# Wyndham Planning Scheme

PLANNING SCHEME

Planning scheme last updated by VC309 on 12/05/2026

# 00 PURPOSE AND VISION

02/09/2025
VC283

This section sets out the purpose of this planning scheme, and the vision and strategic direction for Victoria and the municipality.

## ACKNOWLEDGEMENT OF COUNTRY

The Victorian Government acknowledges Traditional Owners in Victoria as the custodians of Country. We acknowledge their extraordinary strength and resilience in the face of historical and ongoing social, economic and legal injustices, maintaining their connection to Country.

We pay our respects to Elders past and present, whose knowledge and wisdom have ensured the continuation of spiritual and cultural practices. We also acknowledge the diversity of First Peoples' communities in Victoria.

We acknowledge that the long-lasting, far-reaching and intergenerational consequences of colonisation and dispossession continue to exist today and continue to cause harm. Colonisation has left entrenched systemic and structural racism and suffering, including through the laws and policies of the Colony of Victoria, which specifically excluded First Peoples and their laws, lores, customs, languages and cultures. The Victorian Government has a responsibility to transform its systems and service delivery so First Peoples have decision-making power over matters that directly affect them.

To address this exclusion, the Victorian Government commits to ongoing engagement with Traditional Owners and First Peoples to restore and strengthen their rights in this planning scheme.

# 01 PURPOSES AND VISION FOR VICTORIA

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## 01.01 PURPOSES OF THIS PLANNING SCHEME

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- 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.
- To support responses to climate change.

## 01.02 VISION FOR VICTORIA

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### THE PEOPLE'S PANEL VISION FOR VICTORIA

By 2050 Victoria will be a vibrant, accessible and connected community, valued for its diverse cultures, sustainable environmental practices and respect for the First Peoples of Victoria.

Building a state which provides choices and opportunities for current and future generations of Victorians in quality housing, transport, employment, environment and connectivity, will require input from community, government, local businesses and industry alike.

We will create a society that caters to the unique needs of all Victorians, nurturing individual health through physical and cultural recreation.

# 02 MUNICIPAL PLANNING STRATEGY

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## 02.01 CONTEXT

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Wyndham stands on the Lands of the Bunurong and Wadawurrung Peoples as Traditional Owners of the land on which Wyndham is being developed. The City of Wyndham is located on the coastal plain to the west of Melbourne, between the metropolitan area and Geelong. It is adjacent to the municipalities of Greater Geelong, Moorabool, Melton, Brimbank and Hobsons Bay.

Wyndham covers an area of 542 square kilometres.

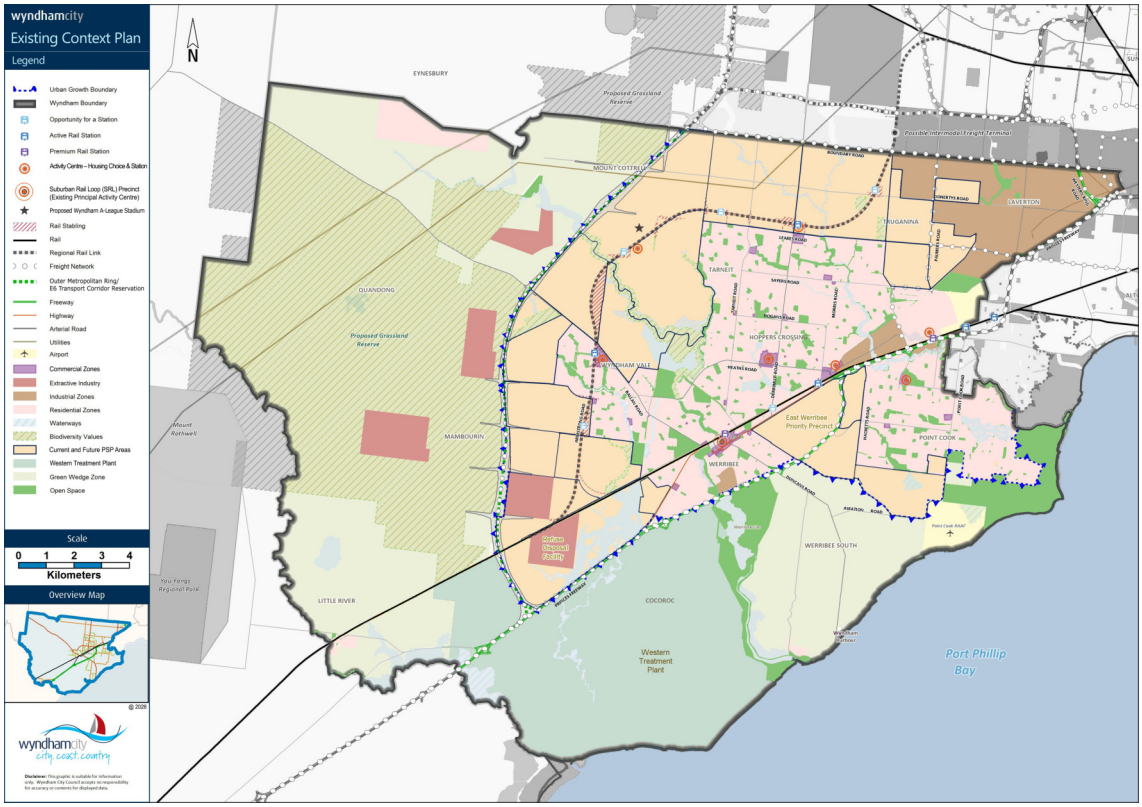
Wyndham has strong industrial and technology districts, major retail precincts, key activity centres, established agricultural land and important tourist attractions. Werribee South is one of the most significant market garden regions in the State, while Laverton North is a key major industrial area.

Wyndham has a number of significant rivers and waterway corridors, such as Skeleton Creek, Werribee River, Lollypop Creek, Little River, a small section of Kororoit Creek, the Port Phillip Bay coastline and the habitats and wetlands of Point Cook and the Western Treatment complex. Wyndham contains several biological assets and its native grasslands are considered highly significant.

Wyndham is one of metropolitan Melbourne's designated growth corridors. The City comprises the suburbs of Werribee, Hoppers Crossing, Point Cook, Laverton, Laverton North, Williams Landing, Truganina, Tarneit and Wyndham Vale, which are all within the Urban Growth Boundary. Werribee South, Cocoroc, Little River, Mambourin, Quandong, Eynesbury and Mount Cottrell are predominantly outside the growth area.

Wyndham has one of the highest population growth rates among Victorian municipalities and is one of Australia's fastest-growing areas. In 2021, Wyndham was home to 296,190 residents, with projections indicating it will reach a population of 472,120 people by 2036.

**Wyndham City Existing Context Plan**



## 02.02 VISION

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*The Wyndham Plan* (Wyndham City Council, 2025) will deliver the Wyndham 2040 Community Vision to connect people and places and encourage development in areas supported by infrastructure and services. *The Wyndham Plan* comprises four pillars (connectivity, concentration, capacity and choice) and six 'Big Ideas' which include objectives to support the delivery of the Wyndham 2040 Community Vision. The six ‘Big Ideas’ for Wyndham are identified on Map 1 at Clause 02.04 and are as follows:

1. Wyndham City Heart (central urban location of Wyndham to deliver jobs, housing, services,and facilities) to transform Wyndham from a 2-hour to a 20-minute city.
2. Wyndham City Pulses (activity centres and rural villages located at the centre of communities) to deliver 20-minute neighbourhoods.
3. Wyndham Transport Network (to better connect people and places).
4. Derrimut Road Boulevard (proposed as the City’s iconic boulevard concept to integrate transport and development and connect the central parts of Wyndham).
5. Liveable Residential Neighbourhoods (deliver quality residential development and link people to the places they need).
6. Green Lungs, Coast and Country (celebrate and connect people with Wyndham’s rural areas and natural environment).

# 02.03 STRATEGIC DIRECTION

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## 02.03-1 Settlement

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### Urban growth

Population growth in Wyndham is a significant issue requiring careful planning and management to ensure equitable and timely delivery of services, jobs and infrastructure to support a liveable community.

Growth Corridor Plans have been developed at the metropolitan level, setting the strategic direction for the future urban development of land within Melbourne's Urban Growth Boundary. Precinct Structure Plans (PSPs) are progressively being prepared and completed for all of the growth areas within the West Growth Corridor being, Wyndham West (urban area west of the Werribee River); East Werribee Employment Precinct; and Wyndham North.

Development of concentrated urban centres and the proposed Derrimut Road Boulevard consistent with Map 1 at Clause 02.04 is required to provide a range of housing densities and to service large areas of suburban development, delivering infrastructure and services closer to where people live.

The geographic spread of development fronts across the municipality has presented challenges for the provision of infrastructure and services. Careful and transparent management of development sequencing is required in Wyndham to align development with the provision of infrastructure and services.

Council's strategic directions for urban growth are to:

- Prioritise and encourage development in locations that are supported by infrastructure and services.
- Create a central city area (Wyndham City Heart) to support Wyndham's future population of more than 500,000 people consistent with the area's designation as an Employment and Innovation Area (EIA).
- Plan for each Wyndham City Pulse, the Wyndham City Heart and the proposed Derrimut Road Boulevard and their respective catchments through an integrated and holistic planning approach appropriate to its scale.
- Encourage medium and high density urban development in and around activity centres serviced by rail and bus interchanges (Urban and Neighbourhood Pulses) and the proposed Derrimut Road Boulevard.
- Create concentrated, vibrant, attractive, high amenity urban places including high amenity public realm that can attract investment and enable people to come together, meet, connect with one another, or just relax and enjoy.
- Manage the sequence of development in Wyndham's growth areas to align with infrastructure planning and funding, ensuring a coordinated and timely provision of services.
- Ensure proponents causing subdivision or development to be out of sequence bear the additional costs of infrastructure associated with bringing development forward.
- Create compact, contained and diverse urban environments which are well connected, serviced and designed.
- Facilitate diverse employment close to where people live, particularly within urban centres.

### Activity centres

Activity centres provide a range of functions including retail, commercial, community, cultural, transport, education, social, entertainment, leisure and civic services. Activity centres also support higher density housing. These roles are vital to community and business development, and to growth and diversification of local employment.

Wyndham has identified an activity centre hierarchy that contains a network of existing, planned and proposed activity centres. These activity centres are identified on Map 1 and Map 5 at Clause 02.04.

### Wyndham City Heart

'Wyndham City Heart' is central to the activity centre network. It includes the following activity centres and precincts:

- **Werribee City Centre**

  Wyndham is committed to the reinvigoration and redevelopment of the Werribee City Centre as its principal activity centre and as a major retail, commercial and residential hub. Map 6 to Clause 02.04 indicates council's preferred outcomes for the development of the centre.

  The vision for the development of the Werribee City Centre is for a vibrant city centre that takes full advantage of its immediate connections to both the East Werribee Employment Precinct and the Werribee River. Activated street frontages combined with multi-level commercial, retail and residential uses will secure Werribee City Centre as a major employment centre.

- **East Werribee Priority Precinct (EWPP)**

  The EWPP will consist of diverse land uses including international education research, health, medical technology, pharmaceuticals, science, business services, high-tech manufacturing, information technology, and higher density housing.

  The vision for EWPP includes high-quality public realm comprising tree lined streets, local parks and botanical gardens as well as places for recreation, leisure and cultural pursuits.

- **Pacific Werribee (Werribee Plaza)**

  Pacific Werribee is the largest retail centre in Wyndham comprising over 100,000 square metres of leasable floor space. It has the potential to develop a broad mix of uses.

- **Hoppers Crossing Town Centre**

  The vision for Hoppers Crossing town centre is for improved urban amenities including public spaces, parks and services. An increase in employment and business opportunities will be encouraged at Hoppers Crossing town centre.

- **Old Geelong Road Precinct**

  The Old Geelong Road Precinct includes a mix of restricted retail homemaker stores and light industrial including manufacturing, engineering and service repair centres. It also accommodates churches, gymnasiums, play centres and indoor sports. Capacity for future development exists along Old Geelong Road east of Skeleton Creek.

  The vision for the Old Geelong Road Precinct is to undertake urban revitalization within walkable distances of Hoppers Crossing train station, subject to the preparation of an Urban Design Framework or Structure Plan for this area.

### Wyndham City Pulses

'Wyndham City Pulses' are points throughout Wyndham that are existing and future hubs of activity serving the surrounding residential neighbourhoods. They include activity centres and rural villages located at the centre of communities.

Wyndham City Pulses will be connected to the Wyndham City Heart via the Wyndham Transport Network and are divided into three categories.

**Urban pulses** are district level neighbourhoods comprising one or two activity centres to provide daily and higher order services to surrounding residential catchment areas. Urban pulses include the Manor Lakes, Riverdale, Tarneit, Williams Landing, and Point Cook activity centres.

**Neighbourhood pulses** are 20-minute neighbourhoods (Neighbourhood Activity Centres) that will service the daily needs of surrounding residential catchment areas through small local shopping centres. Neighbourhood pulses include the Mambourin, Tarneit West, Truganina, and Point Cook South activity centres.

**Village pulses** are rural townships that will service most of the daily needs of surrounding rural catchment areas, but not higher order needs. Village pulses include Little River and Werribee South.

Council's strategic directions for activity centres and precincts are to:

- Consolidate activity centres as the focus for retail and commercial activity.
- Create functional, attractive and accessible activity centres connected to surrounding communities, including cycling and walking routes.
- Develop a network of activity centres supporting a range of retail, commercial, community and residential uses.

### Local places

#### Proposed Derrimut Road Boulevard

Derrimut Road is the main north-south city axis of Wyndham, linking Tarneit train and bus interchange to the north and future public transport hub in East Werribee to the south. Council is advocating to convert it to be the city's iconic boulevard which is proposed to be serviced by an innovative public transport system and is suitable for higher density and mixed-use development.

Council's strategic directions for the proposed Derrimut Road Boulevard are to:

- Unite elements of the boulevard and strengthen connection between the inner suburbs of Wyndham and its urban growth areas to the north.
- Act as a major landscaped greenway supporting higher density housing serviced by nearby local neighbourhood activity centres.

#### Little River, Werribee South Township, Wyndham Harbour and Eynesbury Station

Little River, Werribee South Township, Wyndham Harbour and Eynesbury Station are all small settlements located in the rural Green Wedges of Wyndham.

The townships of Little River and Werribee South provide basic level services to residents and are remote from employment and service areas. The Werribee South Township retains a distinctly coastal feel and the proximity of the township to the intensive agricultural precinct results in a sensitive residential-rural interface.

Council's strategic directions for **Little River** are to:

- Provide for limited consolidation in the Little River area, subject to resolution of airport noise from Avalon Airport, infrastructure constraints and development of a township plan.
- Manage the development of Little River to avoid overdevelopment, protect adjoining rural precincts from development impacts and prevent further expansion of the township into the surrounding rural precincts.

Council's strategic directions for **Werribee South Township** are to:

- Plan the township in a way that protects agricultural land and retains the potential for infill development and infrastructure upgrades.
- Avoid overdevelopment, protect the adjoining rural precincts from development impacts and prevent further expansion into the surrounding rural precincts.

Wyndham Harbour is one of the largest marinas on Port Phillip Bay with a residential community. The harbour comprises a breakwater, marine berths, boat storage, commercial uses, dwellings, car parking and public beaches.

Council's strategic directions for **Wyndham Harbour** are to:

- Encourage tourism and new transport initiatives through the Wyndham Harbour development.
- Prevent further expansion of the Harbour into the surrounding rural precincts.
- Contain urban development within the boundaries of the Special Use Zone.

The portion of Eynesbury Station located within Wyndham will be planned to ensure the retention of productive agricultural uses, that environmental problems are addressed and there is protection of heritage and environmental assets.

Council's strategic directions for **Eynesbury Station** are to:

- Provide opportunities for diversification and intensification of agriculture.
- Protect and enhance the environmental and heritage assets of Eynesbury Station.

### Green Wedges

There are two designated Green Wedges in Wyndham: *Werribee South* Green Wedge and *Western Plains South* Green Wedge. These two areas make up a large percentage of Wyndham's land area and accommodate a diverse range of land uses.

Land uses range from intensive agriculture to dry cropping, grazing and quarrying. Coastal parks and biodiversity in grasslands and wetlands are key values of Wyndham's Green Wedges. Sustainable management of Green Wedges requires an understanding and consideration of the relationships between land uses, both within and adjoining the Green Wedge areas.

Council's strategic directions for the Green Wedges are to:

- Protect Wyndham's Green Wedges from inappropriate development and urban intrusion.
- Create physical buffers or use natural barriers to ensure protection of the Green Wedge.
- Maintain a strategic buffer between the Werribee South Green Wedge and urban development north of the RAAF base.

## 02.03-2 Environmental and landscape values

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### Biodiversity

Wyndham has a large number of threatened and endangered species that are classified as either vulnerable, endangered or depleted. Since European settlement, over 99 per cent of the native vegetation in Wyndham has been altered, degraded or cleared.

Wyndham has important wetlands listed under the Ramsar Convention including the Western Treatment plant lagoons, Point Cook and Cheetham Wetlands that provide habitat for many birds including internationally protected migratory species, and flora and fauna species such as the critically endangered Growling Grass Frog. There are coastal areas and foreshores that require ongoing management and protection.

The *Biodiversity Conservation Strategy* (Department of Environment and Primary Industries, 2013) defines how conservation objectives will be achieved within Melbourne's growth corridors. It includes land along the Werribee River, Lollypop and Davis Creeks to be reserved as habitat corridors for the Growling Grass Frog and commits to the development of two nature conservation areas outside the Urban Growth Boundary. The Western Grassland Reserve is one of these areas, and 78 per cent of its 15,000 hectares is within Wyndham.

Council's strategic directions for biodiversity are to:

- Protect and restore biodiversity and natural habitats.
- Protect and manage areas of natural biodiversity as identified on Map 2 (Conservation Map) at Clause 02.04.

### Significant environments and landscapes

Wyndham's landscapes include coastal and basalt plains, extensive grasslands, waterways, wetlands, swamps, dry stone walls and windbreaks shown on Map 3 Special Places and Landscapes Map at Clause 02.04. These landscapes require protection from loss and decline to ensure Wyndham's identity and character is maintained.

Council's strategic directions for significant environments and landscapes are to:

- Protect Wyndham's natural environment and landscape with respect to growth, land use and the impacts of climate change.
- Protect and enhance the distinctive sense of place, cultural identity and landscape within the growth areas of Wyndham.

### Coastal areas

Wyndham City includes significant stretches of coastline fronting Port Phillip Bay. There is a need to strike a balance between public use and the coastal and marine environment to ensure that the coastline is protected. The *Werribee South Green Wedge Policy and Management Plan* (Wyndham City Council, 2017) sets out a vision and guiding principles for many of these areas.

Council's strategic directions for coastal areas are to:

- Manage urban encroachment on the coast and its impacts on environmental values along the coast.
- Provide for tourism opportunities along the coast.
- Manage the needs for coastal infrastructure to adapt to climate change and sea level rise.
- Managing economic, environmental and social pressures on the agricultural precincts.

## 02.03-3 Environmental risks and amenity

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### Sustainability

Built form and urban infrastructure contribute substantially to energy demand. Built form impacts on the energy efficiency of buildings, particularly through solar orientation and access. Consolidated urban areas provide for shorter travel distances, walking and cycling to more sustainably support people's access to services, social connections, recreation opportunities, education and employment.

Council's strategic directions for sustainability are to:

- Promote environmental sustainability through built form, urban infrastructure and consolidation.

### Climate change

The potential future effects of global climate change include changes in temperature, rainfall, drought, water resources, fire, winds, storms and sea level rise. Planning strategies in Wyndham are designed to help minimise the City's per capita contribution to global warming.

Council's strategic directions for climate change are to:

- Apply the 'precautionary principle' when planning for the City to help avoid serious or irreversible climate change effects.
- Minimise the City's contribution to climate change and gas emissions.
- Minimise the impacts of climate change on Wyndham's natural and built environment.

### Floodplains

The catchments of the various rivers and streams within Wyndham include areas of flood prone land where flooding has caused substantial damage to the natural and built environment. Floodplains need to be preserved to minimise the deterioration of environmental values and the long-term flood risk to floodplain production, assets and communities.

Council's strategic directions for flood plains are to:

- Protect the community from the economic, social and environmental risks associated with flooding.
- Maintain the natural environmental processes within floodplains.

Bushfire

There are areas of the municipality prone to bushfires. The *Wyndham Municipal Fire Management Plan* (2020-2023) sets out measures for the protection of life and property from the threat of fire.

Council's strategic directions for bushfire are to:

- Identify areas prone to bushfire.
- Apply design, siting and subdivision standards in bushfire prone areas aimed at minimizing risks.
- Ensure that new use and development include adequate fire protection measures.

### Amenity protection

Care is required in siting and designing non-residential uses in residential zones to avoid loss of privacy and amenity, while still providing convenience to residents living nearby.

Council's strategic direction for amenity protection is to:

- Provide protection for residential areas and guide uses that have the potential to change the function and character of residential areas.
- Avoid development of defacto commercial strips in residential areas.
- Ensure that planning and development of sensitive uses avoid compromising the operation of existing lawful commercial, industrial and other uses with potential adverse off-site impacts.

## 02.03-4 Natural resource management

10/02/2022
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### Agriculture

The Intensive Agriculture Precinct (IAP) at Werribee South comprises of about 3000 hectares that generates a large percentage of the total annual Victorian vegetable production.

In the City's north and north-west, beyond the urban areas, there is extensive dryland cropping and grazing. Parts of these areas, mainly in Tarneit and Wyndham Vale, have been identified for future urban use.

Many of the City's remaining dryland farming areas are likely to form part of a long-term Green Wedge, including about 11,000 hectares of native grasslands suitable for future restoration. Other farming areas may be suitable for renewable energy or quarrying uses, if well buffered.

Council's strategic directions for agriculture are to:

- Minimise the loss of productive agricultural land.
- Retain productive land identified on the Coastal and Werribee South Precinct Map 4 at Clause 02.04 for agricultural purposes.
- Minimise the impacts of incompatible uses on farming operations.
- Protect the Werribee South market gardens as an area of State agricultural significance.
- Support the role of rural areas beyond the Urban Growth Boundary to protect and restore biodiversity and viable future rural land uses.

### Waterways

Council has identified the need to protect its waterway corridors and waterway view sheds for their environmental, landscape character, heritage, cultural and economic values. The *Wyndham Waterways Strategy Plan* (Thompson Berrill Landscape Design, 2003) and the *Kororoit Creek Regional Strategy* 2005-2030 (Land Design Partnership, 2006) guide future land use and development associated with the major waterways. The waterway corridors provide biodiversity links in estuarine environments. Environmental buffers beyond the waterway corridors provide protection between identified environmental values and development sites.

Council's strategic directions for waterways are to:

- Promote waterways as significant environmental assets, requiring enhancement and protection.
- Ensure that development provides an appropriate interface with waterways and open space and retains connectivity.
- Protect waterways, aquatic areas, wetlands, swamps, catchments, riparian land and waterway valleys.

## 02.03-5 Built environment and heritage

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### Urban design

There is insufficiently defined character and thematic urban design in some of Wyndham's development. Urban areas often lack visual appeal due to ineffective landscaping.

Siting, design, mass and scale of buildings, are important in preserving the character and historical attributes of urban areas. Major entrances, key arterial roads and streetscapes are important to the character of urban areas and should be addressed in the consideration of new use and development.

Signs have a major impact on urban amenity given Wyndham's diverse business activities, with strip shopping centres and stand-alone retail centres.

Council's strategic directions for urban design are to:

- Improve the presentation of all urban areas and entrances, particularly from major roads, gateways and waterways.
- Support new development that preserves the character and historical attributes of urban areas by improved design, siting and landscaping.
- Minimise detrimental impacts of signs on the visual environment.

### Heritage

Wyndham's heritage places consist of remnants of the municipality's Indigenous past and early European settlement of the Western Plains. These heritage assets help our understanding of the past, enrich the present and will be of value to future generations.

The *Wyndham North Heritage Strategy* (Heritage Alliance, 2013) addresses an area that has historically been associated with agricultural uses, but that has more recently been included within the Urban Growth Boundary.

Dry stone walls were among the first European constructions on the western basalt plains. In Wyndham they are of historical and aesthetic significance, and in some cases social and archaeological or scientific significance, for their association with and physical demonstration of the process of survey, subdivision, alienation and development of land from the period of first land sales to the late nineteenth century.

Urban development occurring in Wyndham's growth fronts pose a threat to the conservation of dry stone walls.

Council's strategic direction for heritage is to:

- Manage heritage places and dry stone walls to ensure their preservation.

### Heat island effects

Heat island effects are the product of high summer temperatures, lack of canopy or surface vegetation and heat absorbent surfaces of buildings and pavements. Together, they are a serious environmental health risk, especially in heat wave conditions.

Council's strategic direction for addressing heat island effects is to:

- Define urban design responses to alleviate heat island impacts.

### Liveability

Wyndham's liveability is centred on making it a connected, people-friendly place where there are employment, recreation and living options. A priority is to maintain liveability alongside sustained population growth.

Wyndham's high birth rate has implications in planning for the needs of children, young people and their families. Major growth provides opportunities to build a strong community for the good health, wellbeing and safety of residents.

Council's strategic directions for liveability are to:

- Plan for liveable, connected and healthy communities in a variety of housing typologies.
- Create employment nodes close to where people live.

## 02.03-6 Housing

08/05/2026
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### Residential development

Wyndham aims to address its growing population's housing needs through the provision of more diverse and affordable housing.

Areas for accelerated population growth at higher densities have been identified near rail stations, particularly those within the 'Wyndham City Heart', around other activity centres serviced by existing and proposed rail and bus interchanges and proposed Derrimut Road Boulevard.

Wyndham seeks to deliver well-planned, accessible, and vibrant communities, supporting 20-minute neighbourhoods. New growth areas provide opportunities for higher density housing around new activity centres.

Council's strategic directions for residential development are to:

- Accommodate a projected population of about 501,634 by 2041.
- Identify the 'Wyndham City Heart' as a key commercial and residential centre for Wyndham.
- Promote multi-level development near rail stations.
- Encourage higher density development in and around activity centres that are well serviced by infrastructure.
- Identify the 'Wyndham City Heart', Princes Highway corridor and the proposed Derrimut Road Boulevard as areas where higher scale and higher density residential development may occur.
- Ensure newly created and developing residential neighbourhoods are designed and developed as accessible, liveable, integrated and vibrant environments connected to their nearest activity centre.

### Housing diversity

Currently there is a dominance of separate dwellings, a small proportion of renters and growing levels of unaffordable housing within Wyndham and access to affordable housing is of increasing concern.

There is presently a mismatch between declining average household sizes and a lack of smaller dwellings. There is a need:

- for a range of housing to be built with designs that are accessible and adaptable to all stages in the life cycle.
- to define priority areas for development for multi-unit housing and stacked housing, based on development capacity and neighbourhood character.
- to increase supply and diversity of social housing in infill and greenfield areas.

Council's strategic directions for housing diversity are to:

- Ensure a diverse range of housing typologies in new residential development on land that is well-serviced by public transport, infrastructure and services.
- Increase the supply of one and two bedroom dwellings in locations that are supported by infrastructure and services.
- Encourage increased density and diversity of housing typologies to be delivered across each development with a focus on medium and high density in key locations supported by essential urban infrastructure.

### Neighbourhood character

The *Wyndham Neighbourhood Character Scoping Study* (Planishere, 2012) identified five broad neighbourhood character types in the established residential areas of Hoppers Crossing, Werribee, Tarneit, Truganina, Wyndham Vale, Point Cook, Little River and Werribee South.

**Contemporary Garden** – comprising modern residential estates with establishing gardens.

**Garden Suburban** – comprising the formally established residential areas of Wyndham, with a mixture of older buildings located around linear street patterns and pockets of established vegetation.

**Garden Court** – comprising street patterns of winding roads and cul de sacs, with a range of dwellings types set in garden surrounds. In some areas, an established tree canopy as well as wide grass verges at the street edge, creates a strong landscape character.

**Bush Garden** – comprising informal streets with a predominate native landscape setting. Built form is hidden in larger lots behind well-established gardens and canopy trees.

**Coastal Garden** – comprising informal streets with coastal landscaping and vegetation surrounding buildings. Streets have views of the nearby coastal foreshore and market gardens.

Council's strategic directions for neighbourhood character are to:

- Protect areas with identified neighbourhood character values.
- Balance the tension in policy between urban consolidation objectives and the desire to respect residential amenity and neighbourhood character.
- Minimise the loss of backyard areas and established vegetation.

## 02.03-7 Economic development

12/12/2025
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### Economic growth

Wyndham has a diverse local economy, including major industrial and logistics development in Laverton North, intensive agriculture at Werribee South, busy commercial precincts, an extensive new housing market, and a major tourism precinct. About one third of Wyndham's resident workforce is employed within the municipality meaning that two thirds leave the municipality for work.

Attracting new investment to the region is critical to the city's long-term economic future. The 925ha East Werribee Employment Precinct (EWEP) is a designated National Employment and Innovation Cluster with the potential to generate investment and expand employment opportunities.

The Wyndham A-League Stadium will provide employment, tourism and development opportunities and attract investment.

The *West Growth Corridor Plan* (Victorian Planning Authority, 2012) outlines significant employment nodes for future development:

- The EWEP between Werribee and Point Cook.
- South of Boundary Road between the Outer Metropolitan Ring Road and planned extension of Forsyth Road.
- The area immediately west of the Regional Rail Link between Wyndham Vale station and a potential future station at Tarneit West (Davis Road).
- The area bounded by Bulban Road, the Regional Rail Link and Outer Metropolitan Ring Transport Corridor.

Council's strategic directions for economic growth are to:

- Provide sufficient land to attract investment and generate additional jobs.
- Promote Wyndham as a place for long term business attraction and expansion.
- Create an employment corridor along the Werribee metropolitan rail line to provide jobs close to where people live.

### Industry

Wyndham's industrial land is part of a regional network of employment precincts. There are six existing industrial precincts in Wyndham with a further five identified in the West Growth Corridor Plan as future industrial land. Industrial sectors account for approximately 39% of all employment in the municipality, while the Laverton North – Truganina industrial precinct contributes 42.7% of Wyndham's total economic output ($8.6 billion).

Wyndham has locational attributes and advantages that support opportunities for economic growth through local and regional industrial, retail and commercial activities. Wyndham has emerged over the past 15 years as a major logistics hub due to its efficient transport network that caters for high frequency freight movement; well-located industrial precincts that allow for 24/7 operations; considerable supply of available and affordable industrial zoned land and excellent connections to air, seaports, road and rail.

The Laverton North and Truganina industrial precincts, located within the western industrial node, are major manufacturing and logistics hubs offering a large supply of land.

Laverton North Industrial Precinct is the largest industrial precinct in the city with a capacity for significant investment and industrial development. The Truganina Employment PSP comprises 662 hectares located at the north-eastern edge of Wyndham to the immediate west of the existing Laverton North Industrial Precinct. It is anticipated that between 10,000 and 15,000 new jobs will be delivered in the Truganina Employment Precinct.

There are also several sites with licences for extractive industry within the municipality which should be protected.

Council's strategic directions for industry are to:

- Protect industrial precincts from intrusion by inappropriate land uses that put pressure on lawful existing industrial activities.
- Encourage the growth of Laverton North and the Truganina employment precinct for industrial development.
- Ensure that adequate industrial land will be provided for the next 20 years.
- Attract investment, support innovation and create jobs in Wyndham's industrial areas.

- Enhance the appearance, environmental performance and connectivity of industrial areas in Wyndham.
- Support State and Regional significant industrial precincts as identified in the Melbourne Industrial and Commercial Land Use Plan (MICLUP) to remain as industrial precincts that deliver significant employment for Wyndham.

### Tourism

Wyndham is home to a range of tourism experiences including the Werribee Open Range Zoo, Werribee Park Mansion, National Equestrian Centre and the Point Cook Coastal Park. New opportunities exist for tourism investment including water based activities, accommodation, sporting and recreational activities, wild life tours and celebrating culture and art.

Council's strategic direction for tourism is to:

- Promote use and development that supports local tourism, recreation, culture and art that will build Wyndham's reputation as a place to visit and be a source of community pride.

### Gaming

There are currently limited facilities for cultural and arts activities in Wyndham. Conversely, the city is well represented by electronic gaming machines (EGMs). Problem gambling can cause significant community harm and planning is required to ensure that any proposed new gaming venues are established in appropriate areas. Activity centres and shopping areas are highly accessible locations and may not be appropriate for gaming venues.

Council's strategic direction for gaming is to:

- Ensure that the negative impacts of gambling on the health and wellbeing of the community are minimised.

## 02.03-8 Transport

10/02/2022
C258wynd

### Integrated transport networks

Wyndham's transport network experiences pressure from rapid population growth. Demand for transport is often met through private car use, with road and rail transport facing increasing capacity constraints as demand increases. Effective resolution of major passenger and freight transport planning issues requires significant regional co-operation.

Wyndham's reliance on cars for transport displaces active transport options like walking, cycling and public transport. The application of safer design principles and treatments can encourage people to leave cars at home, improving activity levels, overall health, safety and wellbeing and the pressure on health and hospital services. Public transport and transport options that meet the needs of the young, elderly and disabled are especially critical.

Council's strategic directions for integrated transport networks are to:

- Provide improved and accessible transport options.
- Maintain and enhance existing road infrastructure.
- Link the walking and cycling network.

## 02.03-9 Infrastructure

10/02/2022
C258wynd

### Open space

Open space in Wyndham ranges from major sports reserves to linear parks along waterways and small parks in residential areas. The quality of existing public open spaces and their connectivity to surrounding areas requires improvement.

Council's strategic directions for open space are to:

- Develop an integrated and accessible open space network.
- Design urban development to connect and capitalise on links such as road, drainage reserves and waterway corridors.
- Provide for the recreation needs of communities while preserving natural features, sustaining biodiversity and healthy waterways.
- Have parks and open spaces that will connect people to the outdoors and are inviting destinations for residents and visitors.

### Waste management

The Wyndham Refuse Disposal Facility is identified within the *Statewide Waste and Resource Recovery Infrastructure Plan* (Sustainability Victoria,2018) as a regionally significant landfill site. It receives municipal, commercial and industrial waste (both solid inert and putrescible) from across Metropolitan Melbourne and the wider regional area and is expected to continue for more than 60 years.

Council's strategic directions for waste management are to:

- Provide long term security of well sited, designed and managed landfills such as the Wyndham Refuse Disposal Facility and protect against conflicting land uses.
- Provide alternate waste and resource recovery treatments in growth area planning.

### Community facilities

The provision of cost-effective infrastructure is a major challenge. The PSP process aims to ensure growth areas are sufficiently supplied with different types of community infrastructure by planning for and setting aside sufficient land parcels for the 'foundation blocks' of community centres, active open space reserves and government schools.

There will be extra demand for frontline health care, hospital and emergency services and social and emergency housing solutions. Council contributes to physical and social infrastructure and the *Disability Access and Inclusion Strategy 2013-2017* (Wyndham City Council, 2013) has been developed to build a diverse, inclusive, well designed and accessible local community.

Council's strategic directions for community facilities are to:

- Align infrastructure provision with population and housing growth.
- Deliver facilities that support the health and well-being of the community.
- Support the development of the Wyndham A-League Stadium Training Precinct for community use.

### Development infrastructure

Urban growth requires significant infrastructure investment. While State government will continue to provide major infrastructure, Council and developers will need to invest in infrastructure to service projected growth. Infrastructure funding will be needed if long term infrastructure requirements are to be met for major local roads, pathways, open space, and key community and recreation facilities.

