The characteristics of the likely future occupants including their age, mobility and capacity to evacuate during a bushfire emergency.
  - The intended frequency and nature of occupation.
  - The effectiveness of proposed emergency management arrangements, including a mechanism to secure implementation.

- Less defendable space and a higher construction standard is appropriate having regard to the bushfire hazard landscape assessment.

53.02-4.3 Water supply and access objectives

A static water supply is provided to assist in protecting property.
Vehicle access is designed and constructed to enhance safety in the event of a bushfire.

Approved measures

<table>
<thead>
<tr>
<th>Measure</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>AM 4.1</strong></td>
<td>A building used for a dwelling (including an extension or alteration to a dwelling), a dependent person’s unit, industry, office or retail premises is provided with:</td>
</tr>
<tr>
<td></td>
<td>- A static water supply for fire fighting and property protection purposes specified in Table 4 to Clause 53.02-5.</td>
</tr>
<tr>
<td></td>
<td>- Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5.</td>
</tr>
</tbody>
</table>

The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies.

<table>
<thead>
<tr>
<th>Measure</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>AM 4.2</strong></td>
<td>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:</td>
</tr>
</tbody>
</table>
RequirementMeasure
A static water supply for fire fighting and property protection purposes of 10,000 litres per 1,500 square metres of floor space up to 40,000 litres.
Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5.
An integrated approach to risk management that ensures the water supply and access arrangements will be effective based on the characteristics of the likely future occupants including their age, mobility and capacity to evacuate during a bushfire emergency.
The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies.

53.02-4.4 Subdivision objectives

To provide lots that are capable of being developed in accordance with the objectives of Clause 53.02.

To specify at the subdivision stage bushfire protection measures to develop a lot with a single dwelling on land zoned for residential or rural residential purposes.

Measure | Requirement
---|---
**AM 5.1** | An application to subdivide land, other than where AM 5.2 applies, demonstrates that each proposed lot is capable of meeting:
- The defendable space in accordance with Table 2 Columns A, B or C and Table 6 to Clause 53.02-5.
- The approved measures in Clause 53.02-4.1 and Clause 53.02-4.3.

**AM 5.2** | An application to subdivide land zoned for residential or rural residential purposes must be accompanied by a plan that shows:
- Each lot satisfies the approved measure in AM 2.1.
- A building envelope for a single dwelling on each lot that complies with AM 2.2 and provides defendable space in accordance with:
  - Columns A or B of Table 2 to Clause 53.02-5 for a subdivision that creates 10 or more lots; or
  - Columns A, B or C of Table 2 to Clause 53.02-5 for a subdivision that creates less than 10 lots.
  The bushfire attack level that corresponds to the defendable space provided in accordance with Table 2 to Clause 53.02-5 must be noted on the building envelope.
- Defendable space wholly contained within the boundaries of the proposed subdivision.
- Defendable space may be shared between lots within the subdivision. Defendable space for a lot may utilise communal areas, such as roads, where that land can meet the requirements for defendable space.
- Vegetation management requirements in accordance with Table 6 to implement and maintain the defendable space required under this approved measure.
- Water supply and vehicle access that complies with AM 4.1.

**AM 5.3** | An application to subdivide land to create 10 or more lots provides a perimeter road adjoining the hazardous vegetation to support fire fighting.
A subdivision manages the bushfire risk to future development from existing or proposed landscaping, public open space and communal areas.

A building envelope for a subdivision that creates 10 or more lots required under AM 5.2 may show defendable space in accordance with Table 2 Column C and Table 6 to Clause 53.02-5 where it can be demonstrated that:

- All other requirements of AM 5.2 have been met.
- Less defendable space and a higher construction standard is appropriate having regard to the bushfire hazard landscape assessment.

### 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: All upslopes and flat land (0 degrees)</th>
<th>Vegetation Type</th>
<th>Defendable space distance from building facade (metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Column A</td>
</tr>
<tr>
<td>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>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Slope: Downslope &gt;0 to 5 degrees</th>
<th>Vegetation Type</th>
<th>Defendable space distance from building facade (metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Column A</td>
</tr>
<tr>
<td>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>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Slope: Downslope &gt;5 to 10 degrees</th>
<th>Vegetation Type</th>
<th>Defendable space distance from building facade (metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Column A</td>
</tr>
<tr>
<td>Forest</td>
<td>69</td>
<td>53</td>
</tr>
<tr>
<td>Woodland</td>
<td>50</td>
<td>37</td>
</tr>
<tr>
<td>Scrub</td>
<td>35</td>
<td>24</td>
</tr>
<tr>
<td>Shrubland</td>
<td>25</td>
<td>17</td>
</tr>
<tr>
<td>Mallee/ Mulga</td>
<td>23</td>
<td>15</td>
</tr>
<tr>
<td>Rainforest</td>
<td>36</td>
<td>26</td>
</tr>
<tr>
<td>Grassland</td>
<td>25</td>
<td>17</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Slope: Downslope &gt;10 to 15 degrees</th>
<th>Vegetation Type</th>
<th>Defendable space distance from building facade (metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Column A</td>
</tr>
<tr>
<td>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>All upslopes and flat land (0 degrees)</td>
<td>Forest</td>
<td>48</td>
<td>25</td>
<td>19</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Woodland</td>
<td>33</td>
<td>16</td>
<td>12</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All slopes</td>
<td>Low threat vegetation</td>
<td>19</td>
<td>11</td>
<td>10</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Modified vegetation</td>
<td>9</td>
<td>10</td>
<td>11</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note 1: Slope and vegetation type is determined through the bushfire hazard site assessment.

Note 2: Modified vegetation is vegetation that doesn’t fit into the vegetation classifications in AS3959:2009 Construction of buildings in bushfire prone areas (the standard) because it:
- has been modified, altered or is managed due to urban development, or gardening,
- has different fuel loads from those assumed in the standard,
- has limited or no understorey vegetation, or
- is not low-threat or low-risk vegetation as defined in the standard.
<table>
<thead>
<tr>
<th>Slope</th>
<th>Vegetation</th>
<th>Defendable space distance from building façade (metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Column A</td>
</tr>
<tr>
<td>Downslope &gt;0 to 5 degrees</td>
<td>Forest</td>
<td>57</td>
</tr>
<tr>
<td></td>
<td>Woodland</td>
<td>41</td>
</tr>
<tr>
<td></td>
<td>Scrub</td>
<td>31</td>
</tr>
<tr>
<td></td>
<td>Shrubland</td>
<td>22</td>
</tr>
<tr>
<td></td>
<td>Mallee/ Mulga</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>Rainforest</td>
<td>29</td>
</tr>
<tr>
<td></td>
<td>Grassland</td>
<td>22</td>
</tr>
<tr>
<td>Downslope &gt;5 to 10 degrees</td>
<td>Forest</td>
<td>69</td>
</tr>
<tr>
<td></td>
<td>Woodland</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td>Scrub</td>
<td>35</td>
</tr>
<tr>
<td></td>
<td>Shrubland</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td>Mallee/ Mulga</td>
<td>23</td>
</tr>
<tr>
<td></td>
<td>Rainforest</td>
<td>36</td>
</tr>
<tr>
<td></td>
<td>Grassland</td>
<td>25</td>
</tr>
<tr>
<td>Downslope &gt;10 to 15 degrees</td>
<td>Forest</td>
<td>82</td>
</tr>
<tr>
<td></td>
<td>Woodland</td>
<td>60</td>
</tr>
<tr>
<td></td>
<td>Scrub</td>
<td>39</td>
</tr>
<tr>
<td></td>
<td>Shrubland</td>
<td>28</td>
</tr>
<tr>
<td></td>
<td>Mallee/ Mulga</td>
<td>26</td>
</tr>
<tr>
<td></td>
<td>Rainforest</td>
<td>45</td>
</tr>
<tr>
<td></td>
<td>Grassland</td>
<td>28</td>
</tr>
<tr>
<td>Downslope &gt;15 to 20 degrees</td>
<td>Forest</td>
<td>98</td>
</tr>
<tr>
<td></td>
<td>Woodland</td>
<td>73</td>
</tr>
</tbody>
</table>
Defendable space and the bushfire attack level is determined using Method 2 of AS3959:2009 Construction of buildings in bushfire prone areas (Standards Australia) subject to any guidance published by the relevant fire authority.

Defendable space is to be provided for a distance of 50 metres, or the property boundary whichever is the lesser, for buildings constructed to all bushfire attack levels. The minimum construction standard is BAL 12.5.

**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 3 Defendable space

<table>
<thead>
<tr>
<th>Vegetation class</th>
<th>Upslope and flat land (0 degrees)</th>
<th>Downslope (degrees)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>&gt;0-5</td>
<td>&gt;5-10</td>
</tr>
<tr>
<td>Forest</td>
<td>60</td>
<td>70</td>
</tr>
<tr>
<td>Woodland</td>
<td>40</td>
<td>50</td>
</tr>
<tr>
<td>Shrubland</td>
<td>25</td>
<td>28</td>
</tr>
<tr>
<td>Scrub</td>
<td>35</td>
<td>40</td>
</tr>
<tr>
<td>Mallee/Mulga</td>
<td>23</td>
<td>26</td>
</tr>
<tr>
<td>Rainforest</td>
<td>30</td>
<td>36</td>
</tr>
<tr>
<td>Vegetation class</td>
<td>Defendable space distance from building facade (metres)</td>
<td></td>
</tr>
<tr>
<td>------------------</td>
<td>-----------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Upslope and flat land (0 degrees)</td>
<td>Downslope (degrees)</td>
</tr>
<tr>
<td></td>
<td>&gt;0-5</td>
<td>&gt;5-10</td>
</tr>
<tr>
<td>Grassland</td>
<td>35</td>
<td>40</td>
</tr>
</tbody>
</table>

**Table 4 Water supply requirements**

**Capacity, fittings and access**

<table>
<thead>
<tr>
<th>Lot sizes (square meters)</th>
<th>Hydrant available</th>
<th>Capacity (litres)</th>
<th>Fire authority fittings and access required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 500</td>
<td>Not applicable</td>
<td>2,500</td>
<td>No</td>
</tr>
<tr>
<td>500-1,000</td>
<td>Yes</td>
<td>5,000</td>
<td>No</td>
</tr>
<tr>
<td>500-1,000</td>
<td>No</td>
<td>10,000</td>
<td>Yes</td>
</tr>
<tr>
<td>1,001 and above</td>
<td>Not applicable</td>
<td>10,000</td>
<td>Yes</td>
</tr>
</tbody>
</table>

*Note 1:* A hydrant is available if it is located within 120 metres of the rear of the building.

**Fire authority requirements**

Unless otherwise agreed in writing by the relevant fire authority, the water supply must:

- Be stored in an above ground water tank constructed of concrete or metal.
- Have all fixed above ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.
- Include a separate outlet for occupant use.

Where a 10,000 litre water supply is required, fire authority fittings and access must be provided as follows:

- Be readily identifiable from the building or appropriate identification signs to the satisfaction of the relevant fire authority.
- Be located within 60 metres of the outer edge of the approved building.
- The outlet/s of the water tank must be within 4 metres of the accessway and unobstructed.
- Incorporate a separate ball or gate valve (British Standard Pipe (BSP 65 millimetre) and coupling (64 millimetre CFA 3 thread per inch male fitting).
- Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling).

**Table 5 Vehicle access design and construction**

Vehicle access (or part thereof) of a length specified in Column A implements the design and construction requirements specified in Column B.

<table>
<thead>
<tr>
<th>Column A</th>
<th>Column B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Length of access is less</td>
<td>There are no design and construction requirements if fire</td>
</tr>
<tr>
<td>than 30 metres</td>
<td>authority access to the water supply is not required under</td>
</tr>
<tr>
<td></td>
<td><strong>AM4.1.</strong></td>
</tr>
</tbody>
</table>
Length of access is less than 30 metres | Where fire authority access to the water supply is required under AM4.1 fire authority vehicles should be able to get within 4 metres of the water supply outlet.

Length of access is greater than 30 metres | The following design and construction requirements apply:
- All-weather construction.
- A load limit of at least 15 tonnes.
- Provide a minimum trafficable width of 3.5 metres.
- Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically.
- Curves must have a minimum inner radius of 10 metres.
- The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum grade of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres.
- Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.

Length of access is greater than 100 metres | A turning area for fire fighting vehicles must be provided close to the building by one of the following:
- A turning circle with a minimum radius of eight metres.
- A driveway encircling the dwelling.
- The provision of other vehicle turning heads – such as a T or Y head – which meet the specification of Austroad Design for an 8.8 metre Service Vehicle.

Length of access is greater than 200 metres | Passing bays must be provided at least every 200 metres.
- Passing bays must be a minimum of 20 metres long with a minimum trafficable width of 6 metres.

Note 1: The length of access should be measured from a public road to either the building or the water supply outlet, whichever is longer.

Table 6 Vegetation management requirement

Vegetation management requirement

Defendable space is provided and is managed in accordance with the following requirements:
- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3 metres of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5 square metres in area and must be separated by at least 5 metres.
Vegetation management requirement

- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

Unless specified in a schedule or otherwise agreed in writing to the satisfaction of the relevant fire authority.

Table 7 Outbuilding construction requirement

<table>
<thead>
<tr>
<th>Building construction condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposed outbuilding is separated from the adjacent building by a wall that extends to the underside of a non-combustible roof covering and:</td>
</tr>
<tr>
<td>- has a FRL of not less than 60/60/60 for loadbearing walls and -/60/60 for non-load bearing walls when tested from the attached structure side, or</td>
</tr>
<tr>
<td>- is of masonry, earth wall or masonry-veneer construction with the masonry leaf of not less than 90 millimetres in thickness.</td>
</tr>
</tbody>
</table>

Any openings in the wall shall be protected in accordance with the following:

i. Doorways – by FLR -/60/30 self-closing fire doors

ii. Windows – by FRL -/60/- fire windows permanently fixed in the closed position

iii. Other openings – by construction with a FRL of not less than -/60/-

Note: Control and construction joints, subfloor vents, weepholes and penetrations for pipes and conduits need not comply with item iii.

Note 1: These conditions are required for some non habitable outbuildings ancillary to a dwelling that do not require referral to the relevant fire authority. Applications for non habitable outbuildings can also use the bushfire protection measures in Clause 53.02 however referral to the relevant fire authority will be required.
BROTHELS

Purpose
To provide consistent planning controls for the establishment and expansion of brothels throughout Victoria coordinated with the provisions of the Sex Work Act 1994.

Permit requirement
A permit for a brothel must include a condition that specifies that the use or development must not commence until a licence is granted under the Sex Work Act 1994.

Decision guidelines
Responsible authorities should consider the matters set out in section 73 of the Sex Work Act 1994 before deciding an application to use or develop land for a brothel.

Responsible authorities should refuse a permit to use or develop land for a brothel in accordance with the restrictions contained in section 74 of the Sex Work Act 1994, unless section 76(2) of Sex Work Act 1994 applies.

If the effect of:
- A request to amend a permit in accordance with section 87 or section 87A of the Planning and Environment Act 1987, or
- An application to amend a permit in accordance with Part 4 Division 1A of the Planning and Environment Act 1987, or
- A request to amend plans, drawings or other documents under a permit in accordance with:
  - Section 216 of the Planning and Environment Act 1987, or
  - Any condition in a planning permit which allows such an amendment

is to expand or extend the use or development of a brothel, the application or request should be determined as if it were an application for a permit for use or development of land for the purposes of the operation of a brothel in accordance with Part 4 of the Sex Work Act 1994.
CONVENIENCE RESTAURANT AND TAKE-AWAY FOOD PREMISES

Application

These requirements only apply to land in a residential zone.

Decision guidelines

Before deciding on an application to use land for a convenience restaurant or take-away food premises or to construct a building or construct or carry out works associated with a convenience restaurant or take-away food premises, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- Any policy in this scheme relating to convenience restaurants or take-away food premises.
- Whether the location is appropriate for a convenience restaurant or take-away food premises having regard to:
  - Amenity of the neighbourhood.
  - Proximity of the land to non-residential uses and zones.
  - Effect of the use on heritage and environment features.
  - Capacity of the land to contain significant off-site effects.
  - Access to land in a Road Zone.
  - The suitability of the land for a residential use.
- The effect on the amenity or character of the street or neighbourhood having regard to:
  - Massing and proportions of any building.
  - Ground floor height above ground level.
  - Ceiling heights.
  - Roof form and pitch.
  - Facade articulation.
  - Window and door proportions.
  - Building features including verandas, towers, eaves, parapets and decorative elements.
  - Building materials, patterns textures and colours.
- Whether the site layout and the design of buildings, noise attenuation measures, landscaping, car parking, vehicle access lanes, loading bays, rubbish bins, plant and equipment, lights, signs, drive through facilities and playgrounds are designed to prevent significant loss of amenity to adjoining land due to noise, emission of noise, emission of light or glare, loss of privacy, litter or odour.
- Whether any special measure may be necessary to protect the amenity of adjoining land in residential use, including buffer planting, noise attenuation measures and litter collection arrangements.
- The adequacy of traffic measures to:
  - Provide safe pedestrian movement.
  - Achieve safe, efficient vehicle movement on site and access to and egress from the land.
  - Avoid disruption to traffic flow on land in a Road Zone.
  - Prevent inappropriate use of local residential streets.
- The adequacy of car parking, loading and drive through queuing spacing to accommodate customers at peak periods and employee requirements on the land.
FREeway SERVICE CENTRE

Purpose

To ensure that freeway service centres are appropriately designed and located.

To ensure that access to a freeway service centre from a freeway is designed to the requirements of the Roads Corporation.

To ensure that freeway service centres with access to a rural freeway provide only essential services and facilities which encourage drivers to stop and take an effective break at appropriate intervals in the interests of driver safety.

To ensure that any new freeway service centre meets an identifiable need to provide essential services and facilities along a freeway where those services and facilities are not readily available.

To ensure that the use of land for a freeway service centre does not adversely affect the amenity of surrounding land uses.

Requirements to be met

Facilities and services

A freeway service centre must provide only essential services and facilities. These essential services and facilities must be available at all times. Essential services and facilities that a freeway service centre must include are:

- Designated parking areas.
- Undercover fuel sales area for petrol, diesel and LPG.
- An area of not more than 240 square metres for the sale of food, drinks and other convenience goods.
- An indoor sit-down eating area.
- A safe play area for children.
- Public toilets.
- A public telephone.

A freeway service centre with access to a rural freeway must also provide local and regional tourist information.

A freeway service centre must not include:

- Mechanical repairs (other than the emergency repair of vehicles).
- Retail facilities of more than 240 square metres.
- Video hire.
- Post office services or facilities.
- Entertainment facilities, amusement machines or gaming machines.
- The sale, distribution or consumption of alcohol unless associated with a residential hotel/motel.
- Car or truck wash facilities.

A freeway service centre with access to a rural freeway must not include overnight accommodation (other than for a caretaker or site manager).

Access to freeway service centres

No vehicular access between a freeway service centre with access to a metropolitan freeway and the local road network may be permitted.
An application to use or develop land for a freeway service centre must be referred to the Roads Corporation in accordance with section 55 of the Act.

A permit must not be granted for a freeway service centre until approval for access to the freeway has been given by the Roads Corporation.

In accordance with section 62(1)(a) of the Act, a permit granted for a freeway service centre must include the condition:

“This permit will expire if one of the following circumstances applies:

- The development is not commenced within two years of the date of this permit.
- The development is not completed within four years of the date of this permit.

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.”

**Metropolitan freeway service centre adjoining a residential zone**

If the site for a freeway service centre with access to a metropolitan freeway adjoins a residential zone:

- A landscape buffer at least 3 metres wide must be provided on the site along the common boundary and must be planted and maintained to the satisfaction of the responsible authority.
- Except for the landscape buffer strip, all of the site not occupied by buildings must be sealed to prevent dust.
- External lights must be directed away from the residential zone to prevent light spill and glare.

**Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider:

LIVE MUSIC AND ENTERTAINMENT NOISE

Purpose
To recognise that live music is an important part of the State’s culture and economy.

To protect live music entertainment venues from the encroachment of noise sensitive residential uses.

To ensure that noise sensitive residential uses are satisfactorily protected from unreasonable levels of live music and entertainment noise.

To ensure that the primary responsibility for noise attenuation rests with the agent of change.

Application
This clause applies to an application required under any zone of this scheme to use land for, or to construct a building or carry out works associated with:

- a live music entertainment venue.
- a noise sensitive residential use that is within 50 metres of a live music entertainment venue.

This clause does not apply to:

- the extension of an existing dwelling.
- a noise sensitive residential use that is in an area specified in clause 1.0 of the schedule to this clause.

Meaning of terms
In this clause:

- **live music entertainment venue** means:
  - a food and drink premises, nightclub, function centre or residential hotel that includes live music entertainment
  - a rehearsal studio
  - any other venue used for the performance of music and specified in clause 2.0 of the schedule to this clause, subject to any specified condition or limitation.

- **noise sensitive residential use** means a community care accommodation, dependent person's unit, dwelling, residential aged care facility, residential village, retirement village or rooming house.

Requirements to be met
A live music entertainment venue must be designed, constructed and managed to minimise noise emissions from the premises and provide acoustic attenuation measures that would protect a noise sensitive residential use within 50 metres of the venue.

A noise sensitive residential use must be designed and constructed to include acoustic attenuation measures that will reduce noise levels from any:

- indoor live music entertainment venue to below the noise limits specified in State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N2).
- outdoor live music entertainment venue to below 45dB(A), assessed as an $L_{eq}$ over 15 minutes.

For the purpose of assessing whether the above noise standards are met, the noise measurement point may be located inside a habitable room of a noise sensitive residential use with windows and doors closed (Schedule B1 of SEPP N2 does not apply).
A permit may be granted to reduce or waive these requirements if the responsible authority is satisfied that an alternative measure meets the purpose of this clause.

### Application requirements

An application must be accompanied by the following information, as appropriate:

- A site analysis, including plans detailing:
  - the existing and proposed layout of the use, buildings or works, including all external windows and doors
  - the location of any doors, windows and open space areas of existing properties in close proximity to the site.

- If the application is associated with a noise sensitive residential use:
  - the location of any live music entertainment venues within 50 metres of the site
  - the days and hours of operation of identified venues.

- If the application is associated with a live music entertainment venue:
  - the location of any noise sensitive residential uses within 50 metres of the site
  - the days and hours of operation of that venue
  - the times during which live music will be performed.

- Details of existing and proposed acoustic attenuation measures.

If in the opinion of the responsible authority an application requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

### Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- the extent to which the siting, layout, design and construction minimise the potential for noise impacts.

- whether existing or proposed noise sensitive residential uses will be satisfactorily protected from unreasonable live music and entertainment noise.

- whether the proposal adversely affects any existing uses.
### SCHEDULE TO CLAUSE 53.06 LIVE MUSIC AND ENTERTAINMENT NOISE

#### Areas to which Clause 53.06 does not apply

<table>
<thead>
<tr>
<th>Name of area</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
</tr>
</tbody>
</table>

#### Other venues to which Clause 53.06 applies

<table>
<thead>
<tr>
<th>Name of venue</th>
<th>Address</th>
<th>Condition or limitation</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
SHIPPING CONTAINER STORAGE

Application

This clause applies to all land except land which is in a Special Use Zone established for the purpose of port and port-related activities, or is in a Port Zone.

Decision guidelines

Before deciding on an application to use land for shipping container storage, or construct a building or construct or carry out works associated with shipping container storage, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

• Whether the location is appropriate for shipping container storage having regard to:
  - The zoning of the land.
  - Amenity of the neighbourhood.
  - Proximity of the land to residential uses and zones or other sensitive uses.
  - Access to a road in a Road Zone.
  - Access to rail facilities.
  - Capacity and suitability of the road network to accommodate the type and volume of vehicle traffic generated by the use.
  - Capacity of the site to accommodate the proposed use.

• The effect on the environment and the amenity and character of the neighbourhood having regard to:
  - Existing and planned use of land in the neighbourhood.
  - Location, height and setback of shipping container stacks, particularly near road boundaries.
  - Location of facilities for the cleaning, repair, servicing, painting or fumigation of shipping containers.
  - Hours of operation.
  - Design, construction and maintenance of external storage and vehicle movement areas.
  - Treatment and disposal of wastewater.

• Whether the site layout and the design of buildings, landscaping, vehicle access lanes, loading bays, wash bays, lighting and fencing are designed to avoid or minimise any significant off-site impacts due to the emission of noise, light, glare, dust, fumes or drainage.

• Whether any special measure may be necessary to protect the environment and the amenity of nearby sensitive uses, including noise attenuation measures, dust minimisation measures and waste storage arrangements.

• The need for landscaping and fencing to screen or soften the appearance of shipping container storage areas, particularly near road boundaries.

• The adequacy and effect of the landscaping on the appearance of the site, taking into account the streetscape character, the size of the site, and the height, mass and scale of shipping container stacks on the site.

• The adequacy of traffic measures to:
  - Achieve safe, efficient vehicle movement on site and access to and egress from the land.
  - Prevent inappropriate use of local residential streets.
- The adequacy of truck parking, loading and truck queuing spacing to accommodate truck movements at peak periods and employee requirements on the land.
CATTLE FEEDLOT

Purpose
To facilitate the establishment and expansion of cattle feedlots in Victoria in a manner which is consistent with orderly and proper planning and the protection of the environment.

Requirements to be met
All use and development of cattle feedlots must comply with the Victorian Code for Cattle Feedlots - August 1995.
The Code must be complied with to the satisfaction of the responsible authority.
POULTRY FARM

Purpose
To facilitate the establishment and expansion of poultry farms, including broiler farms, in a manner that is consistent with orderly and proper planning and the protection of the environment.

Application
This clause applies to permit applications to use land or construct a building or construct or carry out works for a poultry farm, including to increase the farm capacity of an existing poultry farm.

Permit not required – Outdoor range area for existing broiler farm
Any requirement of this scheme relating to the use of land or to the construction of a building or the construction or carrying out of works does not apply to the use and development of land for an outdoor range area in association with an existing broiler farm provided the following requirements are met:

- There are no more than 150,000 chickens permitted on the land at any time.
- The number of chickens on the land is not increased.

This exemption does not apply to the requirements of any overlay that applies to the land.

Requirement – Broiler farm
An application to use land or construct a building or construct or carry out works for a broiler farm must comply with the Victorian Code for Broiler Farms 2009 (plus 2018 amendments).

This requirement does not apply if:

- There are no more than 10,000 chickens permitted on the land at any time; or
- The number of chickens on the land is not increased.

Exemption from notice and review
The following applications are exempt from the notice requirements of section 52 (1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act:

- An application to use land or construct a building or construct or carry out works for a new broiler farm, or to increase the farm capacity of an existing broiler farm, if the application meets the requirements of a “Class A Broiler Farm”, as specified in the Victorian Code for Broiler Farms 2009 (plus 2018 amendments).

- An application to use land or construct a building or construct or carry out works for a poultry farm for the production of chicken meat or chicken eggs, if the application meets the following requirements:
  - The number of chickens does not exceed 5,000 for egg production or 10,000 for meat production.
  - The outdoor stocking density does not exceed 1,500 chickens per hectare.
  - A Nutrient Management Plan demonstrates chickens are kept outdoors on paddocks with:
    - A minimum of 50% ground cover; and
    - Mobile housing and feeding infrastructure that is relocated at least every two weeks.
  - An area used as a poultry range, including associated buildings and works, meets the setback requirements specified in Table 1.
Table 1 Minimum setbacks

<table>
<thead>
<tr>
<th>Chicken numbers</th>
<th>Minimum distance to a building used for a sensitive use (accommodation, child care centre, education centre and hospital)</th>
<th>Minimum distance to land in a residential zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,000 chickens or less</td>
<td>50 metres</td>
<td>200 metres</td>
</tr>
<tr>
<td>More than 1,000 chickens</td>
<td>100 metres</td>
<td>400 metres</td>
</tr>
</tbody>
</table>

Notice of an application

Notice of an application to use or develop land to establish a new broiler farm, or to increase the farm capacity of an existing broiler farm, that meets the requirements of a Special Class Broiler Farm or Farm Cluster as specified in the Victorian Code for Broiler Farms 2009 (plus 2018 amendments), must be given under Section 52(1)(c) of the Act to the person or body specified as a person or body to be notified in Clause 66.05.

Decision guidelines

Before deciding on an application to use land or construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The purpose of the relevant zone.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The need to protect amenity of existing uses on adjoining land.
- The impact of the use of the land on the surrounding area, including from the emission of noise, light, vibration, odour, dust, or waste products.
- The impact of the proposal on any wetlands, waterways or water bodies.
- The likely environmental impact on the natural physical features and biodiversity of the land, including consideration of any Nutrient Management Plan submitted with the application.
- Whether the development will support and enhance agricultural production.
- The requirements of the Victorian Low Density Mobile Outdoor Poultry Farm Planning Permit Guidelines (June 2018).
USES WITH ADVERSE AMENITY POTENTIAL

Purpose
To define those types of industries and warehouses which if not appropriately designed and located may cause offence or unacceptable risk to the neighbourhood.

Threshold Distance
The threshold distance referred to in the table to this clause is the minimum distance from any part of the land of the proposed use or buildings and works to land (not a road) in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

NOTE 1 of the table: The threshold distance is variable, dependent on the processes to be used and the materials to be processed or stored.

NOTE 2 of the table: An assessment of risk to the safety of people located off the land may be required.

Table to Clause 53.10-1

<table>
<thead>
<tr>
<th>Type of Production, Use Or Storage (Purpose)</th>
<th>Threshold Distance (metres)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Basic Metal Products</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Production of non-ferrous metals as:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• aluminium by electrolysis</td>
<td>2,000</td>
<td></td>
</tr>
<tr>
<td>• other non-ferrous metals in amounts:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- up to 100 tonnes a year</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>- between 100 &amp; 2,000 tonnes a year</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>- exceeding 2,000 tonnes a year</td>
<td>500</td>
<td></td>
</tr>
<tr>
<td>Works producing iron or steel products in amounts:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• up to 1,000,000 tonnes a year</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>• exceeding 1,000,000 tonnes a year</td>
<td>1,000</td>
<td></td>
</tr>
<tr>
<td><strong>Chemical, Petroleum &amp; Coal Products</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ammunition, explosives and fireworks production:</td>
<td>1,000</td>
<td>Note 2</td>
</tr>
<tr>
<td>Biocides production and storage:</td>
<td>1,000</td>
<td></td>
</tr>
<tr>
<td>Briquette production:</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Chemical Fertiliser production:</td>
<td>1,000</td>
<td>Note 2</td>
</tr>
<tr>
<td>Chemical products other than those listed within this group:</td>
<td>300</td>
<td>Note 2</td>
</tr>
<tr>
<td>Cosmetics and toilet preparations production:</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Type of Production, Use Or Storage (Purpose)</td>
<td>Threshold Distance (metres)</td>
<td>Notes</td>
</tr>
<tr>
<td>--------------------------------------------</td>
<td>----------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>Formaldehyde production:</td>
<td>300</td>
<td>Note 2</td>
</tr>
<tr>
<td>Industrial gases production:</td>
<td>1,000</td>
<td>Note 2</td>
</tr>
<tr>
<td>Inks production:</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Inorganic industrial chemicals production other than those listed within this group:</td>
<td>1,000</td>
<td>Note 2</td>
</tr>
<tr>
<td>Organic industrial chemicals production other than those listed within this group:</td>
<td>1,000</td>
<td>Note 2</td>
</tr>
<tr>
<td>Other petroleum or coal production:</td>
<td>500</td>
<td>Note 2</td>
</tr>
<tr>
<td>Paints and inks:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• manufacture</td>
<td>1,000</td>
<td>Note 2</td>
</tr>
<tr>
<td>• blending and mixing only</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Petroleum refinery:</td>
<td>2,000</td>
<td>Note 2</td>
</tr>
<tr>
<td>Pharmaceutical and veterinary production:</td>
<td>1,000</td>
<td></td>
</tr>
<tr>
<td>Polyester resins production</td>
<td>1,000</td>
<td>Note 2</td>
</tr>
<tr>
<td>Soap and other detergents production:</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Synthetic resins &amp; rubber production other than those listed within this group:</td>
<td>1,000</td>
<td>Note 2</td>
</tr>
</tbody>
</table>

**Fabricated Metal Products**

| Abrasive blast cleaning:                   |                            | Note 1|
| Boiler makers                              | 100                        |       |
| Structural or sheet metal production:      | 500                        |       |
| Works producing iron or steel products in amounts: |                    |       |
| • up to 1,000,000 tonnes per year          | 100                        |       |
| • exceeding 1,000,000 tonnes per year      | 1,000                      |       |

**Food, Beverages & Tobacco**

<p>| Abattoir:                                  | 500                        |       |
| Bakery (other than one ancillary to a shop): | 100                        |       |</p>
<table>
<thead>
<tr>
<th>Type of Production, Use Or Storage (Purpose)</th>
<th>Threshold Distance (metres)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flour mill:</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Food or beverage production other than those listed within this group:</td>
<td></td>
<td>Note 1</td>
</tr>
<tr>
<td>Freezing and cool storage</td>
<td>150</td>
<td></td>
</tr>
<tr>
<td>Maltworks:</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Manufacture of milk products:</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Milk depot</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Poultry processing works</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Production of vegetable oils and fats using solvents:</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Seafood processor:</td>
<td>500</td>
<td></td>
</tr>
<tr>
<td>Smallgoods production</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Tobacco and cigarette production:</td>
<td>500</td>
<td></td>
</tr>
<tr>
<td><strong>Miscellaneous Manufacturing</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fibreglass production:</td>
<td>200</td>
<td></td>
</tr>
<tr>
<td>Leather and artificial leather goods production:</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Leather tanning and dressing:</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Printing and coating works with heated curing ovens:</td>
<td>500</td>
<td></td>
</tr>
<tr>
<td>Rendering and casings works:</td>
<td>1,000</td>
<td></td>
</tr>
<tr>
<td>Rubber production, using either organic solvents or carbon black:</td>
<td>300</td>
<td>Note 2</td>
</tr>
<tr>
<td><strong>Non-metallic Mineral Products</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bitumen batching plant:</td>
<td>500</td>
<td></td>
</tr>
<tr>
<td>Cement production in amounts:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• up to 5,000 tonnes a year</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>• between 5,000 &amp; 150,000 tonnes a year</td>
<td>500</td>
<td></td>
</tr>
<tr>
<td>• exceeding 150,000 tonnes a year</td>
<td>1,000</td>
<td></td>
</tr>
<tr>
<td>Type of Production, Use Or Storage (Purpose)</td>
<td>Threshold Distance (metres)</td>
<td>Notes</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------------------------------------</td>
<td>-----------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>Clay bricks, tiles and pipe refractories, with a design production rate exceeding 10,000 tonnes a year:</td>
<td>200</td>
<td></td>
</tr>
<tr>
<td>Concrete article or stone article production:</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Concrete batching plant:</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Glass and glass production including glass wool:</td>
<td>500</td>
<td></td>
</tr>
<tr>
<td>Plaster or plaster articles production:</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Rock wool manufacture:</td>
<td>500</td>
<td></td>
</tr>
<tr>
<td><strong>Other Premises</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Panel beating:</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Rural industry handling, processing or packing agricultural produce:</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td><strong>Paper &amp; Paper Products:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paper or paper pulp production:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- involving combustion of sulphur or sulphur containing materials</td>
<td>5,000</td>
<td>Note 2</td>
</tr>
<tr>
<td>- from semi-processed materials</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>- from prepared cellulose &amp; rags</td>
<td>200</td>
<td></td>
</tr>
<tr>
<td>- by other methods than above</td>
<td></td>
<td>Note 1</td>
</tr>
<tr>
<td><strong>Recreation, Personal &amp; Other Services</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dry cleaning for commercial and institutional customers, or in bulk quantities:</td>
<td>100</td>
<td>Note 2</td>
</tr>
<tr>
<td>Laundry for commercial and institutional customers, or in bulk quantities:</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td><strong>Recycling and Resource Recovery</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Advanced resource recovery technology facility</td>
<td></td>
<td>Note 1</td>
</tr>
<tr>
<td>Combustion, treatment or bio-reaction of waste to produce energy</td>
<td></td>
<td>Note 1</td>
</tr>
<tr>
<td>Commercial and Industrial materials recycling</td>
<td></td>
<td>Note 1</td>
</tr>
<tr>
<td>Type of Production, Use Or Storage (Purpose)</td>
<td>Threshold Distance (metres)</td>
<td>Notes</td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>-----------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>Composting and other organic materials recycling.</td>
<td>Note 1</td>
<td></td>
</tr>
<tr>
<td>Construction and demolition materials recycling</td>
<td>Note 1</td>
<td></td>
</tr>
<tr>
<td>Other resource recovery or recycling operations</td>
<td>Note 1</td>
<td></td>
</tr>
<tr>
<td>Refuse and used material storage, sorting and recovery in a transfer station:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Accepting organic wastes</td>
<td>Note 1</td>
<td></td>
</tr>
<tr>
<td>• Other</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Sanitary and garbage disposal in landfill</td>
<td>Note 1</td>
<td></td>
</tr>
<tr>
<td>Soil conditioning or blending</td>
<td>Note 1</td>
<td></td>
</tr>
<tr>
<td>Used metals treatment or processing</td>
<td>Note 1</td>
<td></td>
</tr>
<tr>
<td>Used paper and cardboard treatment or processing</td>
<td>Use distances in Paper &amp; Paper Products</td>
<td></td>
</tr>
<tr>
<td>Used plastics treatment or processing</td>
<td>Note 1</td>
<td></td>
</tr>
</tbody>
</table>