Council's strategic directions for development infrastructure are to:

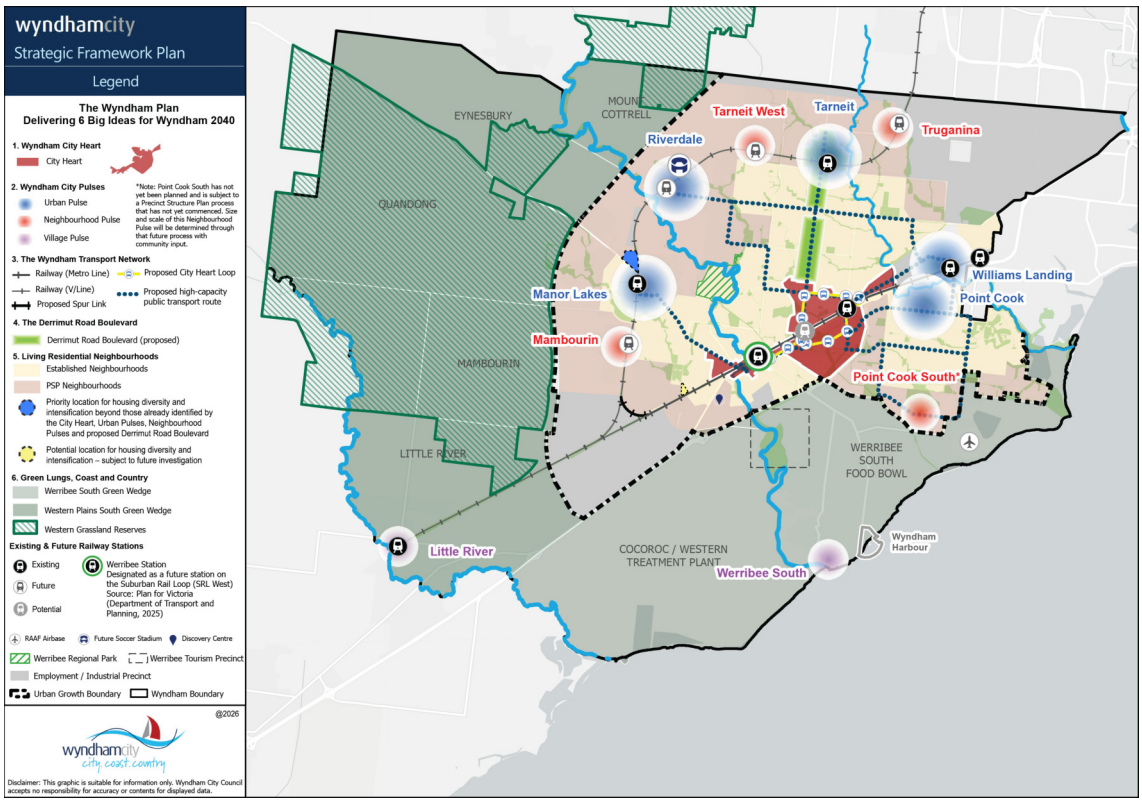
- Provide adequate physical infrastructure to accommodate future growth.
- Stage new growth so that it aligns with the provision of urban infrastructure.
- Minimise any adverse environmental and health impacts of new physical infrastructure.

## 02.04 STRATEGIC FRAMEWORK PLAN

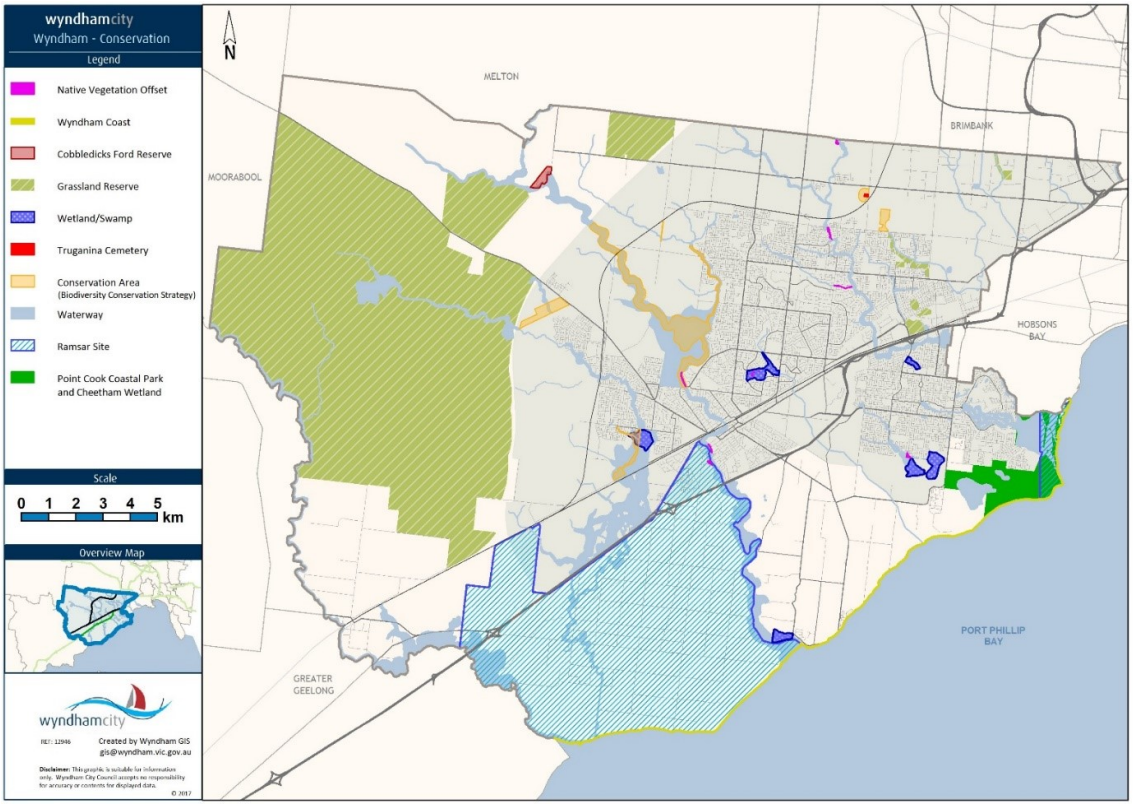
08/05/2026
C266wynd

The plans contained in Clause 02.04 are to be read in conjunction with the strategic directions in Clause 02.03.

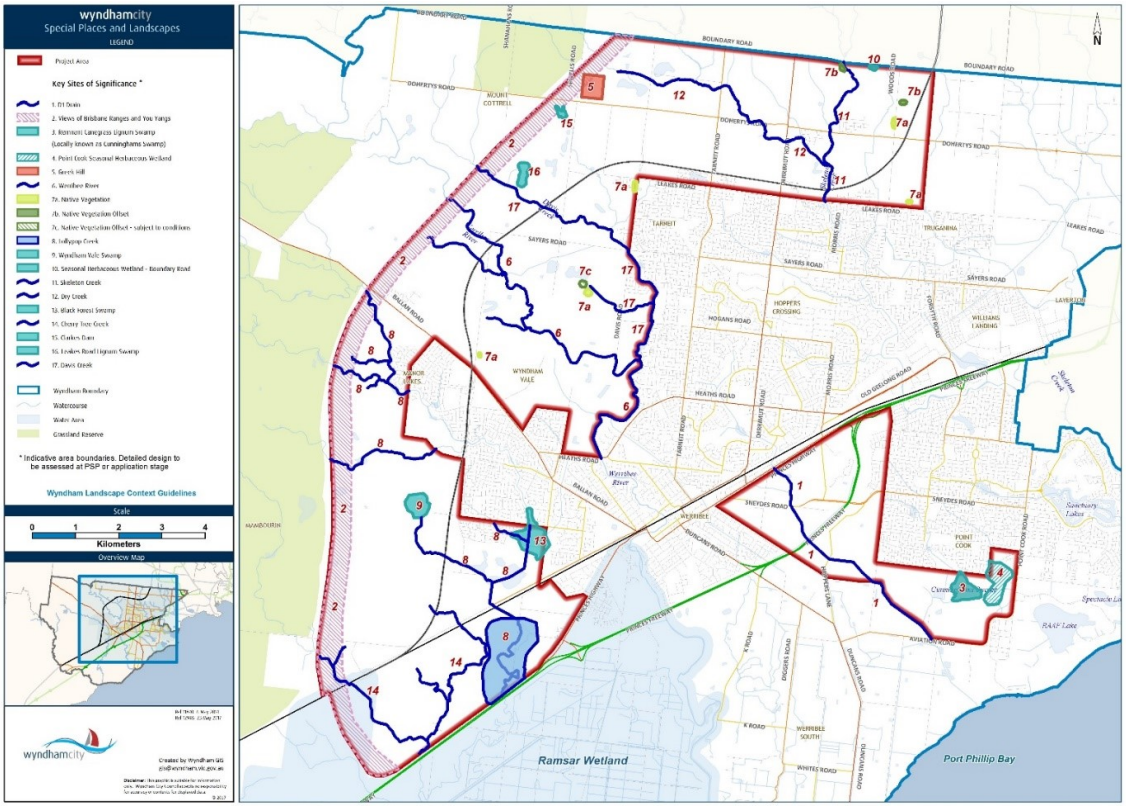
### Map 1 - Strategic Framework Plan



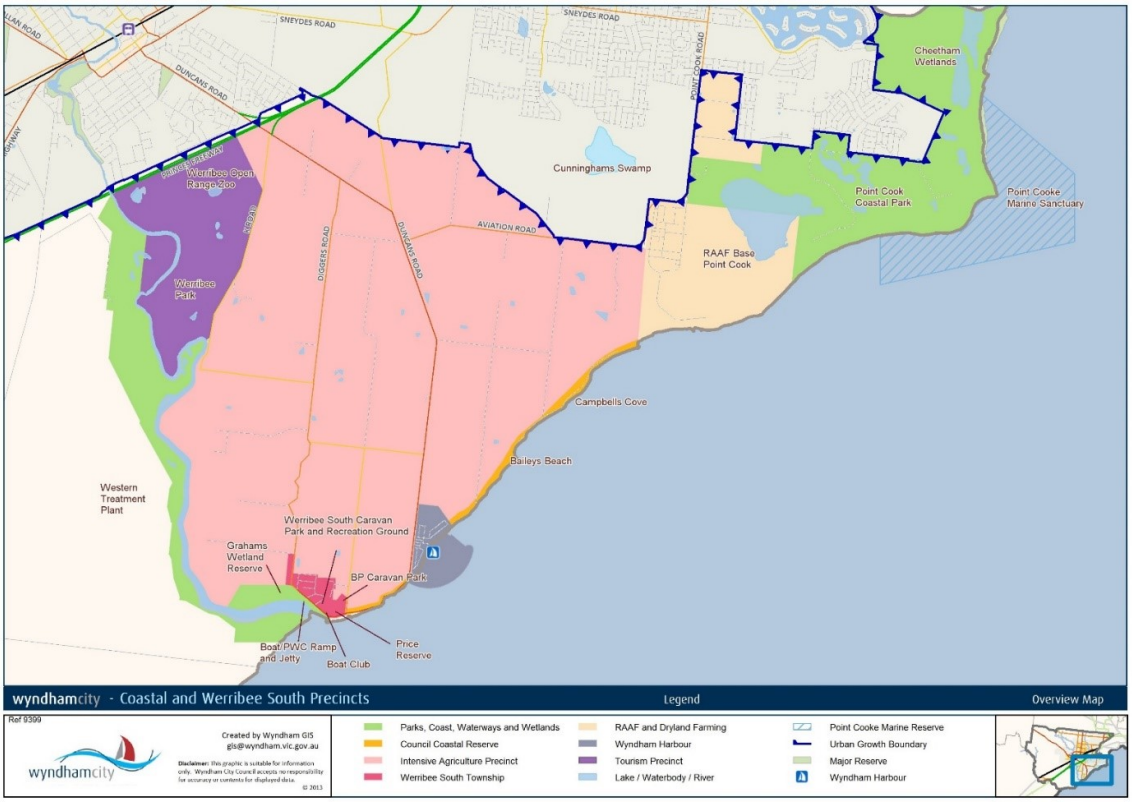

### Map 2 – Conservation Map



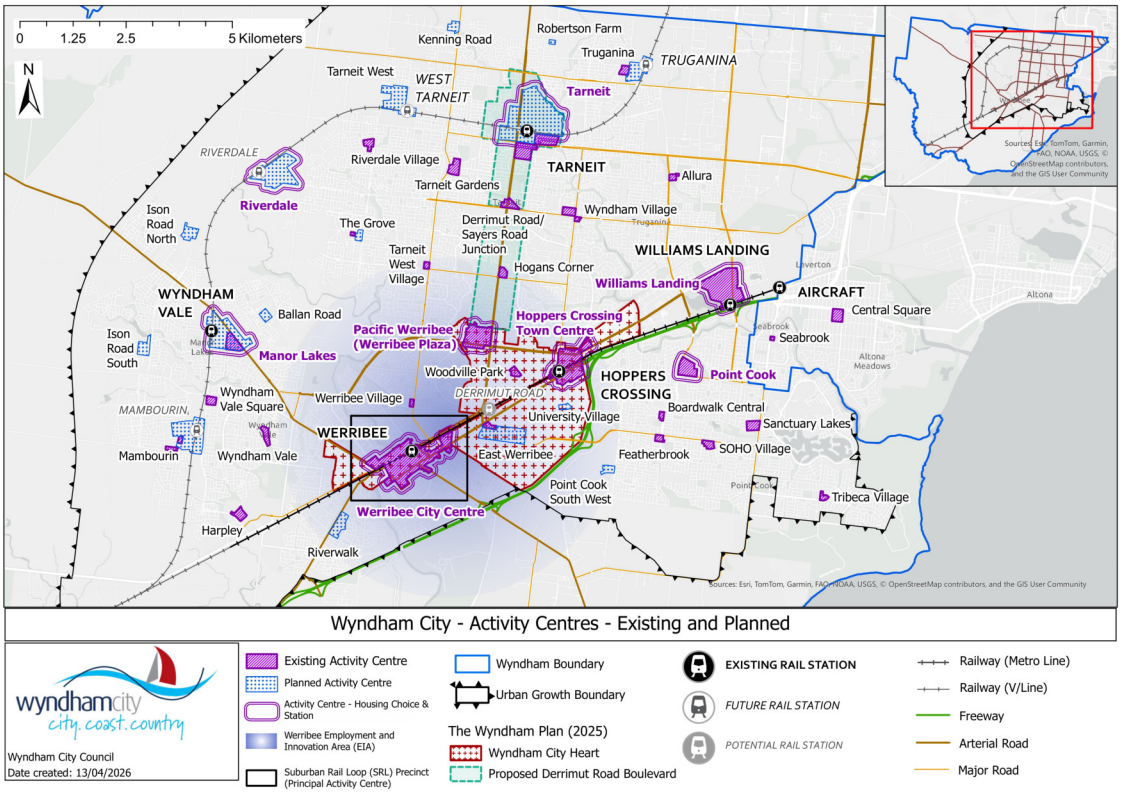
## Map 3 - Special Places and Landscapes Map



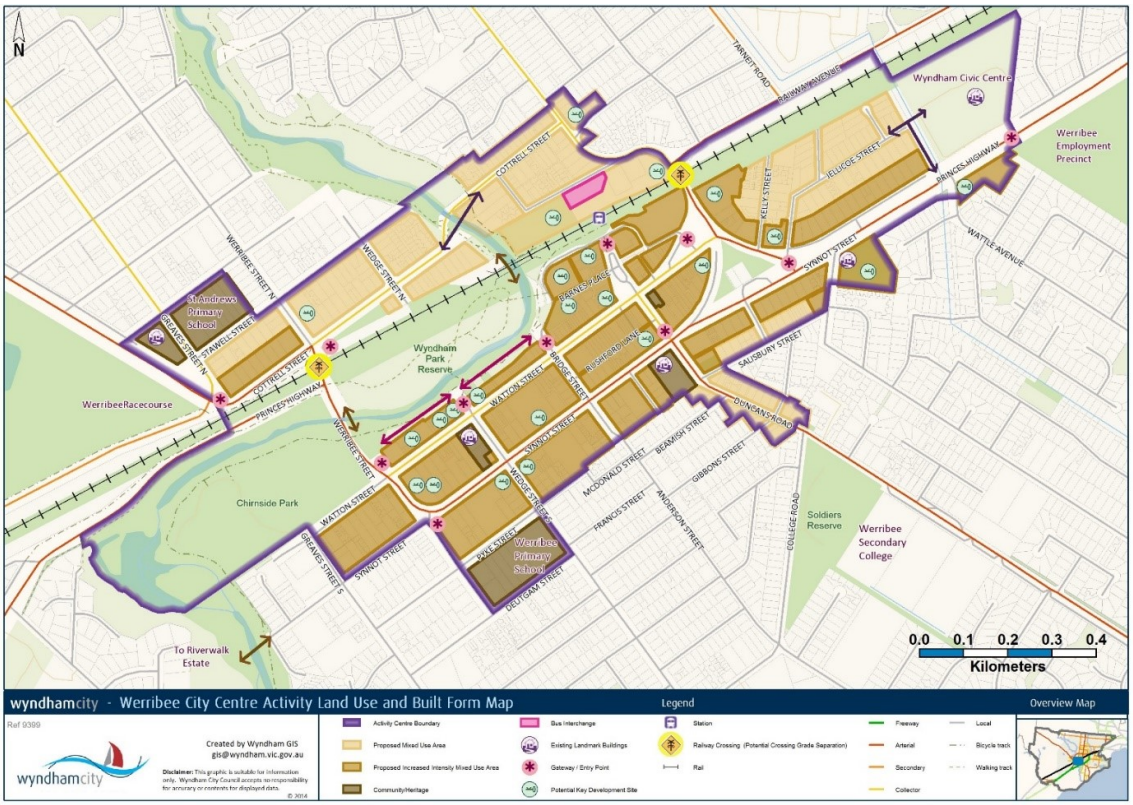

## Map 4 - Coastal and Werribee South Precincts Map



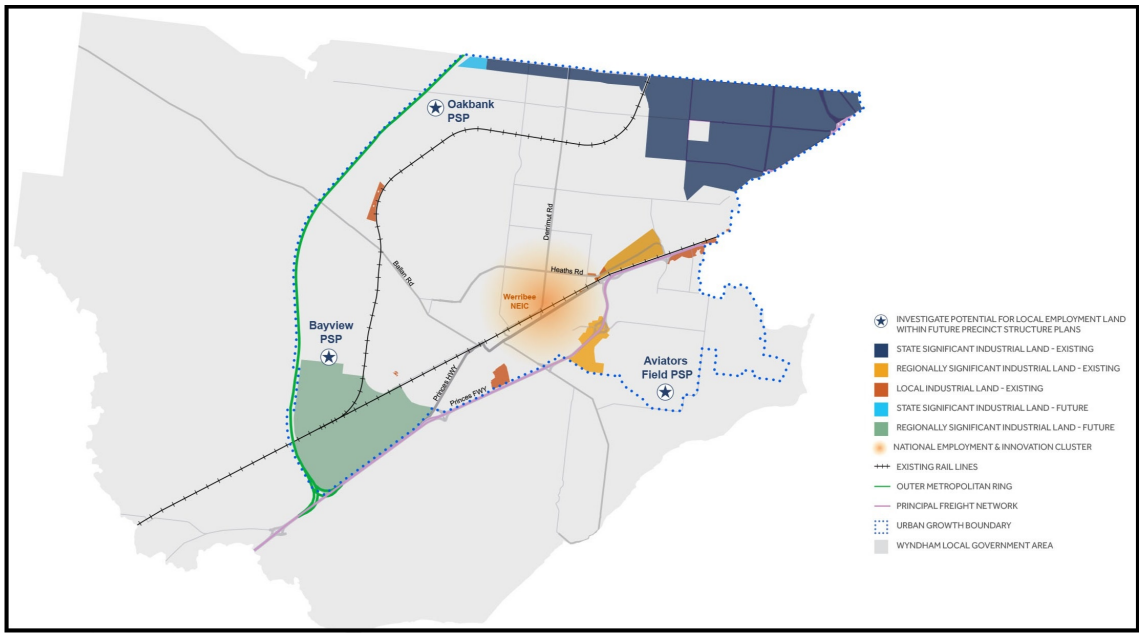
## Map 5 - Activity centres existing and planned




## Map 6 - Werribee City Centre Activity Land Use and Built Form Map



**Map 7 - Wyndham Industrial Land Strategy Framework Plan**




*Note: National Employment and Innovation Clusters (NEICs) are now known as Employment and Innovation Areas (EIAs) in the Plan for Victoria and on the Melbourne Settlement Framework Plan in Clause 11.01-1R (Settlement - Metropolitan Melbourne) of the Wyndham Planning Scheme.*

# 10 PLANNING POLICY FRAMEWORK

31/07/2018
VC148

# 11 SETTLEMENT

02/09/2025
VC283

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 contribute towards:

- Housing for all Victorians.
- Accessible jobs and services.
- Great places, suburbs and towns.
- Sustainable environments.
- Self-determination and caring for Country.

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 environmental sustainability, urban design and amenity.
- Climate change adaptation and mitigation.
- Prevention of land, water, air and noise pollution.
- Protecting, conserving and improving biodiversity, waterways and other natural resources.
- Accessibility.
- Land use and transport integration.
- Waste minimisation and resource recovery.

Planning is to prevent environmental, human health 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.

# 11.01 VICTORIA

31/07/2018
VC148

## 11.01-1S Settlement

02/09/2025
VC283

### Objective

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

### Strategies

Plan for the delivery of 2.24 million homes across Victoria by 2051.

Develop sustainable communities through a settlement framework that:

- Offers a range of housing choices.
- Provides convenient access to jobs, services, infrastructure and community facilities.
- Takes into account regional and municipal contexts and frameworks.

Focus investment and growth in:

- Melbourne Central City.
- Metropolitan Activity Centres and Suburban Rail Loop Precincts in Metropolitan Melbourne.
- Priority Precincts (including the Suburban Rail Loop East Precincts).
- Major regional cities of Ballarat, Bendigo and Geelong.
- Regional cities of Horsham, Latrobe City, Mildura, Shepparton, Wangaratta, Warrnambool and Wodonga.

Manage the expansion of settlements by:

- Creating and reinforcing settlement boundaries. Where no settlement boundary is identified, limit the expansion of a settlement to the extent of existing urban zoned land.
- Promoting and capitalising on opportunities for urban renewal and infill redevelopment.
- Limiting urban sprawl and directing growth into existing settlements.
- Ensuring land that may be required for future urban expansion is not compromised.

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

Plan for development and investment opportunities that make best use of existing and planned transport infrastructure.

Coordinate transport, communications and economic linkages between settlements through the identification of servicing priorities.

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

Deliver networks of high-quality integrated settlements, suburbs and towns that:

- Are great places with a strong identity and sense of place.
- Are inclusive, prosperous, liveable and sustainable.
- Comprise a form and density that supports healthy, active and sustainable transport.
- Are based around compact existing or planned activity centres to maximise accessibility to facilities and services.
- Concentrate retail, office-based employment, community facilities and services in central locations.

Facilitate environmentally resilient settlements by:

- Integrating the management of water resources into the urban environment in a way that supports water security, public health, environment and amenity outcomes.

- Minimising exposure to natural hazards.
- Contributing to net zero greenhouse gas emissions through renewable energy infrastructure and energy efficient urban layout and urban design.
- Supporting metropolitan and regional climate change adaption and mitigation measures.
- Supporting cooling and greening measures for urban areas.

### Policy guidelines

Consider as relevant:

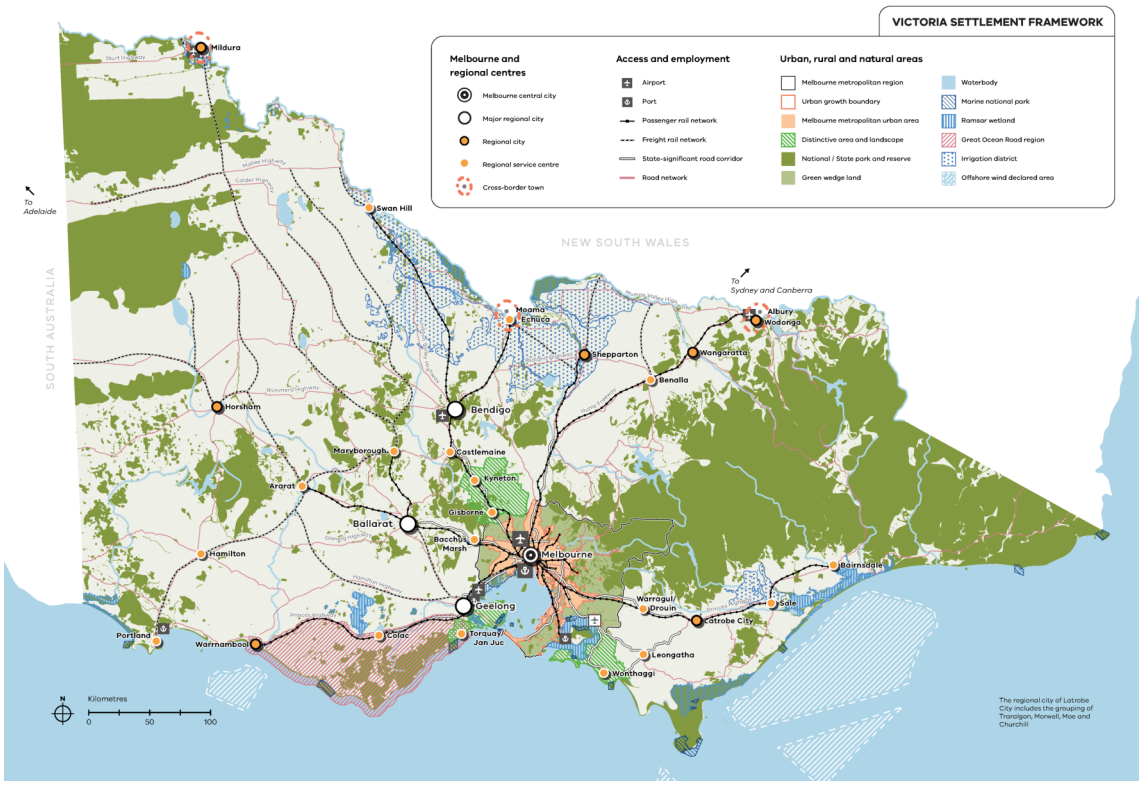
- Any settlement boundary identified in a document incorporated into this planning scheme.

### Policy documents

Consider as relevant:

- *Plan for Victoria* (Department of Transport and Planning, 2025)
- *Victoria's housing Statement - The Decade Ahead 2024-2034* (Department of Premier and Cabinet, 2023)

### Victoria Settlement Framework Plan



## 11.01-1R Settlement - Metropolitan Melbourne

02/09/2025
VC283

### Strategies

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

Focus investment and growth in:

- Melbourne Central City.
- Employment and Innovation Areas.
- Metropolitan Activity Centres.
- Priority Precincts, including Suburban Rail Loop Precincts.
- Activity Centres - Housing Choice and Stations.
- State-Significant Industrial Precincts.
- Transport Gateways.
- Health and Education Precincts.

Facilitate substantial growth and change in employment, health and education precincts to help meet the needs of Melbourne's rapidly growing population.

Develop a series of Priority Precincts that provide for an expanded Melbourne central city to support jobs and housing choice across Metropolitan Melbourne.

Develop Employment and Innovation Areas centred around medical, research and tertiary institutions that foster the development of emerging industries.

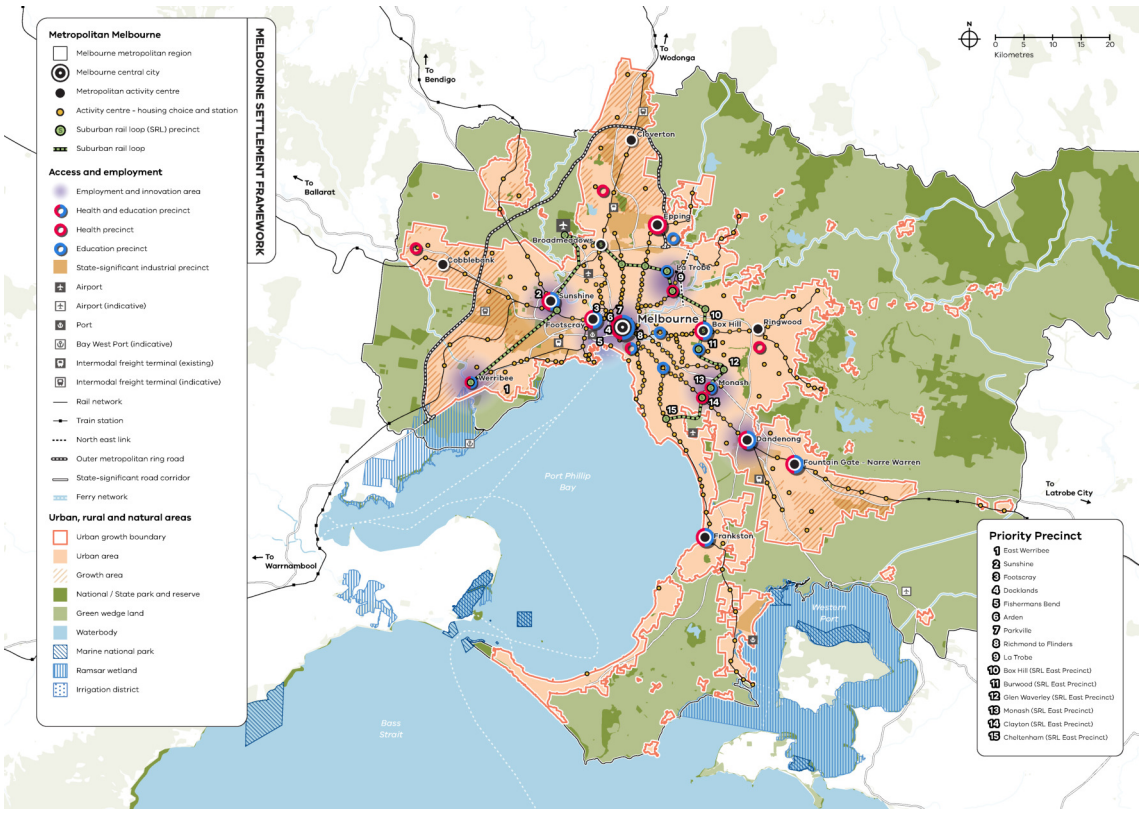
Create mixed use neighbourhoods at varying densities, including through the development of urban-renewal precincts and Activity Centres - Housing Choice and Stations.

Develop Metropolitan Activity Centres as:

- Higher-order centres providing a diverse range of jobs, activities and housing for catchments well-served by public transport.
- Major locations for service delivery, including of government, health, justice and education services. It also provides many retail and commercial opportunities.

Support a network of activity centres of varying size, role and function.

## Melbourne Settlement Framework Plan



## 11.01-1R Green wedges - Metropolitan Melbourne

31/07/2018
VC148

### Objective

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

### Strategies

Promote and encourage the key features and related values of each green wedge area.

Support development in the green wedge that provides for environmental, economic and social benefits.

Consolidate new residential development in existing settlements and in locations where planned services are available and green wedge values are protected.

Plan and protect major state infrastructure and resource assets, such as airports and ports with their associated access corridors, water supply dams, water catchments and waste management and recycling facilities.

Protect important productive agricultural areas such as Werribee South, the Maribyrnong River flats, the Yarra Valley, Westernport and the Mornington Peninsula.

Support existing and potential agribusiness activities, forestry, food production and tourism.

Protect areas of environmental, landscape and scenic value such as biodiversity assets, national and state parks, Ramsar wetlands and coastal areas.

Protect significant resources of stone, sand and other mineral resources for extraction purposes.

Provide opportunities for renewable energy generation.

### Policy documents

Consider as relevant:

- *Upper Yarra Valley and Dandenong Ranges Region - Regional Strategy Plan* (1996)

## 11.01-1L Settlement

10/02/2022
C258wynd

### Strategies

#### General

Maintain a non-urban separation between Werribee and Geelong to the west of the existing quarry sites.

Ensure that interfaces between residential and employment areas; between urban and rural areas; and between urban and industrial areas are planned to minimise land use conflicts.

#### Local area implementation

Eynesbury Station

Ensure that any use or development within Eynesbury Station is generally consistent with the *Eynesbury Station Incorporated Plan.*

Wyndham Harbour

Provide a safe, functional and visually attractive harbour as part of an integrated marina and residential development.

Ensure the use and development of the marina is compatible with existing uses in the vicinity.

Ensure that development is responsive to the adjoining agricultural environs and does not encroach into the Intensive Agriculture Precinct.

Manage the development of Wyndham Harbour to protect the adjoining rural precincts from any detrimental impacts.

Green Wedge Areas

Discourage new intensive animal husbandry and broiler farms in precincts west of the Werribee River (south of the Princes Freeway) and within the Urban Growth Boundary.

Encourage farming and other compatible rural activities in areas beyond the Urban Growth Boundary.

Contain urban development around Wyndham Harbour within the boundaries of the Special Use Zone.

#### Policy guideline

Consider as relevant:

- Concentrating higher density residential and mixed-use development and higher density employment areas and services within 400-800 metres of existing and planned rail stations.

# 11.02 MANAGING GROWTH

31/07/2018
VC148

## 11.02-1S Development capacity

02/09/2025
VC283

### Objective

To ensure sufficient development opportunities are available to meet the needs of current and future Victorians.

### Strategies

Ensure that sufficient land is available to meet forecast demand and the needs of current and future Victorians for commercial, retail, recreational, institutional and other community needs.

Ensure that at least a 15 year supply of land and development capacity is available to meet housing targets.

Plan to accommodate housing targets and provide clear direction on the locations where growth should occur and ensure sufficient realisable capacity in planning schemes.

Ensure ongoing development opportunities and supporting infrastructure are available to support sustainable urban development.

Planning for urban growth should consider:

- Opportunities to consolidate, redevelop and intensify existing urban areas with good access to jobs and services.
- The liveability of neighbourhoods and delivery of quality urban landscapes.
- The limits of land capability and natural hazards and environmental quality.
- Service limitations and the costs of providing infrastructure.

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.

### Policy documents

Consider as relevant:

- *Plan for Victoria* (Department of Transport and Planning, 2025)
- *Melbourne Industrial and Commercial Land Use Plan* (Department of Environment, Land, Water and Planning, 2020)
- *Industrial and Commercial Land Classifications* (Department of Transport and Planning, 2025)

## 11.02-2S Structure planning

02/09/2025
VC283

### Objective

To facilitate the fair, orderly, economic and sustainable use and development of urban areas.

### Strategies

Give clear direction on preferred locations for investment.

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

Undertake comprehensive planning for existing areas undergoing transition and new areas to support 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.

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

- Address the strategic and physical context of the location, including increased physical risks associated with climate change.
- Provide the broad planning framework for an area as well as the more detailed planning requirements for neighbourhoods and precincts, where appropriate.
- Deliver sufficient development capacity for residential development to ensure housing targets can be met.
- Deliver sufficient development capacity for industrial and commercial development to ensure an appropriate supply of land to meet local demand.

Structure plans should:

- Protect and enhance areas of natural and cultural significance.
- Address environmental risk and amenity.
- Support the effective management of natural resources.
- Deliver a quality built environment.
- Support the delivery of a diverse range of lot sizes and housing typologies.
- Deliver housing and population densities that make local services and transport viable.
- Support economic development.
- Facilitate the development of walkable neighbourhoods.
- Facilitate the use of active and sustainable transport modes.
- Facilitate the logical and efficient provision of infrastructure.
- Facilitate the use of existing infrastructure and services.
- Encourage renewable energy generation, storage and distribution.
- Incorporate integrated water management and urban greening.

### Policy document

Consider as relevant:

- *Precinct Structure Planning Guidelines: New Communities in Victoria* (Victorian Planning Authority, 2021).

## 11.02-3S Sequencing of development

02/09/2025
VC283

### 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.

Use staging plans to align the delivery of public infrastructure and services with housing and employment.

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:

- *North Growth Corridor Plan* (Victoria Planning Authority, 2012)
- *West Growth Corridor Plan* (Victoria Planning Authority, 2012)
- *Sunbury Growth Corridor Plan* (Victoria Planning Authority, 2012)
- *South East Growth Corridor Plan* (Victoria Planning Authority, 2012)
- *Precinct Structure Planning Guidelines: New Communities in Victoria* (Victorian Planning Authority, 2021)
- *Ministerial Direction No. 12 – Urban Growth Areas*

# 11.03 PLANNING FOR PLACES

31/07/2018
VC148

## 11.03-1S Activity centres and precincts

16/04/2026
VC300

### Objective

To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres with good public transport services.

### Strategies

Build up the central activity areas of Major regional cities, Metropolitan activity centres, Priority Precincts, Suburban Rail Loop Precincts and Activity Centres - Housing Choice and Stations as a focus for high-quality development, activity and living that:

- Are a focus for business, shopping, working, leisure and community facilities.
- Provide different types of housing, including forms of higher density housing.
- Are connected by transport.
- Maximise choices in services, employment and social interaction.