**Textiles**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Distance (metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carpet backing with latex:</td>
<td>300</td>
</tr>
<tr>
<td>Dyeing or finishing of cotton, linen and woollen yarns and textiles:</td>
<td>300</td>
</tr>
<tr>
<td>Production of artificial fibres &amp; textiles:</td>
<td></td>
</tr>
<tr>
<td>• cellulose nitrate or viscose fibre, cellophane or artificial rubber</td>
<td>1,000</td>
</tr>
<tr>
<td>• other synthetic fibres and textiles</td>
<td>500</td>
</tr>
<tr>
<td>Rope, cordage and twine production:</td>
<td>100</td>
</tr>
<tr>
<td>Treatment or production of textiles:</td>
<td></td>
</tr>
<tr>
<td>• using carbon disulphide</td>
<td>500</td>
</tr>
<tr>
<td>• using other substances</td>
<td>Note 1</td>
</tr>
<tr>
<td>Wool scouring:</td>
<td>200</td>
</tr>
</tbody>
</table>

**Transport and Storage**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Distance (metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Depot for refuse collection vehicles</td>
<td>100</td>
</tr>
<tr>
<td>Type of Production, Use Or Storage (Purpose)</td>
<td>Threshold Distance (metres)</td>
</tr>
<tr>
<td>------------------------------------------------------------------------------------------------------------</td>
<td>----------------------------</td>
</tr>
<tr>
<td>Grain elevators:</td>
<td>300</td>
</tr>
<tr>
<td>Storage of bulk volatile organic compounds in quantities greater than 1,000 tonnes:</td>
<td>1,000</td>
</tr>
<tr>
<td>Storage of petroleum products and crude oil in tanks exceeding 2,000 tonnes capacity:</td>
<td></td>
</tr>
<tr>
<td>with fixed roofs</td>
<td>300</td>
</tr>
<tr>
<td>with floating roofs</td>
<td>100</td>
</tr>
<tr>
<td>Storage of wet-salted or unprocessed hides:</td>
<td>300</td>
</tr>
<tr>
<td>Temporary storage of industrial wastes:</td>
<td>300</td>
</tr>
<tr>
<td>Treatment of aqueous waste:</td>
<td>200</td>
</tr>
<tr>
<td>Waste incinerator for:</td>
<td></td>
</tr>
<tr>
<td>Woodwaste</td>
<td>300</td>
</tr>
<tr>
<td>Plastic or rubber waste</td>
<td>200</td>
</tr>
<tr>
<td>Chemical, biomedical or organic waste</td>
<td></td>
</tr>
<tr>
<td>Wood, Wood Products &amp; Furniture</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:</td>
<td>500</td>
</tr>
<tr>
<td>Wood preservation plant:</td>
<td>100</td>
</tr>
<tr>
<td>Wood-fibre or wood-chip products:</td>
<td>1,500</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>
<tr>
<td>The site is on a corner.</td>
<td>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser. This does not include a porte cochère.</td>
<td>Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting</td>
</tr>
</tbody>
</table>
Development context | Minimum setback from front street (metres) | Minimum setback from a side street (metres)
---|---|---
If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets. | allotment facing the side street or 4 metres, whichever is the lesser.
Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.

**Side and rear setbacks**

A new building not on or within 200mm of a boundary should be set back from side or rear boundaries by 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

Screens, sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.

Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.
**Walls on boundaries**

A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary for a length of more than:

- 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or
- Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports; whichever is the greater.

A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.

A building on a boundary includes a building set back up to 200mm from a boundary.

The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

**Daylight to existing windows**

Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.
Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.

Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.

North-facing windows

If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be set back from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.
Overshadowing open space

Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

Solar panel overshadowing

Buildings should be sited and designed to ensure that the capacity of existing rooftop solar energy facilities on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced.

Overlooking

A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.

A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:

- Offset a minimum of 1.5 metres from the edge of one window to the edge of the other.
- Have sill heights of at least 1.2 metres above floor level.
- Have fixed, obscure glazing in any part of the window below 1.2 metres above floor level.
- Have permanently fixed external screens to at least 1.2 metres above floor level and be no more than 25 per cent transparent.

Obscure glazing in any part of the window below 1.2 metres above floor level may be openable provided that there are no direct views as specified in this standard.

Screens used to obscure a view should be:
- Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.
- Permanent, fixed and durable.
- Designed and coloured to blend in with the development.

This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.

![Diagram](image)

**Noise impacts**

Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings.

**Daylight to new windows**

A window in a habitable room should be located to face:
- An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or
- A verandah provided it is open for at least one third of its perimeter, or
- A carport provided it has two or more open sides and is open for at least one third of its perimeter.

**Site coverage**

The site area covered by buildings should not exceed 80 percent.

**Access**

Access ways should be designed to:
- Provide direct access to on-site designated areas for car and bicycle parking.
- Provide direct access to the building for emergency vehicles.
- Provide access for service and delivery vehicles to on-site loading bays and storage areas.
- Ensure vehicles can enter and exit a development in a forward direction.
- Provide a carriageway width of at least 5.5 metres and an internal radius of at least 4 metres at a change of direction.

- The number and location of access points from streets to the site and the design of crossovers must be to the requirements of the relevant road authority.

- Shared access ways or car parks should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced by 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the access way.

**Building entry**

The main pedestrian entry to a building should:

- Have convenient access from a street.
- Be sheltered from the weather.
- Have convenient access from on-site car parking.
- Have a designated vehicle standing area suitable for use by a community bus and a disabled parking area should be provided in an area that is convenient for the drop-off and pick-up of residents.

**Communal open space**

Accessible and useable communal open space should be provided for residents and staff.

**Front fence**

A front fence within 3 metres of a street should not exceed:

- 2 metres in height in streets in a Road Category 1; and
- 1.5 metres in height on all other streets.

**Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- How the proposed development responds to the site and context description.
- Where the requirements of this clause are not met, the impact on the amenity of the adjoining dwellings.
- The proposed amenity for future residents of the residential aged care facility.
- The effect of overshadowing on an appropriately located existing rooftop solar energy facility on an adjoining lot.
STORMWATER MANAGEMENT IN URBAN DEVELOPMENT

Purpose

To ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

Application

This clause applies to an application under a provision of a zone to subdivide land, construct a building, or construct or carry out works, other than the following applications:

- An application under a provision of the Farming Zone, Green Wedge Zone, Green Wedge A Zone, Low Density Residential Zone, Public Conservation and Resource Zone, Road Zone, Rural Activity Zone, Rural Conservation Zone, Rural Living Zone, Urban Floodway Zone or Urban Growth Zone.
- A VicSmart application.
- An application to subdivide land in a residential zone for residential purposes.
- An application to construct or extend a dwelling, fence or residential building in a residential zone.
- An application for development associated with the use of land for agriculture or earth and energy resources industry.
- An application to construct a building or construct or carry out works associated with one dwelling on a lot.
- An application to alter, extend or make structural changes to an existing building provided the gross floor area of the building is not increased by more than 50 square metres.
- An application to construct a building with a gross floor area not exceeding 50 square metres.
- An application to construct or carry out works with an area not exceeding 50 square metres.
- An application to subdivide land into lots each containing an existing building or car parking space.
- An application to construct a building or to construct or carry out works on a lot if all of the following requirements are met:
  - The lot was created in accordance with a permit granted under this planning scheme.
  - The application for that permit was assessed against the requirements of this clause.
- An application for land affected by a development plan or incorporated plan that was approved or incorporated in this planning scheme before the approval date of Amendment VC154.
- An application lodged before the approval date of Amendment VC154.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC154.

Operation

The provisions of this clause contain:

- Objectives. An objective describes the desired outcome to be achieved in the completed development.
- Standards. A standard contains the requirements to meet the objective.
A standard should normally be met. However, if the responsible authority is satisfied that an application for an alternative solution meets the objective, the alternative solution may be considered.

53.18-3

Requirements

An application to subdivide land:

- Must meet all of the objectives of Clauses 53.18-4 and 53.18-6.
- Should meet all of the standards of Clauses 53.18-4 and 53.18-6.

An application to construct a building or construct or carry out works:

- Must meet all of the objectives of Clauses 53.18-5 and 53.18-6.
- Should meet all of the standards of Clauses 53.18-5 and 53.18-6.

An application must be accompanied by details of the proposed stormwater management system, including drainage works and retention, detention and discharges of stormwater to the drainage system.

53.18-4

Stormwater management objectives for subdivision

To minimise damage to properties and inconvenience to the public from stormwater.

To ensure that the street operates adequately during major storm events and provides for public safety.

To minimise increases in stormwater and protect the environmental values and physical characteristics of receiving waters from degradation by stormwater.

To encourage stormwater management that maximises the retention and reuse of stormwater.

To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.

Standard W1

The stormwater management system should be:

- Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority.
- Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of stormwater is proposed.
- Designed to meet the current best practice performance objectives for stormwater quality as contained in the *Urban Stormwater - Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999).
- Designed to ensure that flows downstream of the subdivision site are restricted to pre-development levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts.
- Designed to contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.

The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design.

For all storm events up to and including the 20% Average Exceedence Probability (AEP) standard:

- Stormwater flows should be contained within the drainage system to the requirements of the relevant authority.
- Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall.
For storm events greater than 20% AEP and up to and including 1% AEP standard:

- Provision must be made for the safe and effective passage of stormwater flows.
- All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority.
- Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria \( da \cdot V_{ave} < 0.35 \text{ m}^2/\text{s} \) (where, \( da = \) average depth in metres and \( V_{ave} = \) average velocity in metres per second).

The design of the local drainage network should:

- Ensure stormwater is retarded to a standard required by the responsible drainage authority.
- Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, stormwater should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge.
- Ensure that inlet and outlet structures take into account the effects of obstructions and debris build up. Any surcharge drainage pit should discharge into an overland flow in a safe and predetermined manner.
- Include water sensitive urban design features to manage stormwater in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs.

Any flood mitigation works must be designed and constructed in accordance with the requirements of the relevant floodplain management authority.

**Stormwater management objectives for buildings and works**

To encourage stormwater management that maximises the retention and reuse of stormwater.

To encourage development that reduces the impact of stormwater on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.

To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.

To ensure that industrial and commercial chemical pollutants and other toxicants do not enter the stormwater system.

**Standard W2**

The stormwater management system should be designed to:

- Minimise the impact of chemical pollutants and other toxicants including by, but not limited to, bunding and covering or roofing of storage, loading and work areas.
- Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.

**Site management objectives**

To protect drainage infrastructure and receiving waters from sedimentation and contamination.

To protect the site and surrounding area from environmental degradation prior to and during construction of subdivision works.
Standard W3
An application should describe how the site will be managed prior to and during the construction period and may set out requirements for managing:

- Erosion and sediment.
- Stormwater.
- Litter, concrete and other construction wastes.
- Chemical contamination.

Decision guidelines
Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- Any relevant water and stormwater management objective, policy or statement set out in this planning scheme.
- The capacity of the site to incorporate stormwater retention and reuse and other water sensitive urban design features.
- Whether the development has utilised alternative water sources and/or incorporated water sensitive urban design.
- Whether stormwater discharge from the site will adversely affect water quality entering the drainage system.
- The capacity of the drainage network to accommodate additional stormwater.
- Whether the stormwater treatment areas can be effectively maintained.
- Whether the owner has entered into an agreement to contribute to off-site stormwater management in lieu of providing an on-site stormwater management system.
ONE DWELLING ON A LOT

Purpose
To implement the Municipal Planning Strategy and the Planning Policy Framework.
To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character.
To encourage residential development that provides reasonable standards of amenity for existing and new residents.
To encourage residential development that is responsive to the site and the neighbourhood.

Application
These provisions apply to an application to construct a building or construct or carry out works associated with one dwelling on a lot under the provisions of:

- A Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone.
- A Neighbourhood Character Overlay if the land is in a Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone.

Operation
The provisions of this clause contain:

- Objectives. An objective describes the desired outcome to be achieved in the completed development.
- Standards. A standard contains the requirements to meet the objective.
  A standard should normally be met. However, if the responsible authority is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.
- Decision guidelines. The decision guidelines set out the matters that the responsible authority must consider before deciding if an application meets the objectives.

Requirements
A development:

- Must meet all of the objectives of this clause.
- Should meet all of the standards of this clause.

If a zone or a schedule to a zone specifies a requirement of a standard different from a requirement set out in this clause, the requirement in the zone or a schedule to the zone applies.

If the land is included in a Neighbourhood Character Overlay and a schedule to the overlay specifies a requirement of a standard different from a requirement set out in this clause or a requirement in the zone or a schedule to the zone, the requirement in the schedule to the overlay applies.

If the land is included in an overlay, other than a Neighbourhood Character Overlay, and a schedule to the overlay specifies a requirement different from a requirement of a standard set out in this clause or a requirement of a standard set out in the zone or a schedule to the zone, the requirement in the overlay applies.
NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE

An application must be accompanied by:

- A neighbourhood and site description.
- A design response.

Neighbourhood and site description

The neighbourhood and site description may use a site plan, photographs or other techniques and must accurately describe:

- In relation to the neighbourhood:
  - The built form, scale and character of surrounding development including front fencing.
  - Architectural and roof styles.
  - Any other notable features or characteristics of the neighbourhood.

- In relation to the site:
  - Site shape, size, orientation and easements.
  - Levels of the site and the difference in levels between the site and surrounding properties.
  - Location of existing buildings on the site and on surrounding properties, including the location and height of walls built to the boundary of the site.
  - The use of surrounding buildings.
  - The location of secluded private open space and habitable room windows of surrounding properties which have an outlook to the site within 9 metres.
  - Solar access to the site and to surrounding properties.
  - Location of significant trees existing on the site and any significant trees removed from the site in the 12 months prior to the application being made, where known.
  - Any contaminated soils and filled areas, where known.
  - Views to and from the site.
  - Street frontage features such as poles, street trees and kerb crossovers.
  - Any other notable features or characteristics of the site.

If in the opinion of the responsible authority a requirement of the neighbourhood and site description is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

Satisfactory neighbourhood and site description

If the responsible authority decides that the neighbourhood and site description is not satisfactory, it may require more information from the applicant under Section 54 of the Act.

The responsible authority must not require notice of an application to be given or decide an application until it is satisfied that the neighbourhood and site description meets the requirements of Clause 54.01-1 and is satisfactory.

This does not apply if the responsible authority refuses an application under Section 52(1A) of the Act.

Design response

The design response must explain how the proposed design:
- Derives from and responds to the neighbourhood and site description.
- Meets the objectives of Clause 54.
- Responds to any neighbourhood character features for the area identified in a local planning policy or a Neighbourhood Character Overlay.

The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings. If in the opinion of the responsible authority this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.
NEIGHBOURHOOD CHARACTER

Neighbourhood character objective
To ensure that the design respects the existing neighbourhood character or contributes to a preferred
neighbourhood character.
To ensure that the design responds to the features of the site and the surrounding area.

Standard A1
The design response must be appropriate to the neighbourhood and the site.
The proposed design must respect the existing or preferred neighbourhood character and respond
to the features of the site.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The neighbourhood and site description.
- The design response.

Integration with the street objective
To integrate the layout of development with the street.

Standard A2
Dwellings should be oriented to front existing and proposed streets.
High fencing in front of dwellings should be avoided if practicable.
Dwellings should be designed to promote the observation of abutting streets and any abutting
public open spaces.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
SITE LAYOUT AND BUILDING MASSING

Street setback objective
To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.

Standard A3
Walls of buildings should be set back from streets:

- At least the distance specified in a schedule to the zone, or
- If no distance is specified in a schedule to the zone, the distance specified in Table A1.

Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.

Table A1 Street setback

<table>
<thead>
<tr>
<th>Development context</th>
<th>Minimum setback from front street (Metres)</th>
<th>Minimum setback from a side street (Metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.</td>
<td>The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.</td>
<td>The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.</td>
<td>6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</td>
<td>Not applicable</td>
</tr>
</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. 
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. | 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. |

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- Whether a different setback would be more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots.
- The visual impact of the building when viewed from the street and from adjoining properties.
- The value of retaining vegetation within the front setback.
Building height objective

To ensure that the height of buildings respects the existing or preferred neighbourhood character.

Standard A4

The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.

If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.

Changes of building height between existing buildings and new buildings should be graduated.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- Any maximum building height specified in the zone, a schedule to the zone or an overlay applying to the land.
- The design response.
- The effect of the slope of the site on the height of the building.
- The relationship between the proposed building height and the height of existing adjacent buildings.
- The visual impact of the building when viewed from the street and from adjoining properties.

Site coverage objective

To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.

Standard A5

The site area covered by buildings should not exceed:

- The maximum site coverage specified in a schedule to the zone, or
- If no maximum site coverage is specified in a schedule to the zone, 60 per cent.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The existing site coverage and any constraints imposed by existing development or the features of the site.
- The site coverage of adjacent properties.
- The effect of the visual bulk of the building and whether this is acceptable in the neighbourhood.

Permeability objectives

To reduce the impact of increased stormwater run-off on the drainage system.

To facilitate on-site stormwater infiltration.
Standard A6
The site area covered by pervious surfaces should be at least:
- The minimum area specified in a schedule to the zone; or
- If no minimum area is specified in a schedule to the zone, 20 per cent of the site.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- The design response.
- The existing site coverage and any constraints imposed by existing development.
- The capacity of the drainage network to accommodate additional stormwater.
- The capacity of the site to absorb run-off.
- The practicality of achieving the minimum site coverage of pervious surfaces, particularly on lots of less than 300 square metres.

Energy efficiency protection objectives
To achieve and protect energy efficient dwellings.
To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.

Standard A7
Buildings should be:
- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.
- Sited and designed to ensure that the performance of existing rooftop solar energy facilities on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy facility must exist at the date the application is lodged.

Living areas and private open space should be located on the north side of the dwelling, if practicable.
Dwellings should be designed so that solar access to north-facing windows is maximised.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- The design response.
- The size, orientation and slope of the lot.
- The existing amount of solar access to abutting properties.
- The extent to which an existing rooftop solar energy facility on an adjoining lot is overshadowed by existing buildings or other permanent structures.
- Whether the existing rooftop solar energy facility on an adjoining lot is appropriately located.
- The effect of overshadowing on an existing rooftop solar energy facility on an adjoining lot.
- The availability of solar access to north-facing windows on the site.
**Significant trees objectives**

To encourage development that respects the landscape character of the neighbourhood.

To encourage the retention of significant trees on the site.

**Standard A8**

Development should provide for the retention or planting of trees, where these are part of the neighbourhood character.

Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The health of any trees that were removed or are proposed to be removed.
- Whether a tree was removed to gain a development advantage.
AMENITY IMPACTS

Side and rear setbacks objective
To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

Standard A10
A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:

- At least the distance specified in a schedule to the zone, or
- If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.

Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.

Diagram A1 Side and rear setbacks

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
The impact on the amenity of the habitable room windows and secluded private open space of existing dwellings.

Whether the wall is opposite an existing or simultaneously constructed wall built to the boundary.

Whether the wall abuts a side or rear lane.

Walls on boundaries objective

To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

Standard A11

A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot should not abut the boundary:

- For a length more than the distance specified in a schedule to the zone; or
- If no distance is specified in a schedule to the zone, for a length of more than:
  - 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or
  - Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater.

A new wall or carport may fully abut a side or rear boundary where the slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.

A building on a boundary includes a building set back up to 200mm from a boundary.

The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The extent to which walls on boundaries are part of the neighbourhood character.
- The visual impact of the building when viewed from adjoining properties.
- The impact on the amenity of existing dwellings.
- The opportunity to minimise the length of walls on boundaries by aligning a new wall on a boundary with an existing wall on a lot of an adjoining property.
- The orientation of the boundary that the wall is being built on.
- The width of the lot.
- The extent to which the slope and retaining walls or fences reduce the effective height of the wall.
- Whether the wall abuts a side or rear lane.
- The need to increase the wall height to screen a box gutter.
Daylight to existing windows objective

To allow adequate daylight into existing habitable room windows.

Standard A12

Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.

Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.

Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.

Diagram A2 Daylight to existing windows

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which the existing dwelling has provided for reasonable daylight access to its habitable rooms through the siting and orientation of its habitable room windows.
- The impact on the amenity of existing dwellings.

North-facing windows objective

To allow adequate solar access to existing north-facing habitable room windows.

Standard A13

If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metre for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.
Diagram A3 North-facing windows

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- Existing sunlight to the north-facing habitable room window of the existing dwelling.
- The impact on the amenity of existing dwellings.

Overshadowing open space objective
To ensure buildings do not unreasonably overshadow existing secluded private open space.

Standard A14
Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the amenity of existing dwellings.
- Existing sunlight penetration to the secluded private open space of the existing dwelling.
The time of day that sunlight is available to the secluded private open space of the existing
dwelling.

The effect of a reduction in sunlight on the existing use of the secluded private open space.

**Overlooking objective**
To limit views into existing secluded private open space and habitable room windows.

**Standard A15**
A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid
direct views into the secluded private open space and habitable room windows of an existing
dwelling within a horizontal distance of 9 metres (measured at ground level) of the window,
balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane
of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres
above floor level.

A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room
window of existing dwelling within a horizontal distance of 9 metres (measured at ground level)
of the window, balcony, terrace, deck or patio should be either:

- Offset a minimum of 1.5 metres from the edge of one window to the edge of the other, or
- Have sill heights of at least 1.7 metres above floor level, or
- Have obscure glazing in any part of the window below 1.7 metres above floor level, or
- Have permanently fixed external screens to at least 1.7 metres above floor level and be no more
  than 25 per cent transparent.

Obscure glazing in any part of the window below 1.7 metres above floor level may be openable
provided that there are no direct views as specified in this standard.

Screens used to obscure a view should be:

- Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.
- Permanent, fixed and durable.
- Designed and coloured to blend in with the development.

This standard does not apply to a new habitable room window, balcony, terrace, deck or patio
which faces a property boundary where there is a visual barrier at least 1.8 metres high and the
floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above
ground level at the boundary.

**Diagram A4 Overlooking open space**

**Decision guidelines**
Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the amenity of the secluded private open space or habitable room window.
- The existing extent of overlooking into the secluded private open space and habitable room windows of existing dwellings.
- The internal daylight to and amenity of the proposed dwelling.
ON-SITE AMENITY AND FACILITIES

Daylight to new windows objective
To allow adequate daylight into new habitable room windows.

Standard A16
A window in a habitable room should be located to face:

- An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or
- A verandah provided it is open for at least one third of its perimeter, or
- A carport provided it has two or more open sides and is open for at least one third of its perimeter.

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- Whether there are other windows in the habitable room which have access to daylight.

Private open space objective
To provide adequate private open space for the reasonable recreation and service needs of residents.

Standard A17
A dwelling should have private open space of an area and dimensions specified in a schedule to the zone.

If no area or dimensions is specified in a schedule to the zone, a dwelling should have private open space consisting of an area of 80 square metres or 20 per cent of the area of the lot, whichever is the lesser, but not less than 40 square metres. At least one part of the private open space should consist of secluded private open space with a minimum area of 25 square metres and a minimum dimension of 3 metres at the side or rear of the dwelling with convenient access from a living room.

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability of the private open space, including its size and accessibility.
- The availability of and access to public open space.
- The orientation of the lot to the street and the sun.

Solar access to open space objective
To allow solar access into the secluded private open space of a new dwelling.

Standard A18
The private open space should be located on the north side of the dwelling, if practicable. The southern boundary of secluded private open space should be set back from any wall on the north of the space at least \((2 + 0.9h)\) 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 to construct or extend a residential building.</td>
<td>All of Clause 55 except Clause 55.07-1 to 55.07-15 (inclusive).</td>
</tr>
<tr>
<td>To construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development.</td>
<td>All of Clause 55 except Clause 55.03-5, Clause 55.03-6, Clause 55.04-8, Clause 55.05-1, Clause 55.05-2 and Clause 55.05-6.</td>
</tr>
</tbody>
</table>

These provisions do not apply to an application to construct or extend a development of five or more storeys, excluding a basement or to construct or extend a dwelling in a development of five or more storeys, excluding a basement.

Operation
The provisions of this clause contain:
- Objectives. An objective describes the desired outcome to be achieved in the completed development.
- Standards. A standard contains the requirements to meet the objective.
  A standard should normally be met. However, if the responsible authority is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.
- Decision guidelines. The decision guidelines set out the matters that the responsible authority must consider before deciding if an application meets the objectives.

Requirements
A development:
Must meet all of the objectives of this clause that apply to the application.

Should meet all of the standards of this clause that apply to the application.

For all of the provisions of Clause 55 other than Clause 55.07 (Apartment developments):

- If a zone or a schedule to a zone specifies a requirement of a standard different from a requirement set out in this clause, the requirement in the zone or a schedule to the zone applies.

- If the land is included in a Neighbourhood Character Overlay and a schedule to the overlay specifies a requirement of a standard different from a requirement set out in this clause or a requirement in the zone or a schedule to the zone, the requirement in the schedule to the overlay applies.

- If the land is included in an overlay, other than a Neighbourhood Character Overlay, and a schedule to the overlay specifies a requirement different from a requirement of a standard set out in this clause or a requirement of a standard set out in the zone or a schedule to the zone, the requirement in the overlay applies.

The requirements of a standard set out in Clause 55.07 (Apartment developments) apply to the exclusion of any different requirement specified in a zone, a schedule to a zone, or a schedule to an overlay.

**Transitional provisions**

Clause 55.03-4 of this planning scheme, as in force immediately before the approval date of Amendment VC154, continues to apply to:

- An application for a planning permit lodged before that date.

- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.
NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE

An application must be accompanied by:

- A neighbourhood and site description.
- A design response.

Neighbourhood and site description

The neighbourhood and site description may use a site plan, photographs or other techniques and must accurately describe:

- In relation to the neighbourhood:
  - The pattern of development of the neighbourhood.
  - The built form, scale and character of surrounding development including front fencing.
  - Architectural and roof styles.
  - Any other notable features or characteristics of the neighbourhood.

- In relation to the site:
  - Site shape, size, orientation and easements.
  - Levels of the site and the difference in levels between the site and surrounding properties.
  - The location of existing buildings on the site and on surrounding properties, including the location and height of walls built to the boundary of the site.
  - The use of surrounding buildings.
  - The location of secluded private open space and habitable room windows of surrounding properties which have an outlook to the site within 9 metres.
  - Solar access to the site and to surrounding properties.
  - Location of significant trees existing on the site and any significant trees removed from the site 12 months prior to the application being made, where known.
  - Any contaminated soils and filled areas, where known.
  - Views to and from the site.
  - Street frontage features such as poles, street trees and kerb crossovers.
  - The location of local shops, public transport services and public open spaces within walking distance.
  - Any other notable features or characteristics of the site.

If in the opinion of the responsible authority a requirement of the neighbourhood and site description is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

Satisfactory neighbourhood and site description

If the responsible authority decides that the neighbourhood and site description is not satisfactory, it may require more information from the applicant under Section 54 of the Act.

The responsible authority must not require notice of an application to be given or decide an application until it is satisfied that the neighbourhood and site description meets the requirements of Clause 55.01-1 and is satisfactory.

This does not apply if the responsible authority refuses an application under Section 52(1A) of the Act.
Design response

The design response must explain how the proposed design:

- Derives from and responds to the neighbourhood and site description.
- Meets the objectives of Clause 55.
- Responds to any neighbourhood character features for the area identified in a local planning policy or a Neighbourhood Character Overlay.

The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings. If in the opinion of the responsible authority this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.
NEIGHBOURHOOD CHARACTER AND INFRASTRUCTURE

Neighbourhood character objectives
To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.
To ensure that development responds to the features of the site and the surrounding area.

Standard B1
The design response must be appropriate to the neighbourhood and the site.
The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The neighbourhood and site description.
- The design response.

Residential policy objectives
To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.
To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.

Standard B2
An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- The design response.

Dwelling diversity objective
To encourage a range of dwelling sizes and types in developments of ten or more dwellings.

Standard B3
Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:
- Dwellings with a different number of bedrooms.
- At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level.

Infrastructure objectives
To ensure development is provided with appropriate utility services and infrastructure.
To ensure development does not unreasonably overload the capacity of utility services and infrastructure.

**Standard B4**

Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.

Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.

In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The capacity of the existing infrastructure.
- In the absence of reticulated sewerage, the capacity of the development to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.
- If the drainage system has little or no spare capacity, the capacity of the development to provide for stormwater drainage mitigation or upgrading of the local drainage system.

**Integration with the street objective**

To integrate the layout of development with the street.

**Standard B5**

Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.

Development should be oriented to front existing and proposed streets.

High fencing in front of dwellings should be avoided if practicable.

Development next to existing public open space should be laid out to complement the open space.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
SITE LAYOUT AND BUILDING MASSING

Street setback objective

To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.

Standard B6

Walls of buildings should be set back from streets:

- At least the distance specified in a schedule to the zone, or
- If no distance is specified in a schedule to the zone, the distance specified in Table B1.

Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.

Table B1 Street setback

<table>
<thead>
<tr>
<th>Development context</th>
<th>Minimum setback from front street (metres)</th>
<th>Minimum setback from a side street (metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.</td>
<td>The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.</td>
<td>The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.</td>
<td>6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>The site is on a corner.</td>
<td>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser. If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</td>
<td>Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser. Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.</td>
</tr>
</tbody>
</table>

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
Whether a different setback would be more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots.

- The visual impact of the building when viewed from the street and from adjoining properties.
- The value of retaining vegetation within the front setback.

**Building height objective**

To ensure that the height of buildings respects the existing or preferred neighbourhood character.

**Standard B7**

The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.

If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.

Changes of building height between existing buildings and new buildings should be graduated.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- Any maximum building height specified in the zone, a schedule to the zone or an overlay applying to the land.
- The design response.
- The effect of the slope of the site on the height of the building.
- The relationship between the proposed building height and the height of existing adjacent buildings.
- The visual impact of the building when viewed from the street and from adjoining properties.

**Site coverage objective**

To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.

**Standard B8**

The site area covered by buildings should not exceed:

- The maximum site coverage specified in a schedule to the zone, or
- If no maximum site coverage is specified in a schedule to the zone, 60 per cent.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The existing site coverage and any constraints imposed by existing development or the features of the site.
- The site coverage of adjacent properties.
- The effect of the visual bulk of the building and whether this is acceptable in the neighbourhood.
**Permeability and stormwater management objectives**

To reduce the impact of increased stormwater run-off on the drainage system.

To facilitate on-site stormwater infiltration.

To encourage stormwater management that maximises the retention and reuse of stormwater.

**Standard B9**

The site area covered by the pervious surfaces should be at least:

- The minimum area specified in a schedule to the zone, or
- If no minimum is specified in a schedule to the zone, 20 percent of the site.

The stormwater management system should be designed to:

- Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The capacity of the site to incorporate stormwater retention and reuse.
- The existing site coverage and any constraints imposed by existing development.
- The capacity of the drainage network to accommodate additional stormwater.
- The capacity of the site to absorb run-off.
- The practicality of achieving the minimum site coverage of pervious surfaces, particularly on lots of less than 300 square metres.
- Whether the owner has entered into an agreement to contribute to off-site stormwater management in lieu of providing an on-site stormwater management system.

**Energy efficiency objectives**

To achieve and protect energy efficient dwellings and residential buildings.

To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.

**Standard B10**

Buildings should be:

- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.
- Sited and designed to ensure that the performance of existing rooftop solar energy facilities on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy facility must exist at the date the application is lodged.

Living areas and private open space should be located on the north side of the development, if practicable.

Developments should be designed so that solar access to north-facing windows is maximised.
Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- The size, orientation and slope of the lot.
- The existing amount of solar access to abutting properties.
- The availability of solar access to north-facing windows on the site.
- The extent to which an existing rooftop solar energy facility on an adjoining lot is overshadowed by existing buildings or other permanent structures.
- Whether the existing rooftop solar energy facility on an adjoining lot is appropriately located.
- The effect of overshadowing on an existing rooftop solar energy facility on an adjoining lot.

Open space objective
To integrate the layout of development with any public and communal open space provided in or adjacent to the development.

Standard B11
If any public or communal open space is provided on site, it should:

- Be substantially fronted by dwellings, where appropriate.
- Provide outlook for as many dwellings as practicable.
- Be designed to protect any natural features on the site.
- Be accessible and useable.

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- Any relevant plan or policy for open space in the Municipal Planning Strategy and the Planning Policy Framework.
- The design response.

Safety objective
To ensure the layout of development provides for the safety and security of residents and property.

Standard B12
Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.

Planting which creates unsafe spaces along streets and accessways should be avoided.

Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.

Private spaces within developments should be protected from inappropriate use as public thoroughfares.

Decision guideline
Before deciding on an application, the responsible authority must consider the design response.

Landscaping objectives
To encourage development that respects the landscape character of the neighbourhood.
To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.

To provide appropriate landscaping.

To encourage the retention of mature vegetation on the site.