Undertake strategic planning for the use and development of land in and around Major regional cities, Metropolitan activity centres, Priority Precincts, Suburban Rail Loop Precincts and Activity Centres - Housing Choice and Stations and their residential catchments.

Encourage a diversity of housing types at higher densities in and around Major regional cities, Metropolitan activity centres, Priority Precincts, Suburban Rail Loop Precincts and Activity Centres - Housing Choice and Stations and their residential catchments.

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.

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

### Policy documents

Consider as relevant:

- *Urban Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2017)
- *Apartment Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2021)
- *Precinct Structure Planning Guidelines: New Communities in Victoria* (Victorian Planning Authority, 2021)
- *Mid-Rise Design Guide* (Department of Transport and Planning, 2026)

## 11.03-1R Activity centres and precincts - Metropolitan Melbourne

02/09/2025
VC283

### Strategies

Support the development and growth of Metropolitan activity centres and Suburban Rail Loop Precincts by ensuring they:

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

Plan the activity centres network to support thriving, productive and sustainable communities through:

- The delivery of new homes to meet housing target at appropriate Activity Centres - Housing Choice and Stations.
- Activity Centres – Housing Choice and Stations as a focus for facilities and services.
- Moderated housing growth at other designated activity centres (those not identified as Activity centres – Housing Choice and Stations or Metropolitan activity centres).

Support new activity centres within convenient walking distance of homes in the design of new subdivisions and in areas where services are not in walking distance.

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

Locate new small scale education, health and community facilities that meet local needs in or around activity centres.

## 11.03-1L Activity centre

10/02/2022
C258wynd

### Objectives

To facilitate the growth of the Werribee City Centre as a major retail and commercial hub.

To develop a vibrant and robust network of activity centres.

To encourage increased intensity and scale of development within defined activity centres.

### Strategies

Encourage the development of an integrated high-quality public transport interchange within the Werribee City Centre.

Support the provision of well-located and accessible car parking areas within the Werribee City Centre.

Enhance the 'green heart' of the Werribee City Centre including by improving connections to environmental and open space assets in accordance with the Werribee City Centre Activity Land Use and Built Form Map 6 at Clause 02.04

Set aside space for malls, pedestrian plazas, urban parks or rest areas in activity centres.

Ensure open space contributions for developments containing residential use are provided at the same rate as other residential use areas.

Establish Station Place as a major community and business focal point of the Werribee City Centre, connecting the centres public transport interchanges with its commercial and community facilities and recreation areas.

Reinforce the prioritisation of pedestrian traffic in the Werribee City Centre.

Ensure new development adjacent to the Werribee River addresses and opens out onto it.

Support substantial increases in the number of dwellings by facilitating higher density, apartment style housing within the Werribee MAC and by facilitating a mix of housing in other activity centres (with a large share of apartment style dwellings).

Encourage the development of a network of activity centres in accordance with the Activity Centres Map, Map 5 at Clause 02.04.

Support a range of mixed-use developments at Woodville Park Centre.

### Policy guidelines

Consider as relevant:

- Encouraging higher density mixed use buildings within the Werribee City Centre, scaling down to medium density and lower density at the sensitive interfaces
- Encouraging multi-level medium density buildings in other activity centres, scaling down at the housing interface.
- Confining the extent of retail activity in Hoppers Crossing to the eastern boundary of No. 76 Old Geelong Road.

### Policy document

Consider as relevant:

- *Werribee City Centre Structure Plan* (Wyndham City Council, 2013)

## 11.03-2S Growth areas

02/09/2025
VC283

### 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 corridor plans.

Deliver residential densities in the growth areas of Melbourne and Major regional cities of an average of at least:

- 30 dwellings per net developable hectare in locations within walkable distance of existing and proposed activity centres, train stations, major transport routes and public open spaces.
- 20 dwellings per net developable hectare in other growth area locations.

Provide housing diversity and choice through a mix of housing types, particularly in areas suitable for higher residential densities.

Deliver accessible, integrated and adaptable community infrastructure, including a high-quality network of public open space with opportunities for passive and active recreation.

Plan for the 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 high amenity, environmentally resilient and safe public realms that contribute to a sense of place, support cooling and greening, reduce opportunities for crime, improve perceptions of safety and increase levels of community participation.

Develop and implement plans for growth areas 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: New Communities in Victoria* (Victorian Planning Authority, 2021) 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.
- Deliver 30 per cent tree canopy cover within the public realm and in open spaces (excluding areas dedicated to biodiversity or native vegetation conservation).

### Policy documents

Consider as relevant:

- *North Growth Corridor Plan* (Victorian Planning Authority, 2012)
- *West Growth Corridor Plan* (Victorian Planning Authority, 2012)
- *Sunbury Growth Corridor Plan* (Victorian Planning Authority, 2012)
- *South East Growth Corridor Plan* (Victorian Planning Authority, 2012)
- *Precinct Structure Planning Guidelines: New Communities in Victoria* (Victorian Planning Authority, 2021)
- *Ministerial Direction No. 12 – Urban Growth Areas*

## 11.03-3S Peri-urban areas

02/09/2025
VC283

### 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.

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.

## 11.03-4S Coastal settlement

02/09/2025
VC283

### 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.

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

Protect areas between settlements for non-urban use.

Limit development in identified coastal hazard areas, on ridgelines, primary coastal dune systems, shorelines of estuaries, wetlands and low-lying coastal areas, or where coastal processes may be detrimentally impacted.

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

Ensure a sustainable water supply, stormwater management 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.

Prevent the development of new residential canal estates.

### Policy documents

Consider as relevant:

- *Marine and Coastal Policy* (Department of Environment, Land, Water and Planning, 2020)
- *Marine and Coastal Strategy* (Department of Environment, Land, Water and Planning, 2022)
- *Siting and Design Guidelines for Structures on the Victorian Coast*(Department of Environment, Land, Water and Planning, 2020)

## 11.03-5S Distinctive areas and landscapes

13/02/2026
VC245

### Objective

To recognise the importance of distinctive areas and landscapes to the people of Victoria and protect and enhance the valued attributes of identified or declared distinctive areas and landscapes.

### Strategies

Recognise the unique features and special characteristics of these areas and landscapes.

Implement the strategic directions of approved Localised Planning Statements and Statements of Planning Policy.

Integrate policy development, implementation and decision-making for declared areas under Statements of Planning policy.

Recognise the important role these areas play in the state as tourist destinations.

Protect the identified key values and activities of these areas.

Enhance conservation of the environment, including the unique habitats, ecosystems and biodiversity 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.

### Policy documents

Consider as relevant:

- *Bellarine Peninsula Statement of Planning Policy* (Victorian Government, 2023)
- *Macedon Ranges Statement of Planning Policy* (Victorian Government, 2019)
- *Mornington Peninsula Localised Planning Statement* (Victorian Government, 2014)
- *Surf Coast Statement of Planning Policy* (Victorian Government, 2022)
- *Yarra Ranges Localised Planning Statement* (Victorian Government, 2017)

## 11.03-6S Regional and local places

31/07/2018
VC148

### 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.

## 12 ENVIRONMENTAL AND LANDSCAPE VALUES

10/06/2022
VC216

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, Australia's Strategy for Nature 2019-2030, 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.

# 12.01 BIODIVERSITY

31/07/2018
VC148

## 12.01-1S Protection of biodiversity

30/10/2025
VC291

### Objective

To protect and enhance 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.

Support land use and development that contributes to protecting and enhancing habitat for indigenous plants and animals in urban areas.

### Policy guidelines

Consider as relevant:

- State biodiversity information maintained by the Department of Energy, Environment and Climate Action.

### Policy documents

Consider as relevant:

- *Any applicable biodiversity strategies, including the relevant Regional Catchment Strategy (prepared under Part 4 of the Catchment and Land Protection Act 1994)*
- *Biodiversity Conservation Strategy for Melbourne's Growth Corridors* (Department of Environment and Primary Industries, 2013)
- *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Energy, Environment and Climate Action, 2025)
- *Protecting Victoria's Environment – Biodiversity 2037* (Department of Environment, Land, Water and Planning, 2017)
- *Victorian Waterway Management Strategy* (Department of Environment and Primary Industries, 2013)

## 12.01-1L Protection of biodiversity

10/02/2022
C258wynd

### Objective

To protect and improve Wyndham's indigenous flora, fauna and habitat.

### Strategies

Protect and manage areas of natural biodiversity value, including the Western Plains Grassland, other grasslands and wetlands, as identified on Map 2 Conservation Map at Clause 02.04.

Protect and enhance waterways and coastal land as identified on Map 3 Special Places and Landscapes Map and Map 4 Coastal and Werribee South Precincts Map, at clause 02.04.

Protect and enhance sites of environmental significance on public and private land within the Green Wedges.

Encourage continued retention of biodiversity values where they remain in the Western Plains South Green Wedge, especially within the area planned for inclusions in grassland reserves.

## 12.01-2S Native vegetation management

04/02/2026
VC265

### 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 Energy, Environment and Climate Action, 2025):

- 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 Energy, Environment and Climate Action.

### Policy documents

Consider as relevant:

- *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Energy, Environment and Climate Action, 2025)
- *Assessor's handbook – applications to remove, destroy or lop native vegetation* (Department of Energy, Environment, and Climate Action, 2025)

# 12.02 MARINE AND COASTAL ENVIRONMENT

06/09/2021
VC171

## 12.02-1S Protection of the marine and coastal environment

20/03/2023
VC229

### Objective

To protect and enhance the marine and coastal environment.

### Strategies

Manage privately-owned foreshore consistently with the adjoining public land.

Protect coastal and foreshore environments and improve public access and recreation facilities around Port Phillip Bay and Western Port by focusing development in areas already developed or in areas that can tolerate more intensive use.

Enhance the ecological values of the ecosystems in the marine and coastal environment.

Protect and enhance the overall extent and condition of native habitats and species diversity distributions across public and private land in the marine and coastal environment.

Encourage revegetation of cleared land abutting coastal reserves.

Minimise direct, cumulative and synergistic effects on ecosystems and habitats.

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

Maintain and enhance water and soil quality by minimising disturbance of sediments.

Avoid disturbance of coastal acid sulfate soils.

Protect and enhance natural features, landscapes, seascapes and public visual corridors.

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

Protect the heritage values, the aesthetic quality of locations, cultural links with maritime activities, sea country and sense of place.

### Policy guidelines

Consider as relevant:

- Any applicable Regional and Strategic Partnership Product, environmental management plan or coastal and marine management plan approved under the *Marine and Coastal Act 2018* or *National Parks Act 1975*

### Policy documents

Consider as relevant:

- *Coastal Spaces Landscape Assessment Study* (Department of Sustainability and Environment, 2006)
- *Marine and Coastal Policy* (Department of Environment, Land, Water and Planning, 2020)
- *Marine and Coastal Strategy* (Department of Environment, Land, Water and Planning, 2022)
- *Siting and Design Guidelines for Structures on the Victorian Coast* (Department of Environment, Land, Water and Planning, 2020)
- *Victorian Best Practice Guidelines for Assessing and Managing Coastal Acid Sulfate Soils* (Department of Environment, Land, Water and Planning, 2010)
- *Victorian Coastal Acid Sulfate Soils Strategy* (Department of Sustainability and Environment, 2009)

## 12.02-1L Werribee south coastline

10/02/2022
C258wynd

### Policy application

This policy applies to land identified within Map 4 Coastal and Werribee South Precincts Map at Clause 02.04.

### Strategies

Protect and enhance the Werribee South coastline for environmental, recreational and tourism purposes.

Protect, conserve and enhance significant landscapes along the coast.

Provide for public access to the Werribee South coastline.

Manage the interface conflicts between activity along the coastline in public areas and activity in adjoining private agricultural environs.

Ensure development of the Wyndham Harbour site is socially and environmentally responsive to surrounding agricultural environs.

Encourage native vegetation plantings along the coast.

## 12.02-2S Marine and coastal Crown land

20/03/2023
VC229

### Objective

To ensure the use and development of marine and coastal Crown land is ecologically sustainable, minimises impacts on cultural and environmental values, and improves public benefit for current and future generations.

### Strategies

Design, locate and maintain buildings and structures to effectively manage:

- Any increase in exposure to coastal hazard risk, including rates of sea level rise, erosion, accretion or inundation.
- Exposure to public health and safety risks.
- Any detrimental impacts (in particular increased hazard risk) on neighbouring Crown or private land.
- Adverse effects on the environment and associated uses and values.
- Impact on marine and coastal functions and processes.

Ensure the siting and design of development on marine and coastal Crown land:

- Facilitates shared infrastructure and the use of land for more than one use.
- Uses materials and finishes that are sympathetic to the coastal environment.
- Is durable in the long term.
- Minimises the environmental footprint.

Ensures that use and development on or adjacent to marine and coastal Crown land:

- Maintains safe, equitable public access.
- Improves public benefit.
- Demonstrates need and has a coastal dependency.
- Minimises loss of public open space.

### Policy guidelines

Consider as relevant:

- Any applicable Victorian Environmental Assessment Council recommendations
- The purpose for which land is reserved under the *Crown Land (Reserves) Act 1978*
- Any relevant environmental management plan or coastal and marine management plan approved under the *Marine and Coastal Act 2018* or *National Parks Act 1975*

### Policy documents

Consider as relevant:

- *Marine and Coastal Policy* (Department of Environment, Land, Water and Planning, 2020)
- *Marine and Coastal Strategy* (Department of Environment, Land, Water and Planning, 2022)
- *Siting and Design Guidelines for Structures on the Victorian Coast* (Department of Environment, Land, Water and Planning, 2020)

## 12.03 WATER BODIES AND WETLANDS

31/07/2018
VC148

## 12.03-1S River and riparian corridors, waterways, lakes, wetlands and billabongs

20/01/2026
VC278

### Policy Application

This policy applies to land in proximity to a waterway, including all land within 200 metres from the centreline of a waterway.

### Objective

To protect and enhance waterway systems including river and riparian corridors, waterways, lakes, wetlands and billabongs.

### Strategies

Protect the environmental, cultural and landscape values of all waterway systems as significant economic, environmental and cultural assets.

Conserve waterway systems and the landscapes and environmental values surrounding them by:

- Protecting ecological values, indigenous vegetation, terrestrial and aquatic habitats.
- Encouraging biodiversity.
- Recognising that waterways are a connected system from source to mouth, including tributaries, confluences, wetlands and billabongs creating a living entity.

Ensure waterway corridors are of adequate width to allow for the natural systems and functions of the environment and landscape to occur while incorporating potential impacts from climate change.

Sensitively design and site development to maintain and enhance the waterway system and the surrounding landscape setting, environmental assets, and ecological and hydrological systems.

Address the impacts of use and development on drought and flooding events at a catchment and site scale to protect the health and natural function of waterway systems and their surrounding landscape and environment.

Protect geomorphology, bank stability and flood management capacity to strengthen the environmental value and health of waterway systems by:

- Retaining, enhancing and re-establishing indigenous riparian vegetation along waterway systems, ensuring it responds to the bushfire hazard of a location.
- Enhancing and re-establishing both terrestrial and aquatic habitats and their linkages along and surrounding waterway systems.
- Limiting earthworks in proximity to waterway systems to minimise alterations to geomorphology, natural drainage, natural flows, volumes and water quality.
- Facilitating the restoration of waterway systems through the removal of weeds, invasive species and pests.

Enhance a sense of place and landscape identity by:

- Conserving areas of identified Victorian Aboriginal cultural heritage significance relating to waterway systems.
- Retaining and re-establishing vegetation, including grasslands and canopy trees, surrounding waterway systems to enhance and connect to the landscape setting, ensuring it responds to the bushfire hazard of a location.
- Protecting existing topographic features and maintaining a sense of naturalness through sensitive design and siting.
- Recognising the cultural values, aesthetic qualities and identity of waterway systems.

Retain and enhance the recreation and amenity values along waterway systems by:

- Planning for surrounding green spaces as recreation and tourism resources without adversely impacting environmental values and flood management capacity.
- Protecting and enhancing parklands for their economic, social and environmental values.
- Protecting and enhancing public access to waterway systems and surrounding parklands.
- Enhancing existing and providing new green links, pedestrian and cycle connections and open space.
- Discouraging privatisation of spaces that interface with or provide access to waterway systems.
- Avoiding overshadowing of waterway systems, their banks and adjacent public open space.
- Promoting safety by maximising visibility and passive surveillance and providing good connections and access.

Design and site development to maintain and enhance the natural environment of waterway systems by:

- Minimising the visual intrusion of development on the natural landscape views from major roads, bridge crossings, public open space, recreation trails and within waterway systems themselves.
- Ensuring development is visually subordinate to the local landscape setting, including through the use of vegetation to filter views of development and avoiding overshadowing.
- Ensuring development adjacent to waterways adopts high quality materials and respectful design and siting.
- Avoiding impeding the natural flow of waterways and future flood events.
- Directing growth to established settlements where water and wastewater can be managed.

### Policy guidelines

Consider as relevant:

- Locating earthworks, including dams, a minimum of 50 metres from waterway systems.
- Locating development a minimum of 50 metres from the banks of waterway systems.
- The Aboriginal cultural heritage sensitivity and impacts of development within a 200 metre distance from the centreline of a waterway system.
- The views of floodplain and waterway managers.
- Any regional catchment strategy and related plans approved under the *Catchment and Land Protection Act 1994*.

### Policy documents

Consider as relevant:

- *Melbourne Water's Guidelines for Approval of Jetties* (Melbourne Water, 2011)
- *Healthy Waterways Strategy* (Melbourne Water, 2018)
- *Integrated Water Management Framework for Victoria* (Department of Environment, Land, Water and Planning, 2017)
- *Victorian Waterway Management Strategy* (Department of Environment and Primary Industries, 2013).

## 12.03-1R Waterways of the West

16/12/2022
VC201

### Objective

To maintain and enhance the natural landscape, biodiversity, cultural and social values, and the Traditional Owner living cultural heritage values of the waterways of Melbourne's west, including the Werribee River (Wirribi Yaluk), Maribyrnong River (Mirrangbamurn), Moonee Ponds Creek (Moonee Moonee), and associated tributaries and wetlands.

### Strategies

Strengthen the natural environment and overall health of the waterways by protecting and enhancing both terrestrial and aquatic habitats and their linkages along the waterway corridors including:

- The Jacana Valley Parklands and the Trin Warren Tam-boore wetlands within the Moonee Ponds Creek.
- Newell's Paddock wetlands and Organ Pipes National Park within the Maribyrnong River corridor.
- Werribee Blue Box grassy woodlands, Cobbledicks Ford Reserve and Werribee Gorge State Park.
- The platypus and Growling Grass Frog habitats along the Werribee River corridor.
- Plains Grassland, Creekline Grassy Woodland and River Red Gum along the Little River.
- Smaller waterways such as Lollypop, Skeleton and Cherry creeks and Cunningham's and Edgar Road swamps.
- Coastal reserves and wetlands such as Cheetham Wetlands and Jawbone Coastal Reserve.

Ensure development protects and strengthens cultural heritage along waterways and at sensitive sites, including:

- Footscray Park and Brimbank Park.
- Stony Creek.
- Maribyrnong River valley from Braybrook to Maribyrnong.
- Moonee Ponds Creek Trail.
- Skeleton Waterholes Creek.
- Deep and Jacksons creeks and Emu Bottom Wetlands.
- Lower Werribee River

Promote a sense of place and landscape identity by:

- Enhancing a sense of remoteness that complements the waterway corridor and landscape setting, especially the sloping river valley landscape setting of the upper and middle reaches of the Maribyrnong River.
- Enhancing the landscape character along Stony, Laverton and Kororoit creeks.
- Retaining and re-establishing tree canopy and riparian vegetation cover along the waterways corridor including Werribee Blue Box and River Red Gum along the Werribee River.
- Maintaining and protecting the waterways' natural geomorphology and bank stability.
- Reducing the risk of erosion at key sites including the K Road Cliffs along Werribee River.
- Ensuring green linkages and public access to rivers and green spaces are protected and prioritised along the river corridors including the:
  - Werribee River Trail and Werribee Regional Parklands.
  - Moonee Ponds Creek Trail.

- Steele Creek Trail.
- Maribyrnong River Trail, including around the former Department of Defence site.
- Stony Creek Trail.
- Kororoit Creek Trail.
- Footscray Wharf, Coode Island and the Port of Melbourne.

### Policy documents

Consider as relevant:

- *Maribyrnong River Valley Design Guidelines* (Department of Planning and Community Development, 2010)

## 12.03-1L Waterway corridors

10/02/2022
C258wynd

### Strategies

Discourage new urban development or rural activity in any environmental protection buffer beyond the waterway corridor.

Encourage the existing natural features of waterways to be retained in preference to constructed waterways.

### Policy guideline

Consider as relevant:

- The transfer of land that is used for the purpose of an environmental buffer for waterway protection to Council.

### Policy documents

Consider as relevant:

- *Wyndham Waterways Strategy Plan* (Thompson Berrill Landscape Design, 2003)
- *Kororoit Creek Regional Strategy 2005-2030* (Land Design Partnership, 2006)

# 12.04 ALPINE AREAS

31/07/2018
VC148

## 12.04-1S Sustainable development in alpine areas

20/03/2023
VC229

### 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 2020-2025 Responding to a Changing Climate* (Victorian Government, Alpine Resorts Co-ordinating Council, 2019).

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.

Ensure that the use and development of land responds to potential environmental risks and contributes to maintaining or improving the environmental quality of alpine environments.

### Policy guidelines

Consider as relevant:

- Any applicable approved Victorian Environmental Assessment Council recommendations.
- Any approved management plan or guideline endorsed by the Minister for Environment or Minister for Water.

### Policy documents

Consider as relevant:

- *Alpine Resorts Strategic Plan 2020-2025 Responding to a Changing Climate* (Victorian Government, Alpine Resorts Co-ordinating Council, 2019)
- 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

# 12.05 SIGNIFICANT ENVIRONMENTS AND LANDSCAPES

31/07/2018
VC148

## 12.05-1S Environmentally sensitive areas

31/07/2018
VC148

### 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.

## 12.05-2S Landscapes

31/07/2018
VC148

### 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.

## 12.05-2L Wyndham landscapes

10/02/2022
C258wynd

### Policy application

This policy applies to land identified on Map 3 Special Places and Landscape Map at Clause 02.04.

### Objective

To safeguard the visual, natural and cultural heritage values of urban and rural landscapes.

### Strategies

Ensure development plans and structure plans protect and enhance key landscape features.

Respond to key landscape characteristics in early stages of planning for urban growth.

Encourage development within viewsheds to protect views and avoid visual intrusion.

### Policy document

Consider as relevant:

- *Landscape Context Guidelines* (Wyndham City Council, 2013)

# 12.06 SUSTAINABLE ENVIRONMENT

02/09/2025
VC283

## 12.06-1S Urban forests

02/09/2025
VC283

### Objective

To protect and enhance tree canopy in urban areas.

### Strategies

Contribute to achieving an overall 30 per cent tree canopy target for urban areas by:

- Encouraging the retention of existing canopy trees.
- Promoting the planting of new canopy trees:
  - Within the public realm and open space (excluding areas dedicated to biodiversity or native vegetation conservation).
  - On private land.

Ensuring that canopy tree species are appropriate for the locality, available space, growing conditions and future climate conditions.

### Policy documents

Consider as relevant:

- *Trees for Cooler and Greener Streetscapes Planning and Design Guidelines* (Department of Environment, Land, Water and Planning, 2019)

## 13 ENVIRONMENTAL RISKS AND AMENITY

01/07/2021
VC203

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

Planning should identify, prevent and minimise the risk of harm to the environment, human health, and amenity through:

- Land use and development compatibility.
- Effective controls to prevent or mitigate significant impacts.

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

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

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

# 13.01 CLIMATE CHANGE IMPACTS

31/07/2018
VC148

## 13.01-1S Natural hazards and climate change

05/09/2025
VC268

### Objective

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

### Strategies

Respond to 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 and climate change adaptation strategies to be implemented.

Site and design development to minimise risk to life, health, property, the natural environment and community infrastructure from natural hazards.

### Policy guidelines

Consider as relevant:

- Climate change data and information maintained by the Department of Energy, Environment and Climate Action.
- Adaptation action plans prepared under Division 2 of Part 5 of the *Climate Action Act 2017*.

### Policy documents

Consider as relevant:

- Climate science report prepared under Part 6 of the *Climate Action Act 2017*

## 13.01-2S Coastal inundation and erosion

05/09/2025
VC268

### Objective

To plan for and manage coastal hazard risk and climate change impacts.

### 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.

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

Avoid use and development in areas vulnerable to coastal inundation and erosion.

Respond to marine and coastal processes in the context of the coastal compartment type.

Assess the effectiveness, costs, benefits, impacts (direct, cumulative and synergistic) and path dependency of available adaptation options in the following order:

1. non-intervention
2. avoid
3. nature-based methods
4. accommodate
5. retreat
6. protect

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

### Policy guidelines

Consider as relevant:

- Any applicable Victorian Environmental Assessment Council recommendations.
- Any applicable Regional and Strategic Partnership Product, environmental management plan or coastal and marine management plan approved under the *Marine and Coastal Act 2018* or *National Parks Act 1975*.
- Any coastal erosion advice required under section 75 of the *Marine and Coastal Act 2018*.
- Local coastal hazard assessments and localised projections.

### Policy documents

Consider as relevant:

- Any applicable adaptation action plan prepared under the *Climate Action Act 2017*
- *Guidelines for Coastal Catchment Management Authorities: Assessing Development in relation to Sea Level Rise* (June, 2012)
- *Marine and Coastal Policy* (Department of Environment, Land, Water and Planning, 2020)
- *Marine and Coastal Strategy* (Department of Environment, Land, Water and Planning, 2022)
- *Planning for Sea Level Rise Guidelines, Port Phillip and Westernport Region* (Melbourne Water, 2017)
- *Siting and Design Guidelines for Structures on the Victorian Coast* (Department of Environment, Land, Water and Planning, 2020)
- *The Victorian Coastal Hazard Guide* (Department of Sustainability and Environment, 2012)

## 13.01-3S Urban heat

02/09/2025
VC283

### Objectives

To reduce urban heat and minimise impacts of urban heat on human health and wellbeing.

### Strategies

Support development that contributes to cooler urban environments.

Support cooling design responses in urban areas through the:

- Planting and maintenance of canopy trees and other vegetation.
- Use of integrated water management.
- Provision of shading of pedestrian walkways.
- Use of permeable surfaces and low heat absorbing surface materials, such as green roofs and walls.

Encourage use of alternative water resources such as recycled water, stormwater and rainwater to support canopy tree and vegetation growth.

### Policy documents

Consider as relevant:

- *Trees for Cooler and Greener Streetscapes Planning and Design Guidelines* (Department of Environment, Land, Water and Planning, 2019)

# 13.02 BUSHFIRE

31/07/2018
VC148

## 13.02-1S Bushfire planning

05/05/2026
VC248

### Policy application

This policy must be applied to all planning and decision making under the Act relating to land:

- in a bushfire prone area;
- in 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

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 reliable 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.

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 bushfire prone area map.
- Applying the Bushfire Management Overlay to land 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 the site.
  - Local and neighbourhood conditions - meaning conditions in the area within approximately 5 kilometres of the site.
  - The site and conditions within 150 metres.
- 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.

Plan to strengthen the resilience of settlements and communities through settlement growth, land use and development that prioritises the protection of human life by:

- Assessing the bushfire hazard at different spatial scales (landscape, local and neighbourhood and site), the likely fire behaviour, bushfire risk and the potential for local and neighbourhood-scale destruction.
- Directing population growth and development to low-risk locations, being those where:
  - The risk from large bushfires in the wider landscape can be managed including the risk associated with higher levels of ember attack.
  - On completion, development will not be exposed to high levels of radiant heat, which is no more than 12.5 kilowatts/square metre for locations subject to strategic planning or the preparation of a planning scheme amendment.
  - There is reliable access to areas of land where human life can be better protected from the effects of bushfire.
  - Bushfire protection measures can be provided to manage the on-going risk from bushfire.
- Ensuring alternative low-risk locations for settlement growth on a regional, municipal, settlement, local and neighbourhood basis have been assessed to ensure the proposed location for growth prioritises human life.
- 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.
- Not preparing, adopting or approving a plan that will result in the introduction or intensification of development in an area that has, or will have on completion, a radiant heat exposure of more than 12.5 kilowatts/square metre in the event of a bushfire. In this strategy, 'plan' means a strategic plan, policy statement, and amendment to a planning scheme, including an amendment to the Planning Policy Framework, or a plan approved under a provision of the planning scheme.

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.

When assessing a planning permit application for a use or development that will result in people congregating in large numbers:

- 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; and
- ensure 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 3959-2018 Construction of buildings in bushfire-prone areas*(Standards Australia, 2018)
- *Design guidelines for settlement planning at the bushfire interface* (Department of Environment, Land, Water and Planning, 2020)
- The bushfire prone area map.

# 13.03 FLOODPLAINS

31/07/2018
VC148

## 13.03-1S Floodplain management

20/03/2023
VC229

### Objective

To assist the protection of:

- Life, property and community infrastructure from flood hazard, including coastal inundation, riverine and overland flows.
- 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, wetland or coastal health.

### Strategies

Identify land affected by flooding, including land inundated by the 1 in 100 year flood event (1 per cent Annual Exceedance Probability) or as determined by the floodplain management authority in planning schemes.

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

Plan for the cumulative impacts of use and development on flood behaviour.

Locate emergency and community facilities (including hospitals, ambulance stations, police stations, fire stations, residential aged care facilities, communication facilities, transport facilities, community shelters, child care centres and schools) outside the 1 in 100 year (1 per cent Annual Exceedance Probability) 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.

Ensure land use on floodplains minimises the risk of waterway contamination occurring during floods and floodplains are able to function as temporary storage to moderate peak flows and minimise downstream impacts.

### Policy guidelines

Consider as relevant:

- Regional catchment strategies and special area plans approved by the Minister for Environment or Minister for Water.
- Any floodplain management manual or guideline of policy and practice, or catchment management, river health, wetland or floodplain management strategy adopted by the relevant responsible floodplain management authority.
- Any best practice environmental management guidelines for stormwater adopted by the Environment Protection Authority.

### Policy documents

Consider as relevant:

- *Victorian Floodplain Management Strategy* (Department of Environment, Land, Water and Planning, 2016)

## 13.03-1L Floodplain management

10/02/2022
C258wynd

### Strategies

Avoid urban expansion within floodplains that reduces flood storage, obstructs flood flows or increases the risk to life, health and safety.

Discourage raised earthworks that reduce natural flood storage, obstruct or redistribute flood flows or increase flow velocities and levels.

Discourage development in residential areas that encroach on 1:100 year floodplains or existing waterways.

# 13.04 SOIL DEGRADATION

31/07/2018
VC148

## 13.04-1S Contaminated and potentially contaminated land

04/05/2022
VC210

### Objective

To ensure that contaminated and potentially contaminated land is used and developed safely.

### Strategies

Ensure contaminated or potentially contaminated land is or will be suitable for the proposed use, prior to the commencement of any use or development.

Protect a sensitive use (residential use, childcare centre, kindergarten, pre-school centre, primary school, even if ancillary to another use), children's playground or secondary school from the effects of contamination.

Facilitate the remediation of contaminated land to make the land suitable for future intended use or development.

### Policy guideline

Consider as relevant the potential for contamination to impact the proposed use or development through an assessment that is proportionate to the risk, including:

- An assessment in accordance with the *National Environment Protection (Assessment of Site Contamination) Measure* (National Environment Protection Council, 1999)
- A preliminary risk screen assessment or environmental audit under Part 8.3 of the *Environment Protection Act 2017*.

### Policy documents

Consider as relevant:

- *Ministerial Direction No. 1 - Potentially Contaminated Land*
- *National Environment Protection (Assessment of Site Contamination) Measure* (National Environment Protection Council, 1999)

## 13.04-2S Erosion and landslip

31/07/2018
VC148

### 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*.

## 13.04-3S Salinity

31/07/2018
VC148

### 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 NOISE

31/07/2018
VC148

## 13.05-1S Noise management

10/06/2022
VC216

### Objective

To assist the management of noise effects on sensitive land uses.

### Strategy

Ensure that development is not prejudiced and community amenity and human health is not adversely impacted by noise emissions.

Minimise the impact on human health from noise exposure to occupants of sensitive land uses (residential use, child care centre, school, education centre, residential aged care centre or hospital) near the transport system and other noise emission sources through suitable building siting and design (including orientation and internal layout), urban design and land use separation techniques as appropriate to the land use functions and character of the area.

### Policy guidelines

Consider as relevant:

- The noise requirements in accordance with the Environment Protection Regulations under the *Environment Protection Act 2017*.

### Policy documents

Consider as relevant:

- *Environment Protection Regulations under the Environment Protection Act 2017*
- *Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues* (Publication 1826, Environment Protection Authority, May 2021)
- *Environment Reference Standard* (Gazette No. S 245, 26 May 2021)
- *Passenger Rail Infrastructure Noise Policy* (Victorian Government, 2013)
- *VicTrack Rail Development Interface Guidelines* (VicTrack, 2019)

# 13.06 AIR QUALITY

31/07/2018
VC148

## 13.06-1S Air quality management

14/01/2025
VC237

### 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 walking, cycling and public transport.

Ensure, wherever possible, that there is suitable separation between land uses that pose a human health risk or reduce amenity due to air pollutants, and sensitive land uses (residential use, child care centre, school, education centre, residential aged care centre or hospital).

Minimise air pollutant exposure to occupants of sensitive land uses near the transport system through suitable siting, layout and design responses.

### Policy documents

Consider as relevant:

- *Separation Distance Guideline* (Environment Protection Authority, August 2024)
- *Landfill Buffer Guideline* (Environment Protection Authority, August 2024)
- *Environment Reference Standard* (Gazette No. S 245, 26 May 2021)

# 13.07 AMENITY, HUMAN HEALTH AND SAFETY

26/05/2020
VC175

## 13.07-1S Land use compatibility

14/01/2025
VC237

### Objective

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

### Strategies

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

### Policy documents

Consider as relevant:

- *Separation Distance Guideline* (Environment Protection Authority, August 2024)
- *Landfill Buffer Guideline* (Environment Protection Authority, August 2024)

## 13.07-1L Non-residential uses in residential zones

10/02/2022
C258wynd

### Policy application

This policy applies to applications within a residential zone other than those affected by Clause 54 or Clause 55.

### Objectives

To manage non-residential uses in residential areas.

To avoid the development of defacto commercial strips.

### Strategies

Ensure the siting and design of buildings and works associated with non-residential uses is compatible with the surrounding area, including:

- Car parking areas.
- Signage.
- Fencing and landscaping.
- Lighting.
- Open space.
- Storage amenities and loading facilities.

Ensure non-residential uses are designed and managed in a manner that causes minimal loss of amenity, privacy and convenience to people living in nearby dwellings in respect of:

- Intensity of use and hours of operation.
- Unreasonable overshadowing and overlooking.
- Noise emissions.
- Traffic impacts.
- Avoidance of light spill.
- Waste management.

Encourage development to include features to reduce noise and loss of privacy.

Enhance the appearance of non-residential development, consistent with the surrounding residential environment, through:

- Landscaping.
- Site layout.
- Building scale, form and setbacks.
- Facade treatments.
- Building materials and colours.

Avoid traffic generation from non-residential uses that may detrimentally impact on the existing road network or pedestrian and vehicular safety.

Encourage non-residential uses to locate along roads that are capable of carrying anticipated traffic volumes.

Discourage major facilities serving catchments beyond the local level in residential areas unless they are located in and adjacent to commercial areas or sited on roads that avoid generation of traffic on residential streets.

Ensure that any waste generated by the use or development is managed to avoid adverse off-site impacts.

### Display homes

Discourage display homes in existing residential areas.

Encourage display homes to consolidate into one area to limit impact.

Ensure that time limits are applied to permits to minimise the impact on residential area.

Ensure that any lot which is used for car parking is not sold while required for that purpose.

Encourage land used for car parking areas to be restored to the natural surface after use ceases.

Ensure that pedestrian access to the display homes is through the car park.

### Child care centres

Locate open space and outside storage away from abutting residential uses.

Provide acoustic fencing of a scale and design that protects adjacent residential amenity and the privacy of the children using the centre.

### Medical centres and veterinary clinics

Ensure that animals remaining on site are enclosed in buildings.

### Convenience shop

Ensure refrigeration equipment is located so as not to be detrimental to nearby residential uses.

### Policy guidelines

Consider as relevant:

- The need for a Waste Management Plan.
- The inclusion of a 3m landscape setback along the road frontages of the property.
- The need for landscaping proposals to include screening and acoustic fencing to minimize amenity and privacy loss to surrounding properties.
- Limiting the hours of operation of display homes to 9am to 6pm seven days a week.
- Limiting the hours of operation of medical centres and veterinary clinics:
  - 8am to 9pm Monday to Saturday.
  - 9am to 6pm Sunday.
- Limiting commercial deliveries to after 7am and before 9pm, on any day of the week.
- Providing sensor-based security lighting, instead of standard lighting.

## 13.07-2S Major hazard facilities

26/10/2018
VC152

### Objective

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

### Strategies

Ensure major hazard facilities are sited, designed and operated to minimise risk to surrounding communities and the environment.

Consider the risks associated with increasing the intensity of use and development within the threshold distance of an existing major hazard facility.

Apply appropriate threshold distances from sensitive land uses for new major hazard facilities and between major hazard facilities.

Protect registered or licenced major hazard facilities as defined under Regulation 5 of the Occupational Health and Safety Regulations 2017 from encroachment of sensitive land uses.

## 13.07-3S Live music

01/07/2025
VC286

### Objective

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

### Strategies

Identify areas where live music venues are encouraged or where there are clusters of live music venues.

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

### Policy guidelines

Consider as relevant:

- The social, economic and cultural benefits to the community of:
  - Retaining an existing live music venue.
  - The development of new live music entertainment venues.
  - Clustering live music venues.

## 14 NATURAL RESOURCE MANAGEMENT

31/07/2018
VC148

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.

# 14.01 AGRICULTURE

31/07/2018
VC148

## 14.01-1S Protection of agricultural land

20/03/2023
VC229

### 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 Energy, Environment and Climate Action and using available information.

In considering a proposal to use, subdivide or develop agricultural land, consider the:

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

Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.

Give priority to the re-structure of inappropriate subdivisions where they exist on productive agricultural land.

Balance the potential off-site effects of a use or development proposal (such as degradation of soil or water quality and land salinisation) against the benefits of the proposal.

## 14.01-1R Protection of agricultural land - Metropolitan Melbourne

31/07/2018
VC148

### Strategy

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

## 14.01-1L Protection of agricultural land

10/02/2022
C258wynd

### Policy application

This policy applies to Green Wedge Zone, Rural Conservation Zone and Farming Zone.

### Objective[s]

To preserve the agricultural areas of the municipality.

To protect agricultural land in the Intensive Agriculture Precinct identified on Map 4 Coastal and Werribee South Precincts Map at Clause 02.04.

### Strategies

Retain productive land (as identified on the Coastal and Werribee South Precinct Map - Map 4 at Clause 02.03) for agricultural purposes.

Encourage consolidation of rural allotments.

Encourage re-alignment of lot boundaries if it supports farm viability.

Support land uses that complement and enhance the viability of agricultural activity.

Protect and minimise the loss of productive land within the Intensive Agriculture Precinct from encroachment or expansion of incompatible land uses in surrounding areas.

Ensure that agriculture takes precedence over non-agricultural land uses in the Intensive Agriculture Precinct.

Ensure that the siting of dwellings minimises the potential for conflict with farming activities.

Ensure that rural stores are primarily used for local agricultural produce.

Ensure that transport terminals are primarily used to load and transport agricultural produce from the Intensive Agriculture Precinct.

Ensure that depots or loading facilities within the intensive agriculture precinct that accommodate heavy articulated vehicles locate on Duncans Road, Diggers Road or Aviation Road (east of Duncans Road).

Set back new buildings and vegetation from any boundary adjoining productive agricultural land to ensure the operation and extent of the agricultural use of the land is not impacted.

Maintain large land holdings for rural land uses and discourage subdivision or development that will reduce land sizes to unviable areas for agriculture or grazing.

## 14.01-2S Sustainable agricultural land use

21/09/2018
VC150

### Objective

To encourage sustainable agricultural land use.

### Strategies

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

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

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

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

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

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

Facilitate ongoing productivity and investment in high value agriculture.

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

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

### Policy documents

Consider as relevant:

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

## 14.01-3S Forestry and timber production

20/03/2023
VC229

### 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 2014 (as amended 2022)* (Department of Environment, Land, Water and Planning, 2022).

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 2014 (as amended 2022)* (Department of Environment, Land, Water and Planning, 2022)

# 14.02 WATER

31/07/2018
VC148

## 14.02-1S Catchment planning and management

28/04/2026
VC232

### Objective

To assist the protection and restoration of catchments, waterways, estuaries, bays, 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 50 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.

Ensure that water quality infrastructure is designed to minimise risk of harm to surface waters and groundwater.

### Policy guidelines

Consider as relevant:

- Any regional catchment strategy and related plans approved under the *Catchment and Land Protection Act 1994*.
- Any applicable implementation strategy approved by a catchment management authority or waterway management authority.
- Any special area or management plan under the *Heritage Rivers Act 1992*.
- Any action statement or management plan prepared under the *Flora and Fauna Guarantee Act 1988*.

### Policy documents

Consider as relevant:

- *Murray River Regional Environmental Plan No 2 (REP2) of New South Wales*
- *Marine and Coastal Policy* (Department of Environment, Land, Water and Planning, 2020)

- *Planning Permit Applications in Special Water Supply Catchment Areas* (Department of Energy, Environment and Climate Action, 2024)
- *Urban stormwater management guidance* (Environment Protection Authority - Publication 1739.1, 2021)

## 14.02-2S Water quality

22/11/2024
VC263

### 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.

Ensure that the siting, design, operation and rehabilitation of landfills avoids impacts on groundwater and surface water.

Avoid detrimental impacts on groundwater resources and minimise risk of harm to human health and the environment from proposed land use or development.

### Policy documents

Consider as relevant:

- *Civil Construction, Building and Demolition Guide* (Publication 1834, Environment Protection Authority, November 2020)
- *Environment Reference Standard* (Gazette No. S 245, 26 May 2021)
- *Planning Permit Applications in Special Water Supply Catchment Areas* (Department of Energy, Environment and Climate Action, 2024)

## 14.02-3S Protection of declared irrigation districts

04/02/2026
VC265

### Objective

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

### Strategies

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

Ensure the future viability of an irrigation district by preventing non-agricultural use of land in a declared irrigation district where the land is serviced, or was serviced as at 17 September 2019, by rural water corporation irrigation infrastructure, unless the rural water corporation infrastructure has been, or is planned to be, decommissioned.

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

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

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

### Policy documents

Consider as relevant:

- *Water for Victoria* (Department of Environment, Land, Water and Planning, 2016)
- *Central and Gippsland Region Sustainable Water Strategy* (Department of Energy, Environment and Climate Action, 2022)
- *Northern Region Sustainable Water Strategy* (Department of Sustainability and Environment, 2009)
- *Western Region Sustainable Water Strategy* (Department of Sustainability and Environment, 2011)
- *Victorian Government White Paper, Securing Our Water Future Together – Our Water, Our Future* (Department of Sustainability and Environment, 2004)

# 14.03 EARTH AND ENERGY RESOURCES

31/07/2018
VC148

## 14.03-1S Resource exploration and extraction

19/08/2021
VC196

### 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, including transport networks, 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 extractive industry 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.

Identify and protect extractive industry resources within Strategic Extractive Resource Areas, based on their current or potential contribution to state supply, access to supporting transport networks and proximity to demand markets.

Facilitate the use and development of Strategic Extractive Resource Areas for extractive industries and other compatible land uses.

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.
- Ensure that the use and development of land for extractive industry responds to potential environmental risks and maintains or improves the quality of the air, land, acoustic and water environments.

### Policy documents

Consider as relevant:

- *Mineral Resources (Sustainable Development) Act 1990*
- *Greenhouse Gas Geological Sequestration Act 2008*
- *Geothermal Energy Resources Act 2005*
- *Petroleum Act 1998*
- *Melbourne Supply Area - Extractive Industry Interest Areas Review* (Geological Survey of Victoria Technical Record, 2003/2)
- *Ballarat Supply Area - Extractive Industry Interest Areas* (Geological Survey of Victoria Technical Record, 1997/3)
- *Bendigo Supply Area - Extractive Industry Interest Areas* (Geological Survey of Victoria Technical Record, 1998/6)
- *Geelong Supply Area - Extractive Industry Interest Areas* (Geological Survey of Victoria Technical Record, 1999/2)
- *La Trobe Supply Area - Extractive Industry Interest Areas* (Geological Survey of Victoria Technical Record, 1999/4)
- *Strategic Extractive Resource Areas Pilot Project Report* (Victorian Government, 2020)

## 14.03-1L Werribee South stone resources

10/02/2022
C258wynd

### Strategies

Respect the significant stone resources west of the Werribee River.

Maintain a buffer separation between sensitive uses and quarry activities.

### Policy guideline

Consider as relevant:

- Applying a minimum 500-metre quarry buffer to sensitive land uses.

## 15 BUILT ENVIRONMENT AND HERITAGE

02/09/2025
VC283

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, natural, scientific and cultural value.

Planning should incorporate measures to protect culturally significant heritage places in locations exposed to climate related hazards.

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 excellence in the built environment and create places that:

- Are enjoyable, engaging, and comfortable to be in.
- Support human health and community wellbeing.
- 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.
- Celebrate, acknowledge and protect cultural heritage.
- Enhance the function, amenity and safety of the public realm.

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

Planning should facilitate development that:

- Is adapted and resilient to climate related hazards.
- Supports the transition to net zero greenhouse gas emissions.
- Minimises waste generation and supports resource recovery.
- Conserves potable water.
- Supports the use of, and access to, low emission forms of transport.
- Protects and enhances natural values.
- Minimises off-site detrimental impacts on people and the environment.

# 15.01 BUILT ENVIRONMENT

31/07/2018
VC148

## 15.01-1S Urban design

02/09/2025
VC283

### 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 and heritage, natural features, surrounding landscape and climate.

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

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

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

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

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

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

Promote good urban design along and abutting transport corridors.

### Policy documents

Consider as relevant:

- *Urban Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2017)

## 15.01-1R Urban design - Metropolitan Melbourne

31/07/2018
VC148

### Objective

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

### Strategies

Support the creation of well-designed places that are memorable, distinctive and liveable.

Integrate place making practices into road space management.

Strengthen Melbourne's network of boulevards.

Create new boulevards in urban-growth areas and selected existing road corridors across Melbourne.

Provide spaces and facilities that encourage and support the growth and development of Melbourne's cultural precincts and creative industries.

## 15.01-1L-01 Landscaping

10/02/2022
C258wynd

### Objective

To improve the quality of development through landscaping.

### Strategies

Ensure that multi-unit housing is well landscaped with trees and shrubs.

Ensure there is adequate scope for canopy tree planting in private properties and within street reservations.

Ensure buildings and works along Princes Highway maintain the treed boulevard character of the corridor.

## 15.01-1L-02 Signs

10/02/2022
C258wynd

### Objective

To improve the visual amenity associated with signs and encourage the form and location of signs to respect the character of buildings to which they are attached and the setting they are located within.

### Strategies

### General

Prevent or minimise signage clutter, particularly in rural and residential areas, while providing for individual business identification and promotion signs.

Support the co-location of signage for multiple occupancies to reduce visual clutter.

Protect areas of environmental and natural significance by limiting signage adjoining or facing waterways and council reserves.

Encourage signage for new residential and industrial estates and business parks to be designed and located to:

- Respond to the site context.
- Limit visual impacts.
- Avoid visual clutter.
- Ensure road safety.

Discourage signs that inhibit or hinder views of important landscapes, streetscapes or architectural features.

Ensure signs are located on the land to which they relate and are contained wholly within property boundaries.

Discourage signs within or overhanging road reserves and Council owned land.

Ensure the lighting of signs is designed and baffled to limit light spill beyond site boundaries.

Encourage illuminated signs to be located at ground level provided they:

- Add vitality to a centre.
- Create a safer environment at night.
- Do not abut a Category 3 - High amenity area at Clause 52.05-9 of this Scheme.

Encourage the replacement or removal of existing poorly maintained or located signs when a new sign is being installed.

Ensure signage does not dominate gateways to the City or to business centres, along major arterials or pedestrian and railway corridors.

Support signs that define a gateway and complement adjoining land uses.

Discourage the following types of signs:

- Signs in the form of trailers, bunting and balloons.
- Signs that are reflective, flashing or animated.
- Signage in a V-Board configuration on verandahs or awnings, at intersections where they impede visibility, or dominate the streetscape.
- Sky signs that have a dominant impact on streetscape.
- Signs that protrude above the height of building rooflines, beyond fascias, parapets or walls.
- Signs adjacent to freeways and/or highways.

Encourage the location and number of estate signs to be planned using a whole -of-estate approach.

Ensure major promotion and promotion signs are located at focal points within major or regional commercial centres on main roads, industrial estates or on major transport routes, and are in scale with the built form of their immediate locality.

**Category 1 – Commercial areas**

Ensure pole signs are set back from street frontages and are limited to one pole sign per site frontage.

Discourage signage facing residential areas or zones that would adversely impact upon the amenity of the residential area or zone.

**Category 2 – Office and industrial areas**

Ensure pole signs are set back from street frontages and limited to one pole sign per site frontage.

Limit signs on building façades, walls, parapets or landscaped surroundings to the minimum required to promote the use/operation.

Ensure signs at the upper level façade are proportionate to the scale of the building.

**Category 3 – High amenity areas**

Support signs that are respectful of residential character and are not visually dominate.

Restrict the illumination of business identification signage to the operating hours of the business to which it relates.

Encourage signs to be fixed on buildings, except on heritage buildings.

Ensure signs above front fence height are set back from the road reserve to avoid dominating the streetscape.

Support signs on heritage places that are designed, coloured and located in a manner that conserves the heritage place.

**Category 4 – Sensitive areas**

Encourage signs facing areas of significance to be finished in muted and/or earthy tones and colours.

Limit wording on signs facing areas of significance to business identification.

Ensure freestanding signs face away from areas of public open space, the coastline and waterways.

**Policy guidelines**

Consider as relevant:

New residential and employment estates

- Discouraging new estate signage that is larger than the preferred maximum area of 25 square metres.
- Limiting on-site estate signs on road frontages of less than 150 metres to one sign per road frontage.
- Allowing multiple on-site estate signs on road frontages of more than 150 metres provided there:
  - Is a minimum of 150 metres distance between each sign.
  - Are no more than four signs per frontage (excluding signage for land sales office and display homes or villages).
- Supporting off-site estate signs where:

  - The signs are located at least 200 metres from any other promotion sign advertising the same estate.
  - No more than four signs are erected per estate.
  - The signs are located within three kilometres of the subdivision to which they relate.
- Supporting display village signage where:
  - The combined maximum area of signs does not exceed 7 square metres per display home frontage.
  - Each sign does not exceed 2 square metres of advertisement area.
  - The combined maximum area of signage for land sales office does not exceed 15 square metres.
  - Perimeter signage associated with the sales office is used to screen construction works and provides opportunities for branding while the estate is in its development and sales phase.

**Category 3 areas**

Allowing small scale non-residential uses in a residential zone (e.g. home occupation) to display low profile business identification signage not exceeding 1.8 metres in height and a total advertising area not exceeding 1 square metre.

Limiting signs for medical centres to a maximum area of 2 square metres.

Limiting signs for large scale free-standing non-residential uses (e.g. petrol stations) to a pole sign and a low-profile parapet/wall/fascia business identification sign.

Limiting signage on windows to 50 per cent of the window area.

## 15.01-2S Building design

16/04/2026
VC300

### Objective

To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.

### Strategies

Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale, massing and energy performance 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.

Improve the energy performance of buildings through siting and design measures that encourage:

- Passive design responses that minimise the need for heating, cooling and lighting.
- On-site renewable energy generation and storage technology.
- Use of low embodied energy materials.

Restrict the provision of reticulated natural gas in new dwelling development.

Ensure the layout and design of development supports resource recovery, including separation, storage and collection of waste, mixed recycling, glass, organics and e-waste.

Encourage use of recycled and reusable materials in building construction and undertake adaptive reuse of buildings, where practical.

Encourage water efficiency and the use of rainwater, stormwater and recycled water.

Minimise stormwater discharge through site layout and landscaping measures that support on-site infiltration and stormwater reuse.

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 considers and responds to transport movement networks and provides safe access and egress for pedestrians, cyclists and vehicles.

Encourage development to retain existing vegetation.

Ensure development provides landscaping that responds to its site context, enhances the built form, creates safe and attractive spaces and supports cooling and greening of urban areas.

### Policy documents

Consider as relevant:

- *Urban Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2017)
- *Apartment Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2021)
- *Waste Management and Recycling in Multi-unit Developments* (Sustainability Victoria, 2019)
- *Mid-Rise Design Guide* (Department of Transport and Planning, 2026)

## 15.01-2L-01 Environmentally sustainable development

10/06/2022
VC216

### Policy application

This policy applies to residential and non-residential development, excluding subdivision, in accordance with the thresholds detailed in this policy.

### Objective

To achieve best practice in environmentally sustainable development from the design stage through to construction and operation.

### Strategies

Facilitate development that minimises environmental impacts.

Encourage environmentally sustainable development that:

- Is consistent with the type and scale of the development.
- Responds to site opportunities and constraints.
- Adopts best practice through a combination of methods, processes and locally available technology that demonstrably minimise environmental impacts.

***Energy performance***

Reduce both energy use and energy peak demand through design measures such as:

- Building orientation.
- Shading to glazed surfaces.
- Optimising glazing to exposed surfaces.
- Inclusion of or space allocation for renewable technologies.

***Integrated water management***

Reduce total operating potable water use through appropriate design measures such as water efficient fixtures, appliances, equipment, irrigation and landscaping.

Encourage the appropriate use of alternative water sources (including greywater, rainwater and stormwater).

Incorporate best practice water sensitive urban design to improve the quality of stormwater runoff and reduce impacts on water systems and water bodies.

***Indoor environment quality***

Achieve a healthy indoor environment quality, including thermal comfort and access to fresh air and daylight, prioritising passive design over mechanical heating, ventilation, cooling and lighting.

Reduce indoor air pollutants by encouraging use of low-toxicity materials.

Minimise noise levels and noise transfer within and between buildings and associated external areas.

***Transport***

Design development to promote the use of walking, cycling and public transport, in that order; and minimise car dependency.

Promote the use of low emissions vehicle technologies and supporting infrastructure.

***Waste management***

Promote waste avoidance, reuse and recycling during the design, construction and operation stages of development.

Encourage use of durable and reuseable building materials.

Ensure sufficient space is allocated for future change in waste management needs, including (where possible) composting and green waste facilities.

***Urban ecology***

Protect and enhance biodiversity by incorporating natural habitats and planting indigenous vegetation.

Reduce urban heat island effects through building design, landscape design, water sensitive urban design and the retention and provision of canopy and significant trees.

Encourage the provision of space for productive gardens, particularly in larger residential developments.

### Policy guidelines

***Residential***

A Sustainable Design Assessment (including an assessment using BESS, STORM or other methods) for:

- 2 - 9 dwellings.
- A building used for accommodation other than dwellings with a gross floor area between 500 and 1999 square metres.

A Sustainability Management Plan (including an assessment using BESS/Green star, STORM/MUSIC or other methods) and a Green Travel Plan for:

- 10 or more dwellings.
- A building used for accommodation other than dwellings with a gross floor area of more than 2000 square metres.

***Non-residential***

A Sustainable Design Assessment (including an assessment using BESS and STORM/MUSIC or other methods) for:

- A non-residential building with a gross floor area of 500 to 1999 square metres.
- An extension to an existing non-residential building creating between 500 to 1999 square metres of additional gross floor area (excluding outbuildings).

A Sustainability Management Plan (including an assessment using BESS/Green star, STORM/MUSIC or other methods) and a Green Travel Plan for:

- A non-residential building with a gross floor area of more than 2000 square metres.
- An extension to an existing non-residential building creating more than 2000 square metres of additional gross floor area (excluding outbuildings).

***Mixed use***

Applicable assessments for the residential and non-residential components of the development.

Consider as relevant the following tools to support a Sustainable Design Assessment or Sustainability Management Plan:

- *Sustainable Design Assessment in the Planning Process* (IMAP, 2015)
- *Built Environment Sustainability Scorecard 'BESS'* (Council Alliance for a Sustainable Built Environment 'CASBE')
- *Green Star* (Green Building Council of Australia)
- *Model for Urban Stormwater Improvement Conceptualisation 'MUSIC'* (Melbourne Water)

- *Nationwide House Energy Rating Scheme 'NatHERS'* (Department of Climate Change and Energy Efficiency)
- *Stormwater Treatment Objective - Relative Measure 'STORM'* (Melbourne Water)
- *Urban Stormwater Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999)
- *Waste Management and Recycling in Multi-Unit Developments - Better Practice Guide* (Sustainability Victoria, 2018).

### Commencement

This policy does not apply to applications received by the responsible authority before 18 October 2018.

### Expiry

This policy will expire when it is superseded by a comparable provision of the Victoria Planning Provisions.

## 15.01-2L Industrial and commercial design

10/02/2022
C258wynd

### Strategies

Ensure new industrial and commercial development especially with a residential interface, compliments the character of the area.

## 15.01-2L-03 Heat island effects

10/06/2022
VC216

### Objective

To minimise the impacts of heat island through urban design responses.

### Strategies

Minimise the extent of sealed ground surfaces.

Encourage the use of materials and finishes to buildings and pavements that minimise heat island effects.

Retain existing and promote additional canopy trees and landscaped surfaces.

### Policy document

Consider as relevant:

- *Wyndham City Environment and Sustainability Strategy 2011- 2015* (Wyndham City Council, 2011)

## 15.01-3S Subdivision design

01/01/2024
VC250

### 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 habitat for native flora and fauna, and providing opportunities for people to experience nature in urban areas.
- 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.
- Minimising exposure of sensitive uses to air and noise pollution from the transport system.
- Being accessible to people with disabilities.
- Creating an urban structure that:
  - Responds to climate related hazards.
  - Incorporates integrated water management, including sustainable irrigation of open space.
  - Minimises peak demand on the electricity network.
  - Supports energy efficiency and solar energy generation through urban layout and lot orientation.
  - Supports waste minimisation and increased resource recovery.
- Providing utilities and services that support the uptake of renewable energy technologies, such as microgrids and energy storage systems, including batteries.
- Providing all-electric lots.

### Policy documents

Consider as relevant:

- *Urban Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2017)

## 15.01-3L Subdivsion design

10/02/2022
C258wynd

### Strategies

Ensure there is adequate scope for canopy tree planting in private properties and within street reservations.

Ensure new subdivisions creating rear loaded allotments and lanes are designed allowing sufficient space for landscaping, street lighting and services, by including requirements of any servicing authority early in the design process.

## 15.01-4S Healthy neighbourhoods

02/09/2025
VC283

### 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.

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

### Policy documents

Consider as relevant:

- *Urban Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2017)

## 15.01-4L Liveability

10/02/2022
C258wynd

### Strategies

Create opportunities for people to connect through the creation of urban parks, pedestrian plazas and urban links.

## 15.01-5S Neighbourhood character

09/10/2020
VC169

### Objective

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

### Strategies

Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.

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

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

- Pattern of local urban structure and subdivision.
- Underlying natural landscape character and significant vegetation.
- Neighbourhood character values and built form that reflect community identity.

## 15.01-5L Wyndham preferred neighbourhood character

10/02/2022
C258wynd

### Policy application

This policy applies to all planning permit applications for development in a residential zone.

### General objectives

To retain the garden settings of buildings and the tree canopy of neighbourhoods.

To maintain the rhythm of spacing between buildings.

To minimise the loss of front garden space and the dominance of car parking structures.

To ensure new buildings or extensions do not dominate the streetscape.

To provide innovative and contemporary architectural responses that make a positive contribution to the streetscape character.

To respect the pattern of frontage treatment within the area.

To integrate buildings and landscape settings with open space and creek or river-side environs.

To ensure that the type, scale and design of development complements the neighbourhood character.

To minimise the loss of backyard areas and established vegetation.

### General strategies

Provide landscaping within smaller garden settings.

Provide space for front gardens and planting around buildings.

Retain intact, older buildings that contribute to the character of the area.

### Garden suburban

### Strategies

Retain the older, ‘character’ buildings of the Victorian, Edwardian or Interwar eras.

Retain well established canopy trees.

Provide new canopy trees where lacking.

Provide open frontages with low front fencing or no fencing.

Interface development with adjacent open spaces and creek or river corridors.

### Policy guideline

Consider as relevant:

- Setting buildings back at least 1 to 2 metres from side boundaries.

### Garden court type

### Strategies

Provide a strong landscape character.

Retain well established canopy trees.

Provide new canopy trees where lacking.

Provide dwelling spacing by setting back buildings from side boundaries.

Provide open frontages with low front fencing or no fencing.

Interface development with open spaces and creek or river corridors.

### Policy guidelines

Consider as relevant:

- Setting buildings back at least 1 to 2 metres from side boundaries.
- Setting buildings back at least 2 to 4 metres from side boundaries in Kingston Boulevard, Sayers Road and Tarneit Road, Hoppers Crossing.

### Bush suburban type

### Strategies

Retain existing canopy trees.

Provide new canopy trees where lacking.

Preserve and enhance the native landscaping theme.

Provide dwelling spacing by setting back buildings from side boundaries.

Provide open frontages with no fencing or rural style front fences.

Provide a rural road treatment.

Interface development with adjacent open spaces and creek or river corridors.

### Policy guideline

Consider as relevant:

- Setting buildings back at least 4 to 8 metres from side boundaries.

### Contemporary garden suburban type

### Strategies

Provide new canopy trees.

Provide landscaping in small spaces.

Provide open front boundary treatment or very low fences.

Interface development with adjacent open spaces and creek or river corridors.

### Coastal garden suburban type

### Strategies

Protect the existing tree canopy, including many native trees and coastal planting.

Provide new canopy trees where lacking.

Provide a native or coastal landscaping theme.

Provide dwelling spacing by setting back buildings from side boundaries.

Provide open frontages with low front fencing or no fencing.

Provide a rural or informal road treatment.

Interface development with, and views to, Werribee River, Werribee South Beach and adjoining rural areas.

### Policy guideline

Consider as relevant:

- Setting back buildings 1 metre from side boundaries.

### Bush garden

#### Strategy

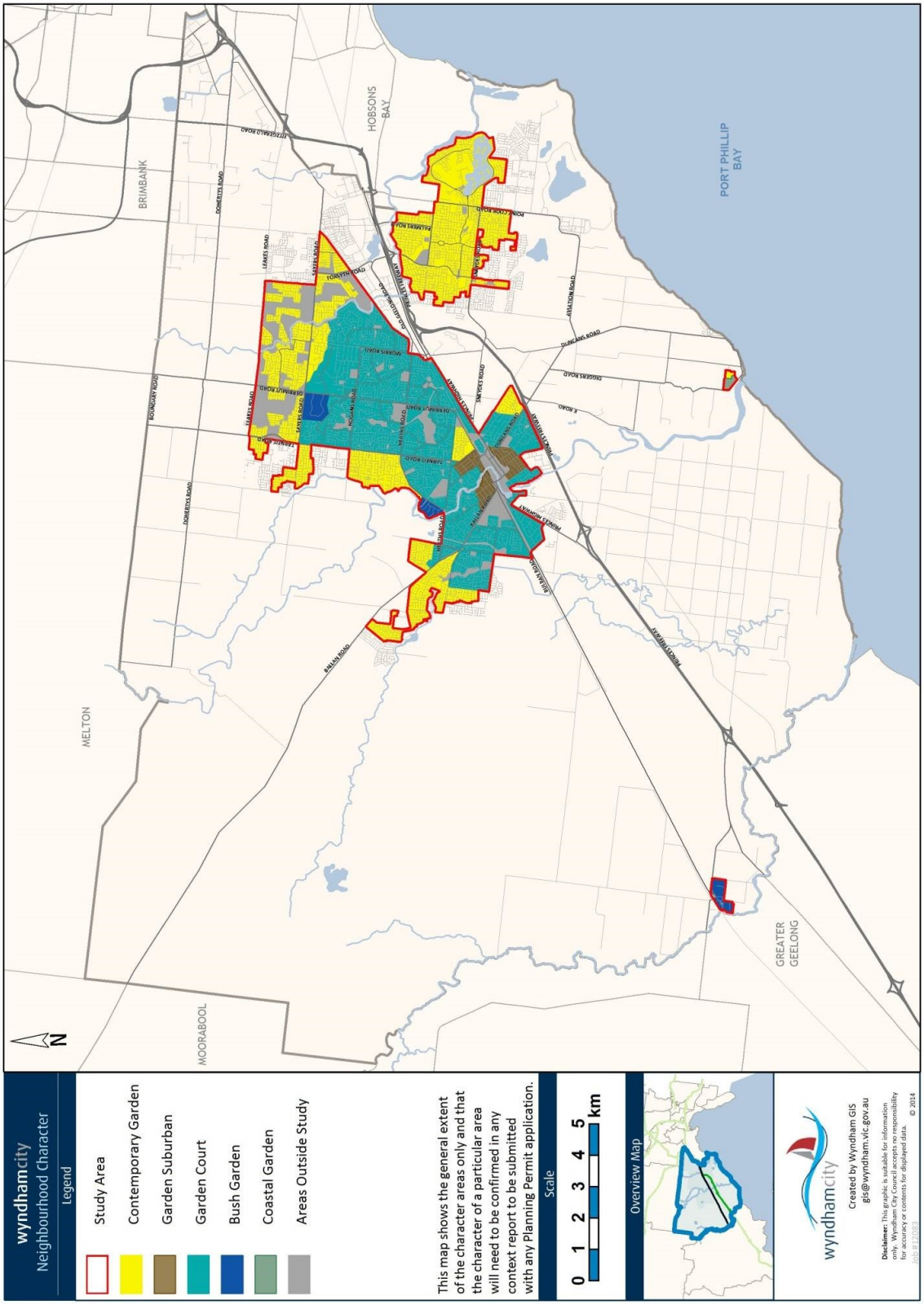
Hide built form on larger lots behind well-established gardens and canopy trees.

#### Policy document

Consider as relevant:

- *Wyndham Neighbourhood Character Scoping Study* (Planisphere, 2012)

## Neighbourhood character areas



## 15.01-6S Design for rural areas

31/07/2018
VC148

### Objective

To ensure development respects valued areas of rural character.

### Strategies

Ensure that the siting, scale and appearance of development protects and enhances rural character.

Protect the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located.

Site and design development to minimise visual impacts on surrounding natural scenery and landscape features including ridgelines, hill tops, waterways, lakes and wetlands.

## 15.02 [NO CONTENT]

10/06/2022
VC216

## 15.02-1S [NO CONTENT]

10/06/2022
VC216

# 15.03 HERITAGE

31/07/2018
VC148

## 15.03-1S Heritage conservation

02/09/2025
VC283

### 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.

### Policy documents

- The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance (Australia ICOMOS Incorporated, 2013).

## 15.03-1L Dry stone walls

10/02/2022
C258wynd

### Policy application

This policy applies to all permit applications for the:

- Demolition, removal or alteration of a dry stone wall specified in the schedule to the Heritage Overlay.
- Subdivision of land containing a dry stone wall specified in the schedule to the Heritage Overlay.

### Objectives

To ensure the retention and conservation of dry stone walls.

To ensure the cultural significance of dry stone walls is not adversely impacted.

### Strategies

Discourage the demolition of dry stone walls.

Design subdivisions to preserve the heritage and landscape values of dry stone walls.

Ensure the integrity of dry stone walls is not adversely impacted through the construction of:

- Additions or alterations.
- Nearby buildings and work.

use dry stone wall materials sourced from walls that have previously collapsed or been dismantled to repair or rebuild walls elsewhere.

### Policy guidelines

Consider as relevant:

Incorporating a dry stone wall reserve comprising a 5 metre strip centred in the middle of the wall, wherever possible.

Avoiding engineering works within the 5 metres strip.

Locating buildings at a distance that would preserve nearby dry stone walls, taking account of the depth of proposed foundations, disturbance to bedrock and mitigation works to protect the walls during construction.

- The following for the reconstruction of or new works to a dry stone wall:
  - Encouraging any reconstruction or works to be undertaken by a professional dry stone waller.
  - Utilising stone that matches the original type and design of the wall.
  - Avoiding the use of mortar.
  - Maintaining the original alignment and construction style of a wall.
  - Supporting wall ends at openings being reconstructed as proper vertical tied end walls.
  - Discouraging increases in the height of existing walls.
  - Minimising new openings in walls.
- The following for the subdivision of land containing a dry stone wall:
  - Retaining dry stone walls in an open area fronting public open space or roads.

- Incorporating a dry stone wall reserve comprising of a 5 metre strip centred in the middle of the wall, avoid engineering works occurring within the 5 metres strip.
- Minimising the number of new openings through walls and utilising existing historic openings for entrances into new subdivisions.

## 15.03-2S Aboriginal cultural heritage

31/07/2018
VC148

### 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*

## 16 HOUSING

31/07/2018
VC148

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

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

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

# 16.01 RESIDENTIAL DEVELOPMENT

31/07/2018
VC148

## 16.01-1S Housing supply

16/04/2026
VC300

### Objective

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

### Strategies

Plan to accommodate housing targets specified in this clause by ensuring zones and overlays deliver sufficient realisable development capacity.

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

Increase the proportion of housing in urban areas with good access to opportunities and services (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas.

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

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

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

Encourage the development of well-designed housing that:

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

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

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

### Policy documents

Consider as relevant:

- *Homes for Victorians - Affordability, Access and Choice* (Victorian Government, 2017)
- *Apartment Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2021)
- *Mid-Rise Design Guide* (Department of Transport and Planning, 2026)

**Table 1 - Metropolitan Melbourne Housing Targets**

| | Housing Target | Greenfield Area Target | Established Area Target |
|---|---|---|---|
| **Growth Municipalities** | | | |
| Mitchell | 66,000 | 56,000 | 10,000 |
| Cardinia | 30,000 | 21,000 | 9,000 |
| Casey | 87,000 | 58,500 | 28,500 |
| Hume | 79,000 | 53,500 | 25,500 |
| Melton | 109,000 | 104,000 | 5,000 |
| Whittlesea | 72,000 | 43,000 | 29,000 |

| | | | |
|---|---|---|---|
| Wyndham | 99,000 | 74,000 | 25,000 |
| **Inner Melbourne** | | | |
| Melbourne | 119,500 | - | 119,500 |
| Port Phillip | 55,000 | - | 55,000 |
| Stonnington | 50,000 | - | 50,000 |
| Yarra | 44,000 | - | 44,000 |
| **Middle Melbourne** | | | |
| Banyule | 45,500 | - | 45,500 |
| Bayside | 30,000 | - | 30,000 |
| Boroondara | 65,500 | - | 65,500 |
| Darebin | 69,000 | - | 69,000 |
| Glen Eira | 63,500 | - | 63,500 |
| Hobsons Bay | 22,500 | - | 22,500 |
| Kingston | 51,500 | - | 51,500 |
| Manningham | 28,500 | - | 28,500 |
| Maribyrnong | 48,000 | - | 48,000 |
| Merri-bek | 69,000 | - | 69,000 |
| Monash | 69,500 | - | 69,500 |
| Moonee Valley | 47,500 | - | 47,500 |
| Whitehorse | 76,500 | - | 76,500 |
| **Outer Melbourne** | | | |
| Brimbank | 59,500 | - | 59,500 |
| Frankston | 33,000 | - | 33,000 |
| Greater Dandenong | 52,500 | - | 52,500 |
| Knox | 43,000 | - | 43,000 |
| Maroondah | 39,500 | - | 39,500 |
| Mornington Peninsula | 24,000 | - | 24,000 |
| Nillumbik | 6,500 | - | 6,500 |
| Yarra Ranges | 25,000 | - | 25,000 |

**Table 2 - Regional Victoria Housing Targets**

| | Housing Target | Greenfield Area Target | Established Area Target |
|---|---|---|---|

| | | | |
|---|---|---|---|
| **Barwon** | | | |
| Colac Otway | 3,700 | - | - |
| Greater Geelong | 128,600 | 51,100 | 77,500 |
| Queenscliffe | 400 | - | - |
| Surf Coast | 8,000 | - | - |
| **Central Highlands** | | | - |
| Ararat | 1,000 | - | - |
| Ballarat | 46,900 | 18,900 | 28,000 |
| Golden Plains | 12,500 | - | - |
| Hepburn | 3,150 | - | - |
| Moorabool | 20,000 | - | - |
| Pyrenees | 1,300 | - | - |
| **Gippsland** | | | - |
| Bass Coast | 19,250 | - | - |
| Baw Baw | 25,700 | - | - |
| East Gippsland | 11,000 | - | - |
| Latrobe | 13,000 | - | - |
| South Gippsland | 8,000 | - | - |
| Wellington | 8,000 | - | - |
| **Goulburn** | | | |
| Greater Shepparton | 15,250 | - | - |
| Mitchell | 66,000 | 56,000 | 10,000 |
| Moira | 4,500 | - | - |
| Murrindindi | 3,350 | - | - |
| Strathbogie | 2,400 | - | - |
| **Great South Coast** | | | |
| Corangamite | 1,400 | - | - |
| Glenelg | 1,400 | - | - |
| Moyne | 2,900 | - | - |
| Southern Grampians | 1,250 | - | - |
| Warrnambool | 7,200 | - | - |
| **Loddon Campaspe** | | | |

| | | | |
|---|---|---|---|
| Campaspe | 4,500 | - | - |
| Central Goldfields | 1,700 | - | - |
| Greater Bendigo | 37,000 | 11,000 | 26,000 |
| Loddon | 550 | - | - |
| Macedon Ranges | 13,200 | - | - |
| Mount Alexander | 4,500 | - | - |
| **Mallee** | | | |
| Buloke | 150 | - | - |
| Gannawarra | 850 | - | - |
| Mildura | 8,500 | - | - |
| Swan Hill | 2,100 | - | - |
| **Ovens Murray** | | | |
| Alpine | 1,250 | - | - |
| Benalla | 1,700 | - | - |
| Indigo | 3,100 | - | - |
| Mansfield | 3,900 | - | - |
| Towong | 550 | - | - |
| Wangaratta | 6,000 | - | - |
| Wodonga | 15,200 | - | - |
| **Wimmera Southern Mallee** | | | |
| Hindmarsh | 250 | - | - |
| Horsham | 3,300 | - | - |
| Northern Grampians | 750 | - | - |
| West Wimmera | 200 | - | - |
| Yarriambiack | 300 | - | - |

## 16.01-1R Housing supply - Metropolitan Melbourne

04/02/2026
VC265

### Strategies

Create development opportunities to meet housing targets, population growth and create a sustainable city by developing housing and mixed use development opportunities in locations that are:

- In and around the Central City.
- Metropolitan activity centres and their residential catchments.
- Priority Precincts, including Suburban Rail Loop East Precincts.
- Activity centres - Housing Choice and Stations.
- Areas for residential growth.
- Areas for greyfield renewal, particularly through opportunities for land consolidation.
- Established areas close to existing services, jobs and public transport.
- Neighbourhood activity centres - especially those with good public transport connections.
- Areas near existing and proposed railway stations that can support transit-oriented development.