**Standard B13**

The landscape layout and design should:

- Protect any predominant landscape features of the neighbourhood.
- Take into account the soil type and drainage patterns of the site.
- Allow for intended vegetation growth and structural protection of buildings.
- In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.
- Provide a safe, attractive and functional environment for residents.

Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood.

Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.

The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.

Development should meet any additional landscape requirements specified in a schedule to the zone.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- Any relevant plan or policy for landscape design in the Municipal Planning Strategy and the Planning Policy Framework.
- The design response.
- The location and size of gardens and the predominant plant types in the neighbourhood.
- The health of any trees to be removed.
- Whether a tree was removed to gain a development advantage.

**Access objective**

To ensure the number and design of vehicle crossovers respects the neighbourhood character.

**Standard B14**

The width of accessways or car spaces should not exceed:

- 33 per cent of the street frontage, or
- if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.

No more than one single-width crossover should be provided for each dwelling fronting a street.

The location of crossovers should maximise the retention of on-street car parking spaces.

The number of access points to a road in a Road Zone should be minimised.

Developments must provide for access for service, emergency and delivery vehicles.
**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the neighbourhood character.
- The reduction of on-street car parking spaces.
- The effect on any significant vegetation on the site and footpath.

**Parking location objectives**

To provide convenient parking for resident and visitor vehicles.

To protect residents from vehicular noise within developments.

**Standard B15**

Car parking facilities should:

- Be reasonably close and convenient to dwellings and residential buildings.
- Be secure.
- Be well ventilated if enclosed.

Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.

**Decision guideline**

Before deciding on an application, the responsible authority must consider the design response.
AMENITY IMPACTS

Side and rear setbacks objective

To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

Standard B17

A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:

- At least the distance specified in a schedule to the zone, or
- If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.

Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.

Diagram B1 Side and rear setbacks

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The impact on the amenity of the habitable room windows and secluded private open space of existing dwellings.
- Whether the wall is opposite an existing or simultaneously constructed wall built to the boundary.
- Whether the wall abuts a side or rear lane.

### Walls on boundaries objective

To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

### Standard B18

A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary:

- For a length of more than the distance specified in a schedule to the zone; or
- If no distance is specified in a schedule to the zone, for a length of more than:
  - 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or
  - Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports whichever is the greater.

A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.

A building on a boundary includes a building set back up to 200mm from a boundary.

The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The extent to which walls on boundaries are part of the neighbourhood character.
- The impact on the amenity of existing dwellings.
- The opportunity to minimise the length of walls on boundaries by aligning a new wall on a boundary with an existing wall on a lot of an adjoining property.
- The orientation of the boundary that the wall is being built on.
- The width of the lot.
- The extent to which the slope and retaining walls or fences reduce the effective height of the wall.
- Whether the wall abuts a side or rear lane.
- The need to increase the wall height to screen a box gutter.

### Daylight to existing windows objective

To allow adequate daylight into existing habitable room windows.
Standard B19

Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.

Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.

Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.

Diagram B2 Daylight to existing windows

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which the existing dwelling has provided for reasonable daylight access to its habitable rooms through the siting and orientation of its habitable room windows.
- The impact on the amenity of existing dwellings.

North-facing windows objective

To allow adequate solar access to existing north-facing habitable room windows.

Standard B20

If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.
Diagram B3 North-facing windows

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- Existing sunlight to the north-facing habitable room window of the existing dwelling.
- The impact on the amenity of existing dwellings.

Overshadowing open space objective

To ensure buildings do not significantly overshadow existing secluded private open space.

Standard B21

Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the amenity of existing dwellings.
- Existing sunlight penetration to the secluded private open space of the existing dwelling.
- The time of day that sunlight will be available to the secluded private open space of the existing dwelling.
- The effect of a reduction in sunlight on the existing use of the existing secluded private open space.

**Overlooking objective**

To limit views into existing secluded private open space and habitable room windows.

**Standard B22**

A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.

A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:

- Offset a minimum of 1.5 metres from the edge of one window to the edge of the other.
- Have sill heights of at least 1.7 metres above floor level.
- Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level.
- Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.

Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.

Screens used to obscure a view should be:

- Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.
- Permanent, fixed and durable.
- Designed and coloured to blend in with the development.

This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.

**Diagram B4 Overlooking open space**

![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 facilities on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy facility must exist at the date the application is lodged.

Living areas and private open space should be located on the north side of the development, if practicable.

Developments should be designed so that solar access to north-facing windows is optimised.

Dwellings located in a climate zone identified Table B4 in should not exceed the maximum NatHERS annual cooling load specified in the following table.

Table B4 Cooling load

<table>
<thead>
<tr>
<th>NatHERS climate zone</th>
<th>NatHERS maximum cooling load MJ/M² per annum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Climate zone 21 Melbourne</td>
<td>30</td>
</tr>
<tr>
<td>Climate zone 22 East Sale</td>
<td>22</td>
</tr>
<tr>
<td>Climate zone 27 Mildura</td>
<td>69</td>
</tr>
<tr>
<td>Climate zone 60 Tullamarine</td>
<td>22</td>
</tr>
<tr>
<td>Climate zone 62 Moorabbin</td>
<td>21</td>
</tr>
<tr>
<td>Climate zone 63 Warmambool</td>
<td>21</td>
</tr>
<tr>
<td>Climate zone 64 Cape Otway</td>
<td>19</td>
</tr>
<tr>
<td>Climate zone 66 Ballarat</td>
<td>23</td>
</tr>
</tbody>
</table>

Note: Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- The size, orientation and layout of the site.
- The existing amount of solar access to abutting properties.
- The availability of solar access to north-facing windows on the site.
- The annual cooling load for each dwelling.
- The extent to which an existing rooftop solar energy facility on an adjoining lot is overshadowed by existing buildings or other permanent structures.
- Whether the existing rooftop solar energy facility on an adjoining lot is appropriately located.
- The effect of overshadowing on an existing rooftop solar energy facility on an adjoining lot.

Communal open space objective

To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development.

Standard B36

Developments with 40 or more dwellings should provide a minimum area of communal open space of 2.5 square metres per dwelling or 250 square metres, whichever is lesser.

Communal open space should:

- Be located to:
  - Provide passive surveillance opportunities, where appropriate.
  - Provide outlook for as many dwellings as practicable.
  - Avoid overlooking into habitable rooms and private open space of new dwellings.
  - Minimise noise impacts to new and existing dwellings.

- Be designed to protect any natural features on the site.

- Maximise landscaping opportunities.

- Be accessible, useable and capable of efficient management.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant urban design objective, policy or statement set out in this scheme.
- The design response.
- The useability and amenity of the communal open space based on its size, location, accessibility and reasonable recreation needs of residents.
- The availability of and access to public open space.

Solar access to communal outdoor open space objective

To allow solar access into communal outdoor open space.

Standard B37

The communal outdoor open space should be located on the north side of a building, if appropriate. At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.
Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and amenity of the primary communal outdoor open space areas based on the urban context, the orientation of the building, the layout of dwellings and the sunlight it will receive.

Deep soil areas and canopy trees objective
To promote climate responsive landscape design and water management in developments to support thermal comfort and reduce the urban heat island effect.

Standard B38
The landscape layout and design should:

- Be responsive to the site context.
- Consider landscaping opportunities to reduce heat absorption such as green walls, green roofs and roof top gardens and improve on-site storm water infiltration.
- Maximise deep soil areas for planting of canopy trees.
- Integrate planting and water management.

Developments should provide the deep soil areas and canopy trees specified in Table B5.
If the development cannot provide the deep soil areas and canopy trees specified in Table B5, an equivalent canopy cover should be achieved by providing either:

- Canopy trees or climbers (over a pergola) with planter pits sized appropriately for the mature tree soil volume requirements.
- Vegetated planters, green roofs or green facades.

Table B5 Deep soil areas and canopy trees

<table>
<thead>
<tr>
<th>Site area</th>
<th>Deep soil areas</th>
<th>Minimum tree provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>750 - 1000 square metres</td>
<td>5% of site area (minimum dimension of 3 metres)</td>
<td>1 small tree (6-8 metres) per 30 square metres of deep soil</td>
</tr>
<tr>
<td>1001 - 1500 square metres</td>
<td>7.5% of site area (minimum dimension of 3 metres)</td>
<td>1 medium tree (8-12 metres) per 50 square metres of deep soil or 1 large tree per 90 square metres of deep soil</td>
</tr>
<tr>
<td>1501 - 2500 square metres</td>
<td>10% of site area (minimum dimension of 6 metres)</td>
<td>1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil</td>
</tr>
<tr>
<td>&gt;2500 square metres</td>
<td>15% of site area (minimum dimension of 6 metres)</td>
<td>1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil</td>
</tr>
</tbody>
</table>

Note: Where an existing canopy tree over 8 metres can be retained on a lot greater than 1000 square metres without damage during the construction period, the minimum deep soil requirement is 7% of the site area.
**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant plan or policy for environmental sustainability in the Municipal Planning Strategy and the Planning Policy Framework.
- The design response.
- The suitability of the proposed location and soil volume for canopy trees.
- The ongoing management of landscaping within a development.
- The soil type and drainage patterns of the site.

**Integrated water and stormwater management objectives**

To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.

To facilitate stormwater collection, utilisation and infiltration within the development.

To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.

**Standard B39**

Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.

Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.

The stormwater management system should be:

- Designed to meet the current best practice performance objectives for stormwater quality as contained in the *Urban Stormwater - Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999).
- Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant water and stormwater management objective, policy or statement set out in this scheme.
- The design response.
- Whether the development has utilised alternative water sources and/or incorporated water sensitive urban design.
- Whether stormwater discharge from the site will adversely affect water quality entering the drainage system.
- The capacity of the drainage network to accommodate additional stormwater.
- Whether the stormwater treatment areas can be effectively maintained.
- Whether the owner has entered into an agreement to contribute to off-site stormwater management in lieu of providing an on-site stormwater management system.

**Noise impacts objectives**

To contain noise sources in developments that may affect existing dwellings.

To protect residents from external and internal noise sources.
**Standard B40**

Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.

The layout of new dwellings and buildings should minimise noise transmission within the site.

Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.

New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.

Buildings within a noise influence area specified in Table B6 should be designed and constructed to achieve the following noise levels:

- Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
- Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.

Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.

Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.

**Table B6 Noise influence area**

<table>
<thead>
<tr>
<th>Noise source</th>
<th>Noise influence area</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Zone interface</strong></td>
<td></td>
</tr>
<tr>
<td>Industry</td>
<td>300 metres from the Industrial 1, 2 and 3 zone boundary</td>
</tr>
<tr>
<td><strong>Roads</strong></td>
<td></td>
</tr>
<tr>
<td>Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume</td>
<td>300 metres from the nearest trafficable lane</td>
</tr>
<tr>
<td><strong>Railways</strong></td>
<td></td>
</tr>
<tr>
<td>Railway servicing passengers in Victoria</td>
<td>80 metres from the centre of the nearest track</td>
</tr>
<tr>
<td>Railway servicing freight outside Metropolitan Melbourne</td>
<td>80 metres from the centre of the nearest track</td>
</tr>
<tr>
<td>Railway servicing freight in Metropolitan Melbourne</td>
<td>135 metres from the centre of the nearest track</td>
</tr>
</tbody>
</table>

*Note: The noise influence area should be measured from the closest part of the building to the noise source.*

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- Whether it can be demonstrated that the design treatment incorporated into the development meets the specified noise levels or an acoustic report by a suitably qualified specialist submitted with the application.
- Whether the impact of potential noise sources within a development have been mitigated through design, location and siting.
- Whether the layout of rooms within a dwelling mitigates noise transfer within and between dwellings.
- Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling and the site context.
Accessibility objective

To ensure the design of dwellings meets the needs of people with limited mobility.

Standard B41

At least 50 per cent of dwellings should have:

- A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.
- A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.
- A main bedroom with access to an adaptable bathroom.
- At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table B7.

Table B7 Bathroom design

<table>
<thead>
<tr>
<th>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>
</tr>
<tr>
<td>Door design</td>
<td>Either:</td>
</tr>
<tr>
<td></td>
<td>A slide door, or</td>
</tr>
<tr>
<td></td>
<td>A door that opens outwards, or</td>
</tr>
<tr>
<td></td>
<td>A door that opens inwards that is clear of the circulation area and has readily removable hinges.</td>
</tr>
<tr>
<td>Circulation area</td>
<td>A clear circulation area that is:</td>
</tr>
<tr>
<td></td>
<td>A minimum area of 1.2 metres by 1.2 metres.</td>
</tr>
<tr>
<td></td>
<td>Located in front of the shower and the toilet.</td>
</tr>
<tr>
<td></td>
<td>Clear of the toilet, basin and the door swing.</td>
</tr>
<tr>
<td></td>
<td>The circulation area for the toilet and shower can overlap.</td>
</tr>
<tr>
<td>Path to circulation area</td>
<td>A clear path with a minimum width of 900mm from the door opening to the circulation area.</td>
</tr>
<tr>
<td>Shower</td>
<td>A hobless (step-free) shower.</td>
</tr>
<tr>
<td>Toilet</td>
<td>A toilet located in the corner of the room.</td>
</tr>
</tbody>
</table>

Building entry and circulation objectives

To provide each dwelling and building with its own sense of identity.

To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.

To ensure internal communal areas provide adequate access to daylight and natural ventilation.

Standard B42

Entries to dwellings and buildings should:
• Be visible and easily identifiable.

• Provide shelter, a sense of personal address and a transitional space around the entry.

The layout and design of buildings should:

• Clearly distinguish entrances to residential and non-residential areas.

• Provide windows to building entrances and lift areas.

• Provide visible, safe and attractive stairs from the entry level to encourage use by residents.

• Provide common areas and corridors that:
  - Include at least one source of natural light and natural ventilation.
  - Avoid obstruction from building services.
  - Maintain clear sight lines.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

• The design response.

• The useability and amenity of internal communal areas based on daylight access and the natural ventilation it will receive.

Private open space above ground floor objective

To provide adequate private open space for the reasonable recreation and service needs of residents.

Standard B43

A dwelling should have private open space consisting of:

• An area of 15 square metres, with a minimum dimension of 3 metres at a podium or other similar base and convenient access from a living room, or

• A balcony with an area and dimensions specified in Table B8 and convenient access from a living room.

If a cooling or heating unit is located on a balcony, the balcony should provide an additional area of 1.5 square metres.

Table B8 Balcony size

<table>
<thead>
<tr>
<th>Dwelling type</th>
<th>Minimum area</th>
<th>Minimum dimension</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio or 1 bedroom dwelling</td>
<td>8 square metres</td>
<td>1.8 metres</td>
</tr>
<tr>
<td>2 bedroom dwelling</td>
<td>8 square metres</td>
<td>2 metres</td>
</tr>
<tr>
<td>3 or more bedroom dwelling</td>
<td>12 square metres</td>
<td>2.4 metres</td>
</tr>
</tbody>
</table>

Decision guidelines

Before deciding on an application, the responsible authority must consider:

• The design response.

• The useability and functionality of the private open space, including its size and accessibility.

• The amenity of the private open space based on the orientation of the lot, the wind conditions and the sunlight it will receive.

• The availability of and access to public or communal open space.
Storage objective

To provide adequate storage facilities for each dwelling.

Standard B44

Each dwelling should have convenient access to usable and secure storage space. The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table B9.

Table B9 Storage

<table>
<thead>
<tr>
<th>Dwelling type</th>
<th>Total minimum storage volume</th>
<th>Minimum storage volume within the dwelling</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio</td>
<td>8 cubic metres</td>
<td>5 cubic metres</td>
</tr>
<tr>
<td>1 bedroom dwelling</td>
<td>10 cubic metres</td>
<td>6 cubic metres</td>
</tr>
<tr>
<td>2 bedroom dwelling</td>
<td>14 cubic metres</td>
<td>9 cubic metres</td>
</tr>
<tr>
<td>3 or more bedroom dwelling</td>
<td>18 cubic metres</td>
<td>12 cubic metres</td>
</tr>
</tbody>
</table>

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability, functionality and location of storage facilities provided for the dwelling.

Waste and recycling objectives

To ensure dwellings are designed to encourage waste recycling.

To ensure that waste and recycling facilities are accessible, adequate and attractive.

To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.

Standard B45

Developments should include dedicated areas for:

- Waste and recycling enclosures which are:
  - Adequate in size, durable, waterproof and blend in with the development.
  - Adequately ventilated.
  - Located and designed for convenient access by residents and made easily accessible to people with limited mobility.

- Adequate facilities for bin washing. These areas should be adequately ventilated.

- Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate.

- Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.

- Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.

- Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.
Waste and recycling management facilities should be design and managed in accordance with a Waste Management Plan approved by the responsible authority and:

- Be designed to meet the best practice waste and recycling management guidelines for residential development adopted by Sustainability Victoria.
- Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- Any relevant waste and recycling objective, policy or statement set out in this scheme.

---

**Functional layout objective**

To ensure dwellings provide functional areas that meet the needs of residents.

**Standard B46**

Bedrooms should:

- Meet the minimum internal room dimensions specified in Table B10.
- Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.

**Table B10 Bedroom dimensions**

<table>
<thead>
<tr>
<th>Bedroom type</th>
<th>Minimum width</th>
<th>Minimum depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main bedroom</td>
<td>3 metres</td>
<td>3.4 metres</td>
</tr>
<tr>
<td>All other bedrooms</td>
<td>3 metres</td>
<td>3 metres</td>
</tr>
</tbody>
</table>

Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table B11.

**Table B11 Living area dimensions**

<table>
<thead>
<tr>
<th>Dwelling type</th>
<th>Minimum width</th>
<th>Minimum area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio and 1 bedroom dwelling</td>
<td>3.3 metres</td>
<td>10 sqm</td>
</tr>
<tr>
<td>2 or more bedroom dwelling</td>
<td>3.6 metres</td>
<td>12 sqm</td>
</tr>
</tbody>
</table>

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability, functionality and amenity of habitable rooms.

---

**Room depth objective**

To allow adequate daylight into single aspect habitable rooms.

**Standard B47**

Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.

The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:
The room combines the living area, dining area and kitchen.

The kitchen is located furthest from the window.

The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.

The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which the habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows.
- The useability, functionality and amenity of the dwelling based on layout, siting, size and orientation of habitable rooms.
- Any overhang above habitable room windows that limits daylight access.

**Windows objective**

To allow adequate daylight into new habitable room windows.

**Standard B48**

Habitable rooms should have a window in an external wall of the building.

A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.

The secondary area should be:

- A minimum width of 1.2 metres.
- A maximum depth of 1.5 times the width, measured from the external surface of the window.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which the habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows.
- The useability and amenity of the dwelling based on the layout, siting, size and orientation of habitable rooms.

**Natural ventilation objectives**

To encourage natural ventilation of dwellings.

To allow occupants to effectively manage natural ventilation of dwellings.

**Standard B49**

The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.

At least 40 per cent of dwellings should provide effective cross ventilation that has:

- A maximum breeze path through the dwelling of 18 metres.
- A minimum breeze path through the dwelling of 5 metres.
Ventilation openings with approximately the same area.
The breeze path is measured between the ventilation openings on different orientations of the dwelling.

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- The size, orientation, slope and wind exposure of the site.
- The extent to which the orientation of the building and the layout of dwellings maximises opportunities for cross ventilation.
- Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling and the site context.
RESIDENTIAL SUBDIVISION

Purpose
To implement the Municipal Planning Strategy and the Planning Policy Framework.
To create liveable and sustainable neighbourhoods and urban places with character and identity.
To achieve residential subdivision outcomes that appropriately respond to the site and its context for:

- Metropolitan Melbourne growth areas.
- Infill sites within established residential areas.
- Regional cities and towns.

To ensure residential subdivision design appropriately provides for:

- Policy implementation.
- Liveable and sustainable communities.
- Residential lot design.
- Urban landscape.
- Access and mobility management.
- Integrated water management.
- Site management.
- Utilities.

Application
These provisions apply to an application to subdivide land in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone and any Comprehensive Development Zone or Priority Development Zone that provides for residential development.

These provisions do not apply to an application to subdivide land into lots each containing an existing dwelling or car parking space.

Operation
The provisions of this clause contain:

- Objectives. An objective describes the desired outcome to be achieved in the completed subdivision.
- Standards. A standard contains the requirements to meet the objective.

A standard should normally be met. However, if the responsible authority is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.

Requirement
An application to subdivide land:

- Must be accompanied by a site and context description and a design response.
- Must meet all of the objectives included in the clauses specified in the zone.
- Should meet all of the standards included in the clauses specified in the zone.
Certification of standards

A subdivision may be certified by a person authorised by the Minister for Planning as meeting the requirements of a standard in this clause.

A standard that is certified as met is deemed to have met the objective of that standard.
SUBDIVISION SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE

Subdivision site and context description

The site and context description may use a site plan, photographs or other techniques and must accurately describe:

- In relation to the site:
  - Site shape, size, dimensions and orientation.
  - Levels and contours of the site.
  - Natural features including trees and other significant vegetation, drainage lines, water courses, wetlands, ridgelines and hill tops.
  - The siting and use of existing buildings and structures.
  - Street frontage features such as poles, street trees and kerb crossovers.
  - Access points.
  - Location of drainage and other utilities.
  - Easements.
  - Any identified natural or cultural features of the site.
  - Significant views to and from the site.
  - Noise and odour sources or other external influences.
  - Soil conditions, including any land affected by contamination, erosion, salinity, acid sulphate soils or fill.
  - Any other notable features or characteristics of the site.
  - Adjacent uses.
  - Any other factor affecting the capacity to develop the site including whether the site is affected by inundation.

- An application for subdivision of 3 or more lots must also describe in relation to the surrounding area:
  - The pattern of subdivision.
  - Existing land uses.
  - The location and use of existing buildings on adjacent land.
  - Abutting street and path widths, materials and detailing.
  - The location and type of significant vegetation.

- An application for subdivision of 60 or more lots must also describe in relation to the surrounding area:
  - Location, distance and type of any nearby public open space and recreational facilities.
  - Direction and distances to local shops and community facilities.
  - Directions and walking distances to public transport routes and stops.
  - Direction and walking distances to existing neighbourhood, major and principal activity centres and major employment areas.
- Existing transport routes, including freeways, arterial roads and streets connecting
  neighbourhoods.
- Local street network including potential connections to adjacent subdivisions.
- Traffic volumes and movements on adjacent roads and streets.
- Pedestrian, bicycle and shared paths identifying whether their primary role is
  neighbourhood or regional access.
- Any places of cultural significance.
- Natural features including trees and other significant vegetation, drainage lines, water
  courses, wetlands, ridgelines and hill tops.
- Proximity of any fire threats.
- Pattern of ownership of adjoining lots.

If in the opinion of the responsible authority a requirement of the site and context description is
not relevant to the assessment of an application, the responsible authority may waive or reduce
the requirement.

Satisfactory subdivision site and context description

If the responsible authority decides that the site and context description is not satisfactory, it may
require more information from the applicant under Section 54 of the Act.

The responsible authority must not require notice of an application to be given or decide an
application until it is satisfied that the site and context description meets the requirements of Clause
56.01-1 and is satisfactory.

This does not apply if the responsible authority refuses an application under Section 52(1A) of
the Act.

Subdivision design response

The design response must explain how the proposed design:

- Derives from and responds to the site and context description.
- Responds to any site and context features for the area identified in a local planning policy or
  a Neighbourhood Character Overlay.
- Responds to any relevant objective, policy, strategy or plan set out for the area in this scheme.
- Meets the relevant objectives of Clause 56.

The design response must include a dimensioned plan to scale showing the layout of the subdivision
in context with the surrounding area. If in the opinion of the responsible authority this requirement
is not relevant to the assessment of an application, it may waive or reduce the requirement.

An application for subdivision of 60 or more lots must also include a plan that meets the
requirements of Standard C2. The plan must also show the:

- Proposed uses of each part of the site.
- Natural features of the site and identify any features proposed to be altered.
- Proposed integrated water management system.
- Proposed staging of the subdivision.
POLICY IMPLEMENTATION

Strategic implementation objective
To ensure that the layout and design of a subdivision is consistent with and implements any objective, policy, strategy or plan for the area set out in this scheme.

Standard C1
An application must be accompanied by a written statement that describes how the subdivision is consistent with and implements any relevant growth area, activity centre, housing, access and mobility, community facilities, open space and recreation, landscape (including any native vegetation precinct plan) and urban design objective, policy, strategy or plan for the area set out in this scheme.
LIVEABLE AND SUSTAINABLE COMMUNITIES

Compact and walkable neighbourhoods objectives
To create compact neighbourhoods that are oriented around easy walking distances to activity centres, schools and community facilities, public open space and public transport.
To allow easy movement through and between neighbourhoods for all people.

Standard C2
A subdivision should implement any relevant growth area or any approved land-use and development strategy, plan or policy for the area set out in this scheme.

An application for subdivision must include a plan of the layout of the subdivision that:

- Meets the objectives (if relevant to the class of subdivision specified in the zone) of:
  - Clause 56.03-2 Activity centres
  - Clause 56.03-3 Planning for community facilities
  - Clause 56.04-1 Lot diversity and distribution
  - Clause 56.06-2 Walking and cycling network
  - Clause 56.06-3 Public transport network
  - Clause 56.06-4 Neighbourhood street network

- Shows the 400 metre street walking distance around each existing or proposed bus stop, 600 metres street walking distance around each existing or proposed tram stop and 800 metres street walking distance around each existing or proposed railway station and shows the estimated number of dwellings within those distances.

- Shows the layout of the subdivision in relation to the surrounding area.

- Is designed to be accessible for people with disabilities.

Activity centre objective
To provide for mixed-use activity centres, including neighbourhood activity centres, of appropriate area and location.

Standard C3
A subdivision should implement any relevant activity centre strategy, plan or policy for the area set out in this scheme.

Subdivision should be supported by activity centres that are:

- Accessible by neighbourhood and regional walking and cycling networks.

- Served by public transport that is connected to the regional public transport network.

- Located at public transport interchange points for the convenience of passengers and easy connections between public transport services.

- Located on arterial roads or connector streets.

- Of appropriate size to accommodate a mix of uses that meet local community needs.

- Oriented to support active street frontages, support street-based community interaction and pedestrian safety.
Planning for community facilities objective

To provide appropriately located sites for community facilities including schools, libraries, preschools and childcare, health services, police and fire stations, recreation and sports facilities.

Standard C4

A subdivision should:

- Implement any relevant regional and local community facility strategy, plan or policy for the area set out in this scheme.
- Locate community facilities on sites that are in or near activity centres and public transport.

School sites should:

- Be integrated with the neighbourhood and located near activity centres.
- Be located on walking and cycling networks.
- Have a bus stop located along the school site boundary.
- Have student drop-off zones, bus parking and on-street parking in addition to other street functions in abutting streets.
- Adjoin the public open space network and community sporting and other recreation facilities.
- Be integrated with community facilities.
- Be located on land that is not affected by physical, environmental or other constraints.

Schools should be accessible by the Principal Public Transport Network in Metropolitan Melbourne and on the regional public transport network outside Metropolitan Melbourne.

Primary schools should be located on connector streets and not on arterial roads.

New State Government school sites must meet the requirements of the Department of Education and Training and abut at least two streets with sufficient widths to provide student drop-off zones, bus parking and on-street parking in addition to other street functions.

Built environment objective

To create urban places with identity and character.

Standard C5

The built environment should:

- Implement any relevant urban design strategy, plan or policy for the area set out in this scheme.
- Provide living and working environments that are functional, safe and attractive.
- Provide an integrated layout, built form and urban landscape.
- Contribute to a sense of place and cultural identity.

An application should describe the identity and character to be achieved and the elements that contribute to that identity and character.

Neighbourhood character objective

To design subdivisions that respond to neighbourhood character.

Standard C6

Subdivision should:
Respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out in this scheme.

Respond to and integrate with the surrounding urban environment.

Protect significant vegetation and site features.
LOT DESIGN

Lot diversity and distribution objectives
To achieve housing densities that support compact and walkable neighbourhoods and the efficient provision of public transport services.
To provide higher housing densities within walking distance of activity centres.
To achieve increased housing densities in designated growth areas.
To provide a range of lot sizes to suit a variety of dwelling and household types.

Standard C7
A subdivision should implement any relevant housing strategy, plan or policy for the area set out in this scheme.
Lot sizes and mix should achieve the average net residential density specified in any zone or overlay that applies to the land or in any relevant policy for the area set out in this scheme.
A range and mix of lot sizes should be provided including lots suitable for the development of:
- Single dwellings.
- Two dwellings or more.
- Higher density housing.
- Residential buildings and Retirement villages.
Unless the site is constrained by topography or other site conditions, lot distribution should provide for 95 per cent of dwellings to be located no more than 400 metre street walking distance from the nearest existing or proposed bus stop, 600 metres street walking distance from the nearest existing or proposed tram stop and 800 metres street walking distance from the nearest existing or proposed railway station.
Lots of 300 square metres or less in area, lots suitable for the development of two dwellings or more, lots suitable for higher density housing and lots suitable for Residential buildings and Retirement villages should be located in and within 400 metres street walking distance of an activity centre.

Lot area and building envelopes objective
To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.

Standard C8
An application to subdivide land that creates lots of less than 300 square metres should be accompanied by information that shows:
- That the lots are consistent or contain building envelope that is consistent with a development approved under this scheme, or
- That a dwelling may be constructed on each lot in accordance with the requirements of this scheme.
Lots of between 300 square metres and 500 square metres should:
- Contain a building envelope that is consistent with a development of the lot approved under this scheme, or
If no development of the lot has been approved under this scheme, contain a building envelope and be able to contain a rectangle measuring 10 metres by 15 metres, or 9 metres by 15 metres if a boundary wall is nominated as part of the building envelope.

If lots of between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north unless there are significant physical constraints that make this difficult to achieve.

Lots greater than 500 square metres should be able to contain a rectangle measuring 10 metres by 15 metres, and may contain a building envelope.

A building envelope may specify or incorporate any relevant siting and design requirement. Any requirement should meet the relevant standards of Clause 54, unless:

- The objectives of the relevant standards are met, and
- The building envelope is shown as a restriction on a plan of subdivision registered under the Subdivision Act 1988, or is specified as a covenant in an agreement under Section 173 of the Act.

Where a lot with a building envelope adjoins a lot that is not on the same plan of subdivision or is not subject to the same agreement relating to the relevant building envelope:

- The building envelope must meet Standards A10 and A11 of Clause 54 in relation to the adjoining lot, and
- The building envelope must not regulate siting matters covered by Standards A12 to A15 (inclusive) of Clause 54 in relation to the adjoining lot. This should be specified in the relevant plan of subdivision or agreement.

Lot dimensions and building envelopes should protect:

- Solar access for future dwellings and support the siting and design of dwellings that achieve the energy rating requirements of the Building Regulations.
- Existing or proposed easements on lots.
- Significant vegetation and site features.

**Solar orientation of lots objective**

To provide good solar orientation of lots and solar access for future dwellings.

**Standard C9**

Unless the site is constrained by topography or other site conditions, at least 70 percent of lots should have appropriate solar orientation.

Lots have appropriate solar orientation when:

- The long axis of lots are within the range north 20 degrees west to north 30 degrees east, or east 20 degrees north to east 30 degrees south.
- Lots between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north.
- Dimensions of lots are adequate to protect solar access to the lot, taking into account likely dwelling size and the relationship of each lot to the street.

**Street orientation objective**

To provide a lot layout that contributes to community social interaction, personal safety and property security.
Standard C10
Subdivision should increase visibility and surveillance by:

- Ensuring lots front all roads and streets and avoid the side or rear of lots being oriented to connector streets and arterial roads.
- Providing lots of 300 square metres or less in area and lots for 2 or more dwellings around activity centres and public open space.
- Ensuring streets and houses look onto public open space and avoiding sides and rears of lots along public open space boundaries.
- Providing roads and streets along public open space boundaries.

Common area objectives
To identify common areas and the purpose for which the area is commonly held.
To ensure the provision of common area is appropriate and that necessary management arrangements are in place.
To maintain direct public access throughout the neighbourhood street network.

Standard C11
An application to subdivide land that creates common land must be accompanied by a plan and a report identifying:

- The common area to be owned by the body corporate, including any streets and open space.
- The reasons why the area should be commonly held.
- Lots participating in the body corporate.
- The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held.
URBAN LANDSCAPE

Integrated urban landscape objectives

To provide attractive and continuous landscaping in streets and public open spaces that contribute to the character and identity of new neighbourhoods and urban places or to existing or preferred neighbourhood character in existing urban areas.

To incorporate natural and cultural features in the design of streets and public open space where appropriate.

To protect and enhance native habitat and discourage the planting and spread of noxious weeds.

To provide for integrated water management systems and contribute to drinking water conservation.

Standard C12

An application for subdivision that creates streets or public open space should be accompanied by a landscape design.

The landscape design should:

- Implement any relevant streetscape, landscape, urban design or native vegetation precinct plan, strategy or policy for the area set out in this scheme.
- Create attractive landscapes that visually emphasise streets and public open spaces.
- Respond to the site and context description for the site and surrounding area.
- Maintain significant vegetation where possible within an urban context.
- Take account of the physical features of the land including landform, soil and climate.
- Protect and enhance any significant natural and cultural features.
- Protect and link areas of significant local habitat where appropriate.
- Support integrated water management systems with appropriate landscape design techniques for managing urban run-off including wetlands and other water sensitive urban design features in streets and public open space.
- Promote the use of drought tolerant and low maintenance plants and avoid species that are likely to spread into the surrounding environment.
- Ensure landscaping supports surveillance and provides shade in streets, parks and public open space.
- Develop appropriate landscapes for the intended use of public open space including areas for passive and active recreation, the exercising of pets, playgrounds and shaded areas.
- Provide for walking and cycling networks that link with community facilities.
- Provide appropriate pathways, signage, fencing, public lighting and street furniture.
- Create low maintenance, durable landscapes that are capable of a long life.
- The landscape design must include a maintenance plan that sets out maintenance responsibilities, requirements and costs.

Public open space provision objectives

To provide a network of quality, well-distributed, multi-functional and cost-effective public open space that includes local parks, active open space, linear parks and trails, and links to regional open space.

To provide a network of public open space that caters for a broad range of users.

To encourage healthy and active communities.
To provide adequate unencumbered land for public open space and integrate any encumbered land with the open space network.

To ensure land provided for public open space can be managed in an environmentally sustainable way and contributes to the development of sustainable neighbourhoods.

**Standard C13**

The provision of public open space should:

- Implement any relevant objective, policy, strategy or plan (including any growth area precinct structure plan) for open space set out in this scheme.
- Provide a network of well-distributed neighbourhood public open space that includes:
  - Local parks within 400 metres safe walking distance of at least 95 percent of all dwellings. Where not designed to include active open space, local parks should be generally 1 hectare in area and suitably dimensioned and designed to provide for their intended use and to allow easy adaptation in response to changing community preferences.
  - Additional small local parks or public squares in activity centres and higher density residential areas.
  - Active open space of a least 8 hectares in area within 1 kilometre of 95 percent of all dwellings that is:
    - Suitably dimensioned and designed to provide for the intended use, buffer areas around sporting fields and passive open space
    - Sufficient to incorporate two football/cricket ovals
    - Appropriate for the intended use in terms of quality and orientation
    - Located on flat land (which can be cost effectively graded)
    - Located with access to, or making provision for, a recycled or sustainable water supply
    - Adjoin schools and other community facilities where practical
    - Designed to achieve sharing of space between sports.
  - Linear parks and trails along waterways, vegetation corridors and road reserves within 1 kilometre of 95 percent of all dwellings.

Public open space should:

- Be provided along foreshores, streams and permanent water bodies.
- Be linked to existing or proposed future public open spaces where appropriate.
- Be integrated with floodways and encumbered land that is accessible for public recreation.
- Be suitable for the intended use.
- Be of an area and dimensions to allow easy adaptation to different uses in response to changing community active and passive recreational preferences.
- Maximise passive surveillance.
- Be integrated with urban water management systems, waterways and other water bodies.
- Incorporate natural and cultural features where appropriate.
ACCESS AND MOBILITY MANAGEMENT

Integrated mobility objectives

To achieve an urban structure where compact and walkable neighbourhoods are clustered to support larger activity centres on the Principal Public Transport Network in Metropolitan Melbourne and on the regional public transport network outside Metropolitan Melbourne.

To provide for walking (including persons with impaired mobility), cycling, public transport and other motor vehicles in an integrated manner.

To contribute to reduced car dependence, improved energy efficiency, improved transport efficiency, reduced greenhouse gas emissions and reduced air pollution.

Standard C14

An application for a subdivision must include a plan of the layout of the neighbourhood that meets the objectives of:

- Clause 56.06-2 Walking and cycling network.
- Clause 56.06-3 Public transport network.
- Clause 56.06-4 Neighbourhood street network.

Walking and cycling network objectives

To contribute to community health and well being by encouraging walking and cycling as part of the daily lives of residents, employees and visitors.

To provide safe and direct movement through and between neighbourhoods by pedestrians and cyclists.

To reduce car use, greenhouse gas emissions and air pollution.

Standard C15

The walking and cycling network should be designed to:

- Implement any relevant regional and local walking and cycling strategy, plan or policy for the area set out in this scheme.
- Link to any existing pedestrian and cycling networks.
- Provide safe walkable distances to activity centres, community facilities, public transport stops and public open spaces.
- Provide an interconnected and continuous network of safe, efficient and convenient footpaths, shared paths, cycle paths and cycle lanes based primarily on the network of arterial roads, neighbourhood streets and regional public open spaces.
- Provide direct cycling routes for regional journeys to major activity centres, community facilities, public transport and other regional activities and for regional recreational cycling.
- Ensure safe street and road crossings including the provision of traffic controls where required.
- Provide an appropriate level of priority for pedestrians and cyclists.
- Have natural surveillance along streets and from abutting dwellings and be designed for personal safety and security particularly at night.
- Be accessible to people with disabilities.

Public transport network objectives

To provide an arterial road and neighbourhood street network that supports a direct, efficient and safe public transport system.
To encourage maximum use of public transport.

**Standard C16**

The public transport network should be designed to:

- Implement any relevant public transport strategy, plan or policy for the area set out in this scheme.
- Connect new public transport routes to existing and proposed routes to the satisfaction of the relevant public transport authority.
- Provide for public transport links between activity centres and other locations that attract people using the Principal Public Transport Network in Metropolitan Melbourne and the regional public transport network outside Metropolitan Melbourne.
- Locate regional bus routes principally on arterial roads and locate local bus services principally on connector streets to provide:
  - Safe and direct movement between activity centres without complicated turning manoeuvres.
  - Direct travel between neighbourhoods and neighbourhood activity centres.
  - A short and safe walk to a public transport stop from most dwellings.

**Neighbourhood street network objective**

To provide for direct, safe and easy movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood street network.

**Standard C17**

The neighbourhood street network must:

- Take account of the existing mobility network of arterial roads, neighbourhood streets, cycle paths, shared paths, footpaths and public transport routes.
- Provide clear physical distinctions between arterial roads and neighbourhood street types.
- Comply with the Roads Corporation’s arterial road access management policies.
- Provide an appropriate speed environment and movement priority for the safe and easy movement of pedestrians and cyclists and for accessing public transport.
- Provide safe and efficient access to activity centres for commercial and freight vehicles.
- Provide safe and efficient access to all lots for service and emergency vehicles.
- Provide safe movement for all vehicles.
- Incorporate any necessary traffic control measures and traffic management infrastructure.

The neighbourhood street network should be designed to:

- Implement any relevant transport strategy, plan or policy for the area set out in this scheme.
- Include arterial roads at intervals of approximately 1.6 kilometres that have adequate reservation widths to accommodate long term movement demand.
- Include connector streets approximately halfway between arterial roads and provide adequate reservation widths to accommodate long term movement demand.
- Ensure connector streets align between neighbourhoods for direct and efficient movement of pedestrians, cyclists, public transport and other motor vehicles.
- Provide an interconnected and continuous network of streets within and between neighbourhoods for use by pedestrians, cyclists, public transport and other vehicles.
- Provide an appropriate level of local traffic dispersal.
- Indicate the appropriate street type.
- Provide a speed environment that is appropriate to the street type.
- Provide a street environment that appropriately manages movement demand (volume, type and mix of pedestrians, cyclists, public transport and other motor vehicles).
- Encourage appropriate and safe pedestrian, cyclist and driver behaviour.
- Provide safe sharing of access lanes and access places by pedestrians, cyclists and vehicles.
- Minimise the provision of culs-de-sac.
- Provide for service and emergency vehicles to safely turn at the end of a dead-end street.
- Facilitate solar orientation of lots.
- Facilitate the provision of the walking and cycling network, integrated water management systems, utilities and planting of trees.
- Contribute to the area’s character and identity.
- Take account of any identified significant features.

Walking and cycling network detail objectives

To design and construct footpaths, shared path and cycle path networks that are safe, comfortable, well constructed and accessible for people with disabilities.

To design footpaths to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.

Standard C18

Footpaths, shared paths, cycle paths and cycle lanes should be designed to:

- Be part of a comprehensive design of the road or street reservation.
- Be continuous and connect.
- Provide for public transport stops, street crossings for pedestrians and cyclists and kerb crossovers for access to lots.
- Accommodate projected user volumes and mix.
- Meet the requirements of Table C1.
- Provide pavement edge, kerb, channel and crossover details that support safe travel for pedestrians, footpath bound vehicles and cyclists, perform required drainage functions and are structurally sound.
- Provide appropriate signage.
- Be constructed to allow access to lots without damage to the footpath or shared path surfaces.
- Be constructed with a durable, non-skid surface.
- Be of a quality and durability to ensure:
  - Safe passage for pedestrians, cyclists, footpath bound vehicles and vehicles.
  - Discharge of urban run-off.
  - Preservation of all-weather access.
  - Maintenance of a reasonable, comfortable riding quality.
  - A minimum 20 year life span.
- 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(^1)</th>
<th>300vpd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target speed(^2)</td>
<td>10kph</td>
</tr>
<tr>
<td>Carriageway width(^3) &amp; parking provision within street reservation</td>
<td>5.5m(^6) wide with no parking spaces to be provided. Appropriately signed.</td>
</tr>
<tr>
<td>Verge width(^4)</td>
<td>No verge required.</td>
</tr>
<tr>
<td>Kerbing(^5)</td>
<td>None</td>
</tr>
<tr>
<td>Footpath provision</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>Carriageway designed as a shared zone and appropriately signed.</td>
</tr>
<tr>
<td>Cycle path provision</td>
<td>None</td>
</tr>
</tbody>
</table>

Access Place

A minor street providing local residential access with shared traffic, pedestrian and recreation use, but with pedestrian priority.

<table>
<thead>
<tr>
<th>Traffic volume(^1)</th>
<th>300vpd to 1000vpd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target speed(^2)</td>
<td>15kph</td>
</tr>
<tr>
<td>Carriageway width(^3) &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(^4)</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>
### 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&lt;sup&gt;1&lt;/sup&gt;</th>
<th>1000vpd to 2000vpd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target speed&lt;sup&gt;2&lt;/sup&gt;</td>
<td>30kph</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.</td>
</tr>
<tr>
<td>Verge width&lt;sup&gt;4&lt;/sup&gt;</td>
<td>4m minimum each side</td>
</tr>
<tr>
<td>Kerbing&lt;sup&gt;5&lt;/sup&gt;</td>
<td>Semi-mountable rollover or flush and swale or other water sensitive urban design treatment area.</td>
</tr>
<tr>
<td>Footpath provision</td>
<td>1.5m wide footpaths on both sides. Footpaths should be widened to 2.0m in vicinity of a school, shop or other activity centre. Be offset a minimum distance of 1m from the kerb.</td>
</tr>
<tr>
<td>Cycle path provision</td>
<td>Carriageway designed as a shared zone and appropriately signed.</td>
</tr>
</tbody>
</table>

### Access Street - Level 2
A street providing local residential access where traffic is subservient, speed and volume are low and pedestrian and bicycle movements are facilitated.

<table>
<thead>
<tr>
<th>Traffic volume&lt;sup&gt;1&lt;/sup&gt;</th>
<th>2000vpd to 3000vpd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target speed&lt;sup&gt;2&lt;/sup&gt;</td>
<td>40kph</td>
</tr>
<tr>
<td>Carriageway width&lt;sup&gt;3&lt;/sup&gt; &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&lt;sup&gt;4&lt;/sup&gt;</td>
<td>4.5m minimum each side</td>
</tr>
<tr>
<td>Kerbing&lt;sup&gt;5&lt;/sup&gt;</td>
<td>Semi-mountable rollover or flush and swale or other water sensitive urban design treatment area.</td>
</tr>
<tr>
<td>Footpath provision</td>
<td>1.5m wide footpaths on both sides. Footpaths should be widened to 2.0m in vicinity of a school, shop or other activity centre.</td>
</tr>
</tbody>
</table>
Be offset a minimum distance of 1m from the kerb.

<table>
<thead>
<tr>
<th>Cycle path provision</th>
<th>Carriageway designed as a shared zone and appropriately signed.</th>
</tr>
</thead>
</table>

**Connector Street - Level 1**
A street that carries higher volumes of traffic. It connects access places and access streets through and between neighbourhoods.

<table>
<thead>
<tr>
<th>Traffic volume¹</th>
<th>3000 vpd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target speed²</td>
<td>50 kph² reduced to 40 kph at schools and 20 kph at pedestrian and cycle crossing points.</td>
</tr>
<tr>
<td>Carriageway width³, 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>4.0m minimum lane width at approaches to and departures from roundabouts and T-intersections.</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>1.5m where a trafficable carriageway is shared by cyclists but no dedicated bicycle lane is marked on the carriageway and there is a single lane in each direction separated by a raised trafficable median of at least 2.0m in width with mountable kerbs; or</td>
</tr>
<tr>
<td></td>
<td>1.7m where a dedicated 1.7m wide bicycle lane is marked on the carriageway.</td>
</tr>
<tr>
<td>Verge width⁴</td>
<td>4.5m minimum each side.</td>
</tr>
<tr>
<td>Kerbing⁵</td>
<td>Semi-mountable rollover or flush and swale or other water sensitive urban design treatment area.</td>
</tr>
<tr>
<td>Footpath provision</td>
<td>1.5m wide footpaths on both sides.</td>
</tr>
<tr>
<td></td>
<td>Footpath widened to a minimum 2.0m in the vicinity of a school, shop, public transport stop or other activity centre.</td>
</tr>
<tr>
<td></td>
<td>Footpaths offset a minimum distance of 1m from the kerb.</td>
</tr>
</tbody>
</table>

**Connector Street - Level 2**
A street that carries higher volumes of traffic. It connects access places and access streets through and between neighbourhoods.

<table>
<thead>
<tr>
<th>Traffic volume¹</th>
<th>3,000 vpd to 7,000 vpd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target speed²</td>
<td>60 kph⁵ or 50km/h reduced to 40kph at schools.</td>
</tr>
</tbody>
</table>
Carriageway width, cycle lane provision, parking provision and bus stops within street reservation

- 3.5m minimum lane width in each direction of travel.
- 4.0m minimum lane width at approaches to and departures from roundabouts and T-intersections.
- 7.0m minimum carriageway width in each direction of travel where there are two lanes in each direction separated by a non-trafficable central medium.
- 8.0m minimum carriageway width at approaches to and departures from roundabouts and T-intersections where there are two lanes in each direction separated by a non-trafficable central medium.

For on-street cycling, increase the minimum clear carriageway in each direction by:

- 0.7m where the trafficable carriageway is shared by cyclists but no dedicated bicycle lane is marked on the carriageway; or
- 1.7m where a dedicated 1.7m wide dedicated bicycle lane is marked on the carriageway

- 0.3m where there are two trafficable lanes in each direction separated by a non-trafficable central median and the carriageways are shared by cyclists but no dedicated bicycle lane is marked on the carriageway; or
- 0.5m where there are two trafficable lanes in each direction separated by a non-trafficable central median and a 1.7m wide dedicated bicycle lane is marked on the carriageway.

An additional dedicated parking lane or indented parking within the verge must be provided where street parking is required. A parking lane width of 2.3m is required where parallel parking is provided.

- Bus stops located at the kerbside, not indented within the verge.

Verge width

- 6m minimum each side (plus central median).

Kerbing

- Semi-mountable rollover or flush and swale or other water sensitive urban design treatment area.

Footpath and cycle path provision

- 1.5m wide footpath on each side and 1.7m bicycle lanes on the carriageway; or
- 2.5m wide shared foot and cycle path on both sides and no dedicate bicycle lanes marked on the carriageway.

- Footpaths widened to a minimum of 2.0m in the vicinity of a school, shop, public transport stop or other activity centre.
- Footpaths or shared foot and cycle paths offset a minimum distance of 1m from the kerb.

Arterial Road

Traffic volume

- Greater than 7000vpd

Target speed

- Arterial road design as required by the relevant roads authority.

Carriageway width & parking provision within street reservation

- Arterial road design as required by the relevant roads authority.
<table>
<thead>
<tr>
<th>Key to Table C1</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Indicative maximum traffic volume for 24-hour period. These volumes depend upon location. Generation rates may vary between existing and newly developing areas.</td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td>4. Verge width includes footpaths. Additional width may be required to accommodate a bicycle path.</td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td>7. 50kph is the default urban speed limit in Victoria.</td>
</tr>
<tr>
<td>8. Target speed must not exceed the legal speed limit.</td>
</tr>
</tbody>
</table>
INTEGRATED WATER MANAGEMENT

Drinking water supply objectives
To reduce the use of drinking water.
To provide an adequate, cost-effective supply of drinking water.

Standard C22
The supply of drinking water must be:
- Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority.
- Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority.

Reused and recycled water objective
To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.

Standard C23
Reused and recycled water supply systems must be:
- Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Health and Human Services.
- Provided to the boundary of all lots in the subdivision where required by the relevant water authority.

Waste water management objective
To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.

Standard C24
Waste water systems must be:
- Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environment Protection Authority.
- Consistent with any relevant approved domestic waste water management plan.
Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.

Stormwater management objectives
To minimise damage to properties and inconvenience to residents from stormwater.
To ensure that the street operates adequately during major storm events and provides for public safety.
To minimise increases in stormwater and protect the environmental values and physical characteristics of receiving waters from degradation by stormwater.
To encourage stormwater management that maximises the retention and reuse of stormwater.
To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.
Standard C25

The stormwater management system must be:

- Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority.
- Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of stormwater is proposed.
- Designed to meet the current best practice performance objectives for stormwater quality as contained in the *Urban Stormwater - Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999).
- Designed to ensure that flows downstream of the subdivision site are restricted to pre-development levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts.
- Designed to contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.

The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design.

For all storm events up to and including the 20% Average Exceedence Probability (AEP) standard:

- Stormwater flows should be contained within the drainage system to the requirements of the relevant authority.
- Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall.

For storm events greater than 20% AEP and up to and including 1% AEP standard:

- Provision must be made for the safe and effective passage of stormwater flows.
- All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority.
- Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria $d_a V_{ave} < 0.35 \text{ m}^2/\text{s}$ (where, $d_a =$ average depth in metres and $V_{ave} =$ average velocity in metres per second).

The design of the local drainage network should:

- Ensure stormwater is retarded to a standard required by the responsible drainage authority.
- Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, stormwater should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge.
- Ensure that inlet and outlet structures take into account the effects of obstructions and debris build up. Any surcharge drainage pit should discharge into an overland flow in a safe and predetermined manner.
- Include water sensitive urban design features to manage stormwater in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs.

Any flood mitigation works must be designed and constructed in accordance with the requirements of the relevant floodplain management authority.
SITE MANAGEMENT

Site management objectives
To protect drainage infrastructure and receiving waters from sedimentation and contamination.
To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.
To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.

Standard C26
A subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing:
- Erosion and sediment.
- Dust.
- Run-off.
- Litter, concrete and other construction wastes.
- Chemical contamination.
- Vegetation and natural features planned for retention.

Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable.
Shared trenching objectives

To maximise the opportunities for shared trenching.

To minimise constraints on landscaping within street reserves.

Standard C27

Reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for underground services.

Electricity, telecommunications and gas objectives

To provide public utilities to each lot in a timely, efficient and cost effective manner.

To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.

Standard C28

The electricity supply system must be designed in accordance with the requirements of the relevant electricity supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant electricity authority.

Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged.

The telecommunication system must be designed in accordance with the requirements of the relevant telecommunications servicing agency and should be consistent with any approved strategy, policy or plan for the provision of advanced telecommunications infrastructure, including fibre optic technology. The telecommunications system must be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant telecommunications servicing authority.

Where available, the reticulated gas supply system must be designed in accordance with the requirements of the relevant gas supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant gas supply agency.

Fire hydrants objective

To provide fire hydrants and fire plugs in positions that enable fire fighters to access water safely, effectively and efficiently.

Standard C29

Fire hydrants should be provided:

- A maximum distance of 120 metres from the rear of the each lot.
- No more than 200 metres apart.

Hydrants and fire plugs must be compatible with the relevant fire service equipment. Where the provision of fire hydrants and fire plugs does not comply with the requirements of standard C29, fire hydrants must be provided to the satisfaction of the relevant fire authority.

Public lighting objective

To provide public lighting to ensure the safety of pedestrians, cyclists and vehicles.

To provide pedestrians with a sense of personal safety at night.

To contribute to reducing greenhouse gas emissions and to saving energy.
Standard C30

Public lighting should be provided to streets, footpaths, public telephones, public transport stops and to major pedestrian and cycle paths including public open spaces that are likely to be well used at night to assist in providing safe passage for pedestrians, cyclists and vehicles.

Public lighting should be designed in accordance with the relevant Australian Standards.

Public lighting should be consistent with any strategy, policy or plan for the use of renewable energy and energy efficient fittings.
APARTMENT DEVELOPMENTS

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To encourage apartment development that provides reasonable standards of amenity for existing and new residents.

To encourage apartment development that is responsive to the site and the surrounding area.

Application

Provisions in this clause apply to an application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development, if:

- The apartment development is five or more storeys, excluding a basement, and is in the General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone, or
- The apartment development is in the Commercial 1 Zone, Commercial 3 Zone, Special Use Zone, Comprehensive Development Zone, Capital City Zone, Docklands Zone, Priority Development Zone or Activity Centre Zone.

Operation

The provisions of this clause contain:

- **Objectives.** An objective describes the desired outcome to be achieved in the completed development.

- **Standards.** A standard contains the requirements to meet the objective.
  A standard should normally be met. However, if the responsible authority is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.

- **Decision guidelines.** The decision guidelines set out the matters that the responsible authority must consider before deciding if an application meets the objectives.

Requirements

A development:

- Must meet all of the objectives of this clause.

- Should meet all of the standards of this clause.

If a zone or a schedule to a zone, or a schedule to an overlay specifies a requirement different from a requirement of a standard set out in Clause 58 (excluding Clause 58.04-1), the requirement in Clause 58 applies.

For Clause 58.04-1 (Building setback):

- If a zone or a schedule to a zone specifies a building setback requirement different from a requirement set out in Clause 58.04-1, the building setback requirement in the zone or a schedule to the zone applies.

- If the land is included in an overlay and a schedule to the overlay specifies a building setback requirement different from the requirement set out Clause 58.04-1 or a requirement set out in the zone or a schedule to the zone, the requirement for building setback in the overlay applies.
URBAN CONTEXT REPORT AND DESIGN RESPONSE

Application requirements
An application must be accompanied by:

- An urban context report.
- A design response.

Urban context report
The urban context report may use a site plan, photographs or other techniques and must include:

An accurate description of:

- Site shape, size, orientation and easements.
- Levels and contours of the site and the difference in levels between the site and surrounding properties.
- The location and height of existing buildings on the site and surrounding properties.
- The use of surrounding buildings.
- The location of private open space of surrounding properties and the location of trees, fences and other landscape elements.
- Solar access to the site and to surrounding properties.
- Views to and from the site.
- Street frontage features such as poles, street trees and kerb crossovers.
- The location of local shops, public transport services and public open spaces within walking distance.
- Movement systems through and around the site.
- Any other notable feature or characteristic of the site.

An assessment of the characteristics of the area including:

- Any environmental features such as vegetation, topography and significant views.
- The pattern of subdivision.
- Street design and landscape.
- The pattern of development.
- Building form, scale and rhythm.
- Connection to the public realm.
- Architectural style, building details and materials.
- Off-site noise sources.
- The relevant NatHERS climate zones (as identified in Clause 58.03-1).
- Social and economic activity.
- Any other notable or cultural characteristics of the area.

Satisfactory urban context report
If the responsible authority decides that the urban context report is not satisfactory, it may require more information from the applicant under Section 54 of the Act.
The responsible authority must not require notice of an application to be given or decide an application until it is satisfied that the urban context report meets the requirements of Clause 58.01-2 and is satisfactory.

This does not apply if the responsible authority refuses an application under Section 52(1A) of the Act.

**Design response**

The design response must explain how the proposed design:

- Responds to any relevant planning provision that applies to the land.
- Meets the objectives of Clause 58.
- Responds to any relevant housing, urban design and landscape plan, strategy or policy set out in this scheme.
- Derives from and responds to the urban context report.

The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings. If in the opinion of the responsible authority this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.
URBAN CONTEXT

Urban context objectives
To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.
To ensure that development responds to the features of the site and the surrounding area.

Standard D1
The design response must be appropriate to the urban context and the site.
The proposed design must respect the existing or preferred urban context and respond to the features of the site.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- Any relevant urban design objective, policy or statement set out in this scheme.
- The urban context report.
- The design response.

Residential policy objectives
To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.
To support higher density residential development where development can take advantage of public and community infrastructure and services.

Standard D2
An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- The design response.

Dwelling diversity objective
To encourage a range of dwelling sizes and types in developments of ten or more dwellings.

Standard D3
Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.

Infrastructure objectives
To ensure development is provided with appropriate utility services and infrastructure.
To ensure development does not unreasonably overload the capacity of utility services and infrastructure.
**Standard D4**

Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.

Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.

In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The capacity of the existing infrastructure.
- In the absence of reticulated sewerage, the capacity of the development to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.
- If the drainage system has little or no spare capacity, the capacity of the development to provide for stormwater drainage mitigation or upgrading of the local drainage system.

**Integration with the street objective**

To integrate the layout of development with the street.

**Standard D5**

Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.

Development should be oriented to front existing and proposed streets.

High fencing in front of dwellings should be avoided if practicable.

Development next to existing public open space should be laid out to complement the open space.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant urban design objective, policy or statement set out in this scheme.
- The design response.
SITE LAYOUT

Energy efficiency objectives
To achieve and protect energy efficient dwellings and buildings.
To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.
To ensure dwellings achieve adequate thermal efficiency.

Standard D6
Buildings should be:

- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.

Living areas and private open space should be located on the north side of the development, if practicable.
Developments should be designed so that solar access to north-facing windows is optimised.
Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in the following table.

Table D1 Cooling load

<table>
<thead>
<tr>
<th>NatHERS climate zone</th>
<th>NatHERS maximum cooling load MJ/M² per annum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Climate zone 21 Melbourne</td>
<td>30</td>
</tr>
<tr>
<td>Climate zone 22 East Sale</td>
<td>22</td>
</tr>
<tr>
<td>Climate zone 27 Mildura</td>
<td>69</td>
</tr>
<tr>
<td>Climate zone 60 Tullamarine</td>
<td>22</td>
</tr>
<tr>
<td>Climate zone 62 Moorabbin</td>
<td>21</td>
</tr>
<tr>
<td>Climate zone 63 Warrnambool</td>
<td>21</td>
</tr>
<tr>
<td>Climate zone 64 Cape Otway</td>
<td>19</td>
</tr>
<tr>
<td>Climate zone 66 Ballarat</td>
<td>23</td>
</tr>
</tbody>
</table>

Note: Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- The size, orientation and layout of the site.
- The existing amount of solar access to abutting properties.
- The availability of solar access to north-facing windows on the site.
- The annual cooling load for each dwelling.
Communal open space objective
To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development.

Standard D7
Developments with 40 or more dwellings should provide a minimum area of communal open space of 2.5 square metres per dwelling or 250 square metres, whichever is lesser.

Communal open space should:
- Be located to:
  - Provide passive surveillance opportunities, where appropriate.
  - Provide outlook for as many dwellings as practicable.
  - Avoid overlooking into habitable rooms and private open space of new dwellings.
  - Minimise noise impacts to new and existing dwellings.
- Be designed to protect any natural features on the site.
- Maximise landscaping opportunities.
- Be accessible, useable and capable of efficient management.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- Any relevant urban design objective, policy or statement set out in this scheme.
- The design response.
- The useability and amenity of the communal open space based on its size, location, accessibility and reasonable recreation needs of residents.
- The availability of and access to public open space.

Solar access to communal outdoor open space objective
To allow solar access into communal outdoor open space.

Standard D8
The communal outdoor open space should be located on the north side of a building, if appropriate. At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- The design response.
- The useability and amenity of the primary communal outdoor open space areas based on the urban context, the orientation of the building, the layout of dwellings and the sunlight it will receive.

Safety objective
To ensure the layout of development provides for the safety and security of residents and property.

Standard D9
Entrances to dwellings should not be obscured or isolated from the street and internal accessways.
Planting which creates unsafe spaces along streets and accessways should be avoided. Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.

Private spaces within developments should be protected from inappropriate use as public thoroughfares.

**Decision guideline**

Before deciding on an application, the responsible authority must consider the design response.

### Landscaping objectives

To encourage development that respects the landscape character of the area.

To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.

To provide appropriate landscaping.

To encourage the retention of mature vegetation on the site.

To promote climate responsive landscape design and water management in developments that support thermal comfort and reduces the urban heat island effect.

### Standard D10

The landscape layout and design should:

- Be responsive to the site context.
- Protect any predominant landscape features of the area.
- Take into account the soil type and drainage patterns of the site and integrate planting and water management.
- Allow for intended vegetation growth and structural protection of buildings.
- In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.
- Provide a safe, attractive and functional environment for residents.
- Consider landscaping opportunities to reduce heat absorption such as green walls, green roofs and roof top gardens and improve on-site stormwater infiltration.
- Maximise deep soil areas for planting of canopy trees.

Development should provide for the retention or planting of trees, where these are part of the urban context.

Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.

The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.

Development should provide the deep soil areas and canopy trees specified in Table D2.

If the development cannot provide the deep soil areas and canopy trees specified in Table D2, an equivalent canopy cover should be achieved by providing either:

- Canopy trees or climbers (over a pergola) with planter pits sized appropriately for the mature tree soil volume requirements.
- Vegetated planters, green roofs or green facades.
Table D2 Deep soil areas and canopy trees

<table>
<thead>
<tr>
<th>Site area</th>
<th>Deep soil areas</th>
<th>Minimum tree provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>750 - 1000</td>
<td>5% of site area (minimum dimension of 3</td>
<td>1 small tree (6-8 metres) per 30 square metres of deep soil</td>
</tr>
<tr>
<td>square metres</td>
<td>metres)</td>
<td></td>
</tr>
<tr>
<td>1001 - 1500</td>
<td>7.5% of site area (minimum dimension of 3</td>
<td>1 medium tree (8-12 metres) per 50 square metres of deep</td>
</tr>
<tr>
<td>square metres</td>
<td>metres)</td>
<td>soil or 1 large tree per 90 square metres of deep soil</td>
</tr>
<tr>
<td>1501 - 2500</td>
<td>10% of site area (minimum dimension of 6</td>
<td>1 large tree (at least 12 metres) per 90 square metres of</td>
</tr>
<tr>
<td>square metres</td>
<td>metres)</td>
<td>deep soil or 2 medium trees per 90 square metres of deep</td>
</tr>
<tr>
<td>&gt;2500 square</td>
<td>15% of site area (minimum dimension of 6</td>
<td>1 large tree (at least 12 metres) per 90 square metres of</td>
</tr>
<tr>
<td>metres</td>
<td>metres)</td>
<td>deep soil or 2 medium trees per 90 square metres of deep</td>
</tr>
</tbody>
</table>

Note: Where an existing canopy tree over 8 metres can be retained on a lot greater than 1000 square metres without damage during the construction period, the minimum deep soil requirement is 7% of the site area.

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- Any relevant plan or policy for landscape character and environmental sustainability in the Municipal Planning Strategy and the Planning Policy Framework.
- The design response.
- The location and size of gardens and the predominant plant types in the area.
- The health of any trees to be removed.
- The suitability of the proposed location and soil volume for canopy trees.
- The ongoing management of landscaping within the development.
- The soil type and drainage patterns of the site.

Access objective
To ensure the number and design of vehicle crossovers respects the urban context.

Standard D11
The width of accessways or car spaces should not exceed:

- 33 per cent of the street frontage, or
- if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.

No more than one single-width crossover should be provided for each dwelling fronting a street. The location of crossovers should maximise the retention of on-street car parking spaces. The number of access points to a road in a Road Zone should be minimised. Developments must provide for access for service, emergency and delivery vehicles.
Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the streetscape.
- The reduction of on-street car parking spaces.
- The effect on any significant vegetation on the site and footpath.

Parking location objectives
To provide convenient parking for resident and visitor vehicles.
To protect residents from vehicular noise within developments.

Standard D12
Car parking facilities should:

- Be reasonably close and convenient to dwellings.
- Be secure.
- Be well ventilated if enclosed.

Shared accessways or car parks of other dwellings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.

Decision guideline
Before deciding on an application, the responsible authority must consider the design response.

Integrated water and stormwater management objectives
To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.
To facilitate stormwater collection, utilisation and infiltration within the development.
To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.

Standard D13
Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.
Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.

The stormwater management system should be:

- Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- Any relevant water and stormwater management objective, policy or statement set out in this scheme.
- The design response.
- Whether the development has utilised alternative water sources and/or incorporated water sensitive urban design.
- Whether stormwater discharge from the site will adversely affect water quality entering the drainage system.
- The capacity of the drainage network to accommodate additional stormwater.
- Whether the stormwater treatment areas can be effectively maintained.
- Whether the owner has entered into an agreement to contribute to off-site stormwater management in lieu of providing an on-site stormwater management system.
AMENITY IMPACTS

Building setback objectives
To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.
To allow adequate daylight into new dwellings.
To limit views into habitable room windows and private open space of new and existing dwellings.
To provide a reasonable outlook from new dwellings.
To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.

Standard D14
The built form of the development must respect the existing or preferred urban context and respond to the features of the site.
Buildings should be set back from side and rear boundaries, and other buildings within the site to:

- Ensure adequate daylight into new habitable room windows.
- Avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views.
- Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.
- Ensure the dwellings are designed to meet the objectives of Clause 58.

Decision Guidelines
Before deciding on an application, the responsible authority must consider:

- The purpose of the zone and/or overlay that applies to the land.
- Any relevant urban design objective, policy or statement set out in this scheme.
- The urban context report.
- The design response.
- The relationship between the proposed building setback and the building setbacks of existing adjacent buildings, including the interface with laneways.
- The extent to which the proposed dwellings are provided with reasonable daylight access through the layout of rooms and the number, size, location and orientation of windows.
- The impact of overlooking on the amenity of existing and proposed dwellings.
- The existing extent of overlooking into existing dwellings and private open space.
- Whether the development meets the objectives of Clause 58.

Internal views objective
To limit views into the private open space and habitable room windows of dwellings within a development.

Standard D15
Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.

Decision guideline
Before deciding on an application, the responsible authority must consider the design response.
Noise impacts objectives
To contain noise sources in developments that may affect existing dwellings.
To protect residents from external and internal noise sources.

Standard D16
Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.
The layout of new dwellings and buildings should minimise noise transmission within the site.
Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.
New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.

Buildings within a noise influence area specified in Table D3 should be designed and constructed to achieve the following noise levels:

- Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
- Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.

Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.
Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.

Table D3 Noise influence area

<table>
<thead>
<tr>
<th>Noise source</th>
<th>Noise influence area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone interface</td>
<td></td>
</tr>
<tr>
<td>Industry</td>
<td>300 metres from the Industrial 1, 2 and 3 zone boundary</td>
</tr>
<tr>
<td>Roads</td>
<td></td>
</tr>
<tr>
<td>Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume</td>
<td>300 metres from the nearest trafficable lane</td>
</tr>
<tr>
<td>Railways</td>
<td></td>
</tr>
<tr>
<td>Railway servicing passengers in Victoria</td>
<td>80 metres from the centre of the nearest track</td>
</tr>
<tr>
<td>Railway servicing freight outside Metropolitan Melbourne</td>
<td>80 metres from the centre of the nearest track</td>
</tr>
<tr>
<td>Railway servicing freight in Metropolitan Melbourne</td>
<td>135 metres from the centre of the nearest track</td>
</tr>
</tbody>
</table>

Note: The noise influence area should be measured from the closest part of the building to the noise source.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- Whether it can be demonstrated that the design treatment incorporated into the development meets the specified noise levels or an acoustic report by a suitably qualified consultant submitted with the application.
- Whether the impact of potential noise sources within a development have been mitigated through design, location and siting.
Whether the layout of rooms within a dwelling mitigates noise transfer within and between dwellings.

Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling and the site context.
ON-SITE AMENITY AND FACILITIES

Accessibility objective
To ensure the design of dwellings meets the needs of people with limited mobility.

Standard D17
At least 50 per cent of dwellings should have:

- A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.
- A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.
- A main bedroom with access to an adaptable bathroom.
- At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D4.