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

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

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

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

## 16.01-1L Housing location

10/02/2022
C258wynd

### Strategies

Encourage higher density development to occur in well serviced and established areas such as Werribee City Centre and Hoppers Crossing.

Encourage medium density housing, especially within close walking distance of existing and planned fixed rail stations, defined activity centres, bus routes and employment areas.

## 16.01-2S Housing affordability

02/09/2025
VC283

### Objective

To deliver affordable housing in areas with good access to opportunities and services.

### Strategies

Improve housing affordability by:

- Ensuring housing 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, growth areas, 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:

- *Homes for Victorians - Affordability, Access and Choice* (Victorian Government, 2017)

## 16.01-3S Rural residential development

09/10/2020
VC169

### 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.

## 16.01-4S Community care accommodation

04/11/2022
VC226

### 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 provided no more than 20 clients are accommodated and the use 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.

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

## 16.01-5S Residential aged care facilities

09/10/2020
VC169

### 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*.

## 17 ECONOMIC DEVELOPMENT

31/07/2018
VC148

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.

# 17.01 EMPLOYMENT

31/07/2018
VC148

## 17.01-1S Diversified economy

31/07/2018
VC148

### 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.

## 17.01-1R Diversified economy - Metropolitan Melbourne

02/09/2025
VC283

### Strategies

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

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

Provide a mix of uses within Suburban Rail Loop Precincts and prioritise higher density development.

Avoid development in Suburban Rail Loop Precincts that would impede opportunities for significant future growth.

Facilitate the development of Employment and Innovation Areas by ensuring they:

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

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

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

Support diverse employment generating uses, including offices, innovation and creative industries in identified areas within regionally significant industrial precincts, where compatible with adjacent uses and well connected to transport networks.

Consider how land use change proposals can respond to local and regional employment demand or identify how it can be accommodated elsewhere.

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

Facilitate investment in Melbourne's outer areas to increase local access to employment.

## 17.01-2S Innovation and research

04/10/2018
VC149

### 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.

# 17.02 COMMERCIAL

31/07/2018
VC148

## 17.02-1S Business

15/03/2024
VC256

### 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.

Regulate the use and development of land for a sex services premises in commercial and mixed use areas in the same way as for other types of shop.

Ensure that planning for the use and development of land for a sex services premises and home based business is consistent with decriminalisation of sex work and provides for the reduction of discrimination against, and harm to, sex workers.

## 17.02-1L Large retail premises

10/02/2022
C258wynd

### Strategy

Direct large and bulky retail uses to Old Geelong Road, Hoppers Crossing and Williams Landing.

## 17.02-2S Out-of-centre development

31/07/2018
VC148

### 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

## 17.03-1S Industrial land supply

14/01/2025
VC237

### 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.

Preserve locally significant industrial land for industrial or employment generating uses, unless long-term demand for these uses can be demonstrably met elsewhere.

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

### Policy documents

Consider as relevant:

- *Separation Distance Guideline* (Environment Protection Authority, August 2024)
- *Landfill Buffer Guideline* (Environment Protection Authority, August 2024)

## 17.03-1L Industrial land supply

12/12/2025
C267wynd

### Strategies

Prioritise retention of industrial uses in key industrial areas that can accommodate industry needs into the future and prevent the encroachment of inappropriate uses on existing industrial land.

Support the provision of industrial land by providing and improving transport options, including active transport, where appropriate.

### Policy documents

Consider as relevant:

- *Wyndham Industrial Land-Use Strategy* (Wyndham City Council, 2025)

## 17.03-2S Sustainable industry

14/01/2025
VC237

### Objective

To facilitate the sustainable operation of industry.

### Strategies

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

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

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

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

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

Support the retention of small-scale industries servicing established urban areas through appropriate zoning.

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:

- *Separation Distance Guideline* (Environment Protection Authority, August 2024)
- *Landfill Buffer Guideline* (Environment Protection Authority, August 2024)

## 17.03-3S Significant industrial land

02/09/2025
VC283

### Objective

To protect significant industrial land.

### 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.

### Policy documents

Consider as relevant:

- *Melbourne Industrial and Commercial Land Use Plan* (Department of Environment, Land, Water and Planning, 2020)
- *Industrial and Commercial Land Classifications* (Department of Transport and Planning, 2025)

## 17.03-3R Regionally significant industrial land - Metropolitan Melbourne

02/09/2025
VC283

### Strategies

Protect industrial land of regional significance and facilitate continual growth in freight, logistics and manufacturing investment.

Support the transition from manufacturing land uses to other employment uses in strategically identified areas well connected to transport networks, especially in Suburban Rail Loop Precincts.

## 17.03-3R Regionally significant industrial land - Metropolitan Melbourne - Western Metro Region

03/03/2023
VC215

### Strategy

Protect industrial land in Toolern, Plumpton and South of Werribee, and industrial land adjacent to major transport gateways by:

- Prioritising the retention of industrial uses on existing unfragmented industrial zoned land.
- Supporting other employment uses where compatible with or supportive of adjacent industrial uses, in areas well connected to transport networks.

# 17.04 TOURISM

31/07/2018
VC148

## 17.04-1S Facilitating tourism

31/07/2018
VC148

### 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 Investment Guidelines – Your Guide to Tourism Investment in Victoria* (Tourism Victoria, 2008)

## 17.04-1R Tourism in Metropolitan Melbourne

31/07/2018
VC148

### Objective

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

### Strategies

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

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

## 17.04-1L Facilitating tourism

10/02/2022
C258wynd

### Strategies

Promote tourism operations in the Werribee South tourism and Harbour precincts.

Ensure tourism operations within the Intensive Agriculture Precinct identified in the *Werribee South Green Wedge Policy and Management Plan* (Wyndham City Council, 2017) are agriculture related or have a significant agricultural component.

Link tourism and recreational assets across the Green Wedges.

Encourage tourism development within the defined Werribee South Green Wedge Tourism Precinct.

### Policy document

Consider as relevant:

- *Werribee South Green Wedge Policy and Management Plan* (Wyndham City Council, 2017)

## 17.04-2S Coastal and maritime tourism and recreation

20/03/2023
VC229

### Objective

To encourage a diverse range of strategically located and well-designed coastal and maritime tourism and recreational opportunities that strengthen people's connection with the marine and coastal environment.

### Strategies

Support safe and sustainable recreation and tourism development including ecotourism, tourism and major maritime events that:

- Responds to identified demand.
- Minimises impact on environmental and cultural values.
- Minimises impact on other users.
- Minimises direct and cumulative impacts.
- Maintains public safety.
- Responds to the carrying capacity of the site.
- Minimises exposure to coastal hazard risks and risks posed by climate change.

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.

Support a sustainable network of facilities for recreational boating and water-based activities that respond to:

- Identified demand.
- Use and safety considerations.
- The carrying capacity of the location.
- Coastal processes.
- Environmental values.

Strategically plan and operate ports to complement each other in the context of the broader economy, transport networks and the maritime and coastal environments within which they are regulated.

Provide public access to recreational facilities and activities on land and water.

### Policy guidelines

Consider as relevant:

- *Coastal Spaces Landscape Assessment Study* (Department of Sustainability and Environment, 2006)

- *Gippsland Boating Coastal Action Plan 2013 - Gippsland Coastal Board*
- *Recreational Boating Facilities Framework July 2014 - Central Coastal Board*
- *Western Boating Coastal Action Plan 2010 - Western Coastal Board*

**Policy documents**

Consider as relevant:

- *Marine and Coastal Policy* (Department of Environment, Land, Water and Planning, 2020)
- *Marine and Coastal Strategy* (Department of Environment, Land, Water and Planning, 2022)
- *Siting and Design Guidelines on the Victorian Coast* (Department of Environment, Land, Water and Planning, 2020)

## 17.04-2L Coastal and maritime tourism and recreation

10/02/2022
C258wynd

### Strategies

Promote use and development that complement marine related leisure activities on Port Phillip Bay.

Ensure that the use and development of the marina complements existing tourist and recreational facilities.

Support a mix of retail, residential, tourism and other uses that complement the core marina activity.

Support new tourism within the tourism precinct identified on Map 4 Coastal and Werribee South Precincts Map at Clause 02.04.

# 18 TRANSPORT

09/12/2021
VC204

Planning should ensure a safe, integrated and sustainable transport system that:

- Provides access to social and economic opportunities to support individual and community wellbeing.
- Facilitates economic prosperity.
- Actively contributes to environmental sustainability.
- Facilitates network-wide efficient, coordinated and reliable movements of people and goods.
- Supports health and wellbeing.

# 18.01 LAND USE AND TRANSPORT

09/12/2021
VC204

## 18.01-1S Land use and transport integration

04/02/2026
VC265

### Objective

To facilitate access to social, cultural and economic opportunities by effectively integrating land use and transport.

### Strategies

Plan and develop a transport system that facilitates:

- Social and economic inclusion for all people and builds community wellbeing.
- The best use of existing social and economic infrastructure.
- A reduction in the distances people have to travel to access jobs and services.
- Better access to, and greater mobility within, local communities.
- Network-wide efficiency and coordinated operation.

Plan land use and development to:

- Protect existing transport infrastructure from encroachment or detriment that would impact on the current or future function of the asset.
- Protect transport infrastructure that is in delivery from encroachment or detriment that would impact on the construction or future function of the asset.
- Protect planned transport infrastructure from encroachment or detriment that would impact deliverability or future operation.
- Protect identified potential transport infrastructure from being precluded by land use and development.

Plan land use and development to allow for the ongoing improvement and development of the State Transport System in the short and long term.

Plan movement networks and adjoining land uses to minimise disruption to residential communities and their amenity.

Plan the timely delivery of transport infrastructure and services to support changing land use and associated transport demands.

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

Plan the use of land adjacent to the transport system having regard to the current and future development and operation of the transport system.

Reserve land for strategic transport infrastructure to ensure the transport system can be developed efficiently to meet changing transport demands.

Support urban development that makes jobs and services more accessible:

- In accordance with forecast demand.
- By taking advantage of all available modes of transport.

Protect existing and facilitate new walking and cycling access to public transport.

Locate major government and private sector investments in Major regional cities, Regional Cities and Regional service centres on major transport corridors to maximise the access and mobility of communities.

Design neighbourhoods to:

- Better support active living.
- Increase the share of trips made using sustainable transport modes.

- Respond to the safety needs of all users.

Design the transport system and adjacent areas to achieve visual outcomes that are responsible to local context with particular reference to:

- Landscaping.
- The placement of signs.
- Providing buffer zones and resting places.

### Policy documents

Consider as relevant:

- *Movement and Place in Victoria* (Department of Transport, February 2019)
- *Delivering the Goods, Creating Victorian Jobs: Victorian Freight Plan* (Department of Economic Development, Jobs, Transport and Resources, July 2018)

## 18.01-2S Transport system

02/09/2025
VC283

### Objective

To facilitate the efficient, coordinated and reliable movement of people and goods by developing an integrated and efficient transport system.

### Strategies

Plan and develop a transport system integrated across all movement networks that:

- Facilitates the efficient, coordinated and reliable movement of people and goods at all times.
- Optimises transport system capacity.
- Improves connectivity and facilitates the growth and development of regional Victoria.
- Improves connectivity between Victoria's Major regional cities, Regional cities, Regional service centres and metropolitan Melbourne.
- Ensures sufficient capacity for the movement of passengers into and out of Victoria at Principal Transport Gateways.
- Improves how goods are moved to local, interstate and overseas markets.
- Maximises access to residential areas, employment, markets, services and recreation.
- Improves local transport options to support 20-minute neighbourhoods in Melbourne's suburbs and Victoria's regional cities and towns.
- Is legible and enables easy access and movement between modes.

Plan movement networks that share the same space to do so in a way that balances the needs of the different users of the transport system.

Plan and develop the State Transport System comprising the:

- Principal Bicycle Network: Existing and future high quality cycling routes that provide access to major destinations and facilitate cycling for transport, sport, recreation and fitness.
- Principal Public Transport Network: Existing and future high quality public transport routes in the Melbourne metropolitan area.
- Regional Rail Network: Existing and future passenger rail routes in regional Victoria.
- Principal Road Network: Declared arterial roads and freeways under the *Road Management Act 2004*.
- Principal Freight Network: Existing and future corridors and precincts where the movement of high volumes of freight are concentrated or of strategic value.
- Principal Transport Gateways: Existing and future ports, airports and interstate terminals that serve as key locations for moving passengers and freight into, out of and around Victoria.

Facilitate delivery of:

- Declared major transport projects and their ancillary projects that are of economic, social or environmental significance to the State of Victoria.
- Transport projects that improve the State Transport System.

### Policy documents

Consider as relevant:

- *Movement and Place in Victoria* (Department of Transport, February 2019)

## State Transport System – Metropolitan Melbourne Plan

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## State Transport System – Regional Victoria Plan

## 18.01-2L Transport system

10/02/2022
C258wynd

### Objective

To improve and upgrade transport infrastructure to meet the existing and future population.

### Strategies

Identify options for future railway lines and stations, freight centres, freeways, interchanges and arterial roads.

Ensure opportunities provided by existing and planned rail infrastructure are maximised through integrated land use and transport planning.

Ensure that the planning and design of transport corridors is sympathetic to the natural environment and landscape.

## 18.01-3S Sustainable and safe transport

09/12/2021
VC204

### Objective

To facilitate an environmentally sustainable transport system that is safe and supports health and wellbeing.

### Strategies

Plan and develop the transport system to:

- Maximise the efficient use of resources including infrastructure, land, services and energy.
- Prepare for and adapt to climate change impacts.
- Prioritise the use of sustainable personal transport.
- Protect, conserve and improve the natural environment by supporting forms of transport, energy use and transport technologies that have the least environmental impact.
- Avoid, minimise and offset harm to the environment by:
  - Protecting biodiversity.
  - Reducing transport-related greenhouse gas emissions.

Plan the transport system to be safe by:

- Developing safe transport infrastructure.
- Optimising accessibility, emergency access, service and amenity.
- Separating pedestrians, bicycles and motor vehicles, where practicable.
- Reducing the need for cyclists to mix with other road users.
- Supporting road users to make safe choices through design and wayfinding techniques.
- Prioritising transport safety when designing high-speed roads and intersections.

Support forms of transport and energy use that have the greatest benefit for, and least negative impact on, health and wellbeing.

Design the transport system to be accessible to all users.

Design new suburbs to respond to the safety, health and wellbeing needs of all road users.

Design development to promote walking, cycling and the use of public transport, in that order, and minimise car dependency.

### Policy documents

Consider as relevant:

- *Victorian Road Safety Strategy 2021-2030* (Department of Transport, 2021)

## 18.01-3R Sustainable and safe transport - Metropolitan Melbourne

09/12/2021
VC204

### Strategies

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

# 18.02 MOVEMENT NETWORKS

31/07/2018
VC148

## 18.02-1S Walking

09/12/2021
VC204

### Objective

To facilitate an efficient and safe walking network and increase the proportion of trips made by walking.

### Strategies

Plan and develop walking networks to:

- Provide pedestrian routes that are safe, direct and comfortable to use.
- Enable walking as a part of everyday life.
- Enable people to meet more of their needs locally and rely less on their cars.
- Be accessible to vehicles that use footpaths, including wheelchairs, prams and scooters.
- Accommodate emerging forms of low-emission, low-speed personal transport.

Develop principal pedestrian networks for local areas that link with the transport system.

Provide walking infrastructure in all major transport projects.

Design walking routes to be comfortable by providing shelter from the sun through canopy trees, verandahs and other structures.

Design direct, comfortable and connected walking infrastructure to and between key destinations including activity centres, public transport interchanges, employment areas, urban renewal precincts and major attractions.

### Policy documents

Consider as relevant:

- *Guidelines for developing Principal Pedestrian Networks* (Department of Economic Development, Jobs, Transport and Resources, 2015)

## 18.02-2S Cycling

02/09/2025
VC283

### Objective

To facilitate an efficient and safe bicycle network and increase the proportion of trips made by cycling.

### Strategies

Plan and develop cycling networks to:

- Provide routes that are safe, comfortable, low-stress and well connected.
- Enable cycling as a part of everyday life.
- Enable people to meet more of their needs locally by cycling and to rely less on their cars.
- Accommodate emerging forms of low emission, low and moderate speed personal transport.

Protect and develop the Principal Bicycle Network to provide high-quality cycling routes that are direct and connected, to and between key destinations including activity centres, public transport interchanges, employment areas, urban renewal precincts and major attractions.

Develop Strategic Cycling Corridors by:

- Integrating them with stations and major interchanges on the public transport network that serve places of state significance.
- Integrating them with the central city, Employment and Innovation Areas, major activity centres and other destinations of metropolitan or state significance.
- Facilitating safer, lower stress and more direct journeys using a combination of cycleways, cycle paths and shared streets.
- Providing the most direct route practical.
- Designing transport corridors to prioritise cycling links and cyclists.

Protect Strategic Cycling Corridors from encroachment by development and incompatible interface treatments such as cross overs.

Support increased cycling by providing:

- Cycling routes and cycling infrastructure early in new developments and in in all major transport projects.
- Cycle parking and related end of trip facilities to meet demand at education, recreation, transport, shopping, commercial, public transport interchanges and community facilities, significant trip generating developments and other major attractions.
- Facilities for cyclists, particularly storage, at public transport interchanges and rail stations.
- Vegetation to shade cycling routes.

### Policy documents

Consider as relevant:

- *Principal Bicycle Network* (VicRoads, 2012)
- *Strategic Cycling Corridors* (Department of Transport, 2021)
- *Victorian Cycling Strategy 2018-28* (Transport for Victoria)

## 18.02-3S Public transport

18/12/2025
VC277

### Objective

To facilitate an efficient and safe public transport network and increase the proportion of trips made by public transport.

### Strategies

Plan and develop public transport to:

- Connect activity centres, job-rich areas and outer suburban areas.
- Enable people to not have to rely on cars for personal transport.
- Integrate bus and tram networks and stops and public transport interchanges in new development areas, including key urban renewal precincts and outer-suburban areas.
- Integrate with land use and development in outer suburban and growth areas.

Protect and develop the Principal Public Transport Network and Regional Rail Network to facilitate:

- High quality public transport services that support increased diversity and density of development, particularly at interchanges, activity centres and where Principal Public Transport Network routes intersect.
- Modern commuter-style public transport services that link Melbourne with the regional growth areas of Geelong, Bendigo, Ballarat, Seymour and Traralgon.
- Service improvements to other regional and rural areas.
- A metro-style rail system that provides a very high frequency of service in the Melbourne metropolitan area.
- A new high quality orbital rail (Suburban Rail Loop) through Melbourne's middle suburbs.
- A balance between the rail usage needs of public transport and freight.

Facilitate public transport infrastructure in all major transport projects.

Allocate adequate land and infrastructure to support public transport provision in activity centres, transport interchanges and major commercial, retail and community facilities.

Locate higher density and increased development on or close to the Principal Public Transport Network in a way that does not compromise the efficiency of the Principal Public Transport Network.

Support development that facilitates the delivery and operation of public transport services.

### Policy documents

Consider as relevant:

- *Car Parking Requirement Maps* (Department of Transport and Planning, December 2025)
- *Principal Public Transport Network* (State Government of Victoria, 2017)
- *VicTrack Rail Development Interface Guidelines* (VicTrack, 2019)
- *Public Transport Guidelines for Land Use Development* (Department of Transport, 2008)

## 18.02-3R Principal Public Transport Network

09/12/2021
VC204

### Strategies

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

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

Identify and plan for new Principal Public Transport Network routes.

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

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

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

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

## 18.02-4S Roads

18/12/2025
VC277

### Objective

To facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure.

### Strategies

Plan and develop the road network to:

- Ensure people are safe on and around roads.
- Improve people's perceptions of safety on and around roads.
- Improve road connections for all road users.
- Facilitate the use of public transport, cycling and walking.
- Integrate new and emerging technologies into road design, including the increasing connectivity and automation of vehicles.
- Accommodate the expansion of the High Productivity Freight Vehicle Network, and oversize and overmass vehicles.

Protect and develop the Principal Road Network to:

- Provide high mobility for through traffic and the efficient movement of freight by facilitating adequate movement capacity and speeds.
- Improve cross-town arterial links in outer suburbs and growth areas, including circumferential and radial movement to facilitate access to jobs and services.
- Limit access points to high-volume, high-speed roads by utilising urban design techniques such as service roads and internal connector roads.
- Improve high-capacity on-road public transport.

Develop declared freeways to:

- Link Melbourne with major regional cities, major interstate locations and other key locations important to the economy along major national and state transport corridors.
- Connect and provide access to Principal Transport Gateways and freight-generating areas.
- Improve connections to Employment and Innovation Areas.
- Connect dispersed major residential areas with key destinations and lower density employment areas.
- Avoid private access, except for service centres.

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

Improve Melbourne's distinctive, established boulevards by developing a connected, contemporary network of boulevards within the urban growth boundary.

Design road space to complement land use and meet business and community needs through the provision of wider footpaths, bicycle lanes, transit lanes (for buses and commercial passenger vehicles) and freight routes, in line with the designated role of the road.

Design roads to facilitate the safe movement of people and goods while providing places for people to interact and gather in high pedestrian areas like activity centres, around schools and around community facilities.

Plan an adequate supply of car parking that is designed and located to:

- Protect the role and function of nearby roads.

- Enable the efficient movement and delivery of goods.
- Facilitate the use of public transport.
- Maintain journey times and the reliability of the on-road public transport network.
- Protect residential areas from the effects of road congestion created by on-street parking.
- Enable easy and efficient use.
- Achieve a high standard of urban design.
- Protect the amenity of the locality, including the amenity of pedestrians and other road users.
- Create a safe environment, particularly at night.

Allocate land for car parking considering:

- The existing and potential modes of access including public transport.
- The demand for off-street car parking.
- Road capacity.
- The potential for demand-management of car parking.

Consolidate car parking facilities to improve efficiency.

Design public car parks to incorporate electric charging facilities to support the use of low-emission vehicles.

### Policy documents

Consider as relevant:

- *Car Parking Requirement Maps* (Department of Transport and Planning, December 2025)
- *Victorian Road Safety Strategy 2021-2030* (Department of Transport, 2021)
- *Movement and Place in Victoria* (Department of Transport, February 2019)

## 18.02-5S Freight

09/12/2021
VC204

### Objective

To facilitate an efficient, coordinated, safe and sustainable freight and logistics system that enhances Victoria's economic prosperity and liveability.

### Strategies

Plan and develop Victoria's freight and logistics system to:

- Support the movement of freight within Victoria's freight and logistics system.
- Improve freight efficiency and capacity.
- Manage negative impacts of freight generating activities on urban amenity, the development of urban areas, and on the efficient operation of movement networks.
- Prioritise new technologies that enhance road and rail safety, optimise the metropolitan road network, better manage congestion and reduce supply chain costs.
- Accommodate High Productivity Freight Vehicles, and oversize and overmass vehicles.
- Increase the capacity of the rail network to carry larger volumes of freight.

Protect and develop the Principal Freight Network, including freight movement corridors and freight places, and Principal Transport Gateways, by:

- Facilitating the movement of high volumes of freight and freight of strategic value.
- Linking areas of production and manufacturing to national and international gateways and export markets.
- Increasing the capacity of Principal Transport Gateways and supporting their use and development as important locations for employment and economic activity.
- Designing the Principal Freight Network to adapt to commodity, market and operating changes.
- Managing encroachment from incompatible land use and development that would undermine its ability to operate.

Support the development of freight and logistics precincts in strategic locations within and adjacent to Principal Transport Gateways and along the Principal Freight Network movement corridors by:

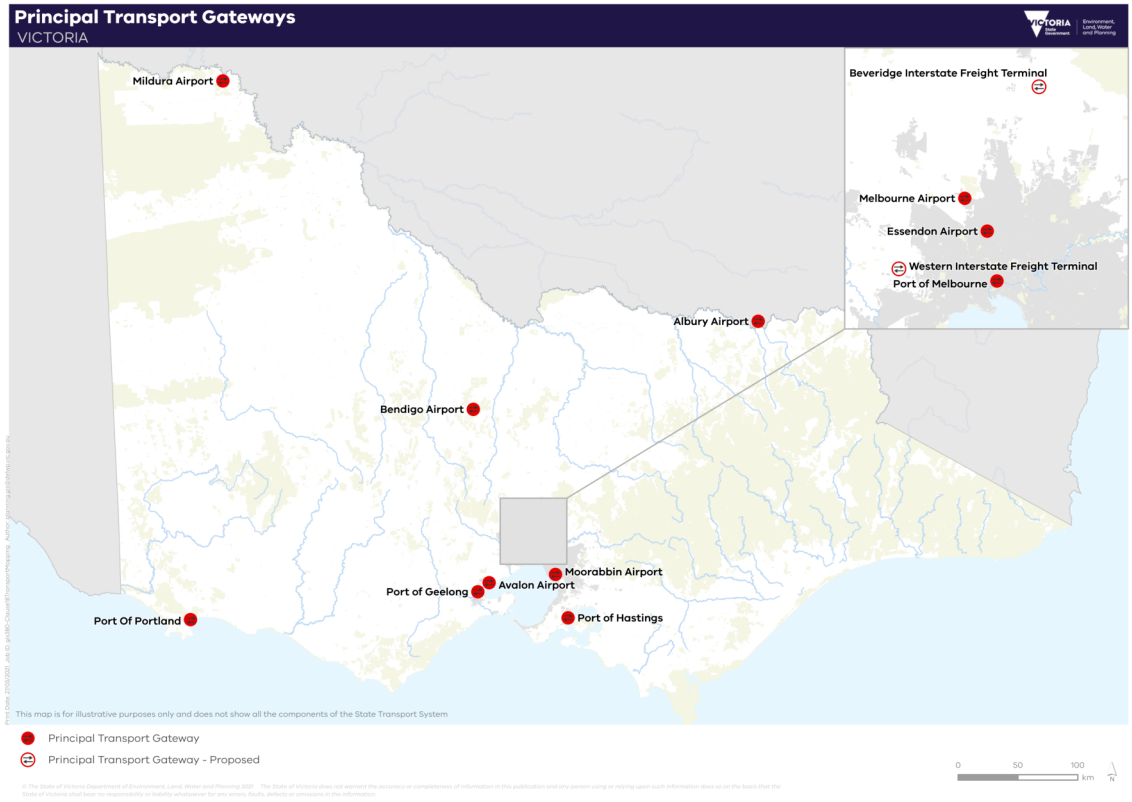
- Allocating land for complementary uses and employment-generating activities, such as distribution and warehousing.
- Reserving and appropriately zoning land for interstate freight terminals to support development that allows for the direct and immediate delivery of goods to market.
- Allocating land to allow high-volume freight customers to locate adjacent to interstate freight terminals, including the Western Interstate Freight Terminal and the Beveridge Interstate Freight Terminal.

### Policy documents

Consider as relevant:

- *Principal Freight Network* (Department of Transport, 2021)
- *Principal Transport Gateways* (Department of Transport, 2021)
- *Delivering the Goods, Creating Victorian Jobs: Victorian Freight Plan* (Department of Economic Development, Jobs, Transport and Resources, July 2018)

## Principal Transport Gateways



## 18.02-5R Freight links - Metropolitan Melbourne

09/12/2021
VC204

### Strategy

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

## 18.02-6S Ports

09/12/2021
VC204

### 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.

### Planning for ports 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.

### 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.

### Planning for port environs 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:

- *Statement of Planning Policy No 1 - Western Port* (1970-varied 1976)
- *2018 Port Development Strategy* (Port of Hastings Development Authority, December 2018)
- *Port of Geelong Port Development Strategy 2018* (Victorian Regional Channels Authority, 2018)
- *2050 Port Development Strategy, 2020 edition* (Port of Melbourne, 2020)
- *Port of Portland – Port Development Strategy* (Port of Portland, 2019)

## 18.02-7S Airports and airfields

18/05/2022
VC218

### Objective

To strengthen the role of Victoria's airports and airfields within the state's economic and transport infrastructure, guide their siting and expansion, and safeguard their ongoing, safe and efficient operation.

### Strategies

Protect airports and airfields from incompatible land use and development.

Prevent land use or development that poses risks to the safety or efficiency of an airport or airfield, including any of the following risks:

- Building-generated windshear and turbulence.
- Increased risk of wildlife strike.
- Pilot distraction from lighting.
- Intrusion into protected airspace.
- Interference with communication, navigation and surveillance facilities.
- Increased risk to public safety at the end of runways.

Minimise the detrimental effects of aircraft noise when planning for areas around airports and airfields.

Limit the intensification of noise-sensitive land uses, and avoid zoning or overlay changes that allow noise-sensitive land use and development, where ultimate capacity or long-range noise modelling indicates an area is within a 20 Australian Noise Exposure Forecast (ANEF) contour or higher.

Avoid zoning or overlay changes that allow noise-sensitive land uses outside the Urban Growth Boundary, and encourage measures to reduce the impact of aircraft noise in planning for areas within the Urban Growth Boundary, where ultimate capacity or long-range noise modelling indicates an area is within 'number above' contours (N Contours) representing:

- 20 or more daily events greater than 70 dB(A).
- 50 or more daily events of greater than 65 dB(A).
- 100 or more daily events greater than 60 dB(A).
- 6 events or more between the hours of 11pm to 6am greater than 60 dB(A).

Ensure land use and development at airports and airfields contributes to the aviation needs of the state and the efficient and functional operation of the airport or airfield.

Ensure land use and development at airports complements the role of the airport including as listed below:

- Melbourne Airport – major domestic and international airport with no curfew, 24-hour access, freight capability and an adjoining employment precinct.
- Avalon Airport – domestic and international airport with no curfew, 24-hour access, freight capability and an adjoining employment precinct.
- Essendon Fields Airport – a general aviation airport that is an important regional and state aviation asset with specialised functions, including executive charter, emergency aviation services, freight, logistics and an adjoining employment precinct.

- Moorabbin Airport – a general aviation airport that is an important regional and state aviation asset supporting the state's aviation industry and access to regional Victoria.
- Point Cook Airfield – an operating airport complementary to Moorabbin Airport.

Plan for areas around airports and airfields so that land use or development does not prejudice future airport or airfield operations or expansions in accordance with an approved strategy or master plan for that airport or airfield.

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

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

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

Plan the location of airports and 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 land use or development on the approaches to an airport or airfield to be consistent with the status of the airport or airfield.

### Policy documents

Consider as relevant:

- *National Airports Safeguarding Framework* (as agreed by Commonwealth, State and Territory Ministers at the meeting of the Standing Council on Transport and Infrastructure on 18 May 2012)
- *Avalon Airport Master Plan* (Avalon Airport Australia Pty Ltd, 2015)
- *Avalon Airport Strategy* (Department of Business and Employment/Aerospace Technologies of Australia, 1993) and its associated Aircraft Noise Exposure Concepts
- *Melbourne Airport Strategy* (Government of Victoria/Federal Airports Corporation, approved 1990) and its associated *Final Environmental Impact Statement*

## 18.02-7R Melbourne Airport

20/03/2023
VC229

### Strategies

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

### Policy documents

Consider as relevant:

- *Melbourne Airport Master Plan 2022* (Australia Pacific Airports (Melbourne) Pty Ltd)
- *Melbourne Airport Strategy* (Government of Victoria/Federal Airports Corporation, approved 1990) and its associated *Final Environmental Impact Statement*

## 19 INFRASTRUCTURE

10/06/2022
VC216

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.

Infrastructure planning should avoid, minimise and offset environmental impacts, and incorporate resilience to natural hazards, including future climate change risks.

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

# 19.01 ENERGY

31/07/2018
VC148

## 19.01-1S Energy supply

05/09/2025
VC268

### Objective

To facilitate appropriate development of energy supply infrastructure.

### Strategies

Support the development of energy generation, storage, transmission, and distribution infrastructure to transition to a low-carbon economy.

Develop appropriate infrastructure to meet community demand for energy services.

Ensure energy generation, storage, transmission and distribution infrastructure and projects are resilient to the impacts of climate change.

Facilitate the production and distribution of zero emission gases and fuels.

Support energy infrastructure projects in locations that minimise land use conflicts, including in any renewable energy zones declared under section 63 of the *National Electricity (Victoria) Act 2005*.

Support energy infrastructure projects in locations that take advantage of existing and planned resources and infrastructure networks.

Facilitate energy infrastructure projects that help diversify local economies and improve sustainability and social outcomes.

Facilitate renewable energy generation and storage to meet on-site energy needs.

### Policy guidelines

Consider as relevant:

- The long-term emissions reduction target specified in section 6 of Part 2 of the *Climate Action Act 2017*.
- Interim emissions reduction targets determined under Division 2 of Part 2 of the *Climate Action Act 2017*.
- Adaptation action plans prepared under Division 2 of Part 5 of the *Climate Action Act 2017*.

### Policy documents

Consider as relevant:

- *2025 Victorian Transmission Plan* (VicGrid, 2025)

## 19.01-2S Renewable energy

05/09/2025
VC268

### Objective

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

### Strategies

Facilitate renewable energy development in appropriate locations, including in any renewable energy zones declared under section 63 of the *National Electricity (Victoria) Act 2005*.

Protect renewable energy infrastructure against competing and incompatible uses.

Set aside suitable land for future renewable energy infrastructure.

Consider the economic, social 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.

Support wind energy facilities in locations with consistently strong winds over the year.