Table D4 Bathroom design

<table>
<thead>
<tr>
<th></th>
<th>Design option A</th>
<th>Design option B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Door opening</td>
<td>A clear 850mm wide door opening.</td>
<td>A clear 820mm wide door opening located opposite the shower.</td>
</tr>
<tr>
<td>Door design</td>
<td>Either:</td>
<td>Either:</td>
</tr>
<tr>
<td></td>
<td>- A slide door, or</td>
<td>- A slide door, or</td>
</tr>
<tr>
<td></td>
<td>- A door that opens outwards, or</td>
<td>- A door that opens outwards, or</td>
</tr>
<tr>
<td></td>
<td>- A door that opens inwards that is clear of the circulation area and has readily removable hinges.</td>
<td>- A door that opens inwards and has readily removable hinges.</td>
</tr>
<tr>
<td>Circulation area</td>
<td>A clear circulation area that is:</td>
<td>A clear circulation area that is:</td>
</tr>
<tr>
<td></td>
<td>- A minimum area of 1.2 metres by 1.2 metres.</td>
<td>- A minimum width of 1 metre.</td>
</tr>
<tr>
<td></td>
<td>- Located in front of the shower and the toilet.</td>
<td>- The full length of the bathroom and a minimum length of 2.7 metres.</td>
</tr>
<tr>
<td></td>
<td>- Clear of the toilet, basin and the door swing.</td>
<td>- Clear of the toilet and basin. The circulation area can include a shower area.</td>
</tr>
<tr>
<td></td>
<td>The circulation area for the toilet and shower can overlap.</td>
<td></td>
</tr>
<tr>
<td>Path to circulation area</td>
<td>A clear path with a minimum width of 900mm from the door opening to the circulation area.</td>
<td>Not applicable.</td>
</tr>
<tr>
<td>Shower</td>
<td>A hobless (step-free) shower.</td>
<td>A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.</td>
</tr>
<tr>
<td>Toilet</td>
<td>A toilet located in the corner of the room.</td>
<td>A toilet located closest to the door opening and clear of the circulation area.</td>
</tr>
</tbody>
</table>

Building entry and circulation objectives
To provide each dwelling and building with its own sense of identity.
To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.
To ensure internal communal areas provide adequate access to daylight and natural ventilation.
Standard D18

Entries to dwellings and buildings should:

- Be visible and easily identifiable.
- Provide shelter, a sense of personal address and a transitional space around the entry.

The layout and design of buildings should:

- Clearly distinguish entrances to residential and non-residential areas.
- Provide windows to building entrances and lift areas.
- Provide visible, safe and attractive stairs from the entry level to encourage use by residents.
- Provide common areas and corridors that:
  - Include at least one source of natural light and natural ventilation.
  - Avoid obstruction from building services.
  - Maintain clear sight lines.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and amenity of internal communal areas based on daylight access and the natural ventilation it will receive.

Private open space objective

To provide adequate private open space for the reasonable recreation and service needs of residents.

Standard D19

A dwelling should have private open space consisting of:

- An area of 25 square metres, with a minimum dimension of 3 metres at natural ground floor level and convenient access from a living room, or
- An area of 15 square metres, with a minimum dimension of 3 metres at a podium or other similar base and convenient access from a living room, or
- A balcony with an area and dimensions specified in Table D5 and convenient access from a living room, or
- A roof-top area of 10 square metres with a minimum dimension of 2 metres and convenient access from a living room.

If a cooling or heating unit is located on a balcony, the balcony should provide an additional area of 1.5 square metres.

Table D5 Balcony size

<table>
<thead>
<tr>
<th>Dwelling type</th>
<th>Minimum area</th>
<th>Minimum dimension</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio or 1 bedroom dwelling</td>
<td>8 square metres</td>
<td>1.8 metres</td>
</tr>
<tr>
<td>2 bedroom dwelling</td>
<td>8 square metres</td>
<td>2 metres</td>
</tr>
<tr>
<td>3 or more bedroom dwelling</td>
<td>12 square metres</td>
<td>2.4 metres</td>
</tr>
</tbody>
</table>

Decision guidelines

Before deciding on an application, the responsible authority must consider:
- The design response.
- The useability and functionality of the private open space, including its size and accessibility.
- The amenity of the private open space based on the orientation of the lot, the wind conditions and the sunlight it will receive.
- The availability of and access to public or communal open space.

**Storage objective**

To provide adequate storage facilities for each dwelling.

**Standard D20**

Each dwelling should have convenient access to usable and secure storage space.

The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D6.

**Table D6 Storage**

<table>
<thead>
<tr>
<th>Dwelling type</th>
<th>Total minimum storage volume</th>
<th>Minimum storage volume within the dwelling</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio</td>
<td>8 cubic metres</td>
<td>5 cubic metres</td>
</tr>
<tr>
<td>1 bedroom dwelling</td>
<td>10 cubic metres</td>
<td>6 cubic metres</td>
</tr>
<tr>
<td>2 bedroom dwelling</td>
<td>14 cubic metres</td>
<td>9 cubic metres</td>
</tr>
<tr>
<td>3 or more bedroom dwelling</td>
<td>18 cubic metres</td>
<td>12 cubic metres</td>
</tr>
</tbody>
</table>

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability, functionality and location of storage facilities provided for the dwelling.
DETAILED DESIGN

Common property objectives
To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.

To avoid future management difficulties in areas of common ownership.

Standard D21
Developments should clearly delineate public, communal and private areas.

Common property, where provided, should be functional and capable of efficient management.

Site services objectives
To ensure that site services can be installed and easily maintained.

To ensure that site facilities are accessible, adequate and attractive.

Standard D22
The design and layout of dwellings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.

Mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.

Mailboxes should be provided and located for convenient access as required by Australia Post.

Decision guideline
Before deciding on an application, the responsible authority must consider the design response.

Waste and recycling objectives
To ensure dwellings are designed to encourage waste recycling.

To ensure that waste and recycling facilities are accessible, adequate and attractive.

To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.

Standard D23
Developments should include dedicated areas for:

- Waste and recycling enclosures which are:
  - Adequate in size, durable, waterproof and blend in with the development.
  - Adequately ventilated.
  - Located and designed for convenient access by residents and made easily accessible to people with limited mobility.

- Adequate facilities for bin washing. These areas should be adequately ventilated.

- Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate.

- Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.
- Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.
- Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.

Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:
- Be designed to meet the best practice waste and recycling management guidelines for residential development adopted by Sustainability Victoria.
- Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:
- The design response.
- Any relevant waste and recycling objective, policy or statement set out in this scheme.
INTERNAL AMENITY

Functional layout objective
To ensure dwellings provide functional areas that meet the needs of residents.

Standard D24
Bedrooms should:

- Meet the minimum internal room dimensions specified in Table D7.
- Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.

Table D7 Bedroom dimensions

<table>
<thead>
<tr>
<th>Bedroom type</th>
<th>Minimum width</th>
<th>Minimum depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main bedroom</td>
<td>3 metres</td>
<td>3.4 metres</td>
</tr>
<tr>
<td>All other bedrooms</td>
<td>3 metres</td>
<td>3 metres</td>
</tr>
</tbody>
</table>

Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table D8.

Table D8 Living area dimensions

<table>
<thead>
<tr>
<th>Dwelling type</th>
<th>Minimum width</th>
<th>Minimum area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio and 1 bedroom dwelling</td>
<td>3.3 metres</td>
<td>10 sqm</td>
</tr>
<tr>
<td>2 or more bedroom dwelling</td>
<td>3.6 metres</td>
<td>12 sqm</td>
</tr>
</tbody>
</table>

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability, functionality and amenity of habitable rooms.

Room depth objective
To allow adequate daylight into single aspect habitable rooms.

Standard D25
Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height. The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:

- The room combines the living area, dining area and kitchen.
- The kitchen is located furthest from the window.
- The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.

The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
The design response.

The extent to which the habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows.

The useability, functionality and amenity of the dwelling based on layout, siting, size and orientation of habitable rooms.

Any overhang above habitable room windows that limits daylight access.

58.07-3
13/04/2017
VC136

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.

58.07-4
13/04/2017
VC136

Natural ventilation objectives
To encourage natural ventilation of dwellings.
To allow occupants to effectively manage natural ventilation of dwellings.

Standard D27
The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.
At least 40 per cent of dwellings should provide effective cross ventilation that has:

- A maximum breeze path through the dwelling of 18 metres.
- A minimum breeze path through the dwelling of 5 metres.
- Ventilation openings with approximately the same area.
The breeze path is measured between the ventilation openings on different orientations of the dwelling.

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- The size, orientation, slope and wind exposure of the site.
- The extent to which the orientation of the building and the layout of dwellings maximises opportunities for cross ventilation.
- Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling and the site context.
REALIGN THE COMMON BOUNDARY BETWEEN TWO LOTS

Information requirements

An application must be accompanied by the following information as appropriate:

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A layout plan, drawn to scale and fully dimensioned showing:
  - The location, shape and size of the site.
  - The location of any existing buildings, car parking area, driveways, storage areas, loading areas and private open space.
  - The location of any easements on the subject land.
  - The location of the approved stormwater discharge point.
  - The location and details of any significant vegetation.
  - The location of any street trees, poles, pits or other street furniture.
  - Existing and proposed vehicle access to the lots.
  - Any abutting roads.
  - The location of the existing and proposed common boundary between the lots and the proposed size and shape of the realigned lots.
  - Any proposed common property to be owned by a body corporate and the lots participating in the body corporate.
- If the land is in more than one ownership, the consent of the owners of the land.
- If common property is proposed, an explanation of why the common property is required.
- A written statement that describes:
  - The existing use of the land and its possible future development.
  - The reason for the realignment of the common boundary.
  - For land in an overlay, how the proposal responds to any statement of significance, objectives or requirements specified in the schedule to the overlay.

- If the land is in an area where reticulated sewerage is not provided, a plan which shows the location of any existing effluent disposal area for each lot or a land assessment which demonstrates that each lot is capable of treating and retaining all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

- If the land is in a residential zone and the realignment of the common boundary will result in a vacant lot, information that shows that the vacant lot meets the requirements of Standard C8 of Clause 56.

Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

- The suitability of the subdivision including how the layout and dimensions of the subdivision:
  - Respond to and integrate with the surrounding urban or rural environment.
  - Protect significant vegetation.
  - Appropriately accommodate any existing or proposed easements on the lots.
- Protect solar access for existing and any future dwellings on the lots.
- Appropriately accommodate any existing waste storage areas, loading bays and vehicle standing areas on the site.
- Appropriately accommodate private open space.
- Appropriately accommodate the provision of utility services to each lot.
- If the land is in an area where reticulated sewerage is not provided to each lot, whether the layout of the subdivision accommodates the effluent disposal area for each lot.
- Appropriately accommodate the siting of buildings having regard to the risk of spread of fire.
- Appropriately accommodate the existing use and possible future development of the land.

  - Whether the provision of common property is appropriate for the purpose for which the land is to be commonly held.
  - If the land is in a residential zone and the realignment of the common boundary will result in a vacant lot, the objective and standard of Clause 56.04-2.
  - The statement of significance and the objectives contained in the schedule to the overlay and whether the subdivision will adversely affect that significance or the objectives.
  - Whether the proposal meets any requirements specified in the overlay or the schedule to the overlay.
SUBDIVISION OF BUILDINGS AND CAR PARKING SPACES

Information requirements

An application must be accompanied by the following information as appropriate:

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A copy of the relevant planning permit and approved plans for the development.
- A layout plan, drawn to scale and fully dimensioned showing:
  - The location, shape and size of the site.
  - The location of any existing buildings, car parking areas and private open space.
  - The location, shape and size of the proposed lots to be created.
  - The location of any easements on the subject land.
  - The location and details of any significant vegetation.
  - The location of the approved stormwater discharge point.
  - Any abutting roads.
  - The location of any street trees, poles, pits and other street furniture.
  - Existing and proposed vehicle access to the lots.
  - Any loading bays and vehicle standing areas.
  - Any waste storage areas.
  - Any proposed common property to be owned by a body corporate and the lots participating in the body corporate.

- For the subdivision of existing buildings and car parking spaces, a copy of the occupancy permit or a certificate of final inspection for the development.

- For the subdivision of land into two lots with an approved development currently under construction, evidence that the construction has commenced.

- If common property is proposed, an explanation of why the common property is required.

- If the land is in an area where reticulated sewerage is not provided, a plan which shows the location of any existing effluent disposal area for each lot or a land assessment which demonstrates that each lot is capable of treating and retaining all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

- For land in an overlay, a written statement that describes how the proposal responds to any statement of significance, objectives or requirements specified in the schedule to the overlay.

Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

- The suitability of the subdivision including how the layout and dimensions of the subdivision:
  - Are consistent with the approved plans and conditions of any relevant planning permit for the development.
  - Are consistent with the layout of existing buildings and car parking spaces on the land.
  - Appropriately accommodate any existing waste storage areas.
  - Appropriately accommodate any existing loading bay and vehicle storage area.
- Appropriately accommodate significant vegetation.
- Appropriately accommodate existing or proposed easements on the lots.
- Appropriately accommodate the provision of utility services to each lot.
- Appropriately accommodate the siting of buildings having regard to safety and the risk of spread of fire.

  - If the land is in an area where reticulated sewerage is not provided to each lot, whether the layout of the subdivision accommodates the effluent disposal area for each lot.
  - For the subdivision of existing buildings and car parking spaces, whether each new lot, other than common property, contains an existing building, part of an existing building or a car parking space.
  - Whether the provision and location of common property is appropriate for the purpose for which the land is to be commonly held.
  - Whether any public open space contribution is required under Clause 53.01 of this scheme or under Section 18 of the Subdivision Act 1988.
  - The statement of significance and the objectives contained in the schedule to the overlay and whether the subdivision will adversely affect that significance or the objectives.
  - Whether the proposal meets any requirements specified in the overlay or the schedule to the overlay.
FRONT FENCE IN A RESIDENTIAL ZONE

Information requirements
An application must be accompanied by the following information as appropriate:

- A copy of the title for the subject land and a copy of any registered restrictive covenant.
- A plan drawn to scale and fully dimensioned showing:
  - The location, shape and size of the site.
  - The location, length, height and design of the proposed fence including details of materials.
  - The location, height and design of any existing front fence on adjoining and nearby properties including details of materials.
- A photograph of the site and adjoining and nearby properties along the street frontage.
- The reason for the proposed height.

Decision guidelines
In assessing an application the responsible authority must consider as appropriate:

- Whether the setback, height and design of the proposed fence are:
  - Appropriate to the neighbourhood character and the site.
  - Consistent with any relevant neighbourhood character objective or policy set out in the scheme.
  - Appropriate with the setback, height and appearance of front fences on adjoining and nearby properties.
  - Complement the design of the dwelling.
- The extent to which slope and retaining walls reduce the effective height of the proposed fence.
- Whether the proposed fence is needed to minimise noise intrusion.
- The reason for the proposed height.
BUILDINGS AND WORKS IN A ZONE (EXCEPT A RURAL ZONE)

Information requirements

An application must be accompanied by the following information as appropriate:

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A description of the use of the land and the proposed buildings and works.
- A layout plan, drawn to scale and fully dimensioned showing:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - The location, height and use of buildings and works on adjoining land.
  - Relevant ground levels.
  - Any contaminated soils and filled areas, where known.
  - The layout of existing and proposed buildings and works.
  - All existing and proposed driveways, car parking, bicycle parking and loading areas.
  - Existing and proposed landscape areas.
  - All external storage and waste treatment areas.
  - The location of easements and services.
  - Elevation drawings to scale showing the height, colour and materials of all proposed buildings and works.
- A photograph of the building or area affected by the proposal.
- A written statement describing the proposal and if relevant:
  - The built form and character of adjoining and nearby buildings.
  - The heritage character of any adjoining heritage places.
  - Ground floor street frontages, including visual impacts and pedestrian safety.
- A written statement describing whether the proposed buildings and works meet:
  - The number of car parking spaces required under Clause 52.06 or in the schedule to Clause 45.09.
  - Any development requirement specified in the zone or the schedule to the zone.
- Any relevant requirement in an approved development plan or incorporated plan for the land.
- Any other information specified in the schedule to the zone.
- For land in a residential zone, a written statement, plan or diagram showing how the proposal meets:
  - The requirements in the following standards of Clause 54:
    - A10 Side and rear setbacks.
    - A11 Walls on boundaries.
    - A12 Daylight to existing windows.
    - A13 North-facing windows.
    - A14 Overshadowing open space.
- A15 Overlooking.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard the schedule to the zone applies.

**Decision guidelines**

In assessing an application the responsible authority must consider as appropriate:

- Whether the proposal is consistent with any relevant urban design and built form policy set out in the scheme.
- Whether the movement of pedestrians and cyclists, and vehicles providing for supplies and waste removal are appropriately accommodated.
- Whether the design complements the built form of the surrounding properties and the streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- Whether the land and building have availability of and connection to services.
- Whether the proposed development adversely impacts the amenity of the land and the locality including existing dwellings on adjoining sites.
- Whether the proposed development appropriately provides for landscaping.
- Whether the proposed development adversely affects solar access to existing open spaces and public places.
- Whether the proposal meets the car parking requirements specified in Clause 52.06 or in the schedule to the Parking Overlay.
- Whether the proposal meets the maximum building height specified in the schedule to the zone.
- Whether the proposal meets any relevant requirements specified in the zone or the schedule to the zone.
- Whether the proposal is consistent with any relevant approved development plan or incorporated plan.
- The objectives set out in the schedule to the zone.
- Whether the proposal provides adequate vehicle loading and unloading facilities.
- For land in a residential zone:
  - Whether the proposed development is consistent with any neighbourhood character objectives set out in the schedule to the zone.
  - Whether the development is compatible with residential use.
  - The scale and intensity of the development.
  - The design, height, setback and appearance of the proposed buildings and works.
BUILDINGS AND WORKS IN AN OVERLAY

Information requirements

An application must be accompanied by the following information as appropriate:

- A copy of title for the subject land and a copy of any registered restrictive covenant.

- A plan, drawn to scale and fully dimensioned showing:
  - The location, shape and size of the site.
  - The location, height and design of the proposed buildings and works including details of materials.
  - The location of any existing buildings, including fences and trees.
  - For land in a Neighbourhood Character Overlay, any buildings proposed to be demolished.

- For land in a Neighbourhood Character Overlay, a written description of the proposal including:
  - The built form and character of adjoining and nearby buildings.
  - How the proposal responds to the key features and objectives specified in the schedule to the overlay.
  - If demolition is proposed, the reason for the demolition.
  - How the proposal meets the requirements of Clause 54.02-1, 54.02-2, 54.03-1, 54.03-2, 54.03-3, 54.03-4, 54.04-1, 54.04-2, 54.04-3, 54.04-4, 54.06-1, 54.06-2, including any Clause 54 modification specified in the schedule to the overlay.

- For land in a Design and Development Overlay, a written description of the proposal including:
  - How the proposal responds to the design objectives specified in a schedule to the overlay.
  - How the proposal meets the requirements specified in a schedule to the overlay.
  - The built form and character of adjoining and nearby buildings.

- A photograph of the building or area affected by the proposal.

- For land in an Erosion Management Overlay, information showing:
  - The extent of any proposed earthworks.
  - The means proposed to stabilise disturbed areas.

- For an application under the Salinity Management Overlay, written advice including plan references and any conditions from the referral authority demonstrating that the referral authority has considered the proposal for which the application is made within the past three months and does not object to the granting of the permit for the proposal.

Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

- The statement of significance and the objectives contained in the schedule to the overlay and whether the buildings and works will adversely affect that significance or the objectives.

- Whether the proposal meets any requirements specified in the overlay or the schedule to the overlay.

- For an application in a Salinity Management Overlay, any comments from the relevant referral authority.
- For an application in a Neighbourhood Character Overlay, the relevant objectives, standards and decision guidelines of Clause 54.
- Any relevant decision guideline specified in the overlay and the schedule to the overlay.
REMOVE, DESTROY OR LOP A TREE

Information requirements

An application must be accompanied by the following information as appropriate:

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- If the tree to be removed, destroyed or lopped is identified as a significant tree in a schedule to the overlay, a report prepared by an arborist.
- A layout plan, drawn to scale and fully dimensioned showing:
  - The location, shape, size and slope of the site.
  - The location of the tree to be removed, destroyed or lopped.
  - The location and type of other significant vegetation on the site.
  - The location, species and height of any significant trees on the site that have been removed or approved to be removed in the past 3 years.
- A written statement that describes:
  - The species, height and trunk girth of the tree to be removed, destroyed or lopped.
  - The reason the tree is to be removed, destroyed or lopped.
  - If provision is to be made to replace the tree elsewhere on the land.
  - If the tree is to be lopped, the extent of lopping proposed.
  - Any impacts on the significance of the area.
- A photograph of the tree to be removed, destroyed or lopped.

Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

- The statement of significance and the objectives contained in the schedule to the overlay and whether the proposal will adversely affect that significance or the objectives.
- Whether the tree proposed to be removed, destroyed or lopped contributes to the significance of the area and whether the proposal will adversely affect that significance.
- Whether the removal or lopping of the tree is needed because of the health of the tree.
- Whether the lopping of the tree will adversely affect the health, appearance or significance of the tree.
- Whether the removal of the tree will contribute to soil erosion, slippage or salinisation.
- Whether the removal or lopping of the tree is needed to create a defendable space to reduce the risk of bushfire to life and property.
- If the tree is a native tree, its role in conserving flora and fauna and whether the proposal will adversely affect the conservation of flora and fauna of the area.
- Whether provision is made to plant a new tree elsewhere on the land.
- The reasons for removing the tree including the health of the tree to be removed.
- The cumulative impact of the number of trees that have been removed or been approved for removal in the past 3 years.
- Any relevant decision guideline specified in the overlay or the schedule to the overlay.
APPLICATIONS UNDER A HERITAGE OVERLAY

Information requirements
An application must be accompanied by the following information as appropriate:

- A copy of title for the subject land and a copy of any registered restrictive covenant.

- A plan, drawn to scale and fully dimensioned showing:
  - The location, shape and size of the site.
  - The location of any existing buildings, including fences and trees.
  - The location, height and design of the proposed building or works including details of proposed materials.
  - Any buildings to be demolished.
  - An elevation of the proposed building.
  - The size and design of any proposed sign, including details of the supporting structure and any proposed illumination.
  - The location, style, size, colour and materials of any proposed solar energy facility (that is visible from the street frontage or any nearby public park), including details of the supporting structure.

- A written description of the proposal including:
  - Any impacts on the significance of the heritage place.
  - How the proposal responds to any relevant local heritage policy set out in the scheme.
  - If lopping of a tree is proposed, the reason for the lopping, the extent of lopping and an arborist report.

- The proposed colour schedule and nature of any materials and finishes.

- A photograph of the area affected by the proposal including any building, outbuilding, fence or tree which may be affected by the proposal.

- A photograph of the subject site and adjoining properties along the street frontage.

- If subdivision is proposed, the location, shape and size of the proposed lots to be created.

- If a sign is proposed:
  - The location, size and design of the proposed sign on the site or building.
  - The location and size of existing signage on the site including details of any signs to be retained or removed.

- If a solar energy facility is proposed that is visible from the street frontage or any nearby public park:
  - Measures proposed to minimise the visibility of the facility and protect the structural integrity of heritage features.

Decision guidelines
In assessing an application the responsible authority must consider as appropriate:

General
- The significance of the heritage place and whether the proposal will adversely affect that significance.
• Any applicable statement of significance, heritage study and any applicable conservation policy.
• Whether the proposal will adversely affect the character or appearance of the building or heritage place.
• Whether the proposal meets any relevant local heritage policy set out in the scheme.

Demolition
• Whether the outbuilding to be demolished contributes to the significance, character or appearance of the building or heritage place.

Buildings and works
• Whether the location, bulk, form and appearance of the proposed building or works will adversely affect the significance of the building or heritage place.
• Whether the proposed building or works will affect the health or appearance of a tree which is the subject of a Heritage Overlay.

Alterations
• Whether the proposed alterations will restore or reconstruct original fabric which has been removed or damaged.
• Whether the proposed alterations will adversely affect the significance, character and appearance of the heritage place.

Fences
• Whether the fence proposed to be demolished contributes to the significance, character and appearance of the building or heritage place.
• Whether the proposed fence, including its style, height and materials, is appropriate to the building or heritage place.

Trees
• Whether the proposed lopping will adversely affect the health, appearance or significance of the tree.

Subdivision
• Whether the proposed subdivision retains the significant setting (landscapes, landscape features and views) of the heritage place.
• Whether the proposed subdivision respects the rhythm and spacing of buildings in the streetscape.
• Whether the proposed subdivision will result in a new boundary fence, wall or structure that adversely affects the setting of the heritage place.

Signage
• Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.
APPLICATIONS UNDER A SPECIAL BUILDING OVERLAY

Information requirements

An application must be accompanied by the following information as appropriate:

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A plan, drawn to scale and fully dimensioned showing:
  - The boundaries and dimensions of the site.
  - The layout, size and use of existing and proposed buildings and works, including floor plan layout and vehicle parking areas.
  - Setbacks between existing and proposed buildings and site boundaries.
  - Natural surface levels of the site to Australian Height Datum.
  - Floor and surface levels of any existing and proposed buildings and works to Australian Height Datum.
  - Cross sectional details of any basement entry ramps and other basement entries to Australian Height Datum, showing floor levels of entry and exit areas and drainage details.
  - If subdivision is proposed, the location, shape and size of the proposed lots to be created.
- If a referral to the floodplain management authority is required, written advice, including endorsed plans of the proposal and any conditions, from the relevant floodplain management authority demonstrating that the floodplain management authority has considered the proposal for which the application is made within the past three months and does not object to the granting of the permit for the proposal.

Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

- Clauses 13.01 and 13.03 of the Planning Policy Framework.
- Whether the proposal is consistent with any local floodplain development plan for the area incorporated into this scheme.
- If a referral to the floodplain management authority is required, any comments from the relevant floodplain management authority.
- The existing use and development of the land.
- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.
- The susceptibility of the development to flooding and flood damage.
- The flood risk including:
  - The frequency, duration, extent, depth and velocity of flooding of the site and accessways.
  - The flood warning time available.
  - The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.
- The effect of the development redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.
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.
### 1.0 SCHEDULE TO CLAUSE 59.15 LOCAL VICSMART APPLICATIONS

#### Table 1 Classes of local VicSmart application under zone provisions

<table>
<thead>
<tr>
<th>Name of zone or class of zone</th>
<th>Class of application</th>
<th>Permit requirement provision</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Table 2 Classes of local VicSmart application under overlay provisions

<table>
<thead>
<tr>
<th>Name of overlay or class of overlay</th>
<th>Class of application</th>
<th>Permit requirement provision</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Table 3 Classes of local VicSmart application under Particular Provisions

<table>
<thead>
<tr>
<th>Name of particular provision</th>
<th>Class of application</th>
<th>Permit requirement provision</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
INFORMATION REQUIREMENTS AND DECISION GUIDELINES FOR LOCAL VICSAMA 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.
1.0 Information requirements

None specified

2.0 Decision guidelines

None specified
GENERAL PROVISIONS

This section sets out provisions about existing uses, decision guidelines, referral of applications and other matters.
USES NOT REQUIRING A PERMIT

Any requirement in this scheme relating to the use of land, other than a requirement in the Public Conservation and Resource Zone, does not apply to:

- The use of land for a Road except within the Urban Floodway Zone and a Public Conservation and Resource Zone.
- The use of land for Natural systems.
- The use of land in a road if the use is associated with the use of adjoining land and is authorised by the Council under a local law.
- The use of land in a road to trade from a stall, stand, motor vehicle, trailer, barrow or other similar device.
- The use of land for wind measurement by an anemometer for three years or less.
- The use of land for earth and energy resources industry if the conditions of Clause 52.08 are met.
- The use of land for a carnival or circus if the requirements of A ‘Good Neighbour’ Code of Practice for a Circus or Carnival, October 1997 are met.
- The use of land for apiculture if the requirements of the Apiary Code of Practice, May 2011 are met.
- The use of land for temporary portable land sales office located on the land for sale.
- The use of land for a Telecommunications facility if the associated buildings and works meet the requirements of Clause 52.19.
- The use of land for a helicopter landing site if the use meets the requirements of Clause 52.15-1.
- The use of land for a minor utility installation.
- The use of land to display a sign.
- The use of land for power lines and electrical sub-stations associated with an energy generation facility or geothermal energy extraction if a permit was issued for such use or development prior to the approval date of Amendment VC157.
BUILDINGS AND WORKS

Clauses 62.02-1 and 62.02-2 set out exemptions from permit requirements in this scheme relating to the construction of a building or the construction or carrying out of works. These exemptions do not apply to the removal, destruction or lopping of trees and the removal of vegetation. Exemptions for vegetation removal are set out in Clause 62.02-3.

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 shade cloth. It does not include a structure with a solid roof or solid wall such as a glass
  house or igloo.
- An annexe attached to a movable caravan located on land used for a camping and caravan park.
- Works associated with geotechnical testing or service proving.
- Buildings and works associated with the use of land in a road to trade from a stall, stand, motor
  vehicle, trailer, barrow or other similar device.
- The construction of or putting up for display a sign consistent with the requirements of Clause
  52.05-10.

**62.02-2**

**Buildings and works not requiring a permit unless specifically required by the planning scheme**

Any requirement in this scheme relating to the construction of a building or the construction or
 carrying out of works, other than a requirement in the Public Conservation and Resource Zone,
 does not apply to:

- A fence.
- The construction of or putting up for display a sign (except for a sign consistent with the
  requirements of Clause 52.05-10 which is provided for in Clause 62.02-1).
- Roadworks.
- Street furniture including post boxes, telephone booths, fire hydrants, bus shelters, shade sails,
  traffic control devices and public toilets.
- Park furniture including seating, tables, shelters, rubbish bins, playground equipment, barbeques,
  shade sails, drinking fountains and public toilets.
- Furniture and works normally associated with an education centre including, but not limited to,
  outdoor furniture, playground equipment, art works, drinking fountains, rubbish bins and
  landscaping.
- Disability access and disability facilities associated with an education centre (not including a
  lift external to a building).
- Art work that is carried out by or on behalf of a public land manager.
- Oil pipelines.
- Buildings and works associated with a dependent person’s unit.
- The internal rearrangement of a building or works provided the gross floor area of the building,
  or the size of the works, is not increased and the number of dwellings is not increased.
- Repairs and routine maintenance to an existing building or works.
- Domestic services normal to a dwelling.
- A rainwater tank with a capacity of not more than 10,000 litres.
- Bicycle pathways and trails.
- A television antenna.
- A flagpole.
- A domestic swimming pool or spa and associated mechanical and safety equipment if associated
  with one dwelling on a lot.
- An open-sided pergola or verandah to a dwelling with a finished floor level not more than 800 mm above ground level and a maximum building height of three metres above ground level.
- A deck to a dwelling with a finished floor level not more than 800 mm above ground level.
- A disabled access ramp.
- Any works necessary to prevent soil erosion, or to ensure soil conservation or reclamation.
- A solar energy facility attached to a building that primarily services the land on which it is situated.
- Buildings and works associated with cat cages and runs, bird cages, dog houses, and other domestic animal enclosures associated with the use of the land as a dwelling.
- Services normal to a building other than a dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar.
- An electric vehicle charging station.

This does not apply if a permit is specifically required for any of these matters.

Vegetation removal

Any requirement in this scheme relating to the construction or carrying out of works does not apply to the removal, destruction or lopping of trees and the removal of vegetation.

This does not apply if a permit is specifically required to remove, destroy or lop trees or to remove vegetation.
EVENTS ON PUBLIC LAND

Any requirement in this scheme relating to the use of land or the construction of a building or the construction or carrying out of works does not apply to:

- an event on public land; or
- temporary buildings or works required for the event;

where that event has been authorised by the public land manager or by the council under a local law.

An event includes land used to provide temporary cultural or community activities and entertainment such as a concert, festival or exhibition.

This does not apply to public land where a local provision of this scheme specifically regulates an event for a particular site.
SUBDIVISIONS NOT REQUIRING A PERMIT

Any requirement in this scheme relating to the subdivision of land does not apply to:

- A subdivision by an authority acquiring the land which does not create an additional lot.
- A subdivision by a public authority or utility service provider which does not create an additional lot other than for the sole purpose of a minor utility installation. This does not apply if a permit is required to subdivide land under any overlay.
- A subdivision by an authority acquiring the land which creates additional lots if the additional lots are severed parcels of land without legal access to an existing road and the additional lots are retained by the acquiring authority or sold to an abutting land owner on the condition that the lot be consolidated with abutting land.
- A subdivision which realigns the common boundary between two lots if all the land is in one urban zone and any of the following apply:
  - Any lot that is reduced in area meets the minimum lot area and minimum dimensions (if any) specified for the zone. This does not apply if the area of the smaller lot is limited by a provision of this scheme, or by a condition of a planning permit.
  - There is no minimum lot area specified for the zone, the area of the smaller lot is more than 230 square metres, and the area of either lot is reduced by less than 30 square metres.
  - There is no minimum lot area specified for the zone, the area of the smaller lot is 230 square metres or less, and the area of either lot is reduced by less than 5 percent or by less than 30 square metres, which ever is lesser.
  - The new boundary coincides with a boundary fence that is more than five years old. This does not apply if all the land is in one ownership.
- A subdivision which realigns the common boundary between two lots if all the land is in one non-urban zone, the re-subdivision does not allow the number of dwellings the whole of the land could be used for under this scheme to increase, and any of the following apply:
  - Any lot that is reduced in area meets the minimum lot area and minimum dimensions (if any) specified for the zone. This does not apply if the area of the smaller lot is limited by a provision of this scheme, or by a condition of a planning permit.
  - There is no minimum lot area specified for the zone, and no part of the boundary is moved more than 1 metre. This does not apply if the area of the smaller lot would be less than the area specified by a condition of a planning permit.
  - There is no minimum lot area specified for the zone, the new boundary coincides with the location of a fence that is more than 5 years old, and no part of the boundary is moved more than three metres.
DEMOLITION

A permit is not required for the demolition or removal of a building or works unless a permit is specifically required for demolition or removal.
EXTENT OF EXISTING USE RIGHTS

An existing use right is established in relation to use of land under this scheme if any of the following apply:

- The use was lawfully carried out immediately before the approval date.
- A permit for the use had been granted immediately before the approval date and the use commences before the permit expires.
- A permit for the use has been granted under Clause 63.08 and the use commences before the permit expires.
- Proof of continuous use for 15 years is established under Clause 63.11.
- The use is a lawful continuation by a utility service provider or other private body of a use previously carried on by a Minister, government department or public authority, even where the continuation of the use is no longer for a public purpose.
CHARACTERISATION OF USE

If a use of land is being characterised to assess the extent of any existing use right, the use is to be characterised by the purpose of the actual use at the relevant date, subject to any conditions or restrictions applying to the use at that date, and not by the classification in the table to Clause 73.03 or in Section 1, 2 or 3 of any zone.
EFFECT OF DEFINITIONS ON EXISTING USE RIGHTS

The definition of a term in this scheme, or the amendment of any definition, does not increase or restrict the extent of any existing use right established prior to the inclusion of the definition or amendment.
SECTION 1 USES

A use in Section 1 of a zone for which an existing use right is established may continue provided any condition or restriction to which the use was subject and which applies to the use in Section 1 of the zone continues to be met.
SECTIONS 2 AND 3 USES

A use in Section 2 or 3 of a zone for which an existing use right is established may continue provided:

- No building or works are constructed or carried out without a permit. A permit must not be granted unless the building or works complies with any other building or works requirement in this scheme.

- Any condition or restriction to which the use was subject continues to be met. This includes any implied restriction on the extent of the land subject to the existing use right or the extent of activities within the use.

- The amenity of the area is not damaged or further damaged by a change in the activities beyond the limited purpose of the use preserved by the existing use right.
EXPIRATION OF EXISTING USE RIGHTS

An existing use right expires if either:

- The use has stopped for a continuous period of 2 years, or has stopped for two or more periods which together total 2 years in any period of 3 years.
- In the case of a use which is seasonal in nature, the use does not take place for 2 years in succession.
COMPLIANCE WITH CODES OF PRACTICE

A use for which an existing use right is established must comply with any relevant code of practice incorporated in this scheme if either:

- The code of practice has been incorporated or adopted in accordance with Section 39 of the Conservation Forests and Lands Act 1987.
- The code of practice is approved or ratified by Parliament under an Act.
ALTERNATIVE USE

If land is used for a use in Section 3 of a zone for which an existing use right is established, a permit may be granted to use the land for an alternative use which does not comply with this scheme. The responsible authority must be satisfied that the use of the land for the alternative use will be less detrimental to the amenity of the locality.
SHOP CONDITIONS

A permit must not be granted to:

- Construct or carry out a building or works under Clause 63.05 for a shop with a leasable floor area exceeding 500 square metres.
- Use land under Clause 63.08 for a shop with a leasable floor area exceeding 500 square metres.
DAMAGED OR DESTROYED BUILDINGS OR WORKS

If at least 50 percent of the gross floor area of a building or at least 50 percent of the area of any works is damaged or destroyed so that the use cannot continue without the building or works being reconstructed, the land must be used in conformity with this scheme, unless a permit is granted to continue the use, and to construct or carry out buildings or works.
PROOF OF CONTINUOUS USE

If, in relation to an application or proceeding under the Act or this scheme, including an application for a certificate of compliance under Section 97N of the Act, the extent of any existing use right for a period in excess of 15 years is in question, it is sufficient proof of the establishment of the existing use right if the use has been carried out continuously for 15 years prior to the date of the application or proceeding.

An existing use right may be established under this clause even if the use did not comply with the scheme immediately prior to or during the 15 year period, unless either:

- At any time before or after commencement of the 15 year period the use has been held to be unlawful by a decision of a court or tribunal.

- During the 15 year period, the responsible authority has clearly and unambiguously given a written direction for the use to cease by reason of its non-compliance with the scheme.
DECISION GUIDELINES

Before deciding on an application under Clause 63.05, 63.08 or 63.10, in addition to the decision guidelines in Clause 65 and any other requirements of the Act, the responsible authority must consider the extent to which compliance can be achieved with all scheme requirements that can reasonably be met.
GENERAL PROVISIONS FOR USE AND DEVELOPMENT OF LAND
LAND USED FOR MORE THAN ONE USE

If land is used for more than one use and one is not ancillary to the other, each use must comply with this scheme.
LAND USED IN CONJUNCTION WITH ANOTHER USE

If a provision of this scheme provides that a use of land must be used ‘in conjunction with’ another use of the land:

- there must be an essential association between the two uses; and
- the use must have a genuine, close and continuing functional relationship in its operation with the other use.
SUBDIVISION OF LAND IN MORE THAN ONE ZONE

If a provision of this scheme provides that a permit is required to subdivide land and the land is in more than one zone a permit may be granted even if one of the lots does not comply with the minimum lot size requirements of a zone.

Permit Requirement

A permit may be granted to create one lot smaller than specified in the scheme if all of the following are met:

- The lot to be subdivided is in more than one zone and cannot comply with the minimum lot area specified in the scheme.

- The proposed subdivision does not create lots where any lot extends into more than one zone. This does not apply to any lots created for the following purposes:
  - To comply with the requirements of the Urban Floodway Zone.
  - To provide access to a road.

- The remainder of the proposed lots must comply with the minimum lot area specified in the scheme.
DECISION GUIDELINES

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.
APPROVAL OF AN APPLICATION OR PLAN

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The matters set out in section 60 of the Act.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

This clause does not apply to a VicSmart application.
APPROVAL OF AN APPLICATION TO SUBDIVIDE LAND

Before deciding on an application to subdivide land, the responsible authority must also consider, as appropriate:

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The layout of roads having regard to their function and relationship to existing roads.
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.
- The provision and location of reserves for public open space and other community facilities.
- The staging of the subdivision.
- The design and siting of buildings having regard to safety and the risk of spread of fire.
- The provision of off-street parking.
- The provision and location of common property.
- The functions of any body corporate.
- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.
- If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

This clause does not apply to a VicSmart application.
REFERRAL AND NOTICE PROVISIONS

Scope

These provisions set out the types of applications which must be referred under Section 55 of the Act or for which notice must be given under Section 52(1)(c) of the Act. The provisions do not apply to the seeking of advice about an application or where a responsible authority may choose to give notice under another sub-section of Section 52(1) of the Act.

These provisions also specify when a plan must be referred under Section 8(1)(a) of the Subdivision Act 1988.

Referrals

Applications of the kind listed in Clauses 66.01, 66.02, 66.03 and 66.04 must be referred to the person or body specified as a referral authority in accordance with Section 55 of the Act.

Any requirement for referral under this or another clause does not apply if in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the referral authority, or the referral authority has considered the proposal for which the application is made within the past three months and has stated in writing that it does not object to the granting of the permit for the proposal.

Notice

Notice of an application of the kind listed below in Clauses 66.05 and 66.06 must be given in accordance with Section 52(1)(c) of the Act to the person or body specified as a person or body to be notified.

Any requirement for notice under this or another clause does not apply if, in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the person or body to be notified.
**SUBDIVISION REFERRALS**

An application of the kind listed in the table below must be referred to the person or body specified as the referral authority. The table below specifies whether the referral authority is a determining referral authority or a recommending referral authority.

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>To subdivide land other than:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- A boundary realignment.</td>
<td>The relevant water, drainage or sewerage authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>- The subdivision of an existing building already connected to services.</td>
<td>The relevant electricity supply or distribution authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>- A two lot subdivision.</td>
<td>The relevant gas supply authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>- The subdivision of land into lots each containing an existing dwelling or car parking space.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>To subdivide land outside the metropolitan fire district which creates a road, where the requirements of Clause 56.09-3 are not met.</td>
<td>Country Fire Authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>To subdivide land if the only access to a lot is over Crown land which has not been reserved or proclaimed as a road.</td>
<td>Minister administering the Land Act 1958</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>To subdivide land crossed by a gas transmission pipeline or a gas transmission pipeline easement.</td>
<td>The relevant gas supply authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>To subdivide land within 60 metres of a major electricity transmission line (220 Kilovolts or more) or an electricity transmission easement.</td>
<td>The relevant electricity transmission authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>To subdivide a heritage place of which all or part is included in the Victorian Heritage Register.</td>
<td>The Executive Director specified in the Heritage Act 2017</td>
<td>Determining referral authority</td>
</tr>
</tbody>
</table>

Note: A subdivision which does not require referral under Clause 66.01 must be referred if it is listed as a requirement under any other provision of Clause 66.

**Mandatory conditions for subdivision permits**

A permit for subdivision must contain the following conditions:

The owner of the land must enter into an agreement with:

- a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider’s requirements and relevant legislation at the time; and

- a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Before the issue of a Statement of Compliance for any stage of the subdivision under the **Subdivision Act 1988**, the owner of the land must provide written confirmation from:

- a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider’s requirements and relevant legislation at the time; and
a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

This requirement does not apply to a permit granted to:

- Subdivide land in a rural zone, public land zone, Urban Floodway Zone or Special Use Zone if the responsible authority is satisfied that connection to telecommunication services is not warranted.
- Realign the common boundary between two lots (boundary realignment).
- Subdivide an existing building already connected to telecommunication services.

A permit granted to subdivide land in a manner that does not require referral under Clause 66.01 must contain the following conditions:

- The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority’s requirements and relevant legislation at the time.
- All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
- The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

This requirement does not apply to a permit granted to subdivide land into lots each containing an existing dwelling or car parking space.

**Referrals under the Subdivision Act – certification of plans**

For the purpose of Section 8(1)(a) of the Subdivision Act 1988 referral of a plan is required if:

- A referral is required by a permit issued under this scheme. The plan must be referred to the relevant referral authority.
- A plan creates, varies or removes an easement or restriction likely to be of interest to a referral authority. The plan must be referred to the relevant referral authority.
- The only access to a lot on a plan is over Crown land and the Minister administering the Land Act 1958 has not consented or provision has not been made for a road to be reserved or proclaimed. The plan must be referred to that Minister.
- In the opinion of the Council the plan may affect existing sewerage, water, drainage or other works. The plan must be referred to the referral authority responsible for those works.
USE AND DEVELOPMENT REFERRALS

An application of the kind listed in the tables below must be referred to the person or body specified as the referral authority. The tables below specify whether the referral authority is a determining referral authority or a recommending referral authority.

Works approval or licence

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>For a use or development requiring any of the following:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Works approval in accordance with Section 19A of the Environment Protection Act 1970</td>
<td>Environment Protection Authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>- A licence to discharge or emit waste in accordance with Section 20 of the Environment Protection Act 1970</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Amendment of a licence under Section 20A of the Environment Protection Act 1970</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Native vegetation

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>- To remove, destroy or lop native vegetation in the Detailed Assessment Pathway as defined in the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017).</td>
<td>Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987)</td>
<td>Recommending referral authority</td>
</tr>
<tr>
<td>- To remove, destroy or lop native vegetation if a property vegetation plan applies to the site.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- To remove, destroy or lop native vegetation on Crown land which is occupied or managed by the responsible authority.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Cattle feedlot

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>To use or develop land for a cattle feedlot.</td>
<td>Minister for Agriculture</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>If the site is located within a special water supply catchment area under the Catchment and Land Protection Act 1994, the relevant water authority under the Water Act 1989 and the Secretary to the Department administering the Catchment and Land Protection Act 1994</td>
<td></td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>If the number of cattle is 5000 or more, the Environment Protection Authority</td>
<td></td>
<td>Determining referral authority</td>
</tr>
</tbody>
</table>
## Major electricity line or easement

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>To construct a building or construct or carry out works on land within 60 metres of a major electricity transmission line (220 Kilovolts or more) or an electricity transmission easement.</td>
<td>The relevant electricity transmission authority</td>
<td>Determining referral authority</td>
</tr>
</tbody>
</table>

## Special water supply catchment area

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>To use, subdivide or consolidate land, to construct a building or construct or carry out works, or to demolish a building or works that are within a Special Water Supply Catchment Area listed in Schedule 5 of the <em>Catchment and Land Protection Act 1994</em> and which provides water to a domestic supply.</td>
<td>The relevant water board or water supply authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>This does not apply to an application for a sign, fence, roadworks or unenclosed building or works ancillary to a dwelling.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## Timber production

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>To use or develop land for timber production by establishing a plantation.</td>
<td>Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <em>Conservation, Forests and Lands Act 1987</em>)</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>To use or develop land for timber production by harvesting timber from native forest, including thinning, if the area of native forest to be subjected to timber production operations is 10 hectares or greater.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## Industry or warehouse

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>To use land for an industry or warehouse for a purpose listed in the table to Clause 53.10 shown with a Note 1 or if the threshold distance is not to be met.</td>
<td>Environment Protection Authority</td>
<td>Determining referral authority</td>
</tr>
</tbody>
</table>

<p>| To use land for an industry or warehouse for a purpose listed in the table to Clause 53.10 shown with a Note 2 and if any of the following apply: | The Victorian WorkCover Authority | Determining referral authority |
| ---                                                                               |                                     |                             |
| A fire protection quantity is exceeded under the Dangerous Goods (Storage and Handling) Regulations 2012. |                                     |                             |</p>
<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 2007.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A licence is required under the Dangerous Goods (Explosives) Regulations 2011.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A licence is required under Dangerous Goods (HCDG) Regulations 2016 and the use is not associated with agriculture.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

To construct a building or construct or carry out works on land used for an industry or warehouse for a purpose listed in the table to Clause 53.10 and shown with a Note 2 if the area of the buildings and works will increase by more than 25 per cent and any of the following apply:

- A fire protection quantity is exceeded under the Dangerous Goods (Storage and Handling) Regulations 2012.
- A notification is required under the Occupational Health and Safety Regulations 2007.
- A licence is required under the Dangerous Goods (Explosives) Regulations 2011.
- A licence is required under the Dangerous Goods (HCDG) Regulations 2016 and the use is not associated with agriculture.

**Stone Extraction**

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>To use or develop land for stone extraction.</td>
<td>Secretary to the Department administering the Heritage Act 1995.</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>To use or develop land for stone extraction:</td>
<td>Secretary to the Department administering the Catchment and Land Protection Act 1994.</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>- In Special Areas declared under Section 27 of the Catchment and Land Protection Act 1994.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kind of application</td>
<td>Referral authority</td>
<td>Type of referral authority</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------</td>
<td>----------------------------</td>
</tr>
<tr>
<td>- On land where the use or development involves the removal or destruction of native vegetation if the total area to be cleared is 10 hectares or greater.</td>
<td>Secretary to the Department administering the <em>Flora and Fauna Guarantee Act 1988</em></td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>- On land which has been identified in this scheme as being subject to high erosion risk or areas identified as being subject to salinity management.</td>
<td>Secretary to the Department administering Section 201 of the <em>Water Act 1989</em></td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>- To use or develop land for stone extraction:</td>
<td>Environment Protection Authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>- In areas with communities or taxa listed or critical habitat determined under the <em>Flora and Fauna Guarantee Act 1988</em>.</td>
<td>Roads Corporation</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>- On land which has been identified in this scheme as containing sites of flora or fauna significance.</td>
<td>Roads Corporation</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>- To use or develop land for stone extraction on land which has been identified in this scheme as flood prone.</td>
<td>Roads Corporation</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>- 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>
REFERRAL OF PERMIT APPLICATIONS UNDER OTHER STATE STANDARD PROVISIONS

An application of the kind listed in the table below, where the planning scheme includes the specified clause, must be referred to the person or body specified as the referral authority. The table below specifies whether the referral authority is a determining referral authority or a recommending referral authority.

<table>
<thead>
<tr>
<th>Clause</th>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 36.03-5 (PCRZ)</td>
<td>An application for the use or development of an Emergency services facility.</td>
<td>Secretary to the Department of Environment, Land, Water and Planning</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause 37.03-5 (UFZ)</td>
<td>An application under the zone within the waterway management district of Melbourne Water Corporation.</td>
<td>Melbourne Water Corporation</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause 37.03-5 (UFZ)</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>Clause 37.07-5 (UGZ)</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>Clause 44.03-6 (FO)</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>Clause 44.04-7 (LSIO)</td>
<td>An application under the overlay outside the waterway management district of Melbourne Water Corporation.</td>
<td>Relevant floodplain management authority</td>
<td>Recommending referral authority</td>
</tr>
<tr>
<td>Clause 44.05-6 (SBO)</td>
<td>An application under the overlay within the waterway management district of Melbourne Water Corporation.</td>
<td>Melbourne Water Corporation</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause</td>
<td>Kind of application</td>
<td>Referral authority</td>
<td>Type of referral authority</td>
</tr>
<tr>
<td>--------------</td>
<td>--------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------</td>
<td>------------------------------------</td>
</tr>
</tbody>
</table>
| Clause 44.06-6 (BMO) | An application to construct a building or carry out works associated with a dwelling. This does not apply to a non habitable outbuilding that meets the following requirements:  
- The outbuilding is ancillary to a dwelling,
- 10 metres of defendable space is provided around the outbuilding in accordance with the vegetation management requirements at Table 6 of Clause 53.02,
- The canopy of each tree within the defendable space is separated by at least 2 metres, and
- Where the outbuilding is located less than 10 metres from a dwelling the outbuilding construction requirements at Table 7 of Clause 53.02 are met. | Relevant fire authority | Recommending referral authority |
<p>| Clause 44.07-4 (SRO)       | An application of the kind specified in a schedule to the overlay.                     | Referral authority specified in a schedule to the overlay | Determining referral authority       |
| Clause 45.01-3 (PAO)       | An application under the overlay.                                                     | Acquiring authority specified in the schedule to the overlay | Determining referral authority       |
| Clause 45.07-6 (CLPO)      | An application under the overlay.                                                     | Roads Corporation                                      | Determining referral authority       |
| Clause 52.05               | An application to display an animated or electronic sign within 60 metres of a freeway or arterial road declared under the <em>Road Management Act 2004</em>. | Roads Corporation                                      | Determining referral authority       |
| Clause 52.27               | An application under the Clause in association with a bar, hotel or nightclub that is to operate after 1am. | Victorian Commission for Gambling and Liquor Regulation | Determining referral authority       |</p>
<table>
<thead>
<tr>
<th>Clause</th>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 52.29</td>
<td>An application to create or alter access to, or to subdivide land adjacent to, a road declared as a freeway or an arterial road under the <em>Road Management Act 2004</em>, land owned by the Roads Corporation for the purpose of a road, or land in a PAO if the Roads Corporation is the acquiring authority for the land, subject to exemptions specified in the clause.</td>
<td>Roads Corporation</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td></td>
<td>Any other application under the Clause.</td>
<td>Owner of, or the acquiring authority for, the adjacent land in the Road Zone, Category 1 or the PAO</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause 53.05-1</td>
<td>An application to use or develop land for a Freeway service centre.</td>
<td>Roads Corporation</td>
<td>Determining referral authority</td>
</tr>
</tbody>
</table>
REFERRAL OF PERMIT APPLICATIONS UNDER LOCAL PROVISIONS

In addition to the referral requirements of Clause 66.01, 66.02 and 66.03, an application of the kind listed in the schedule to this clause must be referred to the referral authority specified in the schedule. The table below specifies whether the referral authority is a determining referral authority or a recommending referral authority.

If a local provision of the scheme specifies a person or body as a referral authority for a kind of application or contains a referral requirement, and that specification or requirement is not included in the schedule to this clause, it is not a referral requirement under section 55 of the Act.
## SCHEDULE TO CLAUSE 66.04

### Referral of permit applications under local provisions

<table>
<thead>
<tr>
<th>Clause</th>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 3.0 of Schedule 3 to Clause 42.01 (ESO)</td>
<td>An application to subdivide land to create lots less than 40 hectares.</td>
<td>The Goulburn - Murray Rural Water Authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td></td>
<td>An application for development associated with intensive animal husbandry.</td>
<td>Goulburn Broken Catchment Management Authority</td>
<td>Recommending referral authority</td>
</tr>
<tr>
<td></td>
<td>An application for development of land within 200 metres of the full supply level of Lake Nillahcootie or from any watercourse within the catchment area.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clause 3.0 to Schedule 4 to Clause 42.01 (ESO)</td>
<td>All applications for a permit to develop land included in the ESO4</td>
<td>North East Region Water Corporation</td>
<td>Determining referral authority</td>
</tr>
</tbody>
</table>
NOTICE OF PERMIT APPLICATIONS UNDER STATE STANDARD PROVISIONS

Notice of an application of the kind listed in the table below must be given to the person or body specified as a person or body to be notified.

<table>
<thead>
<tr>
<th>Clause</th>
<th>Kind of application</th>
<th>Person or body to be notified</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 45.08-6</td>
<td>An application to use or subdivide land, or to construct a building or construct or carry out works.</td>
<td>The airport lessee company of Melbourne Airport in accordance with the Commonwealth Airports Act 1996</td>
</tr>
</tbody>
</table>
| Clause 52.09-8 | An application to use or subdivide land or construct a building for Accommodation, Education centre or Hospital:  
  - Within an Extractive Industry Interest Area.  
  - On land which is within 500 metres of land on which a work plan has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.  
  An application to construct a building or construct or carry out works on land for which a work plan has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.  
  These requirements do not apply to an extension to buildings or works. | The Secretary of the Department administering the Mineral Resources (Sustainable Development) Act 1990 |
| Clause 52.21 | An application to construct, use or illuminate a private tennis court under any provision of this scheme. | The owners and occupiers of adjoining and opposite properties |
| Clause 52.27 | An application in association with a bar, hotel or nightclub that is to operate after 1am. | Chief Commissioner of Victoria Police |
| Clause 53.09 | An application to use or develop land to establish a new broiler farm, or to increase the farm capacity of an existing broiler farm, that meets the requirements of a Special Class Broiler Farm or Farm Cluster as specified in the Victorian Code for Broiler Farms 2009. | Environment Protection Authority |
| Clause 67.02 | An application for a permit which, except for the provisions of Clause 67, would be made to the Minister in accordance with Section 96 of the Act. This does not apply to an application for a sign or advertisement, or to remove, destroy or lop native vegetation under Clause 52.17 of this scheme | The owners and occupiers of adjoining land  
  The National Trust of Australia (Victoria), if the application relates to land on which there is a building classified by the Trust |
| Clause 67.03 | An application for a permit to remove, destroy or lop native vegetation under Clause 52.17, which, except for the provisions of Clause 67, would be made to the Minister in accordance with Section 96 of the Act. This does not apply if the application is of a kind which must be referred to the Secretary under Section 55 of the Act. | The Secretary to the Department administering the Flora and Fauna Guarantee Act 1988 |
NOTICE OF PERMIT APPLICATIONS UNDER LOCAL PROVISIONS

In addition to the notice requirements of Clause 66.05, notice of an application of the kind specified in the schedule to this clause must be given to the person or body specified in the schedule. If a local provision of the scheme specifies a notice requirement and that requirement is not included in the schedule to this clause, it is not a notice requirement under Section 52(1)(c) of the Act.
## SCHEDULE TO CLAUSE 66.06

### Notice of permit applications under local provisions

<table>
<thead>
<tr>
<th>Clause</th>
<th>Kind of application</th>
<th>Person or body to be notified</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
APPLICATIONS UNDER SECTION 96 OF THE ACT

This clause applies to an application for a permit which, except for the provisions of this clause, would be made to the Minister in accordance with Section 96 of the Act.
EXEMPTIONS FROM SECTION 96(1) AND 96(2) OF THE ACT

In accordance with Section 6(2)(ka) of the Act, the following classes of use and development are exempted from Section 96(1) and 96(2) of the Act:

**Class 1**
Use of land for -
Car park, camping and caravan park, community facility (including child care centre, maternal and infant welfare centre, neighbourhood house, place of assembly and toilet block), dwelling, stone extraction, hospital, industry, leisure and recreation, office, residential village, retail premises or service station.

**Class 2**
Development of land for -
A Class 1 use, demolition of a building or works, lighting and floodlighting of a recreation facility or building, sign or advertisement or subdivision.

**Class 3**
Any other use or development.
NOTICE REQUIREMENTS

In accordance with Section 52(1)(c) of the Act, notice must be given to:

- The owners and occupiers of adjoining land.
- The National Trust of Australia (Victoria), if the application relates to land on which there is a building classified by the Trust.

This does not apply to an application:

- For a sign or advertisement.
- To remove, destroy or lop native vegetation under Clause 52.17 of this scheme.
- If a permit is only required under any of the following overlays:
  - Salinity Management Overlay
  - Floodway Overlay
  - Land Subject to Inundation Overlay
  - Special Building Overlay
  - Bushfire Management Overlay
NOTICE REQUIREMENTS - NATIVE VEGETATION

In accordance with Section 52(1)(c) of the Act, notice of an application to remove, destroy or lop native vegetation under Clause 52.17 of this scheme must be given to the Secretary to the Department administering the *Flora and Fauna Guarantee Act 1988*.

This does not apply if the application is of a kind which must be referred to the Secretary under Section 55 of the Act.
NOTICE EXEMPTION

In accordance with Section 52(4) of the Act, an application for a sign or advertisement on land managed, occupied or owned by the responsible authority is exempt from the notice requirement of Clause 52(1)(a) of the Act.
OPERATIONAL PROVISIONS

This section sets out provisions about the operation, administration and enforcement of this planning scheme, the meaning of terms used in this planning scheme, and other matters.
OPERATION OF THE MUNICIPAL PLANNING STRATEGY

Municipal Planning Strategy

The Municipal Planning Strategy at Clause 02 sets out the vision for the future development of the municipality and sets the strategic directions about how the municipality is expected to change through the implementation of planning policy and the planning scheme.

A planning authority must take into account the Municipal Planning Strategy when it prepares an amendment to this planning scheme.

A responsible authority must take into account and give effect to the Municipal Planning Strategy when it makes a decision under this planning scheme.

Relationship to the Municipal Strategic Statement

For the purposes of section 12A(3) of the Act, the Municipal Strategic Statement is:

- A Municipal Strategic Statement at Clause 21.
- Where Clause 21 is not included in this scheme:
  - The Municipal Planning Strategy at Clause 02.
  - Local provisions in the Planning Policy Framework at Clauses 10 to 19.
  - A schedule to Clause 74.01.

Transitional

If this planning scheme includes a Municipal Strategic Statement at Clause 21, the provisions of Clauses 23.01 and 23.02 apply.
OPERATION OF THE PLANNING POLICY FRAMEWORK

Purpose of the Planning Policy Framework

The Planning Policy Framework provides a context for spatial planning and decision making by planning and responsible authorities. The Planning Policy Framework is dynamic and will be built upon as planning policy is developed and refined, and changed as the needs of the community change.

The Planning Policy Framework seeks to ensure that the objectives of planning in Victoria (as set out in section 4 of the Act) are fostered through appropriate land use and development planning policies and practices that integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

Operation

The Planning Policy Framework sets out the planning policies that form part of this planning scheme. It comprises Clauses 10 to 19.

A planning policy applies to all land subject to this planning scheme unless the policy specifies otherwise.

A planning policy provides guidance for decision making and can help the community to understand how the responsible authority will consider a proposal.

The consistent application of planning policy over time should achieve a desired outcome.

A planning authority must take into account the Planning Policy Framework when it prepares an amendment to this planning scheme.

A responsible authority must take into account and give effect to the Planning Policy Framework when it makes a decision under this planning scheme. This does not apply to policy guidelines and policy documents.

Policy guidelines

A planning policy may include policy guidelines. Policy guidelines indicate how objectives can be met and how strategies can be implemented.

A responsible authority must take a relevant policy guideline into account when it makes a decision under this planning scheme, but is not required give effect to it. If the responsible authority is satisfied that an alternative approach meets the objective, the alternative may be considered.

Policy documents

A planning policy may include reference to a policy document. A policy document may be an incorporated, background and other document.

A background document listed in the table or the schedule to Clause 72.08 that applies to Clauses 10 to 19 is a policy document for applicable planning policies.

Integrated decision making

Society has various needs and expectations such as land for settlement, protection of the environment, economic wellbeing, various social needs, proper management of resources and infrastructure. Planning aims to meet these needs and expectations by addressing aspects of economic, environmental and social wellbeing affected by land use and development.

Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. However, in bushfire affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations.
Planning authorities should identify the potential for regional impacts in their decision making and coordinate strategic planning with their neighbours and other public bodies to achieve sustainable development and effective and efficient use of resources.

Transitional

If this planning scheme includes a Municipal Strategic Statement at Clause 21 and local planning policies at Clause 22, the provisions of Clauses 23.01, 23.02 and 23.03 apply. To the extent of any inconsistency, Clauses 23.02 and 23.03 prevail over this clause.
OPERATION OF ZONES

In each zone and schedule to a zone which contains a table of uses, the controls over the use of land are divided into three sections.

Section 1 uses

A use in Section 1 does not require a permit. Any condition opposite the use must be met. If the condition is not met, the use is in Section 2 and requires a permit unless the use is specifically included in Section 3 as a use that does not meet the Section 1 condition.

Section 2 uses

A use in Section 2 requires a permit. Any condition opposite the use must be met. If the condition is not met, the use is prohibited.

Making decisions about Section 2 uses

Because a use is in Section 2 does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the Municipal Planning Strategy, the Planning Policy Framework, the purpose and decision guidelines of the zone and any of the other decision guidelines in Clause 65.

Section 3 uses

A use in Section 3 is prohibited.
OPERATION OF OVERLAYS

If an overlay is shown on the planning scheme map, the provisions of the overlay apply in addition to the provisions of the zone and any other provision of this scheme.

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the Municipal Planning Strategy, the Planning Policy Framework, the purpose and decision guidelines of the overlay and any of the other decision guidelines in Clause 65.
The requirements of particular provisions apply to the specified categories of use and development and other matters in addition to any provisions which apply due to any other provision of this planning scheme.
OPERATION OF VICSMART APPLICATIONS AND PROCESS

VicSmart applications

Any provision of this planning scheme may specify:

- Classes of application that are VicSmart applications to which Clause 71.06 applies.
- Information requirements for each class of VicSmart application.
- Decision guidelines for each class of VicSmart application.

An application is a VicSmart application if all of the following requirements are met:

- The application is in a class or classes specified in a provision of this planning scheme.
- A permit is required only under the provisions of this planning scheme that are specified as a VicSmart application, and not under any other provision of this planning scheme.
- Nothing authorised by the grant of a permit would result in a breach of a registered restrictive covenant.
- If the application requires referral to a referral authority under Clause 66, the referral requirements in Clause 71.06-2 are met.

VicSmart process

Despite any other provision of this planning scheme:

- A VicSmart application is exempt from the requirements of the Act and planning scheme specified in this clause.
- The responsible authority must assess a VicSmart application in accordance with the requirements of this clause.

If there is any inconsistency between the requirements of this clause and another provision of this planning scheme, this clause prevails.

Referral requirements

If an application requires referral to a referral authority under Clause 66:

- The application must have been considered by the referral authority within the past 3 months of the application being made to the responsible authority.
- The referral authority must have stated in writing that it does not object to the granting of the permit for the proposal.

Information requirements

A VicSmart application must be accompanied by the information requirements specified for the relevant class of application. The information requirements of the relevant zone, overlay or particular provision, other than those specified for VicSmart applications, do not apply unless the information requirements for the relevant class of application specify otherwise.

If in the opinion of the responsible authority an information requirement is not relevant to the evaluation of a VicSmart application, the responsible authority may waive or reduce the information requirement.

Exemption from notice and review

A VicSmart application is exempt from:

- The notice requirements of section 52(1)(a), (b), (c) and (d) of the Act.
- The decision requirements of section 64(1), (2) and (3) of the Act.
- The review rights of section 82(1) of the Act.
Matters to be considered

In deciding a VicSmart application, the responsible authority:

- Must only consider the decision guidelines specified for the relevant class of application.

- Is exempt from considering the following matters:
  - The requirements of section 60(1)(b), (c), (e) and (f) and (1A) (b) to (h) and (j) of the Act.
  - The Municipal Planning Strategy and Planning Policy Framework unless the decision guidelines for the relevant class of application specify otherwise.
  - The decision guidelines of the relevant zone, overlay or particular provision, other than those specified for VicSmart applications, unless the decision guidelines for the relevant class of application specify otherwise.
  - The decision guidelines in Clause 65.

- In deciding an application for review in relation to a VicSmart application, the Tribunal is exempt from the matters specified in section 84B(2)(b) to (g) and (i) to (ja) of the Act.

Decision guidelines

Before deciding a VicSmart application, the responsible authority must consider the decision guidelines specified for the relevant class of application unless in the opinion of the responsible authority a decision guideline is not relevant to the evaluation of the application.
RESPONSIBLE AUTHORITY FOR THIS PLANNING SCHEME

The responsible authority for the administration and enforcement of this planning scheme or a provision of this planning scheme is specified in this clause and the schedule to this clause.

The person nominated under section 198(1)(a) of the Act or the responsible authority under section 198(1)(b) of the Act, to whom a person may apply for a planning certificate, is specified in the schedule to this clause.

Minister is responsible authority

The Minister for Planning is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act, and matters required by a permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority, in relation to the use and development of land for a:

- Renewable energy facility with an installed capacity of 1 megawatt or greater.
- Utility installation used to store, transmit or distribute electricity generated by a renewable energy facility with an installed capacity of 1 megawatt or greater.

with the exception of the following:

- in relation to permits for the use and development of land for a wind energy facility issued prior to 2 April 2015 under Division 1 of Part 4 of the Act, the Council is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act, and for matters required by the permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority.

- in relation to permits for the use and development of land for a wind energy facility issued prior to 2 April 2015 under Division 6 of Part 4 of the Act, the Council is the responsible authority for matters required by the permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority, subject to the operation of section 97H of the Act.

- in relation to applications lodged, or permits issued, for the use and development of land for a renewable energy facility (other than a wind energy facility) under Division 1 of Part 4 of the Act prior to the approval date of Amendment VC161, the Council is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act, and for matters required by the permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority.

- in relation to applications lodged, or permits issued, for the use and development of land for a utility installation used to store, transmit or distribute electricity generated by a renewable energy facility, under Division 1 of Part 4 of the Act prior to the approval date of Amendment VC161, the Council is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act, and for matters required by the permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority.
SCHEDULE TO CLAUSE 72.01 RESPONSIBLE AUTHORITY FOR THIS PLANNING SCHEME

1.0
Responsible authority for administering and enforcing this planning scheme:
The Benalla Rural City Council is the responsible authority for administering and enforcing the planning scheme, except for matters specified in Clause 72.01-1 and matters listed in this schedule.

2.0
Responsible authority for administering and enforcing a provision of this planning scheme:
None specified.

3.0
Person or responsible authority for issuing planning certificates:
Minister for Planning.

4.0
Responsible authority for VicSmart applications:
The Chief Executive Officer of the Benalla Rural City Council is the responsible authority for considering and determining VicSmart applications to which Clause 71.06 applies, in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the Act.
WHAT AREA IS COVERED BY THIS PLANNING SCHEME?

This planning scheme applies to the municipal district or other area specified in the schedule to this clause.
SCHEDULE TO CLAUSE 72.02 WHAT AREA IS COVERED BY THIS PLANNING SCHEME?

1.0

Area covered by this planning scheme:
Whole of the municipal district of Benalla Rural City Council.
WHAT DOES THIS PLANNING SCHEME CONSIST OF?

This planning scheme consists of this document, any maps specified in the schedule to this clause, and any document incorporated in the scheme in accordance with the Act. A document is not incorporated in this scheme by reason only that it is referred to in the scheme.

This document consists of State standard provisions and local provisions. Local provisions are:

- If included in this planning scheme:
  - Clause 02 (Municipal Planning Strategy).
  - Clause 21 (Municipal Strategic Statement).
  - Clause 22 (Local Planning Policies).

- All clauses in the Planning Policy Framework that include the letter ‘L’ in the clause number.

- All schedules to zones, overlays, particular provisions, general provisions and operational provisions.

All other provisions are State standard provisions.

Maps specified in the schedule to this clause show how land is zoned and whether land is affected by an overlay. This information is indicated by a letter and/or number code that is explained on each map.

Note: A clause numbered ‘11.01-1L’ would be an example of a local provision in the Planning Policy Framework. ‘C1Z’ is an example of a code on a map that may be specified in the schedule to this clause. It stands for ‘Commercial 1 Zone’.
SCHEDULE TO CLAUSE 72.03 WHAT DOES THIS PLANNING SCHEME CONSIST OF?

1.0 Maps comprising part of this planning scheme:

- 1, 1BMO
- 2, 2BMO
- 3, 3BMO, 3VPO,
- 4, 4BMO, 4HO,
- 5, 5BMO, 5SLO,
- 6, 6BMO, 6VPO, 6LSIO-RFO,
- 7
- 8, 8BMO, 8ESO, 8VPO, 8DDO, 8LSIO-RFO,
- 9, 9BMO, 9DDO, 9ESO, 9HO, 9LSIO-RFO, 9PO
- 10, 10BMO, 10HO, 10DDO, 10LSIO-RFO, 10EAO, 10PO
- 11, 11ESO, 11VPO
- 12, 12BMO, 12HO, 12VPO, 12SLO,
- 13, 13BMO, 13VPO,
- 14, 14BMO
- 15, 15BMO, 15VPO, 15DDO, 15LSIO-RFO,
- 16, 16BMO, 16LSIO-RFO,
- 17
- 18, 18BMO
- 19, 19BMO, 19ESO,
- 20, 20BMO, 20ESO, 20VPO, 20HO,
- 21
- 22, 22BMO, 22ESO, 22HO,
- 25, 25BMO, 25ESO,
- 30, 30BMO
DOCUMENTS INCORPORATED IN THIS PLANNING SCHEME

The documents listed in the table and the schedule to this clause are incorporated documents under section 6(2)(j) of the Planning and Environment Act 1987.