### Policy documents

Consider as relevant:

- *Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria* (Department of Environment, Land, Water and Planning, November 2021)
- *Solar Energy Facilities Design and Development Guideline* (Department of Environment, Land, Water and Planning, October 2022)
- *Victoria's Climate Change Strategy* (Department of Environment, Land, Water and Planning, May 2021)
- *Community Engagement and Benefit Sharing in Renewable Energy Development in Victoria* (Department of Environment, Land, Water and Planning, July 2021)
- *2025 Victorian Transmission Plan* (VicGrid, 2025)

## 19.01-2R Renewable energy - Metropolitan Melbourne

31/07/2018
VC148

### Strategy

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

## 19.01-3S Pipeline infrastructure

31/07/2018
VC148

### 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

31/07/2018
VC148

## 19.02-1S Health facilities

31/07/2018
VC148

### 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.

## 19.02-1R Health precincts - Metropolitan Melbourne

31/07/2018
VC148

### Strategies

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

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

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

Ensure health precincts are well serviced by community services.

## 19.02-2S Education facilities

29/09/2022
VC222

### Objective

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

### Strategies

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

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

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

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

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

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

Locate tertiary education facilities within or adjacent to activity centres.

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

Consider the existing and future transport network and transport connectivity.

Develop libraries as community based learning centres.

Co-locate a kindergarten facility with all new Victorian Government primary schools.

## 19.02-2R Education precincts - Metropolitan Melbourne

31/07/2018
VC148

### Strategy

Ensure education precincts are well serviced by community services.

## 19.02-2L Education facilities

10/02/2022
C258wynd

### Strategy

Support an expansion of the range of educational facilities and services in response to growth and the needs of the community.

## 19.02-3S Cultural facilities

31/07/2018
VC148

### 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.

## 19.02-3R Cultural facilities - Metropolitan Melbourne

31/07/2018
VC148

### Strategies

Maintain and strengthen Melbourne's distinctiveness as a leading cultural and sporting city with world-class facilities.

## 19.02-4S Social and cultural infrastructure

31/07/2018
VC148

### 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.

## 19.02-4L Social and cultural infrastructure

10/02/2022
C258wynd

### Strategies

Support hubs of integrated community services.

Develop and maintain community facilities that are multifunctional and accessible to the community.

Support recreation and community facilities that are compatible with the needs, character and socio-economic profile of the local area.

## 19.02-5S Emergency services

31/07/2018
VC148

### 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.

## 19.02-6S Open space

31/07/2018
VC148

### 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.

## 19.02-6R Open space - Metropolitan Melbourne

14/04/2025
VC281

### Objective

To strengthen the integrated metropolitan open space network.

### Strategies

Develop a network of local open spaces that are accessible and of high-quality and include opportunities for new local open spaces through planning for urban redevelopment projects.

Ensure major open space corridors are protected and enhanced.

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

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

Create continuous open space links and trails along the:

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

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

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

Continue development of the Birrarung (Yarra River) Inner City reach, identified in clause 12.03-1R Map 1, as a focus for sport, entertainment and leisure.

Support establishing community gardens and productive streetscapes.

### Policy documents

Consider as relevant:

- *Open Space for Everyone: Open Space Strategy for Metropolitan Melbourne 2021* (Department of Environment, Land, Water and Planning, 2021)
- *Maribyrnong River – Vision for Recreational and Tourism Development* (Melbourne Parks and Waterways, 1996)
- *Maribyrnong River Valley Design Guidelines* (Department of Planning and Community Development, 2010)

## 19.02-6L Open space

10/02/2022
C258wynd

### Objective

To ensure adequate provision of open space in residential, commercial and industrial areas.

### Strategies

Promote more public open space in areas of higher density development, where private open space is reduced.

Support the provision of open space based on the net developable area within industrial areas.

Ensure the physical provision of open space, wherever practical, in greenfield and brownfield locations.

Ensure a cash contribution in infill residential areas if physical provision is impractical.

Ensure that active open spaces are unencumbered by flooding or easements.

Ensure that any encumbrances on proposed passive open space do not restrict the:

- Suitability of the open space for its identified open space functions.
- Maintenance of the land.

Maximise passive open space opportunities along waterways and coastal areas and provide for pedestrian and bicycle access along waterways and linear corridors, providing that it does not compromise environmental values.

Locate community and cultural facilities near open space.

Encourage active frontages and community surveillance of open space areas by ensuring streets (and the fronts of housing) face open space reserves.

Facilitate the use of open space to assist in mitigating the urban heat island effects by retaining natural features and vegetation.

# 19.03 DEVELOPMENT INFRASTRUCTURE

31/07/2018
VC148

## 19.03-1S Development and infrastructure contributions plans

24/01/2020
VC160

### 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, November 2019)
- *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*

## 19.03-2S Infrastructure design and provision

09/10/2020
VC169

### Objective

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

### Strategies

Provide an integrated approach to the planning and engineering design of new subdivision and development.

Integrate developments with infrastructure and services, whether they are in existing suburbs, growth areas or regional towns.

## 19.03-2L Infrastructure design and provision

10/02/2022
C258wynd

### Strategies

Ensure that all forms of residential development are connected to infrastructure including reticulated water, sewerage, telecommunications, power and stormwater facilities.

Ensure services meet known and anticipated demands for physical, financial and population growth.

Ensure the availability of hydraulic infrastructure as part of any subdivision for Little River.

## 19.03-3S Integrated water management

04/02/2026
VC265

### Objective

To sustainably manage water supply and demand, 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.

Ensure that the use and development of land identifies and appropriately responds to potential environmental risks, and contributes to maintaining or improving the environmental quality of water and groundwater.

### Policy guidelines

Consider as relevant:

- Any applicable Sustainable Water Strategy endorsed under Division 1B of Part 3 of the *Water Act 1989*.

### Policy documents

Consider as relevant:

- *Water for Victoria - Water Plan* (Victorian Government, 2016)
- *Environment Reference Standard* (Gazette No. S 245, 26 May 2021)
- *Urban stormwater management guidance* (Environment Protection Authority - Publication 1739.1, 2021)
- *Planning Permit Applications in Special Water Supply Catchment Areas* (Department of Energy, Environment and Climate Action, 2024)
- *Victorian guideline for water recycling* (Environment Protection Authority - Publication 1910, March 2021)
- *Technical information for the Victorian guideline for water recycling* (Environment Protection Authority - Publication 1911, March 2021)

## 19.03-3L Integrated water management

10/02/2022
C258wynd

### Strategies

Ensure all commercial, industrial and residential developments incorporate Water Sensitive Urban Design techniques, particularly into their landscaped areas.

Facilitate opportunities for the reuse of water from Surbiton Park Treatment Plant, primarily in connection with the agricultural and recreational components of Eynesbury Station.

## 19.03-4S Telecommunications

04/11/2022
VC226

### Objective

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

### Strategies

Facilitate the upgrading and maintenance of telecommunications facilities.

Ensure that modern telecommunications facilities are widely accessible and that the telecommunications needs of business, domestic, entertainment and community services are met.

Encourage the continued deployment of telecommunications facilities that are easily accessible by:

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

Ensure a balance between the provision of telecommunications facilities and the need to protect the environment from adverse impacts arising from telecommunications infrastructure.

Co-locate telecommunications facilities wherever practical.

Planning should have regard to national implications of a telecommunications network and the need for consistency in infrastructure design and placement.

## 19.03-4R Telecommunications - Metropolitan Melbourne

26/10/2018
VC154

### Strategy

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

## 19.03-5S Waste and resource recovery

28/04/2026
VC232

### Objective

To reduce waste and maximise resource recovery to reduce reliance on landfills and minimise environmental, 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 streams and maximise opportunities for resource recovery.

Ensure the long-term viability of waste and resource recovery infrastructure is secured through the use of defined buffer areas that protect against encroachment from incompatible land uses.

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

Enable waste and resource recovery facilities to be located in proximity to other related facilities and to materials' end-market destinations, to reduce the impacts of waste transportation and improve the economic viability of resource recovery.

Site, design, manage and rehabilitate waste disposal facilities to prevent or minimise contamination of groundwater and surface waters, litter, odour, dust and noise.

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

Encourage technologies that increase recovery and treatment of resources to produce high value, marketable end products.

Encourage development that facilitates sustainable waste and resource recovery, including facilities for Victoria's container deposit scheme.

### Policy documents

Consider as relevant:

- *Victorian Recycling Infrastructure Plan* (Department of Energy, Environment and Climate Action, October 2024)
- *Management and Storage of Combustible Recyclable and Waste Materials - Guideline* (Publication 1667, Environment Protection Authority, October 2018)
- *Best Practice Environmental Management Guideline (Siting, Design, Operation and Rehabilitation of Landfills)* (Environment Protection Authority, 2015)
- *Designing, Constructing and Operating Composting Facilities* (Publication 1588, Environment Protection Authority, June 2015)
- *Separation Distance Guideline* (Environment Protection Authority, August 2024)
- *Landfill Buffer Guideline* (Environment Protection Authority, August 2024)
- *Waste Management and Recycling in Multi-unit Developments. Better Practice Guide* (Sustainability Victoria, 2019)
- *Recycling Victoria a New Economy* (Department of Environment, Land, Water and Planning, February 2020*)*

# 30 ZONES

19/01/2006
VC37

This section sets out the zones which apply in this scheme.

## 31 [NO CONTENT]

31/07/2018
VC148

# 32 RESIDENTIAL ZONES

19/01/2006
VC37

## 32.03 LOW DENSITY RESIDENTIAL ZONE

31/07/2018
VC148

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.

## 32.03-1 Table of uses

14/01/2025
VC237

### Section 1 - Permit not required

| Use | Condition |
|---|---|
| **Automated collection point** | Must meet the requirements of Clause 52.13-3 and 52.13-5.<br>The gross floor area of all buildings must not exceed 50 square metres. |
| **Bed and breakfast** | No more than 10 persons may be accommodated away from their normal place of residence.<br>At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence. |
| **Community care accommodation** | Must meet the requirements of Clause 52.22-2. |
| **Domestic animal husbandry (other than Domestic animal boarding)** | Must be no more than 2 animals. |
| **Dwelling (other than Bed and breakfast)** | Must be the only dwelling on the lot.<br>Must meet the requirements of Clause 32.03-2. |
| **Home based business** | |
| **Informal outdoor recreation** | |
| **Medical centre** | The gross floor area of all buildings must not exceed 250 square metres.<br>The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3. |
| **Racing dog husbandry** | Must be no more than 2 animals. |
| **Railway** | |
| **Small second dwelling** | Must be no more than one dwelling existing on the lot.<br>Must be the only small second dwelling on the lot.<br>Must meet the requirements of Clause 32.03-2.<br>Reticulated natural gas must not be supplied to the building, or part of a building, used for the small second dwelling. |
| **Tramway** | |
| **Any use listed in Clause 62.01** | Must meet the requirements of Clause 62.01. |

## Section 2 - Permit required

| Use | Condition |
|---|---|
| **Accommodation (other than Community care accommodation, Dwelling and Small second dwelling)** | |
| **Agriculture (other than Animal production, Apiculture, Domestic animal husbandry and Racing dog husbandry)** | |
| **Car park** | Must be used in conjunction with another use in Section 1 or 2. |
| **Car wash** | The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3. |
| **Convenience restaurant** | The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3. |
| **Convenience shop** | |
| **Domestic animal boarding** | |
| **Domestic animal husbandry (other than Domestic animal boarding) – if the Section 1 condition is not met** | Must be no more than 5 animals. |
| **Dwelling (other than Bed and breakfast) – if the Section 1 condition is not met** | Must result in no more than two dwellings on the lot.<br>Must meet the requirements of Clause 32.03-2. |
| **Food and drink premises (other than Convenience restaurant)** | |
| **Grazing animal production** | |
| **Leisure and recreation (other than Informal outdoor recreation and Motor racing track)** | |
| **Market** | |
| **Place of assembly (other than Amusement parlour, Carnival, Cinema based entertainment facility, Circus and Nightclub)** | |
| **Plant nursery** | |
| **Service station** | The site must either:<br>▪ Adjoin a commercial zone or industrial zone.<br>▪ Adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.<br>The site must not exceed either: |

| Use | Condition |
|---|---|
| | ▪ 3000 square metres.<br>▪ 3600 square metres if it adjoins on two boundaries a road in a Transport Zone 2 or a Transport Zone 3. |
| **Store** | Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot. |
| **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)** |
| **Cinema based entertainment facility** |
| **Extractive industry** |
| **Industry (other than Automated collection point and 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** |
| **Small second dwelling - if the Section 1 condition is not met** |
| **Transport terminal** |
| **Warehouse (other than Store)** |

## 32.03-2 Use for one or two dwellings, or a small second dwelling

14/12/2023
VC253

A lot used for one or two dwellings or a small second dwelling must meet the following requirements:

- Each dwelling or small second 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 requirements in the Environment Protection Regulations under the *Environment Protection Act 2017* for an on-site wastewater management system.

- Each dwelling or small second dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply, with appropriate storage capacity.
- Each dwelling or small second dwelling must be connected to a reticulated electricity supply or have an alternative energy supply.

## 32.03-3 Subdivision

14/12/2023
VC253

### 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.

A permit must not be granted which would allow a separate lot to be created for land containing a small second dwelling.

### VicSmart applications

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

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

## 32.03-4 Buildings and works

20/04/2026
VC307

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.

| Class of application | Provision |
|---|---|
| Construct a building or construct or carry out works where:<br>▪ The building or works are not associated with a dwelling, primary school or secondary school and have an estimated cost of up to $150,000; or<br>▪ The building or works are associated with a primary school or secondary school and have an estimated cost of up to $700,000; and<br>▪ The requirements in the following standards of Clause 54 are met, where the land adjoins land in a residential zone used for residential purposes:<br>– clause 54.02-3 Side and rear setbacks.<br>– clause 54.02-4 Walls on boundaries.<br>– clause 54.04-1 Daylight to existing windows.<br>– clause 54.04-2 Existing north-facing windows.<br>– clause 54.04-3 Overshadowing secluded open space.<br>– clause 54.04-4 Overlooking.<br>– clause 54.05-2 Overshadowing domestic solar energy systems.<br>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. | Clause 59.04 |

### Transitional provisions

Clauses 32.03-4, 54 and 59.04 of this planning scheme, as in force immediately before the commencement of Amendment VC282, 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.

## 32.03-5 Application requirements

01/07/2021
VC203

### 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 Capability Assessment on the risks to human health and the environment of an on-site wastewater management system constructed, installed or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017*.
- Show for each lot:
  - A building envelope and driveway to the envelope.
  - Existing vegetation.
  - In the absence of reticulated sewerage, an effluent disposal area.
- Show how the proposed subdivision relates to the existing or likely use and development of adjoining and nearby land.
- If a staged subdivision, show how the balance of the land may be subdivided.

## 32.03-6 Decision guidelines

01/01/2024
VC250

### General

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.

### 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 and telecommunications.
- In the absence of reticulated sewerage:
  - The capability and suitability of the lot to treat and retain all wastewater as determined by a Land Capability Assessment on the risks to human health and the environment of an on-site wastewater management system constructed, installed, or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017*.
  - The benefits of restricting the size of lots to generally no more than 2 hectares to enable lots to be efficiently maintained without the need for agricultural techniques and equipment.
- The relevant standards of Clauses 56.07-1 to 56.07-4.

## 32.03-7 Signs

31/07/2018
VC148

Sign requirements are at Clause 52.05. This zone is in Category 3.

11/08/2022
C248wynd

# SCHEDULE TO CLAUSE 32.03 LOW DENSITY RESIDENTIAL ZONE

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

## 1.0 Subdivision requirements

11/08/2022
C248wynd

| | Land | Area (hectares) |
|---|---|---|
| Minimum subdivision area (hectares) | All green wedge land | 0.4 ha |

## 2.0 Outbuilding permit requirements

11/08/2022
C248wynd

| Dimensions above which a permit is required to construct an outbuilding (square metres) |
|---|
| None specified |

## 32.04 MIXED USE ZONE

31/07/2018
VC148

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.

## 32.04-1 Objectives

15/07/2013
VC100

A schedule to this zone may contain objectives to be achieved for the area.

## 32.04-2 Table of uses

14/01/2025
VC237

### Section 1 – Permit not required

| Use | Condition |
|---|---|
| **Art gallery** | |
| **Automated collection point** | Must meet the requirements of Clause 52.13-3 and 52.13-5.<br>The gross floor area of all buildings must not exceed 50 square metres. |
| **Bed and breakfast** | No more than 10 persons may be accommodated away from their normal place of residence.<br>At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence. |
| **Community care accommodation** | Must meet the requirements of Clause 52.22-2. |
| **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. |

| Use | Condition |
|---|---|
| **Place of worship** | The gross floor area of all buildings must not exceed 250 square metres. |
| **Racing dog husbandry** | Must be no more than 2 animals. |
| **Railway** | |
| **Residential aged care facility** | |
| **Rooming house** | Must meet the requirements of Clause 52.23-2. |
| **Shop (other than Adult sex product shop)** | The leasable floor area must not exceed 150 square metres. |
| **Small second dwelling** | Must be no more than one dwelling existing on the lot.<br>Must be the only small second dwelling on the lot.<br>Reticulated natural gas must not be supplied to the building, or part of a building, used for the small second dwelling. |
| **Tramway** | |
| **Any use listed in Clause 62.01** | Must meet the requirements of Clause 62.01. |

### Section 2 - Permit required

| Use | Condition |
|---|---|
| **Accommodation (other than Community care accommodation, Dwelling, Residential aged care facility, Rooming house and Small second dwelling)** | |
| **Agriculture (other than Animal production, Apiculture, Domestic animal husbandry and Racing dog husbandry)** | |
| **Container deposit scheme centre** | |
| **Domestic animal boarding** | |
| **Domestic animal husbandry (other than Domestic animal boarding) – if the Section 1 condition is not met** | Must be no more than 5 animals. |
| **Grazing animal production** | |
| **Industry (other than Materials recycling and Transfer station)** | Must not be a purpose listed in the table to Clause 53.10. |
| **Leisure and recreation (other than Informal outdoor recreation)** | |
| **Place of assembly (other than Art gallery, Carnival, Circus, Museum and Place of worship)** | |
| **Retail premises (other than Food and drink premises and Shop)** | |
| **Utility installation (other than Minor utility installation and Telecommunications facility)** | Must not be a purpose listed in the table to Clause 53.10. |

| Use | Condition |
|---|---|
| **Warehouse** | Must not be a purpose listed in the table to Clause 53.10. |
| **Any other use not in Section 1 or 3** | |

### Section 3 - Prohibited

| Use |
|---|
| **Adult sex product shop** |
| **Animal production (other than Grazing animal production)** |
| **Extractive industry** |
| **Materials recycling** |
| **Small second dwelling – if the Section 1 condition is not met** |
| **Transfer station (other than Automated collection point and Container deposit scheme centre)** |

## 32.04-3 Use for industry, service station and warehouse

31/07/2018
VC148

### 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 Subdivision

16/10/2025
VC288

### Permit requirement

A permit is required to subdivide land.

A permit must not be granted which would allow a separate lot to be created for land containing a small second dwelling.

### Clause 56 requirement

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.

| Class of subdivision | Objectives and standards to be met |
|---|---|
| 60 or more lots | All except clause 56.03-5. |

| Class of subdivision | Objectives and standards to be met |
|---|---|
| 16 – 59 lots | All except clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3. |
| 3 – 15 lots | All except clauses 56.02-1, 56.03-1 to 56.03-4, 56.03-5 (unless the land is in the Neighbourhood Character Overlay), 56.05-2, 56.06-1, 56.06-3 and 56.06-6. |
| 2 lots | Clauses 56.03-5 (only if the land is in the Neighbourhood Character Overlay), 56.04-2, 56.04-5, 56.06-8 and 56.07-4. |

### 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 | Provision |
|---|---|
| Subdivide land to realign the common boundary between two lots where:<br>▪ The area of either lot is reduced by less than 15 percent.<br>▪ The general direction of the common boundary does not change. | Clause 59.01 |
| Subdivide land into lots each containing an existing building or car parking space where:<br>▪ The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.<br>▪ An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within five years prior to the application for a permit for subdivision. | Clause 59.02 |
| Subdivide land into two lots if:<br>▪ The construction of a building or the construction or carrying out of works on the land:<br>– Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.<br>– Has started lawfully.<br>▪ The subdivision does not create a vacant lot. | Clause 59.02 |
| Subdivide land into two lots if:<br>▪ A permit has been issued under a provision of a residential zone to construct up to two dwellings on the land and the permit has not expired.<br>▪ Each lot will contain either:<br>– one existing dwelling; or<br>– one dwelling permitted to be constructed in accordance with the permit. | Clause 59.02 |
| Subdivide land into two lots for residential development if:<br>▪ The subdivision creates at least one vacant lot. | Clause 59.11 |

| Class of application | Provision |
|---|---|
| ▪ The land does not contain native vegetation if it has an area of 0.4 hectares or more.<br>▪ The land is not located in an Environmental Audit Overlay, Neighbourhood Character Overlay or an area that is a designated bushfire prone area as determined under section 192A of the *Building Act 1993*. | |

## 32.04-5 Construction and extension of one dwelling on a lot

08/09/2025
VC282

### 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.

| Class of application | Provision |
|---|---|
| Construct or extend a dwelling on a lot less than 300 square metres if the development meets the following standards of Clause 54:<br>▪ clause 54.02-1 Street setback.<br>▪ clause 54.02-2 Building height.<br>▪ clause 54.02-3 Side and rear setbacks.<br>▪ clause 54.02-4 Walls on boundaries.<br>▪ clause 54.02-5 Site coverage.<br>▪ clause 54.02-6 Tree canopy.<br>▪ clause 54.02-7 Front fences.<br>▪ clause 54.04-1 Daylight to existing windows.<br>▪ clause 54.04-2 Existing north-facing windows.<br>▪ clause 54.04-3 Overshadowing secluded open space.<br>▪ clause 54.04-4 Overlooking.<br>▪ clause 54.05-2 Overshadowing domestic solar energy systems. | Clause 54 |

| Class of application | Provision |
|---|---|
| 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. | |

### Transitional provisions

Clauses 32.04-5, 54 and 59.14 of this planning scheme, as in force immediately before the commencement of Amendment VC282, 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.

## 32.04-6 Construction and extension of a small second dwelling on a lot

08/09/2025
VC282

### Permit requirement

A permit is required to construct or extend a small second dwelling on a lot less than 300 square metres.

A development must meet the requirements of Clause 54.

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 | Provision |
|---|---|
| Construct or extend a small second dwelling on a lot less than 300 square metres if the development meets the following standards of Clause 54:<br>▪ clause 54.02-1 Street setback<br>▪ clause 54.02-2 Building height<br>▪ clause 54.02-3 Side and rear setbacks<br>▪ clause 54.02-4 Walls on boundaries<br>▪ clause 54.02-5 Site coverage<br>▪ clause 54.02-6 Tree canopy<br>▪ clause 54.02-8 Building setback for small second dwellings<br>▪ clause 54.03-5 Safety and accessibility for small second dwellings<br>▪ clause 54.04-1 Daylight to existing windows<br>▪ clause 54.04-2 Existing north-facing windows<br>▪ clause 54.04-3 Overshadowing secluded open space<br>▪ clause 54.04-4 Overlooking<br>▪ clause 54.05-2 Overshadowing domestic solar energy systems<br>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. | Clause 54 |

### Transitional provisions

Clauses 32.04-6, 54 and 59.14 of this planning scheme, as in force immediately before the commencement of Amendment VC282, 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.

## 32.04-7 Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings

16/04/2026
VC300

### 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 two or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in clause 55.02-8.

A development of three storeys or less, excluding a basement, must meet the requirements of clause 55.

A development of four to six storeys, excluding a basement, must meet the requirements of clause 57.

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

### 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.

Clauses 55 and 58 of this scheme, as in force immediately before the approval date of Amendment VC174, 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.

Clause 55 of this planning scheme, as in force immediately before the approval date of Amendment VC267, 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.

Clauses 32.04-7, 57 and 58 of this planning scheme, as in force immediately before the commencement of Amendment VC300, 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.

### 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 | Provision |
|---|---|
| Construct one dwelling if there is no more than one dwelling existing on a lot, extend a dwelling if there are two dwellings on a lot, or construct two dwellings on a lot, if the development meets the following standards of clause 55:<br>▪ clause 55.02-1 Street setback<br>▪ clause 55.02-2 Building height<br>▪ clause 55.02-3 Side and rear setbacks<br>▪ clause 55.02-4 Walls on boundaries<br>▪ clause 55.02-5 Site coverage<br>▪ clause 55.02-6 Access<br>▪ clause 55.02-7 Tree canopy<br>▪ clause 55.02-8 Front fences<br>▪ clause 55.04-1 Daylight to existing windows<br>▪ clause 55.04-2 Existing north-facing windows<br>▪ clause 55.04-3 Overshadowing secluded open space<br>▪ clause 55.04-4 Overlooking<br>▪ clause 55.05-2 Overshadowing domestic solar energy systems<br>If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the clause 55 standard, the requirement in the schedule to the zone applies and must be met. | Clause 55 |
| Construct or extend a front fence within 3 metres of a street if the fence is associated with two or more dwellings on a lot or a residential building. | Clause 59.03 |

## 32.04-8 Requirements of clause 54, clause 55 and clause 57

16/04/2026
VC300

A schedule to this zone may specify the requirements of:

- Standards A2-1, A2-5, A2-7 and A3-2 of clause 54 of this scheme.
- Standards B2-1, B2-5, B2-8 and B3-5 of clause 55 of this scheme.
- Standards E2-1, E2-4 and E2-7 of clause 57 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, clause 55 or clause 57 applies.

## 32.04-9 Residential aged care facility

14/12/2023
VC253

### Permit requirements

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

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

## 32.04-10 Buildings and works associated with a Section 2 use

20/04/2026
VC307

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.

| Class of application | Provision |
|---|---|
| Construct a building or construct or carry out works where:<br>▪ The building or works are not associated with a dwelling, primary school or secondary school and have an estimated cost of up to $150,000; or<br>▪ The building or works are associated with a primary school or secondary school and have an estimated cost of up to $700,000; and<br>▪ The requirements in the following standards of Clause 54 are met, where the land adjoins land in a residential zone used for residential purposes:<br>– clause 54.02-3 Side and rear setbacks.<br>– clause 54.02-4 Walls on boundaries.<br>– clause 54.04-1 Daylight to existing windows.<br>– clause 54.04-2 Existing north-facing windows.<br>– clause 54.04-3 Overshadowing secluded open space.<br>– clause 54.04-4 Overlooking.<br>– clause 54.05-2 Overshadowing domestic solar energy systems.<br>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. | Clause 59.04 |

### Transitional provisions

Clauses 32.04-10, 54 and 59.04 of this planning scheme, as in force immediately before the commencement of Amendment VC282, 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.

## 32.04-11 Buildings on lots that abut another residential zone

02/04/2025
VC276

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 55.02-3, 55.02-4, 55.04-1, 55.04-3, 55.04-4 and 55.05-2 along that boundary.

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

## 32.04-12 Maximum building height requirement

14/12/2023
VC253

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.

## 32.04-13 Application requirements

14/01/2025
VC237

### 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 Development Licence, Operating Licence, Permit or Registration 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 2022 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.

## 32.04-14 Exemption from notice and review

16/04/2026
VC300

#### 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.

#### Construction and extension of one dwelling on a lot

An application under clause 32.04-5 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 all the applicable standards under clauses 54.02-1, 54.02-2, 54.02-3, 54.02-4, 54.02-5, 54.02-6, 54.02-7, 54.04 and 54.05-2 are met.

#### Construction and extension of a small second dwelling on a lot

An application under clause 32.04-6 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 all the applicable standards under clauses 54.02-1, 54.02-2, 54.02-3, 54.02-4, 54.02-5, 54.02-6, 54.02-8, 54.03-5, 54.04 and 54.05-2 are met.

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

An application under clause 32.04-7 for a development of three storeys or less, excluding a basement, 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 all the applicable standards under clauses 55.02, 55.04-1, 55.04-2, 55.04-3, 55.04-4 and 55.05-2 are met.

An application under clause 32.04-7 for a development of four to six storeys, excluding a basement, 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 all the applicable standards under clauses 57.02 and 57.04 are met.

### 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.

## 32.04-15 Decision guidelines

16/04/2026
VC300

### General

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- The objectives set out in a schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.
- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a Housing Choice and Transport Zone, 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 and a small second dwelling

- The applicable 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 of three storeys or less, excluding a basement, the objectives, standards and decision guidelines of clause 55.
- For two or more dwellings on a lot, dwellings on common property and residential buildings of four to six storeys, excluding a basement, the objectives, standards and decision guidelines of clause 57.
- For an apartment development of seven storeys or more, excluding a basement, the objectives, standards and decisions guidelines of clause 58.

## 32.04-16 Signs

14/12/2023
VC253

Sign requirements are at Clause 52.05. This zone is in Category 3 unless a schedule to this zone specifies a different category.

11/08/2022
C248wynd

# SCHEDULE TO CLAUSE 32.04 MIXED USE ZONE

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

**WYNDHAM MIXED USE AREAS**

## 1.0 Objectives

11/08/2022
C248wynd

None specified.

## 2.0 Clause 54, Clause 55 and Clause 57 requirements

17/04/2026
VC308

| | Standard | Requirement |
|---|---|---|
| **Minimum street setback** | A2-1 | None specified |
| | B2-1 | None specified |
| | E2-1 | None specified |
| **Site coverage** | A2-5 | None specified |
| | B2-5 | None specified |
| | E2-4 | None specified |
| **Private open space** | A3-2 | None specified |
| | B3-5 | None specified |
| **Front fences** | A2-7 and B2-8 | None specified |
| | E2-7 | None specified |

## 3.0 Maximum building height requirement

11/08/2022
C248wynd

None specified.

## 4.0 Exemption from notice and review

11/08/2022
C248wynd

None specified.

## 5.0 Application requirements

11/08/2022
C248wynd

None specified.

## 6.0 Decision guidelines

11/08/2022
C248wynd

None specified.

## 7.0 Signs

11/08/2022
C248wynd

None specified.

## 32.05 TOWNSHIP ZONE

31/03/2025
VC267

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 is responsive to the neighbourhood character of the area.

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

## 32.05-1 Neighbourhood character objectives

27/03/2017
VC110

A schedule to this zone may contain the neighbourhood character objectives to be achieved for the area.

## 32.05-2 Table of uses

14/01/2025
VC237

### Section 1 - Permit not required

| Use | Condition |
|---|---|
| **Automated collection point** | Must meet the requirements of Clause 52.13-3 and 52.13-5.<br>The gross floor area of all buildings must not exceed 50 square metres. |
| **Bed and breakfast** | No more than 10 persons may be accommodated away from their normal place of residence.<br>At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence. |
| **Community care accommodation** | Must meet the requirements of Clause 52.22-2. |
| **Domestic animal husbandry** | Must be no more than 2 animals. |
| **Dwelling (other than Bed and breakfast)** | Must meet the requirements of Clause 32.05-3. |
| **Home based business** | |
| **Informal outdoor recreation** | |
| **Medical centre** | The gross floor area of all buildings must not exceed 250 square metres. |
| **Place of worship** | The gross floor area of all buildings must not exceed 250 square metres. |
| **Racing dog husbandry** | Must be no more than 2 animals. |
| **Railway** | |
| **Residential aged care facility** | |
| **Rooming house** | Must meet the requirements of Clause 52.23-2. |

| Use | Condition |
|---|---|
| **Small second dwelling** | Must be no more than one dwelling existing on the lot.<br>Must be the only small second dwelling on the lot.<br>Must meet the requirements of Clause 32.05-3.<br>Reticulated natural gas must not be supplied to the building, or part of a building, used for the small second dwelling. |
| **Tramway** | |
| **Any use listed in Clause 62.01** | Must meet the requirements of Clause 62.01. |

### Section 2 – Permit required

| Use | Condition |
|---|---|
| **Accommodation (other than Community care accommodation, Dwelling, Residential aged care facility, Rooming house and Small second dwelling)** | |
| **Agriculture (other than Animal production, Apiculture, Domestic animal husbandry and Racing dog husbandry)** | |
| **Domestic animal husbandry (other than Domestic animal boarding) – if the Section 1 condition is not met** | Must be no more than 5 animals. |
| **Grazing animal production** | |
| **Industry (other than Transfer station and Refuse disposal)** | Must not be a purpose listed in the table to Clause 53.10. |
| **Leisure and recreation (other than Informal outdoor recreation and Motor racing track)** | |
| **Office (other than Medical centre)** | |
| **Place of assembly (other than Carnival, Circus and Place of worship)** | |
| **Retail premises (other than Adult sex product shop)** | |
| **Transfer station (other than Automated collection point)** | Must meet the threshold distance requirements in the table to Clause 53.10. |
| **Utility installation (other than Minor utility installation and Telecommunications facility)** | Must not be a purpose listed in the table to Clause 53.10. |
| **Warehouse** | Must not be a purpose listed in the table to Clause 53.10. |
| **Any other use not in Section 1 or 3** | |

### Section 3 - Prohibited

| Use |
|---|
| **Adult sex product shop** |
| **Animal production (other than Grazing animal production)** |
| **Dwelling – if the Section 1 condition is not met** |
| **Extractive industry** |
| **Motor racing track** |
| **Refuse disposal** |
| **Saleyard** |
| **Small second dwelling – if the Section 1 condition is not met** |

## 32.05-3 Use for a dwelling or a small second dwelling

14/12/2023
VC253

A lot used for a dwelling or small second dwelling must meet the following requirements:

- Each dwelling or small second 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 requirements of the Environment Protection Regulations under the *Environment Protection Act 2017* for an on-site wastewater management system.
- Each dwelling or small second dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply, with appropriate storage capacity.
- Each dwelling or small second dwelling must be connected to a reticulated electricity supply or have an alternative energy supply.

## 32.05-4 Use for industry and warehouse

27/03/2017
VC110

### 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 Subdivision

16/10/2025
VC288

### Permit requirement

A permit is required to subdivide land.

A permit must not be granted which would allow a separate lot to be created for land containing a small second dwelling.

### Clause 56 requirement

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.

| Class of subdivision | Objectives and standards to be met |
|---|---|
| 16 or more lots | 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. |
| 3 – 15 lots | Clauses 56.03-5 (only if the land is in the Neighbourhood Character Overlay), 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. |
| 2 lots | Clauses 56.03-5 (only if the land is in the Neighbourhood Character Overlay), 56.04-2, 56.04-5, 56.06-8 and 56.07-4. |

Each lot must be provided with reticulated sewerage, if available. If reticulated sewerage is not available, the application must be accompanied by:

- In the absence of reticulated sewerage, include a Land Capability Assessment on the risks to human health and the environment of an on-site wastewater management system constructed, installed or altered on the lot in accordance with the Environment Protection Regulations under the *Environment Protection Act 2017*.
- 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 application | Provision |
|---|---|
| Subdivide land to realign the common boundary between two lots where:<br>▪ The area of either lot is reduced by less than 15 percent.<br>▪ The general direction of the common boundary does not change. | Clause 59.01 |
| Subdivide land into lots each containing an existing building or car parking space where:<br>▪ The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.<br>▪ An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within five years prior to the application for a permit for subdivision. | Clause 59.02 |
| Subdivide land into two lots if:<br>▪ The construction of a building or the construction or carrying out of works on the land: | Clause 59.02 |

| Class of application | Provision |
|---|---|
| – Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.<br>– Has started lawfully.<br>▪ The subdivision does not create a vacant lot. | |
| Subdivide land into two lots if:<br>▪ A permit has been issued under a provision of a residential zone to construct up to two dwellings on the land and the permit has not expired.<br>▪ Each lot will contain either:<br>– one existing dwelling; or<br>– one dwelling permitted to be constructed in accordance with the permit. | Clause 59.02 |
| Subdivide land into two lots for residential development if:<br>▪ The subdivision creates at least one vacant lot.<br>▪ The land does not contain native vegetation if it has an area of 0.4 hectares or more.<br>▪ The land is not located in an Environmental Audit Overlay, Neighbourhood Character Overlay or an area that is a designated bushfire prone area as determined under section 192A of the *Building Act 1993*.<br>▪ The land is connected to reticulated sewerage. | Clause 59.11 |

## 32.05-6 Construction and extension of one dwelling on a lot

08/09/2025
VC282

### Permit requirement

A permit is required to construct or extend one dwelling on a lot less than 300 square metres.

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 less than 300 square metres and the fence exceeds the maximum height specified in Clause 54.02-7.