An incorporated document forms part of this planning scheme.

If a document is not listed in the table or the schedule, it is not an incorporated document.

A document is not incorporated in this planning scheme by reason only that it is referred to in the scheme.

Note: Clause 72.08 contains a list of background documents relevant to this planning scheme. A background document does not form part of the planning scheme.

Table to Clause 72.04

<table>
<thead>
<tr>
<th>Name of document</th>
<th>Introduced by:</th>
</tr>
</thead>
<tbody>
<tr>
<td>A ‘Good Neighbour’ Code of Practice for a Circus or Carnival, October 1997</td>
<td>V3</td>
</tr>
<tr>
<td>A Code of Practice for Telecommunications Facilities in Victoria, July 2004</td>
<td>VC26</td>
</tr>
<tr>
<td>Apiary Code of Practice, May 2011</td>
<td>VC81</td>
</tr>
<tr>
<td>Australian Standard AS2890.2-2002 Parking facilities: Off-street commercial vehicle facilities, Standards Australia 2002</td>
<td>VC77</td>
</tr>
<tr>
<td>Australian/New Zealand Standard AS/NZS1158.3.1:1999, Road lighting, Part 3.1: Pedestrian Area (Category P) lighting – Performance and installation design requirements. Standards Australia/Standards New Zealand 1999</td>
<td>VC12</td>
</tr>
<tr>
<td>Building in bushfire-prone areas - CSIRO &amp; Standards Australia (SAA HB36-1993), May 1993</td>
<td>NPS1</td>
</tr>
<tr>
<td>Code of Practice for Bushfire Management on Public Land, 2012</td>
<td>VC101</td>
</tr>
<tr>
<td>Code of Practice for Timber Production 2014</td>
<td>VC101</td>
</tr>
<tr>
<td>Construction Techniques for Sediment Pollution Control, Environment Protection Authority May 1991</td>
<td>NPS1</td>
</tr>
<tr>
<td>Design Vehicles and Turning Path Templates, Austroads, 1995 (AP-34/95)</td>
<td>VC12</td>
</tr>
<tr>
<td>Growth Area Framework Plans, Department of Sustainability and Environment, September 2006</td>
<td>VC41</td>
</tr>
<tr>
<td>Guide to Road Design, Part 6A: Pedestrian and Cycle Paths, Austroads</td>
<td>VC77</td>
</tr>
<tr>
<td>Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management (Publication 891.4, Environment Protection Authority, 2016)</td>
<td>VC132</td>
</tr>
<tr>
<td>Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning 2017)</td>
<td>VC138</td>
</tr>
<tr>
<td>Local Government Planning Guide for Dry Land Salinity - Department Conservation and Natural Resources, 1995</td>
<td>NPS1</td>
</tr>
<tr>
<td>Name of document</td>
<td>Introduced by:</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------------</td>
<td>---------------</td>
</tr>
<tr>
<td>Pavement Design - A Guide to the Structural Design of Road Pavements, Austroads, (AP-17/92)</td>
<td>VC12</td>
</tr>
<tr>
<td>Planning requirements for racing dog keeping and training (Department of Environment, Land, Water and Planning, August 2017)</td>
<td>VC139</td>
</tr>
<tr>
<td>Principal Public Transport Network 2017 (State Government of Victoria, 2017)</td>
<td>VC132</td>
</tr>
<tr>
<td>Principal Public Transport Network Area Maps (State Government of Victoria, August 2018)</td>
<td>VC151</td>
</tr>
<tr>
<td>Private Tennis Court Development Code of Practice – Revision 1, March 1999</td>
<td>VC5</td>
</tr>
<tr>
<td>Victorian Code for Broiler Farms 2009 (plus 2018 amendments)</td>
<td>VC60</td>
</tr>
<tr>
<td>Victorian Code for Cattle Feedlots, August 1995</td>
<td>NPS1</td>
</tr>
<tr>
<td>Victorian Low Density Mobile Outdoor Poultry Farm Planning Permit Guidelines (Department of Economic Development, Jobs, Transport and Resources, June 2018)</td>
<td>VC150</td>
</tr>
<tr>
<td>Victorian Low Density Mobile Outdoor Pig Farm Planning Permit Guidelines (Department of Economic Development, Jobs, Transport and Resources, June 2018)</td>
<td>VC150</td>
</tr>
</tbody>
</table>
### Incorporated documents

<table>
<thead>
<tr>
<th>Name of document</th>
<th>Introduced by:</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADI Benalla Facility Concept Plan, October 1992</td>
<td>NPS1</td>
</tr>
<tr>
<td>Goulburn-Murray Water Native Vegetation Code of Practice, February 2011</td>
<td>C22</td>
</tr>
<tr>
<td>Lake Mokoan Decommissioning Project Planning Scheme Incorporated Document</td>
<td>C24</td>
</tr>
<tr>
<td>Regent Honeyeater Recovery Plan 1994 – 1998, Department of Natural Resources and Environment, January 1997</td>
<td>NPS1</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:

1 May 2003
EFFECT OF THIS PLANNING SCHEME

Land may be used or developed only in accordance with this planning scheme.

Land must not be developed unless the land as developed can be used in accordance with this planning scheme.

If this planning scheme allows a particular use of land, it may be developed for that use provided all requirements of the scheme are met.
DETERMINATION OF BOUNDARIES

If a boundary in this planning scheme is not precisely shown on a planning scheme map or is not otherwise defined, the certificate issuing authority must determine the boundary if asked to do so and must notify the applicant within 60 days.
BACKGROUND DOCUMENTS

The documents listed in the table and the schedule to this clause are background documents. The table and the schedule to this clause must specify the amendment that listed the background document and may specify the clause of this planning scheme that the background document relates to.

A background document may:

- Have informed the preparation of, or an amendment to, this planning scheme.
- Provide information to explain the context within which a provision has been framed.
- Assist the understanding of this planning scheme.

A background document does not form part of this planning scheme.

A background document may be referenced elsewhere in this planning scheme without being listed in the table or schedule to this clause.

Table to Clause 72.08

<table>
<thead>
<tr>
<th>Name of background document</th>
<th>Amendment number - clause reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central Highlands Regional Growth Plan (Victorian Government, 2014).</td>
<td>VC106 Clauses 10 to 19</td>
</tr>
<tr>
<td>G21 Regional Growth Plan (Geelong Region Alliance, 2013).</td>
<td>VC106 Clauses 10 to 19</td>
</tr>
<tr>
<td>Gippsland Regional Growth Plan (Victorian Government, 2014).</td>
<td>VC106 Clauses 10 to 19</td>
</tr>
<tr>
<td>Great South Coast Regional Growth Plan (Victorian Government, 2014).</td>
<td>VC106 Clauses 10 to 19</td>
</tr>
<tr>
<td>Hume Regional Growth Plan (Victorian Government, 2014).</td>
<td>VC106 Clauses 10 to 19</td>
</tr>
<tr>
<td>Loddon Mallee North Regional Growth Plan (Victorian Government, 2014).</td>
<td>VC106 Clauses 10 to 19</td>
</tr>
<tr>
<td>Loddon Mallee South Regional Growth Plan (Victorian Government, 2014).</td>
<td>VC106 Clauses 10 to 19</td>
</tr>
<tr>
<td>Wimmera Southern Mallee Regional Growth Plan (Victorian Government, 2014).</td>
<td>VC106 Clauses 10 to 19</td>
</tr>
</tbody>
</table>
# Background documents

<table>
<thead>
<tr>
<th>Name of background document</th>
<th>Amendment number - clause reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
</tr>
</tbody>
</table>
MEANING OF TERMS

A term used in this planning scheme has its ordinary meaning unless that term is defined:

- In this planning scheme; or
- In the Planning and Environment Act 1987 or the Interpretation of Legislation Act 1984, in which case the term has the meaning given to it in those Acts unless it is defined differently in this scheme.
**GENERAL TERMS**

The following table lists general terms which may be used in this planning scheme. A term listed in the first column, under the heading "General term", has the meaning set out beside that term in the second column, under the heading "Definition".

<table>
<thead>
<tr>
<th>General term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural production</td>
<td>Any form of primary production of renewable commodities. It does not include Stone extraction, Mineral extraction, or timber production from native forest.</td>
</tr>
<tr>
<td>Anemometer</td>
<td>A wind measuring device.</td>
</tr>
<tr>
<td>Apartment</td>
<td>A dwelling located above the ceiling level or below the floor level of another dwelling and is part of a building containing two or more dwellings.</td>
</tr>
<tr>
<td>Approval date</td>
<td>The date this scheme began, or the date of notice in the Victoria Government Gazette of approval of an amendment to this scheme.</td>
</tr>
<tr>
<td>Basement</td>
<td>A storey below ground level, or that projects no more than 1.2 metres above ground level.</td>
</tr>
<tr>
<td>Building height</td>
<td>The vertical distance from natural ground level to the roof or parapet at any point.</td>
</tr>
<tr>
<td>Carriageway</td>
<td>The area of a street reserve which is provided for the movement or parking of vehicles. It is determined by the invert of a kerb and channel and the point adjacent to the pavement edge for kerb (only) and edge strips.</td>
</tr>
<tr>
<td>Central Highlands region</td>
<td>The area covered by the Ararat, Ballarat, Golden Plains, Hepburn, Moorabool and Pyrenees planning schemes.</td>
</tr>
<tr>
<td>Clear to the sky</td>
<td>An unroofed area or area roofed with material that transmits 90 per cent of light.</td>
</tr>
<tr>
<td>Defendable space</td>
<td>An area of land around a building where vegetation is modified and managed to reduce the effects of flame contact and radiant heat associated with bushfire.</td>
</tr>
<tr>
<td>Deflection angle</td>
<td>The angle between two tangent sections of a carriageway.</td>
</tr>
<tr>
<td>Design speed</td>
<td>The speed fixed for the design and correlation of the geometric features of a carriageway that influence vehicle operation. It is the speed which is not exceeded by 85 per cent of vehicles.</td>
</tr>
<tr>
<td>Domestic services normal to a dwelling</td>
<td>A domestic appliance or apparatus that is normal to and services a dwelling. It includes disabled access ramps and handrails, an air conditioner, cooling or heating system, a hot water service, security systems and cameras, shade sails, a barbecue, downpipes and flues, a skylight, security screens, and the like.</td>
</tr>
<tr>
<td>Earthworks</td>
<td>Land forming, laser grading, levee banks, raised access roads and tracks, building pads, storage embankments, channel banks and drain banks and associated structures.</td>
</tr>
<tr>
<td>Frontage</td>
<td>The road alignment at the front of a lot. If a lot abuts two or more roads, the one to which the building, or proposed building, faces.</td>
</tr>
<tr>
<td>Gaming</td>
<td>The playing of a gaming machine.</td>
</tr>
<tr>
<td>General term</td>
<td>Definition</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Gaming machine</td>
<td>Has the same meaning as it has in the Gambling Regulation Act 2003.</td>
</tr>
</tbody>
</table>
| Garden area                      | Any area on a lot with a minimum dimension of 1 metre that does not include: a) a dwelling or residential building, except for:  
  - an eave, fascia or gutter that does not exceed a total width of 600mm;  
  - a pergola;  
  - unroofed terraces, patios, decks, steps or landings less than 800mm in height;  
  - a basement that does not project above ground level;  
  - any outbuilding that does not exceed a gross floor area of 10 square metres; and  
  - domestic services normal to a dwelling or residential building;  
  b) a driveway; or  
  c) an area set aside for car parking. |
| Geelong G21 region                | The area covered by the Colac Otway, Golden Plains, Greater Geelong, Queenscliffe and Surf Coast planning schemes.                                                                                      |
| Gippsland region                 | The area covered by the Bass Coast, Baw Baw, East Gippsland, Latrobe, South Gippsland and Wellington planning schemes.                                                                                     |
| Great South Coast region         | The area covered by the Corangamite, Glenelg, Moyne, Southern Grampians and Warrnambool planning schemes                                                                                                 |
| Gross floor area                 | The total floor area of a building, measured from the outside of external walls or the centre of party walls, and includes all roofed areas.                                                              |
| Ground level                     | The natural level of a site at any point.                                                                                                                                                                  |
| Habitable room                   | Any room of a dwelling or residential building other than a bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, stair, lobby, photographic darkroom, clothes drying room and other space of a specialised nature occupied neither frequently nor for extended periods. |
| High quality productive          | 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>| agricultural land                |                                                                                              |
| Hume region                      | The area covered by the Alpine, Benalla, Greater Shepparton, Indigo, Mansfield, Mitchell, Moira, Murrindindi, Strathbogie, Towong, Wangaratta and Wodonga planning schemes. |
| Land capability assessment       | The assessment of the physical ability of the land to sustain specific uses having regard to its management, and without long term on-site detriment to the environment. |</p>
<table>
<thead>
<tr>
<th>General term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leasable floor area</td>
<td>That part of the net floor area able to be leased. It does not include public or common tenancy areas, such as malls, verandahs, or public conveniences.</td>
</tr>
<tr>
<td>Loddon Mallee North region</td>
<td>The area covered by the Buloke, Campaspe, Gannawarra, Mildura and Swan Hill planning schemes.</td>
</tr>
<tr>
<td>Loddon Mallee South region</td>
<td>The area covered by the Central Goldfields, Greater Bendigo, Loddon, Macedon Ranges and Mount Alexander planning schemes.</td>
</tr>
<tr>
<td>Lot</td>
<td>A part (consisting of one or more pieces) of any land (except a road, a reserve, or common property) shown on a plan, which can be disposed of separately and includes a unit or accessory unit on a registered plan of strata subdivision and a lot or accessory lot on a registered cluster plan.</td>
</tr>
<tr>
<td>Mean building height</td>
<td>The vertical distance between the mean ground level and the finished roof height at its highest point.</td>
</tr>
<tr>
<td>Mean ground level</td>
<td>One half the sum of the highest and lowest levels along ground level of the outer surface of all external building walls.</td>
</tr>
<tr>
<td>Metropolitan Melbourne</td>
<td>The area covered by the Banyule, Bayside, Boroondara, Brimbank, Cardinia, Casey, Darebin, Frankston, Glen Eira, Greater Dandenong, Hobsons Bay, Hume, Kingston, Knox, Manningham, Maribyrnong, Maroondah, Melbourne, Melton, Monash, Moonee Valley, Moreland, Mornington Peninsula, Nillumbik, Port of Melbourne, Port Phillip, Stonnington, Whitehorse, Whittlesea, Wyndham, Yarra and Yarra Ranges Planning Schemes and the area within the urban growth boundary in the Mitchell Planning Scheme.</td>
</tr>
<tr>
<td>Mineral</td>
<td>Any substance which occurs naturally as part of the earth’s crust, including: a) oil shale and coal; and b) hydrocarbons and mineral oils contained in oil shale or coal, or extracted from oil shale or coal by chemical or industrial processes. It does not include water, stone, or petroleum.</td>
</tr>
<tr>
<td>Movable building</td>
<td>A structure, other than a tent, caravan, or vehicle, which is designed to be moved from place to place on more than one occasion.</td>
</tr>
<tr>
<td>Native vegetation</td>
<td>Plants that are indigenous to Victoria, including trees, shrubs, herbs, and grasses.</td>
</tr>
<tr>
<td>Net floor area</td>
<td>The total floor area of all floors of all buildings on a site. It includes half the width of any party wall and the full width of all other walls. It does not include the area of stairs, loading bays, accessways, or car parking areas, or any area occupied by machinery required for air conditioning, heating, power supply, or lifts.</td>
</tr>
<tr>
<td>Plot ratio</td>
<td>The gross floor area of all buildings on a site, divided by the area of the site.</td>
</tr>
<tr>
<td>Private open space</td>
<td>An outdoor area of a dwelling or residential building or land for the exclusive use of the occupants.</td>
</tr>
<tr>
<td>Property vegetation plan</td>
<td>A plan which relates to the management of native vegetation within a property, and which is contained within an agreement made pursuant to section 69 of the Conservation, Forests and Lands Act 1987.</td>
</tr>
<tr>
<td>General term</td>
<td>Definition</td>
</tr>
<tr>
<td>-----------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Prostitution</td>
<td>The provision by one person to or for another person (whether or not of a different sex) of sexual services in return for payment or reward.</td>
</tr>
<tr>
<td>Public land manager</td>
<td>The Minister, government department, public authority or municipal council having responsibility for the care or management of public land. In relation to Crown land reserved under an Act and managed or controlled by a committee of management, other than Parks Victoria or a municipal council, it means the Minister administering that Act and does not include the committee of management.</td>
</tr>
</tbody>
</table>
| Radio mast            | A mast, for radio transmission or reception in a dwelling, that is:  
                        a) with antenna, more than 14 metres above the ground;  
                        b) if attached to a building, with antenna, more than 5 metres above the roof line;  
                        c) including antenna, wider than 6 metres; or  
                        d) excluding antenna, wider than 50 centimetres at any point exceeding 3 metres above the ground.                                                                                                                                                                                                                                                                 |
| Retail                | The sale of goods or materials, in any quantity or manner, other than by wholesale.                                                                                                                                                                                                                                                                                                                                                                                                  |
| Secluded private open space | That part of private open space primarily intended for outdoor living activities which enjoys a reasonable amount of privacy.                                                                                                                                                                                                                                                                                                                                                                            |
| Setback               | The minimum distance from any allotment boundary to a building.                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Sexual services       | Has the same meaning as it has in the *Sex Work Act 1994*.                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Site coverage         | The proportion of a site covered by buildings.                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Stone                 | Basalt, freestone, granite, limestone, sandstone, or other building stone, or rock, ordinarily used for building, manufacturing, road making, or construction; or clay (not fine clay, bentonite, or kaolin), earth, gravel, quartz (not quartz crystals), sand, soil, slate, or other similar material.                                                                                                                                                                                                                                           |
| Storey                | That part of a building between floor levels. If there is no floor above, it is the part between the floor level and ceiling. It may include an attic, basement, built over car parking area, and mezzanine.                                                                                                                                                                                                                                                                                                  |
| Stormwater            | The net increase in run-off from urban development due to water not being able to seep into the ground because of impervious surfaces, such as roofs and roads.                                                                                                                                                                                                                                                                                                                                         |
| Street leg length     | The distance between street intersections or junctions, or points and locations where vehicles must slow down, usually to a maximum speed of 20 kilometres per hour.                                                                                                                                                                                                                                                                                                                              |
| Street reserve        | Land set aside for a street pavement and verge.                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Sustainable agriculture | The use of farming practices and systems which maintain or enhance:  
                        a) the economic viability of agricultural production;  
                        b) the natural resource base; and  
                        c) other ecosystems which are influenced by agricultural activities.                                                                                                                                                                                                                                                                                                                                                                     |
<table>
<thead>
<tr>
<th>General term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Telecommunications line</td>
<td>A wire, cable, optic fibre, tube, conduit, waveguide or other physical medium used, or to be used, as a continuous artificial guide for or in connection with carrying communications by means of guided electromagnetic energy.</td>
</tr>
<tr>
<td>Telecommunications network</td>
<td>A system or series of systems that carries, or is capable of carrying, communications by means of guided and unguided electromagnetic energy.</td>
</tr>
<tr>
<td>Telecommunications tower</td>
<td>A tower, pole or mast used as part of a Telecommunications network.</td>
</tr>
<tr>
<td>Tenement</td>
<td>Land comprised in:</td>
</tr>
<tr>
<td></td>
<td>a) a lot which does not adjoin another lot in the same ownership; or</td>
</tr>
<tr>
<td></td>
<td>b) lots in the same ownership and which adjoin each other.</td>
</tr>
<tr>
<td></td>
<td>Lots are considered to adjoin each other if they are separated only by a stream, stream reserve, or unmade or unused government road or rail reserve.</td>
</tr>
<tr>
<td>Utility service provider</td>
<td>A person, other than a public authority or municipal council, having responsibility under an Act for the generation, transmission, distribution or supply of electricity, gas, power, telecommunications, water supply, drainage or sewerage services.</td>
</tr>
<tr>
<td>Verge</td>
<td>The part of the street reserve between the carriageway and the boundary of adjacent lots or other limit to the street reserve. It may accommodate public utilities, a footpath, indented parking, stormwater flows, street lighting poles and planting.</td>
</tr>
<tr>
<td>Wall height</td>
<td>The vertical distance between the top of the eaves at the wall line, parapet or flat roof (not including a chimney), whichever is the highest, and the natural ground level.</td>
</tr>
<tr>
<td>Wholesale</td>
<td>The sale of goods or materials, to be sold by others.</td>
</tr>
<tr>
<td>Wimmera Southern Mallee region</td>
<td>The area covered by the Hindmarsh, Horsham, Northern Grampians, West Wimmera and Yarriambiack planning schemes.</td>
</tr>
</tbody>
</table>
## SIGN TERMS

The following table lists terms which may be used in this planning scheme in relation to signs. A term listed in the first column, under the heading "Sign term", has the meaning set out beside that term in the second column, under the heading "Definition".

<table>
<thead>
<tr>
<th>Sign term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Above-verandah sign</td>
<td>A sign above a verandah or, if no verandah, that is more than 3.7 metres above pavement level, and which projects more than 0.3 metre outside the site.</td>
</tr>
<tr>
<td>Display area</td>
<td>The area of that part of a sign used to display its content, including borders, surrounds and logo boxes. It does not include safety devices, platforms and lighting structures. If the sign does not move or rotate, the area is one side only.</td>
</tr>
<tr>
<td>Animated sign</td>
<td>A sign that can move, contains moving or scrolling parts, changes its message, flashes, or has a moving or flashing border.</td>
</tr>
<tr>
<td>Bed and breakfast sign</td>
<td>A sign at a dwelling that advertises bed and breakfast accommodation in the dwelling.</td>
</tr>
<tr>
<td>Bunting sign</td>
<td>An advertisement that consists of bunting, streamers, flags, windvanes, or the like.</td>
</tr>
<tr>
<td>Business identification sign</td>
<td>A sign that provides business identification information about a business or industry on the land where it is displayed. The information may include the name of the business or building, the street number of the business premises, the nature of the business, a business logo or other business identification information.</td>
</tr>
<tr>
<td>Direction sign</td>
<td>A sign not exceeding 0.3 square metre that directs vehicles or pedestrians. It does not include a sign that contains commercial information.</td>
</tr>
<tr>
<td>Electronic sign</td>
<td>A sign that can be updated electronically. It includes screens broadcasting still or moving images.</td>
</tr>
<tr>
<td>Floodlit sign</td>
<td>A sign illuminated by external lighting provided for that purpose.</td>
</tr>
<tr>
<td>High-wall sign</td>
<td>A sign on the wall of a building so that part of it is more than 10 metres above the ground.</td>
</tr>
<tr>
<td>Home based business sign</td>
<td>A sign at a dwelling that advertises a home based business carried on in the dwelling, or on the land around the dwelling.</td>
</tr>
<tr>
<td>Internally illuminated sign</td>
<td>A sign illuminated by internal lighting or which contains lights or illuminated tubes arranged as an advertisement.</td>
</tr>
<tr>
<td>Major promotion sign</td>
<td>A sign which is 18 square metres or greater that promotes goods, services, an event or any other matter, whether or not provided, undertaken or sold or for hire on the land or in the building on which the sign is sited.</td>
</tr>
<tr>
<td>Panel sign</td>
<td>A sign with an advertisement area exceeding 10 square metres.</td>
</tr>
<tr>
<td>Pole sign</td>
<td>A sign:</td>
</tr>
<tr>
<td></td>
<td>a) on a pole or pylon that is not part of a building or another structure;</td>
</tr>
<tr>
<td></td>
<td>b) that is no more than 7 metres above the ground;</td>
</tr>
<tr>
<td>Sign term</td>
<td>Definition</td>
</tr>
<tr>
<td>-----------</td>
<td>------------</td>
</tr>
<tr>
<td><strong>Sign</strong></td>
<td>A sign:</td>
</tr>
<tr>
<td></td>
<td>a) on or above the roof of a building, but not a verandah;</td>
</tr>
<tr>
<td></td>
<td>b) fixed to the wall of a building and which projects above the wall; or</td>
</tr>
<tr>
<td></td>
<td>c) fixed to a structure (not a building) so that part of it is more than 7 metres above the ground.</td>
</tr>
<tr>
<td><strong>Promotion sign</strong></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><strong>Reflective sign</strong></td>
<td>A sign finished with material specifically made to reflect external light.</td>
</tr>
<tr>
<td><strong>Sky sign</strong></td>
<td>A sign:</td>
</tr>
<tr>
<td></td>
<td>c) with an advertisement area not exceeding 6 square metres; and</td>
</tr>
<tr>
<td></td>
<td>d) that has a clearance under it of at least 2.7 metres.</td>
</tr>
</tbody>
</table>
LAND USE TERMS

The table to this clause lists terms which may be used in this planning scheme in relation to the use of land. A term describing a use or activity in relation to land which is not listed in the table must not be characterised as a separate use of land if the term is obviously or commonly included within one or more of the terms listed in the table.

Meaning of terms

A term listed in the first column, under the heading "Land use term", has the meaning set out beside that term in the second column, under the heading "Definition".

No definition of listed term indicates ordinary meaning

A term listed in the first column, under the heading "Land use term", which does not have a meaning set out beside that term in the second column, under the heading "Definition", has its ordinary meaning.

Terms which specifically include other listed terms

A term listed in the first column, under the heading "Land use term", which has other terms listed beside it in the third column, under the heading "Includes", includes any term so listed in the third column and any term included within that term in the third column, but does not include any other term listed in the first column.

A term listed in the first column which has other terms listed beside it in the third column may also include other terms which are not listed in the first column.

All terms listed in the third column are also listed in the first column.

Terms which do not specifically include other listed terms

If a term listed in the first column, under the heading "Land use term", does not have any term listed beside it in the third column, under the heading "Includes", that term does not include any term listed in the first column.

However, a term listed in the first column which does not have any term listed beside it in the third column may include other terms which are not listed in the first column.

Terms which are included within other listed terms

A term listed in the first column, under the heading "Land use term", which has a term listed beside it in the fourth column, under the heading "Included in", is included within the term so listed in the fourth column and any term which includes that term in the fourth column.

All terms listed in the fourth column are also listed in the first column.

Terms which are not included within other listed terms

If a term listed in the first column, under the heading "Land use term", does not have a term listed beside it in the fourth column, under the heading "Included in", that term is not included within any other term listed in the first column.

Table to Clause 73.03

<table>
<thead>
<tr>
<th>Land use term</th>
<th>Definition</th>
<th>Includes</th>
<th>Included in</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abattoir</td>
<td>Land used to slaughter animals, including birds. It may include the processing of animal products.</td>
<td></td>
<td>Rural industry</td>
</tr>
<tr>
<td>Accommodation</td>
<td>Land used to accommodate persons.</td>
<td>Camping and caravan park</td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
</tr>
<tr>
<td>---------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Adult sex product</td>
<td>Land used to sell or hire sexually explicit material, including:</td>
<td>Shop</td>
<td></td>
</tr>
</tbody>
</table>
| shop                | a) publications classified as restricted under the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995; and  
|                     | b) materials and devices (other than contraceptives and medical treatments) used in conjunction with sexual behaviour.                                                                                       |                                                                           |                                                                            |
| Agriculture         | Land used to:                                                                                                                                                                                             | Animal husbandry                                                         |                                                                            |
|                     | a) propagate, cultivate or harvest plants, including cereals, flowers, fruit, seeds, trees, turf, and vegetables;                                                                                           | Aquaculture                                                              |                                                                            |
|                     | b) keep, breed, board, or train animals, including livestock, and birds; or                                                                                                                                | Crop raising                                                             |                                                                            |
|                     | c) propagate, cultivate, rear, or harvest living resources of the sea or inland waters.                                                                                                                    |                                                                           |                                                                            |
| Airport             |                                                                                                                                                                                                          | Transport terminal                                                       |                                                                            |
| Amusement park      |                                                                                                                                                                                                          | Outdoor recreation facility                                               |                                                                            |
| Amusement parlour   | A building that contains:                                                                                                                                                                                                                                         | Place of assembly                                                        |                                                                            |
|                     | a) three or more coin, card, or token operated amusement machines;                                                                                                                                       |                                                                           |                                                                            |
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

c) two or more coin, card, or token operated billiard, snooker, or pool tables.

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.

<table>
<thead>
<tr>
<th>Land use term</th>
<th>Definition</th>
<th>Includes</th>
<th>Included in</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal husbandry</td>
<td>Land used to keep, breed, board, or train animals, including birds.</td>
<td>Animal production</td>
<td>Agriculture</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Animal training</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Apiculture</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Domestic animal husbandry</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Horse husbandry</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Racing dog husbandry</td>
<td></td>
</tr>
<tr>
<td>Animal production</td>
<td>Land used to keep or breed farm animals for the production of livestock, eggs, fibre, meat, milk or other animal products.</td>
<td>Grazing animal production</td>
<td>Animal husbandry</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Intensive animal production</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Pig farm</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Poultry farm</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Poultry hatchery</td>
<td></td>
</tr>
<tr>
<td>Animal training</td>
<td>Land used to train animals, other than domestic animals, horses, or racing dogs.</td>
<td></td>
<td>Animal husbandry</td>
</tr>
<tr>
<td>Apiculture</td>
<td>Land used to keep honeybee hives and to extract honey or other bee hive products.</td>
<td></td>
<td>Animal husbandry</td>
</tr>
<tr>
<td>Aquaculture</td>
<td>Land used to keep or breed aquatic animals, or cultivate or propagate aquatic plants.</td>
<td></td>
<td>Agriculture</td>
</tr>
<tr>
<td>Art and craft centre</td>
<td>Land used to manufacture, display, and sell, works of art or craft, such as handicrafts, paintings, and sculptures.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
</tr>
<tr>
<td>----------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>---------------------------</td>
<td>------------------------------------</td>
</tr>
<tr>
<td>Art gallery</td>
<td>Land used to display works of art, including ceramics, furniture, glass, paintings, screen based art, sculptures, and textiles.</td>
<td></td>
<td>Exhibition centre</td>
</tr>
<tr>
<td>Bank</td>
<td></td>
<td>Office</td>
<td></td>
</tr>
<tr>
<td>Bar</td>
<td>Land used to sell liquor for consumption on the premises. It may include accommodation, food for consumption on the premises, entertainment, dancing, amusement machines, and gambling.</td>
<td></td>
<td>Food and drink premises</td>
</tr>
<tr>
<td>Beauty salon</td>
<td></td>
<td>Shop</td>
<td></td>
</tr>
<tr>
<td>Bed and breakfast</td>
<td>A dwelling used, by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence.</td>
<td></td>
<td>Dwelling</td>
</tr>
<tr>
<td>Betting agency</td>
<td>Land used for gambling by wagering, and where there is the ability to receive a monetary reward.</td>
<td></td>
<td>Gambling premises</td>
</tr>
<tr>
<td>Boat and caravan</td>
<td>Land used to store boats, caravans, or vehicle-towed boat trailers.</td>
<td></td>
<td>Store</td>
</tr>
<tr>
<td>storage</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boat launching</td>
<td>Land used to launch boats into the water and to retrieve boats from the water.</td>
<td>Boat ramp slipway</td>
<td>Recreational boat facility</td>
</tr>
<tr>
<td>facility</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boat ramp</td>
<td></td>
<td>Boat launching facility</td>
<td></td>
</tr>
<tr>
<td>Bottle shop</td>
<td>Land used to sell packaged liquor for consumption off the premises.</td>
<td></td>
<td>Shop</td>
</tr>
<tr>
<td>Broiler farm</td>
<td>Land used to keep broiler chickens for the production of meat.</td>
<td></td>
<td>Poultry farm</td>
</tr>
<tr>
<td>Brothel</td>
<td>Land made available for prostitution by a person carrying on the business of providing prostitution services at the business’s premises.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bus terminal</td>
<td></td>
<td>Transport terminal</td>
<td></td>
</tr>
<tr>
<td>Camping and caravan</td>
<td>Land used to allow accommodation in caravans, cabins, tents, or the like.</td>
<td></td>
<td>Accommodation</td>
</tr>
<tr>
<td>park</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>---------------------------------------------------------------------------</td>
<td>---------------------------</td>
<td>------------------------------</td>
</tr>
<tr>
<td>Caretaker's house</td>
<td>A dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation, or plant.</td>
<td></td>
<td>Dwelling</td>
</tr>
<tr>
<td>Carnival</td>
<td>Land, other than an Exhibition centre or trade fair, used for a temporary fair or amusements which provide entertainment such as side shows, merry-go-rounds, and stalls for games or snacks.</td>
<td></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>
</tr>
<tr>
<td>------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>---------------------------</td>
<td>---------------------------</td>
</tr>
<tr>
<td>Conference centre</td>
<td>Land used to prepare and sell food and drink for immediate consumption, where substantial provision is made for consumption both on and off the premises.</td>
<td>Function centre</td>
<td></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 lesable floor area of no more than 240 square metres, used to sell food, drinks, and other convenience goods. It may also be used to hire convenience goods.</td>
<td></td>
<td>Shop</td>
</tr>
<tr>
<td>Corrective institution</td>
<td>Land used to hold and reform persons committed to it by the courts, such as a prison, remand centre, and other type of detention facility.</td>
<td></td>
<td>Accommodation</td>
</tr>
<tr>
<td>Crematorium</td>
<td>Land used to cremate human remains. It may include funeral chapels or the like.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crop raising</td>
<td>Land used to propagate, cultivate or harvest plants, including cereals, flowers, fruit, seeds, trees, turf, and vegetables.</td>
<td>Horticulture</td>
<td>Agriculture</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rice growing</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Timber production</td>
<td></td>
</tr>
<tr>
<td>Dance studio</td>
<td></td>
<td></td>
<td>Indoor recreation facility</td>
</tr>
<tr>
<td>Data centre</td>
<td></td>
<td></td>
<td>Utility installation</td>
</tr>
<tr>
<td>Department store</td>
<td>A movable building on the same lot as an existing dwelling and used to provide accommodation for a person dependent on a resident of the existing dwelling.</td>
<td></td>
<td>Accommodation</td>
</tr>
<tr>
<td>Dependent person's unit</td>
<td>A movable building on the same lot as an existing dwelling and used to provide accommodation for a person dependent on a resident of the existing dwelling.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Display home centre</td>
<td>One or more buildings constructed as a dwelling, but used for display, to encourage people to buy or construct similar dwellings. It may include a sales office.</td>
<td></td>
<td>Domestic animal husbandry</td>
</tr>
<tr>
<td>Dog breeding</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
</tr>
<tr>
<td>---------------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>-------------------------------</td>
<td>------------------------------------</td>
</tr>
<tr>
<td>Domestic animal boarding</td>
<td>Land used to board domestic animals, such as boarding kennels and a cattery. It includes domestic animal day care.</td>
<td>Dog breeding Domestic animal boarding</td>
<td>Domestic animal husbandry</td>
</tr>
<tr>
<td>Domestic animal husbandry</td>
<td>Land used to keep, breed, board or train domestic animals.</td>
<td></td>
<td>Animal husbandry</td>
</tr>
<tr>
<td>Drive-in theatre</td>
<td>Land used to professionally clean or launder clothing or household articles. It may include the use of dry cleaning processes.</td>
<td></td>
<td>Place of assembly</td>
</tr>
<tr>
<td>Dry cleaner</td>
<td>Land used to arrange for professional cleaning or laundering of clothing or household articles predominantly at another location. It does not include the use of dry cleaning processes on the land.</td>
<td></td>
<td>Service industry</td>
</tr>
<tr>
<td>Dry cleaning agent</td>
<td>Land used to arrange for professional cleaning or laundering of clothing or household articles predominantly at another location. It does not include the use of dry cleaning processes on the land.</td>
<td></td>
<td>Shop</td>
</tr>
<tr>
<td>Dwelling</td>
<td>A building used as a self-contained residence which must include:</td>
<td>Bed and breakfast Caretaker’s house</td>
<td>Accommodation</td>
</tr>
<tr>
<td></td>
<td>a) a kitchen sink;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) food preparation facilities;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) a bath or shower;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>d) a toilet and wash basin.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>It includes outbuildings and works normal to a dwelling.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Education centre</td>
<td>Land used for education.</td>
<td>Child care centre</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Employment training centre</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Primary school</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Secondary school</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Tertiary institution</td>
<td></td>
</tr>
<tr>
<td>Earth and energy resources industry</td>
<td>Land used for the exploration, removal or processing of natural earth or energy resources. It includes any activity incidental to this purpose including the construction and use of temporary accommodation.</td>
<td>Greenhouse gas sequestration</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Geothermal energy exploration</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Geothermal energy extraction</td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
</tr>
<tr>
<td>-----------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-----------------------------------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Mineral exploration</td>
<td>Office</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Mineral extraction</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Petroleum exploration</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Petroleum extraction</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Stone exploration</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Stone extraction</td>
<td></td>
</tr>
<tr>
<td>Electoral office</td>
<td>An office used for electioneering by a candidate in a local, State, or Federal Government election.</td>
<td></td>
<td>Office</td>
</tr>
<tr>
<td>Emergency services</td>
<td>Land used to provide facilities for emergency services, such as fire prevention and ambulance services. It may include administrative, operational or storage facilities associated with the provision of emergency services.</td>
<td>Renewable energy facility</td>
<td></td>
</tr>
<tr>
<td>facility</td>
<td></td>
<td>Waste-to-energy facility</td>
<td></td>
</tr>
<tr>
<td>Employment training</td>
<td>Land used to generate energy for use off site other than geothermal energy extraction. It includes any building or other structure or thing used in or in connection with the generation of energy.</td>
<td>Renewable energy facility</td>
<td></td>
</tr>
<tr>
<td>centre</td>
<td></td>
<td>Waste-to-energy facility</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Education centre</td>
</tr>
<tr>
<td>Energy generation</td>
<td>Land used to display works of art, artefacts, or historical, cultural, or other like works or artefacts.</td>
<td>Art gallery</td>
<td></td>
</tr>
<tr>
<td>facility</td>
<td></td>
<td>Museum</td>
<td></td>
</tr>
<tr>
<td>Exhibition centre</td>
<td>Land used to prepare and sell food and drink for immediate consumption on, or off, the premises.</td>
<td>Bar</td>
<td></td>
</tr>
<tr>
<td>Food and drink</td>
<td></td>
<td>Convenience restaurant</td>
<td></td>
</tr>
<tr>
<td>premises</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></td>
<td></td>
<td></td>
<td>Retail premises</td>
</tr>
<tr>
<td>Freeway service</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>centre</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>----------------------------------------------------------------------------</td>
<td>------------------------------</td>
<td>---------------------------</td>
</tr>
<tr>
<td>Freezing and cool storage</td>
<td>Land used to store, sell, and distribute fuel.</td>
<td>Liquid fuel depot</td>
<td>Store</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Solid fuel depot</td>
<td></td>
</tr>
<tr>
<td>Fuel depot</td>
<td>Land used to store, sell, and distribute fuel.</td>
<td>Conference centre</td>
<td>Warehouse</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Reception centre</td>
<td></td>
</tr>
<tr>
<td>Function centre</td>
<td>Land used, by arrangement, to cater for conferences, private functions, and in which food and drink may be served. It may include entertainment and dancing.</td>
<td></td>
<td>Place of assembly</td>
</tr>
<tr>
<td>Funeral parlour</td>
<td>Land used to organise and conduct funerals, memorial services, or the like. It includes the storage and preparation of bodies for burial or cremation.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gambling premises</td>
<td>Land used for gambling by gaming or wagering, and where there is the ability to receive a monetary reward.</td>
<td>Betting agency</td>
<td>Retail premises</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Gaming premises</td>
<td></td>
</tr>
<tr>
<td>Gaming premises</td>
<td>Land used for gambling by gaming, and where there is the ability to receive a monetary reward.</td>
<td></td>
<td>Gambling premises</td>
</tr>
<tr>
<td>Garden supplies</td>
<td>Land used to sell and distribute garden supplies such as sand, soil, railway sleepers, screenings, rock, and the like.</td>
<td></td>
<td>Landscape gardening supplies</td>
</tr>
<tr>
<td>Geothermal energy exploration</td>
<td>Land used for geothermal energy exploration in accordance with the Geothermal Energy Resources Act 2005.</td>
<td></td>
<td>Earth and energy resources industry</td>
</tr>
<tr>
<td>Geothermal energy extraction</td>
<td>Land used for geothermal energy extraction in accordance with the Geothermal Energy Resources Act 2005.</td>
<td></td>
<td>Earth and energy resources industry</td>
</tr>
<tr>
<td>Golf course</td>
<td></td>
<td></td>
<td>Outdoor recreation facility</td>
</tr>
<tr>
<td>Golf driving range</td>
<td></td>
<td></td>
<td>Outdoor recreation facility</td>
</tr>
<tr>
<td>Grazing animal production</td>
<td>Land used for animal production where the animals’ food is obtained by directly grazing, browsing or foraging plants growing on the land. It includes:</td>
<td></td>
<td>Animal production</td>
</tr>
</tbody>
</table>
**Land use term** | **Definition** | **Includes** | **Included in**
--- | --- | --- | ---
- emergency, seasonal and supplementary feeding;  
- the incidental penning, feeding and housing of animals for weaning or other husbandry purposes.  