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.

| Class of application | Provision |
|---|---|
| Construct or extend a dwelling on a lot less than 300 square metres if the development meets the following standards of Clause 54:<br>▪ clause 54.02-1 Street setback.<br>▪ clause 54.02-2 Building height.<br>▪ clause 54.02-3 Side and rear setbacks.<br>▪ clause 54.02-4 Walls on boundaries.<br>▪ clause 54.02-5 Site coverage<br>▪ clause 54.02-6 Tree canopy.<br>▪ clause 54.02-7 Front fences.<br>▪ clause 54.04-1 Daylight to existing windows.<br>▪ clause 54.04-2 Existing north-facing windows.<br>▪ clause 54.04-3 Overshadowing secluded open space.<br>▪ clause 54.04-4 Overlooking.<br>▪ clause 54.05-2 Overshadowing domestic solar energy systems.<br>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. | Clause 54 |
| Construct or extend a front fence within 3 metres of a street if the fence is associated with one dwelling on a lot less than 300 square metres. | Clause 59.03 |

### Transitional provisions

Clauses 32.05-6, 54 and 59.14 of this planning scheme, as in force immediately before the commencement of Amendment VC282, 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.

## 32.05-7 Construction and extension of a small second dwelling on a lot

08/09/2025
VC282

### Permit requirement

A permit is required to construct a building, construct or carry out works for a small second dwelling on a lot of less than 300 square metres.

A development must meet the requirements of Clause 54.

### 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 | Provision |
|---|---|
| Construct or extend a small second dwelling on a lot less than 300 square metres if the development meets the following standards of Clause 54: | Clause 54 |

| Class of application | Provision |
|---|---|
| ▪ clause 54.02-1 Street setback.<br>▪ clause 54.02-2 Building height.<br>▪ clause 54.02-3 Side and rear setbacks.<br>▪ clause 54.02-4 Walls on boundaries.<br>▪ clause 54.02-5 Site coverage.<br>▪ clause 54.02-6 Tree canopy.<br>▪ clause 54.02-8 Building setback for small second dwellings.<br>▪ clause 54.03-5 Safety and accessibility for small second dwellings.<br>▪ clause 54.04-1 Daylight to existing windows.<br>▪ clause 54.04-2 Existing north-facing windows.<br>▪ clause 54.04-3 Overshadowing secluded open space.<br>▪ clause 54.04-4 Overlooking.<br>▪ clause 54.05-2 Overshadowing domestic solar energy systems.<br>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. | |

### Transitional provisions

Clauses 32.05-7, 54 and 59.14 of this planning scheme, as in force immediately before the commencement of Amendment VC282, 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.

## 32.05-8 Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings

16/04/2026
VC300

### 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 two or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in clause 55.02-8.

A development of three storeys or less, excluding a basement, must meet the requirements of clause 55.

A development of four to six storeys, excluding a basement, within the urban growth boundary in metropolitan Melbourne, must meet the requirements of clause 57.

An apartment development of seven storeys or more, excluding a basement, 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.

| Class of application | Provision |
|---|---|
| Construct one dwelling if there is no more than one dwelling existing on a lot, extend a dwelling if there are two dwellings on a lot, or construct two dwellings on a lot, if the development meets the following standards of clause 55:<br>▪ clause 55.02-1 Street setback<br>▪ clause 55.02-2 Building height<br>▪ clause 55.02-3 Side and rear setbacks<br>▪ clause 55.02-4 Walls on boundaries<br>▪ clause 55.02-5 Site coverage<br>▪ clause 55.02-6 Access<br>▪ clause 55.02-7 Tree canopy<br>▪ clause 55.02-8 Front fences<br>▪ clause 55.04-1 Daylight to existing windows<br>▪ clause 55.04-2 Existing north-facing windows<br>▪ clause 55.04-3 Overshadowing secluded open space<br>▪ clause 55.04-4 Overlooking<br>▪ clause 55.05-2 Overshadowing domestic solar energy systems<br>If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the clause 55 standard, the requirement in the schedule to the zone applies and must be met. | Clause 55 |
| Construct or extend a front fence within 3 metres of a street if the fence is associated with two or more dwellings on a lot or a residential building. | Clause 59.03 |

### 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.

Clauses 55 and 58 of this scheme, as in force immediately before the approval date of Amendment VC174, 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.

Clause 55 of this planning scheme, as in force immediately before the approval date of Amendment VC267, 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.

Clauses 32.05-8, 57 and 58 of this planning scheme, as in force immediately before the commencement of Amendment VC300, 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.

## 32.05-9 Requirements of clause 54, clause 55 and clause 57

16/04/2026
VC300

A schedule to this zone may specify the requirements of:

- Standards A2-1, A2-5, A2-7 and A3-2 of clause 54 of this scheme.
- Standards B2-1, B2-5, B2-8 and B3-5 of clause 55 of this scheme.
- Standards E2-1, E2-4 and E2-7 of clause 57 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, clause 55 or clause 57 applies.

## 32.05-10 Residential aged care facility

01/01/2024
VC250

### Permit requirements

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

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

## 32.05-11 Buildings and works associated with a Section 2 use

20/04/2026
VC307

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.

| Class of application | Provision |
|---|---|
| Construct a building or construct or carry out works where:<br>▪ The building or works are not associated with a dwelling, primary school or secondary school and have an estimated cost of up to $150,000; or | Clause 59.04 |

| Class of application | Provision |
|---|---|
| ▪ The building or works are associated with a primary school or secondary school and have an estimated cost of up to $700,000; and<br>▪ The requirements in the following standards of Clause 54 are met, where the land adjoins land in a residential zone used for residential purposes:<br>– clause 54.02-3 Side and rear setbacks.<br>– clause 54.02-4 Walls on boundaries.<br>– clause 54.04-1 Daylight to existing windows.<br>– clause 54.04-2 Existing north-facing windows.<br>– clause 54.04-3 Overshadowing secluded open space.<br>– clause 54.04-4 Overlooking.<br>– clause 54.05-2 Overshadowing domestic solar energy systems<br>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. | |

### Transitional provisions

Clauses 32.05-11, 54 and 59.04 of this planning scheme, as in force immediately before the commencement of Amendment VC282, 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.

## 32.05-12 Maximum building height requirement for a dwelling, small second dwelling or residential building

14/12/2023
VC253

A building must not be constructed for use as a dwelling, small second 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.

## 32.05-13 Application requirements

14/01/2025
VC237

### 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 Development Licence, Operating Licence, Permit or Registration 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 2022 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.

## 32.05-14 Exemption from review

16/04/2026
VC300

### Construction and extension of one dwelling on a lot

An application under clause 32.05-6 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 all the applicable standards under clauses 54.02-1, 54.02-2, 54.02-3, 54.02-4, 54.02-5, 54.02-6, 54.02-7, 54.04 and 54.05-2 are met.

### Construction and extension of a small second dwelling on a lot

An application under clause 32.05-7 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 all the applicable standards under clauses 54.02-1, 54.02-2, 54.02-3, 54.02-4, 54.02-5, 54.02-6, 54.02-8, 54.03-5, 54.04 and 54.05-2 are met.

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

An application under clause 32.05-8 for a development of three storeys or less, excluding a basement, 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 all the applicable standards under clauses 55.02, 55.04-1, 55.04-2, 55.04-3, 55.04-4 and 55.05-2 are met.

An application under clause 32.05-8 for a development of four to six storeys, excluding a basement, within the urban growth boundary in metropolitan Melbourne 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 all the applicable standards under clauses 57.02 and 57.04 are met.

## 32.05-15 Decision guidelines

16/04/2026
VC300

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 and telecommunications.
- In the absence of reticulated sewerage, a Land Capability Assessment on the risks to human health and the environment of an on-site wastewater management system constructed, installed or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017*.
- The design, height, setback and appearance of the proposed buildings and works including provision for solar access.
- The need for a verandah along the front or side of commercial buildings to provide shelter for pedestrians.
- Provision of car and bicycle parking and loading bay facilities and landscaping.
- The effect that existing uses on adjoining or nearby land may have on the proposed use.
- The scale and intensity of the use and development.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.
- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Housing Choice and Transport Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.
- Any other decision guidelines specified in a schedule to this zone.

### Use for industry and warehouse

Before deciding on an application to use land for an industry or warehouse, in addition to the decision guidelines in clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The effect that existing uses on adjoining or nearby land may have on the proposed use.
- The design of buildings, including provision for solar access.
- The availability and provision of utility services.
- The effect of traffic to be generated by the use.
- The interim use of those parts of the land not required for the proposed use.
- Any other decision guidelines specified in a schedule to this zone.

### Subdivision

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- The pattern of subdivision and its effect on the spacing of buildings.

- For subdivision of land for residential development, the objectives and standards of clause 56.
- Any other decision guidelines specified in a schedule to this zone.

#### Construction and extension of one dwelling on a lot and a small second dwelling

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- The applicable 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:

- The Municipal Planning Strategy and the Planning Policy Framework.
- For two or more dwellings on a lot, dwellings on common property and residential buildings of three storeys or less, excluding a basement, the objectives, standards and decision guidelines of clause 55.
- For two or more dwellings on a lot, dwellings on common property and residential buildings of four to six storeys, excluding a basement, the objectives, standards and decision guidelines of clause 57.
- For an apartment development of seven storeys or more, excluding a basement, the objectives, standards and decisions guidelines of clause 58.
- Any other decision guidelines specified in a schedule to this zone.

## 32.05-16 Signs

31/03/2025
VC267

Sign requirements are at Clause 52.05. This zone is in Category 3.

11/08/2022
C248wynd

# SCHEDULE TO CLAUSE 32.05 TOWNSHIP ZONE

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

**WYNDHAM TOWNSHIPS**

## 1.0 Neighbourhood character objectives

11/08/2022
C248wynd

None specified.

## 2.0 Clause 54, Clause 55 and Clause 57 requirements

17/04/2026
VC308

| | Standard | Requirement |
|---|---|---|
| **Minimum street setback** | A2-1 | None specified |
| | B2-1 | None specified |
| | E2-1 | None specified |
| **Site coverage** | A2-5 | None specified |
| | B2-5 | None specified |
| | E2-4 | None specified |
| **Private open space** | A3-2 | None specified |
| | B3-5 | None specified |
| **Front fences** | A2-7 and B2-8 | None specified |
| | E2-7 | None specified |

## 3.0 Maximum building height requirement for a dwelling, small second dwelling or residential building

03/05/2024
VC255

None specified.

## 4.0 Application requirements

03/05/2024
VC255

None specified.

## 5.0 Decision guidelines

03/05/2024
VC255

None specified.

## 32.07 RESIDENTIAL GROWTH ZONE

31/07/2018
VC148

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

### Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide housing at increased densities in buildings up to and including four storey buildings.

To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres.

To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas.

To ensure residential development achieves design objectives specified in a schedule to this zone.

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

## 32.07-1 Design objectives

27/03/2017
VC110

A schedule to this zone must contain the design objectives to be achieved for the area.

## 32.07-2 Table of uses

14/01/2025
VC237

### Section 1 - Permit not required

| Use | Condition |
|---|---|
| **Automated collection point** | Must meet the requirements of Clause 52.13-3 and 52.13-5.<br>The gross floor area of all buildings must not exceed 50 square metres. |
| **Bed and breakfast** | No more than 10 persons may be accommodated away from their normal place of residence.<br>At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence. |
| **Community care accommodation** | Must meet the requirements of Clause 52.22-2. |
| **Domestic animal husbandry (other than Domestic animal boarding)** | Must be no more than 2 animals. |
| **Dwelling (other than Bed and breakfast)** | |
| **Home based business** | |
| **Informal outdoor recreation** | |
| **Medical centre** | The gross floor area of all buildings must not exceed 250 square metres. |
| **Place of worship** | The gross floor area of all buildings must not exceed 250 square metres.<br>The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3. |

| Use | Condition |
|---|---|
| **Racing dog husbandry** | Must be no more than 2 animals. |
| **Railway** | |
| **Residential aged care facility** | |
| **Rooming house** | Must meet the requirements of Clause 52.23-2. |
| **Small second dwelling** | Must be no more than one dwelling existing on the lot.<br>Must be the only small second dwelling on the lot.<br>Reticulated natural gas must not be supplied to the building, or part of a building, used for the small second dwelling. |
| **Tramway** | |
| **Any use listed in Clause 62.01** | Must meet the requirements of Clause 62.01. |

### Section 2 – Permit required

| Use | Condition |
|---|---|
| **Accommodation (other than Community care accommodation, Dwelling, Residential aged care facility, Rooming house and Small second dwelling)** | |
| **Agriculture (other than Animal production, Animal training, Apiculture, Domestic animal husbandry, Horse husbandry and Racing dog husbandry)** | |
| **Car park** | Must be used in conjunction with another use in Section 1 or 2. |
| **Car wash** | The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3. |
| **Convenience restaurant** | The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3. |
| **Convenience shop** | |
| **Domestic animal husbandry (other than Domestic animal boarding) – if the Section 1 condition is not met** | Must be no more than 5 animals. |
| **Food and drink premises (other than Convenience restaurant and Take away food premises)** | |
| **Grazing animal production** | |
| **Leisure and recreation (other than Informal outdoor recreation and Motor racing track)** | |
| **Market** | |

| Use | Condition |
|---|---|
| **Office (other than Medical centre)** | The land must be located within 100 metres of a commercial zone.<br>The land must have the same street frontage as the land in the commercial zone.<br>The leasable floor area must not exceed 250 square metres. |
| **Place of assembly (other than Amusement parlour, Carnival, Cinema based entertainment facility, Circus, Nightclub and Place of worship)** | |
| **Plant nursery** | |
| **Retail premises (other than Food and drink premises, Market, Plant nursery and Shop)** | The use must be associated with a use or development to which clause 53.23 (Significant residential development with affordable housing) applies. |
| **Service station** | The site must either:<br>▪ Adjoin a commercial zone or industrial zone.<br>▪ Adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.<br>The site must not exceed either:<br>▪ 3000 square metres.<br>▪ 3600 square metres if it adjoins on two boundaries a road in a Transport Zone 2 or a Transport Zone 3. |
| **Shop (other than Adult sex product shop, Bottle shop and Convenience shop)** | The land must be located within 100 metres of a commercial zone or Mixed Use Zone.<br>The land must have the same street frontage as the land in the commercial zone or Mixed Use Zone. |
| **Store** | Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot. |
| **Take away food premises** | The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3. |
| **Utility installation (other than Minor utility installation and Telecommunications facility)** | |
| **Any other use not in Section 1 or 3** | |

## Section 3 – Prohibited

| Use |
|---|
| **Adult sex product shop** |

| Use |
|---|
| **Amusement parlour** |
| **Animal production (other than Grazing animal production)** |
| **Animal training** |
| **Bottle shop** |
| **Cinema based entertainment facility** |
| **Domestic animal boarding** |
| **Extractive industry** |
| **Horse husbandry** |
| **Industry (other than Automated collection point and Car wash)** |
| **Motor racing track** |
| **Nightclub** |
| **Saleyard** |
| **Small second dwelling – if the Section 1 condition is not met** |
| **Transport terminal** |
| **Warehouse (other than Store)** |

## 32.07-3 Subdivision

16/10/2025
VC288

### Permit requirement

A permit is required to subdivide land.

A permit must not be granted which would allow a separate lot to be created for land containing a small second dwelling.

### Clause 56 requirement

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.

| Class of subdivision | Objectives and standards to be met |
|---|---|
| 60 or more lots | All except clause 56.03-5. |
| 16 – 59 lots | All except clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3. |
| 3 – 15 lots | All except clauses 56.02-1, 56.03-1 to 56.03-4, 56.03-5 (unless the land is in the Neighbourhood Character Overlay), 56.05-2, 56.06-1, 56.06-3 and 56.06-6. |

| Class of subdivision | Objectives and standards to be met |
|---|---|
| 2 lots | Clauses 56.03-5 (only if the land is in the Neighbourhood Character Overlay), 56.04-2, 56.04-5, 56.06-8 and 56.07-4. |

### 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 | Provision |
|---|---|
| Subdivide land to realign the common boundary between two lots where:<br>▪ The area of either lot is reduced by less than 15 percent.<br>▪ The general direction of the common boundary does not change. | Clause 59.01 |
| Subdivide land into lots each containing an existing building or car parking space where:<br>▪ The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.<br>▪ An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within five years prior to the application for a permit for subdivision. | Clause 59.02 |
| Subdivide land into two lots if:<br>▪ The construction of a building or the construction or carrying out of works on the land:<br>– Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.<br>– Has started lawfully.<br>▪ The subdivision does not create a vacant lot. | Clause 59.02 |
| Subdivide land into two lots if:<br>▪ A permit has been issued under a provision of a residential zone to construct up to two dwellings on the land and the permit has not expired.<br>▪ Each lot will contain either:<br>– one existing dwelling; or<br>– one dwelling permitted to be constructed in accordance with the permit. | Clause 59.02 |
| Subdivide land into two lots for residential development if:<br>▪ The subdivision creates at least one vacant lot.<br>▪ The land does not contain native vegetation if it has an area of 0.4 hectares or more.<br>▪ The land is not located in an Environmental Audit Overlay, Neighbourhood Character Overlay or an area that is a designated bushfire prone area as determined under section 192A of the *Building Act 1993.* | Clause 59.11 |

## 32.07-4 Construction and extension of one dwelling on a lot

08/09/2025
VC282

### Permit requirement

A permit is required to construct or extend one dwelling on a lot 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.

| Class of application | Provision |
|---|---|
| Construct or extend a dwelling on a lot less than 300 square metres if the development meets the following standards of Clause 54:<br>▪ clause 54.02-1 Street setback.<br>▪ clause 54.02-2 Building height.<br>▪ clause 54.02-3 Side and rear setbacks.<br>▪ clause 54.02-4 Walls on boundaries.<br>▪ clause 54.02-5 Site coverage<br>▪ clause 54.02-6 Tree canopy.<br>▪ clause 54.02-7 Front fences.<br>▪ clause 54.04-1 Daylight to existing windows.<br>▪ clause 54.04-2 Existing north-facing windows.<br>▪ clause 54.04-3 Overshadowing secluded open space.<br>▪ clause 54.04-4 Overlooking.<br>▪ clause 54.05-2 Overshadowing domestic solar energy systems.<br>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. | Clause 54 |

### Transitional provisions

Clauses 32.07-4, 54 and 59.14 of this planning scheme, as in force immediately before the commencement of Amendment VC282, 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.

## 32.07-5 Construction and extension of a small second dwelling on a lot

08/09/2025
VC282

### Permit requirement

A permit is required to construct or extend a small second dwelling on a lot of less than 300 square metres.

A development must meet the requirements of Clause 54.

### 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 | Provision |
|---|---|
| Construct or extend a small second dwelling on a lot less than 300 square metres if the development meets the following standards of Clause 54:<br>▪ clause 54.02-1 Street setback.<br>▪ clause 54.02-2 Building height.<br>▪ clause 54.02-3 Side and rear setbacks.<br>▪ clause 54.02-4 Walls on boundaries.<br>▪ clause 54.02-5 Site coverage.<br>▪ clause 54.02-6 Tree canopy.<br>▪ clause 54.02-8 Building setback for small second dwellings.<br>▪ clause 54.03-5 Safety and accessibility for small second dwellings.<br>▪ clause 54.04-1 Daylight to existing windows.<br>▪ clause 54.04-2 Existing north-facing windows.<br>▪ clause 54.04-3 Overshadowing secluded open space.<br>▪ clause 54.04-4 Overlooking.<br>▪ clause 54.05-2 Overshadowing domestic solar energy systems.<br>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. | Clause 54 |

### Transitional provisions

Clauses 32.07-5, 54 and 59.14 of this planning scheme, as in force immediately before the commencement of Amendment VC282, 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.

## 32.07-6 Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings

16/04/2026
VC300

### 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 two or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in clause 55.02-8.

A development of three storeys or less, excluding a basement, must meet the requirements of clause 55.

A development of four to six storeys, excluding a basement, must meet the requirements of clause 57.

An apartment development of seven storeys or more, excluding a basement, 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.

| Class of application | Provision |
|---|---|
| Construct one dwelling if there is no more than one dwelling existing on a lot, extend a dwelling if there are two dwellings on a lot, or construct two dwellings on a lot, if the development meets the following standards of clause 55:<br>▪ clause 55.02-1 Street setback<br>▪ clause 55.02-2 Building height<br>▪ clause 55.02-3 Side and rear setbacks<br>▪ clause 55.02-4 Walls on boundaries<br>▪ clause 55.02-5 Site coverage<br>▪ clause 55.02-6 Access<br>▪ clause 55.02-7 Tree canopy<br>▪ clause 55.02-8 Front fences<br>▪ clause 55.04-1 Daylight to existing windows<br>▪ clause 55.04-2 Existing north-facing windows<br>▪ clause 55.04-3 Overshadowing secluded open space<br>▪ clause 55.04-4 Overlooking<br>▪ clause 55.05-2 Overshadowing domestic solar energy systems<br>If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the clause 55 standard, the requirement in the schedule to the zone applies and must be met. | Clause 55 |
| Construct or extend a front fence within 3 metres of a street if the fence is associated with two or more dwellings on a lot or a residential building. | Clause 59.03 |

### 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.

Clauses 55 and 58 of this scheme, as in force immediately before the approval date of Amendment VC174, 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.

Clause 55 of this planning scheme, as in force immediately before the approval date of Amendment VC267, 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.

Clauses 32.07-6, 57 and 58 of this planning scheme, as in force immediately before the commencement of Amendment VC300, 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.

## 32.07-7 Requirements of clause 54, clause 55 and clause 57

16/04/2026
VC300

A schedule to this zone may specify the requirements of:

- Standards A2-1, A2-5, A2-7 and A3-2 of clause 54 of this scheme.
- Standards B2-1, B2-5, B2-8 and B3-5 of clause 55 of this scheme.
- Standards E2-1, E2-4 and E2-7 of clause 57 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, clause 55 or clause 57 applies.

## 32.07-8 Residential aged care facility

14/12/2023
VC253

### Permit requirements

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

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

## 32.07-9 Buildings and works associated with a Section 2 use

20/04/2026
VC307

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.07-2.

### 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.

| Class of application | Provision |
|---|---|
| Construct a building or construct or carry out works where:<br>▪ The building or works are not associated with a dwelling, primary school or secondary school and have an estimated cost of up to $150,000; or<br>▪ The building or works are associated with a primary school or secondary school and have an estimated cost of up to $700,000; and<br>▪ The requirements in the following standards of Clause 54 are met, where the land adjoins land in a residential zone used for residential purposes:<br>– clause 54.02-3 Side and rear setbacks.<br>– clause 54.02-4 Walls on boundaries.<br>– clause 54.04-1 Daylight to existing windows.<br>– clause 54.04-2 Existing north-facing windows.<br>– clause 54.04-3 Overshadowing secluded open space.<br>– clause 54.04-4 Overlooking.<br>– clause 54.05-2 Overshadowing domestic solar energy systems.<br>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. | Clause 59.04 |

### Transitional provisions

Clauses 32.07-9, 54 and 59.04 of this planning scheme, as in force immediately before the commencement of Amendment VC282, 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.

## 32.07-10 Maximum building height requirement for a dwelling, small second dwelling or residential building

16/04/2026
VC300

A building must not be constructed for use as a dwelling, small second 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 building height should not exceed 13.5 metres.

This building height requirement replaces the maximum building height specified in clauses 54.02-2 and 55.02-2.

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 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.

### 32.07-11 Buildings on lots that abut another residential zone

08/09/2025
VC282

Any buildings or works constructed on a lot that abuts land which is in a General Residential Zone, Neighbourhood Residential Zone, or Township Zone must meet the requirements of Clauses 55.02-3, 55.02-4, 55.04-1, 55.04-3, 55.04-4 and 55.05-2 along that boundary.

### 32.07-12 Application requirements

16/04/2026
VC300

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

- For a development of one dwelling on a lot or a small second dwelling on a lot, the site description and design response as required in clause 54.
- For a development of two or more dwellings on a lot, dwellings on common property and residential buildings of three storeys or less, excluding a basement, the site description and design response as required in clause 55.
- For a development of two or more dwellings on a lot, dwellings on common property and residential buildings of four to six storeys, excluding a basement, the site description and design response as required in clause 57.
- For an apartment development of seven storeys or more, excluding a basement, an urban context report and design response as required in clause 58.
- 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 goods 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.

## 32.07-13 Exemption from notice and review

16/04/2026
VC300

### Subdivision

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

### Construction and extension of one dwelling on a lot

An application under clause 32.07-4 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 all the applicable standards under clauses 54.02-1, 54.02-2, 54.02-3, 54.02-4, 54.02-5, 54.02-6, 54.02-7, 54.04 and 54.05-2 are met.

### Construction and extension of a small second dwelling on a lot

An application under clause 32.07-5 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 all the applicable standards under clauses 54.02-1, 54.02-2, 54.02-3, 54.02-4, 54.02-5, 54.02-6, 54.02-8, 54.03-5, 54.04 and 54.05-2 are met.

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

An application under clause 32.07-6 for a development of three storeys or less, excluding a basement, 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 all the applicable standards under clauses 55.02, 55.04-1, 55.04-2, 55.04-3, 55.04-4 and 55.05-2 are met.

An application under clause 32.07-6 for a development of four to six storeys, excluding a basement, 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 all the applicable standards under clauses 57.02 and 57.04 are met.

## 32.07-14 Decision guidelines

16/04/2026
VC300

Before deciding on an application, 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 purpose of this zone.
- The objectives set out in a schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.
- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a Housing Choice and Transport Zone, Mixed Use Zone or Residential Growth 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, small second dwellings and residential buildings

- For the construction of one dwelling on a lot, whether the development is an under-utilisation of the lot.
- For the construction and extension of one dwelling on a lot and a small second dwelling, the applicable 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 of three storeys or less, excluding a basement, the objectives, standards and decision guidelines of clause 55.
- For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings of four to six storeys, excluding a basement, the objectives, standards and decision guidelines of clause 57.
- For the construction and extension of an apartment development of seven storeys or more, 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.

## 32.07-15 Signs

14/12/2023
VC253

Sign requirements are at Clause 52.05. This zone is in Category 3.

11/08/2022
C248wynd

# SCHEDULE 1 TO CLAUSE 32.07 RESIDENTIAL GROWTH ZONE

Shown on the planning scheme map as **RGZ1**.

## 1.0 Design objectives

11/08/2022
C248wynd

None specified.

## 2.0 Requirements of Clause 54, Clause 55 and Clause 57

17/04/2026
VC308

| | Standard | Requirement |
|---|---|---|
| **Minimum street setback** | A2-1 | None specified |
| | B2-1 | None specified |
| | E2-1 | None specified |
| **Site coverage** | A2-5 | None specified |
| | B2-5 | None specified |
| | E2-4 | None specified |
| **Private open space** | A3-2 | None specified |
| | B3-5 | None specified |
| **Front fences** | A2-7 and B2-8 | None specified |
| | E2-7 | None specified |

## 3.0 Maximum building height requirement for a dwelling, small second dwelling or residential building

03/05/2024
VC255

None specified.

## 4.0 Application requirements

11/08/2022
C248wynd

None specified.

## 5.0 Decision guidelines

11/08/2022
C248wynd

None specified.

## 32.08 GENERAL RESIDENTIAL ZONE

31/03/2025
VC267

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 is responsive to 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.

## 32.08-1 Neighbourhood character objectives

27/03/2017
VC110

A schedule to this zone may contain neighbourhood character objectives to be achieved for the area.

## 32.08-2 Table of uses

14/01/2025
VC237

### Section 1 - Permit not required

| Use | Condition |
|---|---|
| **Automated collection point** | Must meet the requirements of Clause 52.13-3 and 52.13-5.<br>The gross floor area of all buildings must not exceed 50 square metres. |
| **Bed and breakfast** | No more than 10 persons may be accommodated away from their normal place of residence.<br>At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence. |
| **Community care accommodation** | Must meet the requirements of Clause 52.22-2. |
| **Domestic animal husbandry (other than Domestic animal boarding)** | Must be no more than 2 animals. |
| **Dwelling (other than Bed and breakfast)** | |
| **Home based business** | |
| **Informal outdoor recreation** | |
| **Medical centre** | The gross floor area of all buildings must not exceed 250 square metres.<br>Must not require a permit under Clause 52.06-3.<br>The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3. |
| **Place of worship** | The gross floor area of all buildings must not exceed 250 square metres. |

| Use | Condition |
|---|---|
| | The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3. |
| **Racing dog husbandry** | Must be no more than 2 animals. |
| **Railway** | |
| **Residential aged care facility** | |
| **Rooming house** | Must meet the requirements of Clause 52.23-2. |
| **Small second dwelling** | Must be no more than one dwelling existing on the lot.<br>Must be the only small second dwelling on the lot.<br>Reticulated natural gas must not be supplied to the building, or part of a building, used for the small second dwelling. |
| **Tramway** | |
| **Any use listed in Clause 62.01** | Must meet the requirements of Clause 62.01. |

### Section 2 - Permit required

| Use | Condition |
|---|---|
| **Accommodation (other than Community care accommodation, Dwelling, Residential aged care facility, Rooming house and Small second dwelling)** | |
| **Agriculture (other than Animal production, Animal training, Apiculture, Domestic animal husbandry, Horse husbandry and Racing dog husbandry)** | |
| **Car park** | Must be used in conjunction with another use in Section 1 or 2. |
| **Car wash** | The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3. |
| **Convenience restaurant** | The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3. |
| **Convenience shop** | |
| **Domestic animal husbandry (other than Domestic animal boarding) – if the Section 1 condition is not met** | Must be no more than 5 animals. |
| **Food and drink premises (other than Convenience restaurant and Take away food premises)** | |
| **Grazing animal production** | |
| **Leisure and recreation (other than Informal outdoor recreation and Motor racing track)** | |
| **Market** | |

| Use | Condition |
|---|---|
| **Office (other than Medical centre)** | The use must be associated with a use or development to which clause 53.23 (Significant residential development with affordable housing) applies. |
| **Place of assembly (other than Amusement parlour, Carnival, Cinema based entertainment facility, Circus, Nightclub and Place of worship)** | |
| **Plant nursery** | |
| **Retail premises (other than Convenience shop, Food and drink premises, Market and Plant nursery)** | The use must be associated with a use or development to which clause 53.23 (Significant residential development with affordable housing) applies. |
| **Service station** | The site must either:<br>▪ Adjoin a commercial zone or industrial zone.<br>▪ Adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.<br>The site must not exceed either:<br>▪ 3000 square metres.<br>▪ 3600 square metres if it adjoins on two boundaries a road in a Transport Zone 2 or a Transport Zone 3. |
| **Store** | Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot. |
| **Take away food premises** | The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3. |
| **Utility installation (other than Minor utility installation and Telecommunications facility)** | |
| **Any other use not in Section 1 or 3** | |

## Section 3 – Prohibited

| Use |
|---|
| **Amusement parlour** |
| **Animal production (other than Grazing animal production)** |
| **Animal training** |
| **Cinema based entertainment facility** |
| **Domestic animal boarding** |
| **Extractive industry** |

| Use |
|---|
| **Horse husbandry** |
| **Industry (other than Automated collection point and Car wash)** |
| **Motor racing track** |
| **Nightclub** |
| **Saleyard** |
| **Small second dwelling – if the Section 1 condition is not met** |
| **Transport terminal** |
| **Warehouse (other than Store)** |

## 32.08-3 Subdivision

16/10/2025
VC288

### Permit requirement

A permit is required to subdivide land.

A permit must not be granted which would allow a separate lot to be created for land containing a small second dwelling.

### Minimum garden area requirement

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.

### Clause 56 requirement

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.

| Class of subdivision | Objectives and standards to be met |
|---|---|
| 60 or more lots | All except clause 56.03-5. |
| 16 – 59 lots | All except clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3. |
| 3 – 15 lots | All except clauses 56.02-1, 56.03-1 to 56.03-4, 56.03-5 (unless the land is in the Neighbourhood Character Overlay), 56.05-2, 56.06-1, 56.06-3 and 56.06-6. |
| 2 lots | Clauses 56.03-5 (only if the land is in the Neighbourhood Character Overlay), 56.04-2, 56.04-5, 56.06-8 and 56.07-4. |

### 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 | Provision |
|---|---|
| Subdivide land to realign the common boundary between two lots where:<br>▪ The area of either lot is reduced by less than 15 percent.<br>▪ The general direction of the common boundary does not change. | Clause 59.01 |
| Subdivide land into lots each containing an existing building or car parking space where:<br>▪ The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.<br>▪ An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within five years prior to the application for a permit for subdivision. | Clause 59.02 |
| Subdivide land into two lots if:<br>▪ The construction of a building or the construction or carrying out of works on the land:<br>– Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.<br>– Has started lawfully.<br>▪ The subdivision does not create a vacant lot. | Clause 59.02 |
| Subdivide land into two lots if:<br>▪ A permit has been issued under a provision of a residential zone to construct up to two dwellings on the land and the permit has not expired.<br>▪ Each lot will contain either:<br>– one existing dwelling; or<br>– one dwelling permitted to be constructed in accordance with the permit. | Clause 59.02 |
| Subdivide land into two lots for residential development if:<br>▪ The subdivision creates at least one vacant lot.<br>▪ The land does not contain native vegetation if it has an area of 0.4 hectares or more.<br>▪ The land is not located in an Environmental Audit Overlay, Neighbourhood Character Overlay or an area that is a designated bushfire prone area as determined under section 192A of the *Building Act 1993.* | Clause 59.11 |

## 32.08-4 Construction or extension of a dwelling, small second dwelling or residential building

14/12/2023
VC253

### Minimum garden area requirement

An application to construct or extend a dwelling, small second dwelling or residential building on a lot must provide a minimum garden area as set out in the following table:

| Lot size | Minimum percentage of a lot set aside as garden area |
|---|---|
| 400 - 500 sqm | 25% |
| Above 500 - 650 sqm | 30% |
| Above 650 sqm | 35% |

This does not apply to:

- An application to construct or extend a dwelling, small second 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, small second dwelling or residential building on a lot if:
  - The lot is designated as a medium density housing site in an approved precinct structure plan or an approved equivalent strategic plan;
  - The lot is designated as a medium density housing site in an incorporated plan or approved development plan; or
- An application to alter or extend an existing building that did not comply with the minimum garden area requirement of Clause 32.08-4 on the approval date of Amendment VC110.

## 32.08-5 Construction and extension of one dwelling on a lot

08/09/2025
VC282

### Permit requirement

A permit is required to construct or extend one dwelling on a lot less than 300 square metres.

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 less than 300 square metres and the fence exceeds the maximum height specified in clause 54.02-7.

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.

| Class of application | Provision |
|---|---|
| Construct or extend a dwelling on a lot less than 300 square metres if the development meets the following standards of Clause 54:<br>▪ clause 54.02-1 Street setback.<br>▪ clause 54.02-2 Building height. | Clause 54 |

| Class of application | Provision |
|---|---|
| ▪ clause 54.02-3 Side and rear setbacks.<br>▪ clause 54.02-4 Walls on boundaries.<br>▪ clause 54.02-5 Site coverage<br>▪ clause 54.02-6 Tree canopy.<br>▪ clause 54.02-7 Front fences.<br>▪ clause 54.04-1 Daylight to existing windows.<br>▪ clause 54.04-2 Existing north-facing windows.<br>▪ clause 54.04-3 Overshadowing secluded open space.<br>▪ clause 54.04-4 Overlooking.<br>▪ clause 54.05-2 Overshadowing domestic solar energy systems.<br>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 on a lot less than 300 square metres. | Clause 59.03 |

### Transitional provisions

Clauses 32.08-5, 54 and 59.14 of this planning scheme, as in force immediately before the commencement of Amendment VC282, 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.

## 32.08-6 Construction and extension of a small second dwelling on a lot

08/09/2025
VC282

### Permit requirement

A permit is required to construct or extend a small second dwelling on a lot of less than 300 square metres.

A development must meet the requirements of Clause 54.