In this definition:

*Emergency feeding* means providing feed to animals when an emergency event such as a flood, bushfire or biosecurity event, restricts or prevents the animals from grazing, browsing or foraging plants growing on the land;

*Seasonal feeding* means providing feed to animals when seasonal conditions, including drought, restrict or prevent the animals from grazing, browsing or foraging plants growing on the land;

*Supplementary feeding* means providing feed to animals to supplement the food the animals obtain by directly grazing, browsing or foraging plants growing on the land.

<table>
<thead>
<tr>
<th>Greenhouse gas sequestration</th>
<th>Land used for greenhouse gas substance injection and monitoring in accordance with the <em>Greenhouse Gas Geological Sequestration Act 2008</em>.</th>
<th>Earth and energy resources industry</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greenhouse gas sequestration exploration</td>
<td>Land used for the exploration of greenhouse gas sequestration formations in accordance with the <em>Greenhouse Gas Geological Sequestration Act 2008</em>.</td>
<td>Earth and energy resources industry</td>
</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>
</tr>
<tr>
<td>Hairdresser</td>
<td>Shop</td>
<td></td>
</tr>
<tr>
<td>Hall</td>
<td>Place of assembly</td>
<td></td>
</tr>
<tr>
<td>Helicopter landing site</td>
<td>Land used for the take-off and landing of a helicopter, with or without a permanent landing pad,</td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>Heliport</td>
<td>An occupation carried on in a dwelling, or on the land around a dwelling, by a resident of the dwelling. It may include a use defined elsewhere, but not a Brothel.</td>
<td>Transport terminal</td>
</tr>
<tr>
<td>Horse husbandry</td>
<td>Land used to keep, breed, board or train horses.</td>
<td>Horse riding school</td>
</tr>
<tr>
<td>Horse riding school</td>
<td></td>
<td>Horse stables</td>
</tr>
<tr>
<td>Horse stables</td>
<td></td>
<td>Horse husbandry</td>
</tr>
<tr>
<td>Horticulture</td>
<td>Land used to propagate, cultivate, or harvest flowers, fruit, vegetables, vines, or the like.</td>
<td>Market garden</td>
</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>
</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>
</tr>
<tr>
<td>Hotel</td>
<td>Land used to sell liquor for consumption on and off the premises. It may include accommodation, food for consumption on the premises, entertainment, dancing, amusement machines, and gambling.</td>
<td>Food and drink premises</td>
</tr>
<tr>
<td>Indoor recreation facility</td>
<td>A building used for indoor leisure, recreation, or sport.</td>
<td>Dancing studio</td>
</tr>
<tr>
<td>Industry</td>
<td>Land used for any of the following operations: a) any process of manufacture;</td>
<td>Materials recycling</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Refuse disposal</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Transfer station</td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>----------------------------------------</td>
</tr>
<tr>
<td>b) dismantling or breaking up of any article;</td>
<td></td>
<td>Research and development centre</td>
</tr>
<tr>
<td>c) treating waste materials;</td>
<td></td>
<td>Rural industry</td>
</tr>
<tr>
<td>d) winning clay, gravel, rock, sand, soil, stone, or other materials (other than Mineral, stone, or soil extraction);</td>
<td></td>
<td>Service industry</td>
</tr>
<tr>
<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></td>
<td></td>
</tr>
<tr>
<td>f) any process of testing or analysis.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>If on the same land as any of these operations, it also includes:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) storing goods used in the operation or resulting from it;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) providing amenities for people engaged in the operation;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) selling by wholesale, goods resulting from the operation; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) accounting or administration in connection with the operation.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>If Materials recycling, goods resulting from the operation may be sold by retail.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td>Land open to the public and used by non-paying persons for leisure or recreation, such as a cycle track, park, picnic or barbecue area, playground, plaza, and walking or jogging track.</td>
<td></td>
</tr>
</tbody>
</table>
| Intensive animal production  | Land used for animal production where the animals’ food is imported from outside the immediate building, enclosure, paddock or pen. It does not include: an abattoir or sale yard; or grazing animal production, pig farm, poultry farm or poultry hatchery. |                                        | Cattle feedlot
Intensive dairy farm
Animal production |
<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                       |</p>
<table>
<thead>
<tr>
<th>Land use term</th>
<th>Definition</th>
<th>Includes</th>
<th>Included in</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kindergarten</td>
<td></td>
<td></td>
<td>Child care centre</td>
</tr>
<tr>
<td>Landscape gardening supplies</td>
<td>Land used to propagate, grow, and sell plants, or sell and distribute garden supplies.</td>
<td>Garden supplies, Plant nursery</td>
<td>Retail premises</td>
</tr>
<tr>
<td>Laundromat</td>
<td>Land used to clean or launder clothing or household items using self-service machines.</td>
<td></td>
<td>Shop</td>
</tr>
<tr>
<td>Leisure and recreation</td>
<td>Land used for leisure, recreation, or sport.</td>
<td>Major sports and recreation facility, Minor sports and recreation facility, Motor racing track</td>
<td></td>
</tr>
<tr>
<td>Library</td>
<td></td>
<td></td>
<td>Place of assembly</td>
</tr>
<tr>
<td>Liquid fuel depot</td>
<td>Land used to store, sell by wholesale, and distribute fuel.</td>
<td></td>
<td>Fuel depot</td>
</tr>
<tr>
<td>Mail centre</td>
<td>Land used to sort mail for distribution.</td>
<td></td>
<td>Warehouse</td>
</tr>
<tr>
<td>Major sports and recreation facility</td>
<td>Land used for leisure, recreation or sport, and where there is substantial provision made for spectators, such as a grandstand, and to which spectators are usually charged admission.</td>
<td>Race course</td>
<td>Leisure and recreation</td>
</tr>
<tr>
<td>Manufacturing sales</td>
<td>Land used, as an incidental part of an industry, to retail goods made materially different on the land by that industry.</td>
<td></td>
<td>Retail premises</td>
</tr>
<tr>
<td>Marina</td>
<td>Land used to moor boats, or store boats above or adjacent to the water. It may include boat recovery facilities, and facilities to repair, fuel, and maintain boats and boat accessories.</td>
<td>Jetty, Mooring pole, Pier, Pontoon</td>
<td>Recreational boat facility</td>
</tr>
<tr>
<td>Market</td>
<td>Land used to sell goods, including foodstuffs, from stalls.</td>
<td></td>
<td>Retail premises</td>
</tr>
<tr>
<td>Market garden</td>
<td></td>
<td></td>
<td>Horticulture</td>
</tr>
<tr>
<td>Materials recycling</td>
<td>Land used to dismantle, treat, process, store, recycle, or sell refuse, used or surplus materials.</td>
<td></td>
<td>Industry</td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Medical centre</td>
<td>Land used to provide health or surgical services (including preventative care, diagnosis, medical and surgical treatment, pathology services, and counselling) to out-patients only.</td>
<td></td>
<td>Office</td>
</tr>
<tr>
<td>Milk depot</td>
<td>Land used to receive milk and milk products for distribution to consumers, but where milk is not processed or pasteurised.</td>
<td></td>
<td>Warehouse</td>
</tr>
<tr>
<td>Mineral exploration</td>
<td>Land used for the exploration of minerals in accordance with the Mineral Resources (Sustainable Development) Act 1990.</td>
<td></td>
<td>Earth and energy resources industry</td>
</tr>
<tr>
<td>Mineral extraction</td>
<td>Land used for extraction of minerals in accordance with the Mineral Resources (Sustainable Development) Act 1990.</td>
<td></td>
<td>Earth and energy resources industry</td>
</tr>
<tr>
<td>Minor sports and recreation facility</td>
<td>Land used for leisure, recreation, or sport, without substantial provision for spectators, and which is usually open to non-paying spectators.</td>
<td>Indoor recreation facility</td>
<td>Leisure and recreation</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Open sports ground</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Outdoor recreation facility</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Restricted recreation facility</td>
<td></td>
</tr>
<tr>
<td>Minor utility installation</td>
<td>Land used for a utility installation comprising any of the following:</td>
<td>Water retarding basin</td>
<td>Utility installation</td>
</tr>
<tr>
<td></td>
<td>a) sewerage or water mains;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) storm or flood water drains or retarding basins;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) flow measurement device or a structure to gauge waterway flow;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>d) siphons, water storage tanks, disinfection booster stations and channels;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>e) gas mains providing gas directly to consumers;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>f) a sewerage treatment plant, and any associated disposal works, required to serve a neighbourhood;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>g) a pumping station required to serve a neighbourhood;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
</tr>
<tr>
<td>--------------------------------------------------</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>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>Marina</td>
<td>Residential hotel</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>Marina</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>Leisure and recreation</td>
<td></td>
</tr>
<tr>
<td>Motor repairs</td>
<td>Land used to repair or service motor vehicles, and includes the fitting of accessories.</td>
<td>Panel beating</td>
<td>Service industry</td>
</tr>
<tr>
<td>Motor vehicle, boat, or caravan sales</td>
<td>Land used to sell or hire motor vehicles, boats, or caravans. It may include the minor repair or servicing of motor vehicles, boats, or caravans, and the sale or fitting of accessories.</td>
<td>Car sales</td>
<td>Retail premises</td>
</tr>
<tr>
<td>Museum</td>
<td>Land used to display archaeological, biological, cultural, geographical, geological, historical, scientific, or other like works or artefacts.</td>
<td>Exhibition centre</td>
<td></td>
</tr>
<tr>
<td>Natural systems</td>
<td>Land in substantially its natural state which is used to maintain ecological systems, or to preserve an area of historic, scientific, aesthetic, or cultural significance.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nightclub</td>
<td>A building used to provide entertainment and dancing. It may include the provision of food and</td>
<td>Place of assembly</td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
</tr>
<tr>
<td>----------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Drink for consumption</td>
<td>drink for consumption on the premises. It does not include the sale of packaged liquor, or gaming.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>Land used for administration, or clerical, technical, professional or other like business activity. No goods or materials intended for manufacture, sale, or hire may be stored on the land. Other than electoral office and medical centre, it does not include any other defined use.</td>
<td>Bank</td>
<td>Electoral office, Medical centre, Real estate agency, Travel agency, Other</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></td>
<td>Minor sports and recreation facility</td>
</tr>
<tr>
<td>Outdoor recreation</td>
<td>Land used for outdoor leisure, recreation, or sport. It does not include an Open sports ground or Informal outdoor recreation.</td>
<td>Amusement park, Golf course, Golf driving range, Paintball games facility, Zoo</td>
<td>Minor sports and recreation facility</td>
</tr>
<tr>
<td>Paintball games</td>
<td>Land used to repair or replace damaged motor vehicle bodies and panels, and carry out any associated mechanical work or spray painting.</td>
<td></td>
<td>Outdoor recreation facility</td>
</tr>
<tr>
<td>Panel beating</td>
<td></td>
<td></td>
<td>Motor repairs</td>
</tr>
<tr>
<td>Party supplies</td>
<td></td>
<td></td>
<td>Restricted retail premises</td>
</tr>
<tr>
<td>Petroleum exploration</td>
<td>Land used for petroleum exploration in accordance with the Petroleum Act 1998.</td>
<td></td>
<td>Earth and energy resources industry</td>
</tr>
<tr>
<td>Petroleum extraction</td>
<td>Land used for petroleum extraction in accordance with the Petroleum Act 1998.</td>
<td></td>
<td>Earth and energy resources industry</td>
</tr>
<tr>
<td>Pier</td>
<td></td>
<td></td>
<td>Marina</td>
</tr>
<tr>
<td>Pig farm</td>
<td>Land used to keep or breed pigs.</td>
<td></td>
<td>Animal production</td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
</tr>
<tr>
<td>----------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
<td>-------------------------------------------------</td>
</tr>
<tr>
<td>Place of assembly</td>
<td>Land where people congregate for religious, spiritual or cultural activities, entertainment, or meetings.</td>
<td>Amusement parlour&lt;br&gt;Carnival&lt;br&gt;Cinema&lt;br&gt;Cinema-based entertainment facility&lt;br&gt;Circus&lt;br&gt;Drive-in theatre&lt;br&gt;Exhibition centre&lt;br&gt;Function centre&lt;br&gt;Hall&lt;br.Library&lt;br&gt;Nightclub&lt;br&gt;Place of worship&lt;br&gt;Restricted place of assembly</td>
<td></td>
</tr>
<tr>
<td>Place of worship</td>
<td>Land used for religious activities, such as a church, chapel, mosque, synagogue, and temple.</td>
<td>Place of assembly</td>
<td></td>
</tr>
<tr>
<td>Plant nursery</td>
<td>Land used to propagate, grow, and sell plants. It may include the sale of gardening equipment and horticultural products.</td>
<td>Landscape gardening supplies</td>
<td></td>
</tr>
<tr>
<td>Pontoon</td>
<td></td>
<td>Marina</td>
<td></td>
</tr>
<tr>
<td>Postal agency</td>
<td></td>
<td>Retail premises</td>
<td></td>
</tr>
<tr>
<td>Poultry farm</td>
<td>Land used to keep or breed poultry.</td>
<td>Broiler farm</td>
<td>Animal production</td>
</tr>
<tr>
<td>Poultry hatchery</td>
<td>Land used to incubate and hatch poultry eggs.</td>
<td></td>
<td>Animal production</td>
</tr>
<tr>
<td>Primary produce sales</td>
<td>Land used to display and sell primary produce, grown on the land or adjacent land. It may include processed goods made substantially from the primary produce.</td>
<td></td>
<td>Retail premises</td>
</tr>
<tr>
<td>Primary school</td>
<td></td>
<td></td>
<td>Education centre</td>
</tr>
<tr>
<td>Race course</td>
<td></td>
<td></td>
<td>Major sports and recreation facility</td>
</tr>
<tr>
<td>Racing dog husbandry</td>
<td>Land used to keep, breed, board or train racing dogs.</td>
<td>Racing dog training</td>
<td>Animal husbandry</td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
</tr>
<tr>
<td>---------------</td>
<td>------------</td>
<td>----------</td>
<td>-------------</td>
</tr>
<tr>
<td>Racing dog training</td>
<td>Land used to assemble and distribute goods and passengers and includes facilities to park and manoeuvre vehicles. It may include the selling of food, drinks and other convenience goods and services.</td>
<td>Racing dog husbandry</td>
<td></td>
</tr>
<tr>
<td>Railway station</td>
<td>Land used to assemble and distribute goods and passengers and includes facilities to park and manoeuvre vehicles. It may include the selling of food, drinks and other convenience goods and services.</td>
<td>Transport terminal</td>
<td></td>
</tr>
<tr>
<td>Real estate agency</td>
<td></td>
<td>Office</td>
<td></td>
</tr>
<tr>
<td>Reception centre</td>
<td></td>
<td>Function centre</td>
<td></td>
</tr>
<tr>
<td>Recreational boat facility</td>
<td>Land used to provide facilities for boats operated primarily for pleasure or recreation, including boats operated commercially for pleasure or recreation.</td>
<td>Boat launching facility, Marina</td>
<td></td>
</tr>
<tr>
<td>Refuse disposal</td>
<td>Land used to dispose of refuse, by landfill, incineration, or other means.</td>
<td></td>
<td>Industry</td>
</tr>
<tr>
<td>Renewable energy facility</td>
<td>Land used to generate energy using resources that can be rapidly replaced by an ongoing natural process. Renewable energy resources include the sun, wind, the ocean, water flows, organic matter and the earth’s heat. It includes any building or other structure or thing used in or in connection with the generation of energy by a renewable resource. It does not include a renewable energy facility principally used to supply energy for an existing use of the land.</td>
<td>Wind energy facility</td>
<td>Energy generation facility</td>
</tr>
<tr>
<td>Research and development centre</td>
<td>Land used to develop or test electronic technology, biotechnology, or any other scientific discipline. It may include administration, promotion, conference, display, laboratory, assembly, and manufacturing areas.</td>
<td></td>
<td>Industry</td>
</tr>
<tr>
<td>Research centre</td>
<td>Land used only for scientific research.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reservoir</td>
<td>A natural or artificial lake used as a source of water supply that is owned or managed by a public authority.</td>
<td></td>
<td>Utility installation</td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-----------------------------------</td>
<td>------------------------------</td>
</tr>
<tr>
<td>Residential aged care facility</td>
<td>Land used to provide accommodation and personal or nursing care for the aged. It may include recreational, health or laundry facilities and services for residents of the facility.</td>
<td></td>
<td>Accommodation</td>
</tr>
<tr>
<td>Residential building</td>
<td>Land used to accommodate persons, but does not include camping and caravan park, corrective institution, dependent person's unit, dwelling, group accommodation, host farm, residential village or retirement village.</td>
<td>Community care accommodation</td>
<td>Accommodation</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Residential hotel</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rooming house</td>
<td></td>
</tr>
<tr>
<td>Residential hotel</td>
<td>Land used to provide accommodation in serviced rooms for persons away from their normal place of residence. If it has at least 20 bedrooms, it may include the sale of liquor for consumption on, or off, the premises, function or conference rooms, entertainment, dancing, amusement machines, and gambling.</td>
<td>Motel</td>
<td>Residential building</td>
</tr>
<tr>
<td>Residential village</td>
<td>Land, in one ownership, containing a number of dwellings, used to provide permanent accommodation and which includes communal, recreation, or medical facilities for residents of the village.</td>
<td></td>
<td>Accommodation</td>
</tr>
<tr>
<td>Restaurant</td>
<td>Land used to prepare and sell food and drink, for consumption on the premises. It may include:</td>
<td></td>
<td>Food and drink premises</td>
</tr>
<tr>
<td></td>
<td>a) entertainment and dancing; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) the supply of liquor other than in association with the serving of meals, provided that tables and chairs are set out for at least 75% of patrons present on the premises at any one time.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>It does not include the sale of packaged liquor.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restricted place of assembly</td>
<td>Land used by members of a club or group, or by members’ guests, for religious or cultural activities, entertainment, or meetings. It may</td>
<td></td>
<td>Place of assembly</td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>---------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td></td>
<td>include food and drink for consumption on the premises, and gaming.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restricted recreation</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>Minor sports and recreation</td>
<td>facility</td>
</tr>
<tr>
<td>facility</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restricted retail premises</td>
<td>Land used to sell or hire: a) automotive parts and accessories; b) camping, outdoor and recreation goods; c) electric light fittings; d) animal supplies including equestrian and pet goods; e) floor and window coverings; f) furniture, bedding, furnishings, fabric and manchester and homewares; g) household appliances, household electrical goods and home entertainment goods; h) party supplies; i) swimming pools; j) office equipment and supplies; k) baby and children’s goods, children’s play equipment and accessories; l) sporting, cycling, leisure, fitness goods and accessories; or m) goods and accessories which: ■ Require a large area for handling, display and storage of goods; or ■ Require direct vehicle access to the building by customers for the purpose of loading or unloading goods into or from their vehicles after purchase or hire.</td>
<td>Equestrian supplies Party</td>
<td>supplies Shop</td>
</tr>
</tbody>
</table>

BENALLA PLANNING SCHEME
Included in | Definition | Includes | Included in
--- | --- | --- | ---
It does not include the sale of food, clothing and footwear unless ancillary to the primary use.

<table>
<thead>
<tr>
<th>Land use term</th>
<th>Definition</th>
<th>Includes</th>
<th>Included in</th>
</tr>
</thead>
</table>
| Retail premises | Land used to:  
  a) sell goods by retail, or by retail and wholesale;  
  b) sell services; or  
  c) hire goods. | Food and drink premises  
  Gambling premises  
  Landscape gardening supplies  
  Manufacturing sales  
  Market  
  Motor vehicle, boat, or caravan sales  
  Postal agency  
  Primary produce sales  
  Shop  
  Trade supplies |  |
| Retirement village | Land used to provide permanent accommodation for retired people or the aged and may include communal recreational or medical facilities for residents of the village. | Accommodation |  |
| Rice growing | Land used for a rooming house as defined in the Residential Tenancies Act 1997. | Crop raising |  |
| Road freight terminal | Land used to handle, cut, and process timber from logs. | Transport terminal |  |
| Rooming house | Land used to store unprocessed agricultural produce, or products used in agriculture. | Retail building |  |
| Rural industry | Land used to:  
  a) handle, treat, process, or pack agricultural produce;  
  b) service or repair plant, or equipment, used in agriculture; or  
  c) manufacture mud bricks. | Abattoir  
  Sawmill | Industry |
<p>| Rural store | Land used to hold, sell, and buy farm animals. | Store |  |
| Saleyard | Land used to handle, cut, and process timber from logs. | Rural 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>Secondary school</td>
<td>Land used to launder, repair, service or wash articles, machinery, or vehicles.</td>
<td>Car wash, Dry cleaner, Motor repairs</td>
<td>Education centre</td>
</tr>
<tr>
<td>Service industry</td>
<td>Land used to launder, repair, service or wash articles, machinery, or vehicles.</td>
<td>Car wash, Dry cleaner, Motor repairs</td>
<td>Industry</td>
</tr>
<tr>
<td>Service station</td>
<td>Land used to sell motor vehicle fuel from bowsers, and lubricants. It may include the:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>a) selling of motor vehicle accessories or parts;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) selling of food, drinks and other convenience goods;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) hiring of trailers;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>d) servicing or washing of motor vehicles; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>e) installing of motor vehicle accessories or parts.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shipping container</td>
<td>Land used to store shipping containers. It may include the cleaning, repair, servicing, painting or fumigation of the shipping containers.</td>
<td></td>
<td>Store</td>
</tr>
<tr>
<td>Storage</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shop</td>
<td>Land used to sell goods or services, or to hire goods. It includes:</td>
<td>Adult sex product shop, Beauty salon, Bottle shop, Convenience shop, Dry cleaning agent, Department store, Hairdresser, Laundromat, Restricted retail premises, Supermarket</td>
<td>Retail premises</td>
</tr>
<tr>
<td></td>
<td>- the selling of bread, pastries, cakes or other products baked on the premises;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- demonstrations of products including music performances in shops selling recorded music.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>It does not include:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- food and drink premises;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- gambling premises;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- landscape gardening supplies;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- manufacturing sales;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- market;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- motor vehicle, boat, or caravan sales;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- postal agency;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- primary produce sales;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- trade supplies.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sign</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
</tr>
<tr>
<td>---------------</td>
<td>------------</td>
<td>----------</td>
<td>-------------</td>
</tr>
<tr>
<td>Slipway</td>
<td></td>
<td></td>
<td>Boat launching facility</td>
</tr>
<tr>
<td>Solar energy facility</td>
<td>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.</td>
<td></td>
<td>Renewable energy facility</td>
</tr>
<tr>
<td>Solid fuel depot</td>
<td>Land used to sell solid fuel, such as briquettes, coal, and fire wood.</td>
<td></td>
<td>Fuel depot</td>
</tr>
<tr>
<td>Stone exploration</td>
<td>Land used to search for stone, including: a) conducting geological, geophysical, and geochemical surveys; b) costeaning and bulk sampling; c) drilling; and d) taking samples for chemical, physical, or other testing.</td>
<td>Earth and energy resources industry</td>
<td></td>
</tr>
<tr>
<td>Stone extraction</td>
<td>Land used for the extraction or removal of stone in accordance with the Mineral Resources (Sustainable Development) Act 1990.</td>
<td>Earth and energy resources industry</td>
<td></td>
</tr>
<tr>
<td>Store</td>
<td>Land used to store goods, machinery, or vehicles.</td>
<td>Boat and caravan storage, Freezing and cool storage, Rural store, Shipping container storage, Vehicle store</td>
<td>Warehouse</td>
</tr>
<tr>
<td>Supermarket</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shop</td>
<td></td>
<td></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.</td>
<td>Utility installation</td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------------</td>
<td>------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Includes any telecommunications line, equipment, apparatus, telecommunications tower, mast, antenna, tunnel, duct, hole, pit, pole, or other structure or thing used, or for use in or in connection with a Telecommunications network.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Tertiary institution</th>
<th>Education centre</th>
</tr>
</thead>
<tbody>
<tr>
<td>Timber production</td>
<td>Land used to propagate, cultivate, manage and harvest timber.</td>
</tr>
<tr>
<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>
</tr>
<tr>
<td>Trade supplies</td>
<td></td>
</tr>
<tr>
<td>Trade supplies</td>
<td>Land used to sell by both retail and wholesale, or to hire, materials, tools, equipment, machinery or other goods for use in:</td>
</tr>
<tr>
<td>Timber yard</td>
<td>a) automotive repairs and servicing;</td>
</tr>
<tr>
<td>Retail premises</td>
<td>b) building;</td>
</tr>
<tr>
<td></td>
<td>c) commerce;</td>
</tr>
<tr>
<td></td>
<td>d) industry;</td>
</tr>
<tr>
<td></td>
<td>e) landscape gardening;</td>
</tr>
<tr>
<td></td>
<td>f) the medical profession;</td>
</tr>
<tr>
<td></td>
<td>g) primary production; or</td>
</tr>
<tr>
<td></td>
<td>h) local government, government departments or public institutions.</td>
</tr>
<tr>
<td>Transfer station</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>
</tr>
<tr>
<td>Industry</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>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
</tr>
<tr>
<td>-----------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Transport terminal</td>
<td>Land used to assemble and distribute goods or passengers. It includes facilities to park and manoeuvre vehicles. It does not include a Tramway.</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Travel agency</td>
<td></td>
</tr>
<tr>
<td>Utility installation</td>
<td>Land used:</td>
</tr>
<tr>
<td></td>
<td>a) for telecommunications;</td>
</tr>
<tr>
<td></td>
<td>b) to transmit or distribute gas or oil;</td>
</tr>
<tr>
<td></td>
<td>c) to transmit, distribute or store power, including battery storage;</td>
</tr>
<tr>
<td></td>
<td>d) to collect, treat, transmit, store, or distribute water; or</td>
</tr>
<tr>
<td></td>
<td>e) to collect, treat, or dispose of storm or flood water, sewage, or sullage.</td>
</tr>
<tr>
<td></td>
<td>It includes any associated flow measurement device or a structure to gauge waterway flow.</td>
</tr>
<tr>
<td>Vehicle store</td>
<td>Land used to park or store vehicles in connection with a goods or passenger transport business.</td>
</tr>
<tr>
<td>Veterinary centre</td>
<td>Land used to:</td>
</tr>
<tr>
<td></td>
<td>a) diagnose animal diseases or disorders;</td>
</tr>
<tr>
<td></td>
<td>b) surgically or medically treat animals; or</td>
</tr>
<tr>
<td></td>
<td>c) prevent animal diseases or disorders.</td>
</tr>
<tr>
<td></td>
<td>It may include keeping the animals on the premises for treatment.</td>
</tr>
<tr>
<td>Warehouse</td>
<td>Land used to store or display goods. It may include the storage and distribution of goods for wholesale and the storage and distribution of goods for online retail. It does not include premises allowing in-person retail or display of goods for retail, or allowing persons to collect goods that have been purchased online.</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
</tr>
<tr>
<td>----------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Waste-to-energy facility</td>
<td>Land used for the combustion, treatment or bio-reaction of waste to produce energy for use off site. It includes the activities to collect, temporarily store, process, or transfer waste materials for energy production.</td>
</tr>
<tr>
<td>Water retarding basin</td>
<td>Land used to store storm or flood water on a temporary basis.</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>
</tr>
<tr>
<td>Wind energy facility</td>
<td>Land used to generate electricity by wind force. It includes land used for:</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>
</tr>
<tr>
<td></td>
<td>b) an anemometer.</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>
</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>
</tr>
<tr>
<td>Zoo</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
Earth and energy resources group

- Geothermal energy exploration
- Geothermal energy extraction
- Greenhouse gas sequestration
- Greenhouse gas sequestration exploration
- Mineral exploration
- Mineral extraction
- Petroleum exploration
- Petroleum extraction
- Stone exploration
- Stone extraction
Office group

- Bank
- Electoral office
- Office
- Medical centre
- Real estate agency
- Travel agency
Place of assembly group

- Amusement parlour
- Carnival
- Cinema
- Cinema-based entertainment facility
- Circus
- Drive-in theatre
- Art gallery
- Place of assembly
- Exhibition centre
- Museum
- Function centre
- Conference centre
- Hall
- Reception centre
- Library
- Nightclub
- Place of worship
- Restricted place of assembly
Recreational boat facility group

- Recreational boat facility
  - Boat launching facility
    - Boat ramp
    - Slipway
  - Marina
    - Jetty
    - Mooring pole
    - Pier
    - Pontoon
Transport terminal group

- Airport
- Bus terminal
- Heliport
- Railway station
- Road freight terminal
- Wharf
Utility installation group

- Data centre
- Minor utility installation
- Water retarding basin
- Reservoir
- Telecommunications facility
Warehouse group

- Commercial display area
  - Liquid fuel depot
  - Solid fuel depot
- Fuel depot
- Mail centre
- Warehouse
  - Milk depot
    - Boat and caravan storage
    - Freezing and cool storage
    - Rural store
    - Shipping container storage
    - Vehicle store
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.