### 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 | Provision |
|---|---|
| Construct or extend a small second dwelling on a lot less than 300 square metres if the development meets the following standards of Clause 54:<br>▪ clause 54.02-1 Street setback.<br>▪ clause 54.02-2 Building height.<br>▪ clause 54.02-3 Side and rear setbacks.<br>▪ clause 54.02-4 Walls on boundaries. | Clause 54 |

| Class of application | Provision |
|---|---|
| ▪ clause 54.02-5 Site coverage.<br>▪ clause 54.02-6 Tree canopy.<br>▪ clause 54.02-8 Building setback for small second dwellings.<br>▪ clause 54.03-5 Safety and accessibility for small second dwellings.<br>▪ clause 54.04-1 Daylight to existing windows.<br>▪ clause 54.04-2 Existing north-facing windows.<br>▪ clause 54.04-3 Overshadowing secluded open space.<br>▪ clause 54.04-4 Overlooking.<br>▪ clause 54.05-2 Overshadowing domestic solar energy systems.<br>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. | |

### Transitional provisions

Clauses 32.08-6, 54 and 59.14 of this planning scheme, as in force immediately before the commencement of Amendment VC282, 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.

## 32.08-7 Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings

16/04/2026
VC300

### 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 two or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in clause 55.02-8.

A development of three storeys or less, excluding a basement, must meet the requirements of clause 55.

An apartment development of seven storeys or more, excluding a basement, 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.

| Class of application | Provision |
|---|---|
| Construct one dwelling if there is no more than one dwelling existing on a lot, extend a dwelling if there are two dwellings on a lot, or construct two dwellings on a lot, if the development meets the following standards of clause 55:<br>▪ clause 55.02-1 Street setback<br>▪ clause 55.02-2 Building height<br>▪ clause 55.02-3 Side and rear setbacks<br>▪ clause 55.02-4 Walls on boundaries<br>▪ clause 55.02-5 Site coverage<br>▪ clause 55.02-6 Access<br>▪ clause 55.02-7 Tree canopy<br>▪ clause 55.02-8 Front fences<br>▪ clause 55.04-1 Daylight to existing windows<br>▪ clause 55.04-2 Existing north-facing windows<br>▪ clause 55.04-3 Overshadowing secluded open space<br>▪ clause 55.04-4 Overlooking<br>▪ clause 55.05-2 Overshadowing domestic solar energy systems<br>If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the clause 55 standard, the requirement in the schedule to the zone applies and must be met. | Clause 55 |
| Construct or extend a front fence within 3 metres of a street if the fence is associated with two or more dwellings on a lot or a residential building. | Clause 59.03 |

### 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.

Clauses 55 and 58 of this scheme, as in force immediately before the approval date of Amendment VC174, 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.

Clause 55 of this planning scheme, as in force immediately before the approval date of Amendment VC267, 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.

Clauses 32.08-7, 57 and 58 of this planning scheme, as in force immediately before the commencement of Amendment VC300, 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.

## 32.08-8 Requirements of Clause 54 and Clause 55

08/09/2025
VC282

A schedule to this zone may specify the requirements of:

- Standards A2-1, A2-5, A2-7 and A3-2 of Clause 54 of this scheme.
- Standards B2-1, B2-5, B2-8 and B3-5 of Clause 55 of this scheme.

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

## 32.08-9 Residential aged care facility

14/12/2023
VC253

### Permit requirements

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

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

## 32.08-10 Buildings and works associated with a Section 2 use

20/04/2026
VC307

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.

| Class of application | Provision |
|---|---|
| Construct a building or construct or carry out works where:<br>▪ The building or works are not associated with a dwelling, primary school or secondary school and have an estimated cost of up to $150,000; or<br>▪ The building or works are associated with a primary school or secondary school and have an estimated cost of up to $700,000; and<br>▪ The requirements in the following standards of Clause 54 are met, where the land adjoins land in a residential zone used for residential purposes:<br>– clause 54.02-3 Side and rear setbacks.<br>– clause 54.02-4 Walls on boundaries.<br>– clause 54.04-1 Daylight to existing windows.<br>– clause 54.04-2 Existing north-facing windows. | Clause 59.04 |

| Class of application | Provision |
|---|---|
| – clause 54.04-3 Overshadowing secluded open space.<br>– clause 54.04-4 Overlooking.<br>– clause 54.05-2 Overshadowing domestic solar energy systems.<br>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. | |

### Transitional provisions

Clauses 32.08-10, 54 and 59.04 of this planning scheme, as in force immediately before the commencement of Amendment VC282, 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.

## 32.08-11 Maximum building height requirement for a dwelling, small second dwelling or residential building

14/12/2023
VC253

A building must not be constructed for use as a dwelling, small second dwelling or a residential building that:

- exceeds the maximum building height specified in a schedule to this zone; or
- contains more than the maximum number of storeys specified in a schedule to this zone.

If no maximum building height or maximum number of storeys is specified in a schedule to this zone:

- the building height must not exceed 11 metres; and
- the building must contain no more than 3 storeys at any point.

A building may exceed the applicable maximum building height or contain more than the applicable maximum number of storeys if:

- It replaces an immediately pre-existing building and the new building does not exceed the building height or contain a greater number of storeys than the pre-existing building.
- There are existing buildings on both abutting allotments that face the same street and the new building does not exceed the building height or contain a greater number of storeys than the lower of the existing buildings on the abutting allotments.
- It is on a corner lot abutted by lots with existing buildings and the new building does not exceed the building height or contain a greater number of storeys than the lower of the existing buildings on the abutting allotments.
- It is constructed pursuant to a valid building permit that was in effect prior to the introduction of this provision.

An extension to an existing building may exceed the applicable maximum building height or contain more than the applicable maximum number of storeys if it does not exceed the building height of the existing building or contain a greater number of storeys than the existing building.

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

A basement is not a storey for the purposes of calculating the number of storeys contained in a building.

The maximum building height and maximum number of storeys requirements in this zone or a schedule to this zone apply whether or not a planning permit is required for the construction of a building.

### Building height if land is subject to inundation

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

## 32.08-12 Application requirements

16/04/2026
VC300

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

- For a development of one dwelling on a lot or a small second dwelling on a lot, the site description and design response as required in clause 54.
- For a development of two or more dwellings on a lot, dwellings on common property and residential buildings of three storeys or less, excluding a basement, the site description and design response as required in clause 55.
- For a development of two or more dwellings on a lot, dwellings on common property and residential buildings of four to six storeys, excluding a basement, the site description and design response as required in clause 57.
- For an apartment development of seven storeys or more, excluding a basement, an urban context report and design response as required in clause 58.
- 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 goods 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.

## 32.08-13 Exemption from notice and review

17/04/2026
VC308

### 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.

### Construction and extension of one dwelling on a lot

An application under clause 32.08-5 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 all the applicable standards under clauses 54.02-1, 54.02-2, 54.02-3, 54.02-4, 54.02-5, 54.02-6, 54.02-7, 54.04 and 54.05-2 are met.

### Construction and extension of a small second dwelling on a lot

An application under clause 32.08-6 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 all the applicable standards under clauses 54.02-1, 54.02-2, 54.02-3, 54.02-4, 54.02-5, 54.02-6, 54.02-8, 54.03-5, 54.04 and 54.05-2 are met.

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

An application under clause 32.08-7 for a development of three storeys or less, excluding a basement, 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 all the applicable standards under clauses 55.02, 55.04-1, 55.04-2, 55.04-3, 55.04-4 and 55.05-2 are met.

## 32.08-14 Decision guidelines

16/04/2026
VC300

Before deciding on an application, 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 purpose of this zone.
- The objectives set out in a schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.
- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Housing Choice and Transport 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, small second dwellings and residential buildings

- For the construction and extension of one dwelling on a lot and a small second dwelling, the applicable 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 of three storeys or less, excluding a basement, the objectives, standards and decision guidelines of clause 55.
- For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings of four to six storeys, excluding a basement, the objectives, standards and decision guidelines of clause 57.
- For the construction and extension of an apartment development of seven storeys or more, 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.

## 32.08-15 Signs

14/12/2023
VC253

Sign requirements are at Clause 52.05. This zone is in Category 3.

## 32.08-16 Transitional provisions

14/12/2023
VC253

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.

11/08/2022
C248wynd

# SCHEDULE 1 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE

Shown on the planning scheme map as **GRZ1**.

## WYNDHAM RESIDENTIAL AREAS

## 1.0 Neighbourhood character objectives

11/08/2022
C248wynd

None specified.

## 2.0 Construction or extension of a dwelling, small second dwelling or residential building - minimum garden area requirement

03/05/2024
VC255

| Is the construction or extension of a dwelling, small second dwelling or residential building exempt from the minimum garden area requirement? |
|---|
| No |

## 3.0 Requirements of Clause 54 and Clause 55

08/09/2025
VC282

| | Standard | Requirement |
|---|---|---|
| **Minimum street setback** | A2-1 | None specified |
| | B2-1 | None specified |
| **Site coverage** | A2-5 | None specified |
| | B2-5 | None specified |
| **Private open space** | A3-2 | None specified |
| | B3-5 | None specified |
| **Front fence height** | A2-7 and B2-8 | None specified |

## 4.0 Maximum building height requirement for a dwelling, small second dwelling or residential building

03/05/2024
VC255

None specified.

## 5.0 Application requirements

03/05/2024
VC255

None specified.

## 6.0 Decision guidelines

03/05/2024
VC255

None specified.

# 33 INDUSTRIAL ZONES

19/01/2006
VC37

## 33.01 INDUSTRIAL 1 ZONE

31/07/2018
VC148

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.

## 33.01-1 Table of uses

14/01/2025
VC237

### Section 1 - Permit not required

| Use | Condition |
|---|---|
| **Automated collection point** | Must meet the requirements of Clause 52.13-3 and 52.13-5.<br>The gross floor area of all buildings must not exceed 50 square metres. |
| **Convenience shop** | |
| **Crop raising** | |
| **Grazing animal production** | |
| **Home based business** | |
| **Industry (other than Materials recycling and Transfer station)** | Must not be a purpose listed in the table to Clause 53.10 with no threshold distance specified.<br>The land must be at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution:<br>▪ The threshold distance, for a purpose listed in the table to Clause 53.10.<br>▪ 30 metres, for a purpose not listed in the table to Clause 53.10.<br>Must not:<br>▪ Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2022.<br>▪ Require a notification under the Occupational Health and Safety Regulations 2017.<br>▪ Require a licence under the Dangerous Goods (Explosives) Regulations 2011.<br>▪ Require a licence under the Dangerous Goods (HCDG) Regulations 2016.<br>Must not adversely affect the amenity of the neighbourhood, including through the:<br>▪ Transport of materials, goods or commodities to or from the land.<br>▪ Appearance of any stored goods or materials.<br>▪ Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil. |

| Use | Condition |
|---|---|
| **Informal outdoor recreation** | |
| **Mail centre** | |
| **Railway** | |
| **Service station** | The land must be at least 30 metres from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution.<br>Must not adversely affect the amenity of the neighbourhood, including through the:<br>▪ Transport of materials, goods or commodities to or from the land.<br>▪ Appearance of any stored goods or materials.<br>Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil. |
| **Shipping container storage** | Must not be a purpose listed in the table to Clause 53.10 with no threshold distance specified.<br>The land must be at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution:<br>▪ The threshold distance, for a purpose listed in the table to Clause 53.10.<br>▪ 100 metres, for a purpose not listed in the table to Clause 53.10.<br>Must not:<br>▪ Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2022.<br>▪ Require a notification under the Occupational Health and Safety Regulations 2017.<br>▪ Require a licence under the Dangerous Goods (Explosives) Regulations 2011.<br>▪ Require a licence under the Dangerous Goods (HCDG) Regulations 2016.<br>The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.<br>Shipping containers must be setback at least 9 metres from a road in a Transport Zone 2 or a Transport Zone 3.<br>The height of shipping container stacks must not exceed 6 containers or 16 metres, whichever is the lesser.<br>Must not adversely affect the amenity of the neighbourhood, including through the:<br>▪ Transport of materials, goods or commodities to or from the land.<br>▪ Appearance of any stored goods or materials.<br>▪ Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil. |

| Use | Condition |
|---|---|
| **Take away food premises** | |
| **Tramway** | |
| **Warehouse (other than Mail centre and Shipping container storage)** | Must not be a purpose listed in the table to Clause 53.10 with no threshold distance specified.<br>The land must be at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution:<br>▪ The threshold distance, for a purpose listed in the table to Clause 53.10.<br>▪ 30 metres, for a purpose not listed in the table to Clause 53.10.<br>Must not:<br>▪ Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2022.<br>▪ Require a notification under the Occupational Health and Safety Regulations 2017.<br>▪ Require a licence under the Dangerous Goods (Explosives) Regulations 2011.<br>▪ Require a licence under Dangerous Goods (HCDG) Regulations 2016.<br>Must not adversely affect the amenity of the neighbourhood, including through the:<br>▪ Transport of materials, goods or commodities to or from the land.<br>▪ Appearance of any stored goods or materials.<br>▪ 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

| Use | Condition |
|---|---|
| **Adult sex product shop** | Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone or land used for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school. |
| **Agriculture (other than Apiculture, Crop raising, Grazing animal production, Intensive animal production, Pig farm and Poultry farm)** | |
| **Caretaker's house** | |
| **Container deposit scheme centre** | |

| Use | Condition |
|---|---|
| **Education centre** | Must not be a primary or secondary school. |
| **Leisure and recreation (other than Informal outdoor recreation)** | |
| **Materials recycling** | The land must be at least 30 metres from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone or land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution. |
| **Office** | The leasable floor area must not exceed the amount specified in the schedule to this zone. |
| **Place of assembly (other than Carnival, Cinema based entertainment facility and Circus)** | |
| **Restricted retail premises** | |
| **Retail premises (other than Shop and Take away food premises)** | |
| **Sex services premises** | |
| **Transfer station (other than Automated collection point and Container deposit scheme centre)** | The land must be at least 30 metres from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone or land used for a hospital, an education centre a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution. |
| **Utility installation (other than Minor utility installation and Telecommunications facility).** | Any gas holder, or sewerage or refuse treatment or disposal works, must be at least 30 metres from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution. |
| **Any other use not in Section 1 or 3** | |

## Section 3 - Prohibited

| Use |
|---|
| **Accommodation (other than Caretaker's house)** |
| **Cinema based entertainment facility** |
| **Hospital** |
| **Intensive animal production** |

| Use |
| --- |
| **Pig farm** |
| **Poultry farm** |
| **Shop (other than Adult sex product shop, Convenience shop, Restricted retail premises and Sex services premises)** |

## 33.01-2 Use of land

14/01/2025
VC237

### 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 Development Licence, Operating Licence, Permit or Registration 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 2022 is exceeded.
- The likely effects, if any, on the neighbourhood, including:
  - Noise levels.
  - Air-borne emissions.
  - Emissions to land or water.
  - Traffic, including the hours of delivery and despatch.
  - Light spill or glare.

### Decision guidelines

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.
- The effect that nearby industries may have on the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.

## 33.01-3 Subdivision

31/07/2018
VC148

### 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 | Information requirements and decision guidelines |
|---|---|
| Subdivide land to realign the common boundary between 2 lots where:<br>▪ The area of either lot is reduced by less than 15 percent.<br>▪ The general direction of the common boundary does not change. | Clause 59.01 |
| Subdivide land into lots each containing an existing building or car parking space where:<br>▪ The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.<br>▪ An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision. | Clause 59.02 |
| Subdivide land into 2 lots if:<br>▪ The construction of a building or the construction or carrying out of works on the land:<br>– Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.<br>– Has started lawfully.<br>▪ The subdivision does not create a vacant lot. | Clause 59.02 |

### Exemption from notice and review

An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone or land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

### Decision guidelines

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any natural or cultural values on or near the land.
- Streetscape character.
- Landscape treatment.

- Interface with non-industrial areas.

## 33.01-4 Buildings and works

20/04/2026
VC307

### 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.

| Class of application | Information requirements and decision guidelines |
|---|---|
| Construct a building or construct or carry out works with an estimated cost of up to $1,400,000 where the land is not:<br>▪ Within 30 metres of land (not a road) which is in a residential zone.<br>▪ Used for a purpose listed in the table to Clause 53.10.<br>▪ Used for an Adult sex product shop. | Clause 59.04 |

### 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 Municipal Planning Strategy and the Planning Policy Framework.
- 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.

## 33.01-5 Signs

31/07/2018
VC148

Sign requirements are at Clause 52.05. This zone is in Category 2.

11/08/2022
C248wynd

# SCHEDULE TO CLAUSE 33.01 INDUSTRIAL 1 ZONE

## 1.0

11/08/2022
C248wynd

## Maximum leasable floor area requirements

| Land | Maximum leasable floor area for Office (square metres) |
|---|---|
| None specified | None specified |

## 33.02 INDUSTRIAL 2 ZONE

31/07/2018
VC148

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.

## 33.02-1 Table of uses

14/01/2025
VC237

### Section 1 - Permit not required

| Use | Condition |
|---|---|
| **Automated collection point** | Must meet the requirements of Clause 52.13-3 and 52.13-5.<br>The gross floor area of all buildings must not exceed 50 square metres. |
| **Crop raising** | |
| **Grazing animal production** | |
| **Home based business** | |
| **Informal outdoor recreation** | |
| **Railway** | |
| **Service station** | |
| **Tramway** | |
| **Any use listed in Clause 62.01** | Must meet the requirements of Clause 62.01. |

### Section 2 - Permit required

| Use | Condition |
|---|---|
| **Adult sex product shop** | Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone 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. |

| Use | Condition |
|---|---|
| **Agriculture (other than Apiculture, Crop raising, Grazing animal production, Intensive animal production, Pig farm and Poultry farm)** | |
| **Caretaker's house** | |
| **Convenience shop** | |
| **Education centre** | Must not be a primary or secondary school. |
| **Equestrian supplies** | |
| **Industry (other than Automated collection point)** | |
| **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)** | |
| **Sex services premises** | |
| **Utility installation (other than Minor utility installation and Telecommunications facility)** | |
| **Warehouse** | |
| **Any other use not in Section 1 or 3** | |

## Section 3 - Prohibited

| Use |
|---|
| **Accommodation (other than Caretaker's house)** |
| **Display home centre** |
| **Hospital** |
| **Intensive animal production** |
| **Pig farm** |
| **Place of assembly (other than Carnival or Circus)** |
| **Poultry farm** |
| **Shop (other than Adult sex product shop, Convenience shop, Equestrian supplies, Party supplies and Sex services premises)** |
| **Veterinary centre** |

## 33.02-2 Use of land

14/01/2025
VC237

### 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 an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone and land used for a hospital, an education centre or corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or corrective institution 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 Development Licence, Operating Licence, Permit or Registration 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 2022 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 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 Municipal Planning Strategy and the Planning Policy Framework.
- 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 an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution 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.

## 33.02-3 Subdivision

31/07/2018
VC148

### 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 | Information requirements and decision guidelines |
|---|---|
| Subdivide land to realign the common boundary between 2 lots where:<br>▪ The area of either lot is reduced by less than 15 percent.<br>▪ The general direction of the common boundary does not change. | Clause 59.01 |
| Subdivide land into lots each containing an existing building or car parking space where:<br>▪ The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.<br>▪ An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision. | Clause 59.02 |
| Subdivide land into 2 lots if:<br>▪ The construction of a building or the construction or carrying out of works on the land:<br>– Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.<br>– Has started lawfully.<br>▪ The subdivision does not create a vacant lot. | Clause 59.02 |

### Exemption from notice and review

An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. This exemption does not apply to land within 30 metres 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:

- The Municipal Planning Strategy and the Planning Policy Framework.
- 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.

## 33.02-4 Buildings and works

20/04/2026
VC307

### 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.

| Class of application | Information requirements and decision guidelines |
|---|---|
| Construct a building or construct or carry out works with an estimated cost of up to $1,400,000 where the land is not:<br>▪ Within 30 metres of land (not a road) which is in a residential zone.<br>▪ Used for a purpose listed in the table to Clause 53.10.<br>▪ Used for an Adult sex product shop. | Clause 59.04 |

### 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 Municipal Planning Strategy and the Planning Policy Framework.
- 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.

## 33.02-5 Signs

31/07/2018
VC148

Sign requirements are at Clause 52.05. This zone is in Category 2.

11/08/2022
C248wynd

# SCHEDULE TO CLAUSE 33.02 INDUSTRIAL 2 ZONE

## 1.0

11/08/2022
C248wynd

## Maximum leasable floor area requirements

| Land | Maximum leasable floor area for Office (square metres) |
|---|---|
| None specified | None specified |

## 33.03 INDUSTRIAL 3 ZONE

31/07/2018
VC148

Shown on the planning scheme map as **IN3Z**.

### Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide for industries and associated uses in specific areas where special consideration of the nature and impacts of industrial uses is required or to avoid inter-industry conflict.

To provide a buffer between the Industrial 1 Zone or Industrial 2 Zone and local communities, which allows for industries and associated uses compatible with the nearby community.

To allow limited retail opportunities including convenience shops, small scale supermarkets and associated shops in appropriate locations.

To ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.

## 33.03-1 Table of uses

14/01/2025
VC237

### Section 1 - Permit not required

| Use | Condition |
|---|---|
| **Automated collection point** | Must meet the requirements of Clause 52.13-3 and 52.13-5.<br>The gross floor area of all buildings must not exceed 50 square metres. |
| **Convenience shop** | |
| **Crop raising** | |
| **Grazing animal production** | |
| **Home based business** | |
| **Informal outdoor recreation** | |
| **Mail centre** | |
| **Railway** | |
| **Service industry** | Must not be a purpose listed in the table to Clause 53.10 with no threshold distance specified.<br>The land must be at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution:<br>▪ The threshold distance, for a purpose listed in the table to Clause 53.10.<br>▪ 30 metres, for a purpose not listed in the table to Clause 53.10.<br>Must not:<br>▪ Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2022. |

| Use | Condition |
|---|---|
| | ▪ Require a notification under the Occupational Health and Safety Regulations 2017.<br>▪ Require a licence under the Dangerous Goods (Explosives) Regulations 2011.<br>▪ Require a licence under Dangerous Goods (HCDG) Regulations 2016. |
| **Service station** | The land must be at least 30 metres from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution. |
| **Shop (other than Adult sex product shop, Convenience shop, Restricted retail premises and Supermarket)** | Must adjoin, or be on the same lot as, a supermarket when the use commences.<br>The combined leasable floor area for all shops adjoining or on the same lot as the supermarket must not exceed 500 square metres.<br>The site must adjoin, or be within 30 metres of, a road in a Transport Zone 2 or a Transport Zone 3. |
| **Supermarket** | The leasable floor area must not exceed 1800 square metres.<br>The site must adjoin, or be within 30 metres of, a road in a Transport Zone 2 or a Transport Zone 3.<br>Must be on land within an urban growth boundary and in metropolitan Melbourne. |
| **Take away food premises** | |
| **Tramway** | |
| **Warehouse (other than Fuel depot, Mail centre or Shipping container storage)** | Must not be a purpose listed in the table to Clause 53.10 with no threshold distance specified.<br>The land must be at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution:<br>▪ The threshold distance, for a purpose listed in the table to Clause 53.10.<br>▪ 30 metres, for a purpose not listed in the table to Clause 53.10.<br>Must not:<br>▪ Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2022.<br>▪ Require a notification under the Occupational Health and Safety Regulations 2017.<br>▪ Require a licence under the Dangerous Goods (Explosives) Regulations 2011.<br>▪ Require a licence under the Dangerous Goods (HCDG) Regulations 2016. |

| Use | Condition |
|---|---|
| | Must not adversely affect the amenity of the neighbourhood, including through the:<br>▪ Transport of materials, goods or commodities to or from the land.<br>▪ Appearance of any stored goods or materials.<br>▪ 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

| Use | Condition |
|---|---|
| **Adult sex product shop** | Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone or land used for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school. |
| **Agriculture (other than Apiculture, Crop raising, Grazing animal production, Intensive animal production, Pig farm and Poultry farm)** | |
| **Caretaker's house** | |
| **Education centre** | Must not be a primary or secondary school. |
| **Industry (other than Automated collection point and Service industry)** | |
| **Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility, and Motor racing track)** | |
| **Office** | The leasable floor area must not exceed the amount specified in the schedule to this zone. |
| **Place of assembly (other than Carnival, Cinema based entertainment facility and Circus)** | |
| **Restricted retail premises** | |
| **Retail premises (other than Shop and Take away food premises)** | |
| **Sex services premises - if the Section 1 conditions for a shop are not met** | |

| Use | Condition |
|---|---|
| **Utility installation (other than Minor utility installation and Telecommunications facility)** | |
| **Any other use not in Section 1 or 3** | |

### Section 3 - Prohibited

| Use |
|---|
| **Accommodation (other than Caretaker's house)** |
| **Cinema based entertainment facility** |
| **Hospital** |
| **Intensive animal production** |
| **Major sports and recreation facility** |
| **Motor racing track** |
| **Pig farm** |
| **Poultry farm** |
| **Shop (other than Adult sex product shop, Convenience shop, Restricted retail premises, Sex services premises and Supermarket) – if the Section 1 conditions are not met** |
| **Supermarket – if the section 1 conditions are not met** |

## 33.03-2 Use of land

14/01/2025
VC237

### Amenity of the neighbourhood

A use must not adversely affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any stored goods or materials.
- Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

### Application requirements

An application to use land for an industry or warehouse must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of processes to be utilised.
- The type and quantity of goods to be stored, processed or produced.
- How land not required for immediate use is to be maintained.
- Whether a Development Licence, Operating Licence, Permit or Registration 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 2022 is exceeded.
- The likely effects, if any, on the neighbourhood, including:
  - Noise levels.
  - Air-borne emissions.
  - Emissions to land or water.
  - Traffic, including the hours of delivery and despatch.
  - Light spill or glare.

### Decision guidelines

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.
- The effect that nearby industries may have on the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.
- The effect on nearby industries.

## 33.03-3 Subdivision

31/07/2018
VC148

### 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 | Information requirements and decision guidelines |
|---|---|
| Subdivide land to realign the common boundary between 2 lots where:<br>▪ The area of either lot is reduced by less than 15 percent.<br>▪ The general direction of the common boundary does not change. | Clause 59.01 |
| Subdivide land into lots each containing an existing building or car parking space where:<br>▪ The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme. | Clause 59.02 |

| Class of application | Information requirements and decision guidelines |
|---|---|
| ▪ 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:<br>▪ The construction of a building or the construction or carrying out of works on the land:<br>– Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.<br>– Has started lawfully.<br>▪ The subdivision does not create a vacant lot. | Clause 59.02 |

### Exemption from notice and review

An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. This exemption does not apply to land within 30 metres 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:

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any natural or cultural values on or near the land.
- Streetscape character.
- Landscape treatment.
- Interface with non-industrial areas.

## 33.03-4 Buildings and works

20/04/2026
VC307

### 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.

| Class of application | Information requirements and decision guidelines |
|---|---|
| Construct a building or construct or carry out works with an estimated cost of up to $1,400,000 where the land is not:<br>▪ Within 30 metres of land (not a road) which is in a residential zone.<br>▪ Used for a purpose listed in the table to Clause 53.10.<br>▪ Used for an Adult sex product shop. | Clause 59.04 |

### Application requirements

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

- A plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - Relevant ground levels.
  - The layout of existing and proposed buildings and works.
  - Driveways and vehicle parking and loading areas.
  - Proposed landscape areas.
  - External storage and waste treatment areas.
  - Mechanisms to mitigate noise, odour and other adverse amenity impacts of, and on, nearby industries.
- Elevation drawings to scale which show the colour and materials of all buildings and works.
- Construction details of all drainage works, driveways and vehicle parking and loading areas.
- A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, a site works specification and the method of preparing, draining, watering and maintaining the landscape area.

### Decision guidelines

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any natural or cultural values on or near the land.
- Streetscape character.
- Built form.
- Landscape treatment.
- Interface with non-industrial areas.
- Parking and site access.
- Loading and service areas.
- Outdoor storage.
- Lighting.
- Stormwater discharge.
- The effect on nearby industries.
- The effect of nearby industries.

### Maintenance

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

## 33.03-5 Signs

31/07/2018
VC148

Sign requirements are at Clause 52.05. This zone is in Category 2.

11/08/2022
C248wynd

# SCHEDULE TO CLAUSE 33.03 INDUSTRIAL 3 ZONE

## 1.0

11/08/2022
C248wynd

## Maximum leasable floor area requirements

| Land | Maximum leasable floor area for Office (square metres) |
|---|---|
| None specified | None specified |

# 34 COMMERCIAL ZONES

15/07/2013
VC100

## 34.01 COMMERCIAL 1 ZONE

31/07/2018
VC148

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).

## 34.01-1 Table of uses

14/01/2025
VC237

### Section 1 - Permit not required

| Use | Condition |
|---|---|
| **Accommodation (other than Community care accommodation, Corrective institution, Rooming house and Small second dwelling)** | Any frontage at ground floor level must not exceed 2 metres (other than a bed and breakfast and caretaker's house). |
| **Art and craft centre** | |
| **Automated collection point** | Must meet the requirements of Clause 52.13-3 and 52.13-5.<br>The gross floor area of all buildings must not exceed 50 square metres. |
| **Child care centre** | 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). |
| **Cinema** | |
| **Cinema based entertainment facility** | |
| **Community care accommodation** | Any frontage at ground floor level must not exceed 2 metres.<br>Must meet the requirements of Clause 52.22-2. |
| **Education centre (other than Child care centre)** | |
| **Exhibition centre** | |
| **Home based business** | |
| **Informal outdoor recreation** | |

| Use | Condition |
|---|---|
| **Office** | The leasable floor area for all offices must not exceed any amount specified in the schedule to this zone. |
| **Place of worship** | The gross floor area of all buildings must not exceed 250 square metres. |
| **Railway** | |
| **Retail premises (other than Shop)** | |
| **Rooming house** | Any frontage at ground floor level must not exceed 2 metres.<br>Must meet the requirements of Clause 52.23-2. |
| **Shop (other than Adult sex product shop)** | The leasable floor area for all shops must not exceed any amount specified in the schedule to this zone. |
| **Tramway** | |
| **Any use listed in Clause 62.01** | Must meet the requirements of Clause 62.01. |

### Section 2 - Permit required

| Use | Condition |
|---|---|
| **Adult sex product shop** | Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone or, land used for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school. |
| **Agriculture (other than Animal production and Apiculture)** | |
| **Container deposit scheme centre** | |
| **Grazing animal production** | |
| **Industry (other than Automated collection point and Container deposit scheme centre)** | Must not be a purpose listed in the table to Clause 53.10. |
| **Leisure and recreation facility (other than Informal outdoor recreation, Major sports and recreation facility and Motor racing track)** | |
| **Place of assembly (other than Carnival, Cinema, Cinema based entertainment facility, Circus, Exhibition centre and Place of worship)** | |
| **Utility installation (other than Minor utility installation and Telecommunications facility)** | Must not be a purpose listed in the table to Clause 53.10. |
| **Warehouse** | Must not be a purpose listed in the table to Clause 53.10. |

| Use | Condition |
|---|---|
| **Any other use not in Section 1 or 3** | |

### Section 3 - Prohibited

| Use |
|---|
| **Animal production (other than Grazing animal production)** |
| **Corrective institution** |
| **Major sports and recreation facility** |
| **Motor racing track** |
| **Small second dwelling** |

## 34.01-2 Use of land

15/07/2013
VC100

A use must not detrimentally affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any building, works or materials.
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

## 34.01-3 Subdivision

31/07/2018
VC148

A permit is required to subdivide land.

### VicSmart applications

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

| Class of application | Information requirements and decision guidelines |
|---|---|
| Subdivide land to realign the common boundary between 2 lots where:<br>▪ The area of either lot is reduced by less than 15 percent.<br>▪ The general direction of the common boundary does not change. | Clause 59.01 |
| Subdivide land into lots each containing an existing building or car parking space where:<br>▪ The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.<br>▪ An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision. | Clause 59.02 |
| Subdivide land into 2 lots if: | Clause 59.02 |

| Class of application | Information requirements and decision guidelines |
|---|---|
| ▪ The construction of a building or the construction or carrying out of works on the land:<br>– Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.<br>– Has started lawfully.<br>▪ The subdivision does not create a vacant lot. | |

## 34.01-4 Buildings and works

20/04/2026
VC307

A permit is required to construct a building or construct or carry out works.

This does not apply to:

- The installation of an automatic teller machine.
- An alteration to an existing building façade provided:
  - The alteration does not include the installation of an external roller shutter.
  - At least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing.
- An awning that projects over a road if it is authorised by the relevant public land manager.

An apartment development must meet the requirements of Clause 58.

### VicSmart applications

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

| Class of application | Information requirements and decision guidelines |
|---|---|
| Construct a building or construct or carry out works with an estimated cost of up to $700,000 where the land is not:<br>▪ Within 30 metres of land (not a road) which is in a residential zone.<br>▪ Used for a purpose listed in the table to Clause 53.10.<br>▪ Used for an Adult sex product shop. | Clause 59.04 |

### 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.

## 34.01-5 Site description and design response

08/09/2025
VC282

An application for any of the following must be accompanied by a site description and a design response as described in Clause 54.01, 55.01 or 57.01, 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.

## 34.01-6 Application requirements

14/01/2025
VC237

### 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 Development Licence, Operating Licence, Permit or Registration 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 2022 is exceeded.
  - The likely effects on adjoining land, including air-borne emissions and emissions to land and water.

### Buildings and works

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

- A plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - The location, height and purpose of buildings and works on adjoining land.
  - Relevant ground levels.
  - The layout of existing and proposed buildings and works.
  - All driveway, car parking and loading areas.
  - Proposed landscape areas.
  - All external storage and waste treatment areas.
  - Areas not required for immediate use.

- Elevation drawings to scale showing the colour and materials of all buildings and works.
- Construction details of all drainage works, driveways, vehicle parking and loading areas.
- A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, site works specification and method of preparing, draining, watering and maintaining the landscape area.

An application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development, must be accompanied by an urban context report and design response as required in Clause 58.01.

## 34.01-7 Exemption from notice and review

31/07/2018
VC148

An application to subdivide land or construct a building or construct or carry out works is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

## 34.01-8 Decision guidelines

08/09/2025
VC282

Before deciding on an application, 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 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, Housing Choice and Transport Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.
- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Housing Choice and Transport 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, Clause 55 and Clause 57. This does not apply to an apartment development.
- For an apartment development, the objectives, standards and decision guidelines of Clause 58.

### Transitional provisions

The objectives, standards and decision guidelines of Clause 55 of this scheme, as in force immediately before the approval date of Amendment VC136, continues to apply to:

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

Clauses 55 and 58 of this scheme, as in force immediately before the approval date of Amendment VC174, 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.

Clause 55 of this planning scheme, as in force immediately before the approval date of Amendment VC267, 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 54 of this planning scheme, as in force immediately before the commencement of Amendment VC282, 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.

## 34.01-9 Signs

31/07/2018
VC148

Sign requirements are at Clause 52.05. This zone is in Category 1.

11/08/2022
C248wynd

# SCHEDULE TO CLAUSE 34.01 COMMERCIAL 1 ZONE

## 1.0

11/08/2022
C248wynd

## Maximum leasable floor area requirements

| Land | Maximum leasable floor area for Office (square metres) | Maximum leasable floor area for Shop (other than Restricted retail premises) (square metres) |
|---|---|---|
| None specified | None specified | None specified |

## 34.02 COMMERCIAL 2 ZONE

31/07/2018
VC148

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.

## 34.02-1 Table of uses

14/01/2025
VC237

### Section 1 - Permit not required

| Use | Condition |
|---|---|
| **Art and craft centre** | |
| **Art gallery** | |
| **Automated collection point** | Must meet the requirements of Clause 52.13-3 and 52.13-5.<br>The gross floor area of all buildings must not exceed 50 square metres. |
| **Cinema** | The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3. |
| **Cinema based entertainment facility** | The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3. |
| **Food and drink premises** | The leasable floor area must not exceed 100 square metres. |
| **Industry (other than Materials recycling and Transfer station)** | Must not be a purpose listed in the table to Clause 53.10 with no threshold specified.<br>The land must be at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution:<br>▪ The threshold distance, for a purpose listed in the table to Clause 53.10.<br>▪ 30 metres, for a purpose not listed in the table to Clause 53.10.<br>Must not:<br>▪ Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2022.<br>▪ Require a notification under the Occupational Health and Safety Regulations 2017.<br>▪ Require a licence under the Dangerous Goods (Explosives) Regulations 2011.<br>▪ Require a licence under the Dangerous Goods (HCDG) Regulations 2016. |
| **Informal outdoor recreation** | |

| Use | Condition |
|---|---|
| **Mail centre** | |
| **Museum** | |
| **Office** | |
| **Postal agency** | |
| **Railway** | |
| **Restricted retail premises** | |
| **Shop (other than Adult sex product shop, Restricted retail premises and Supermarket)** | Must adjoin, or be on the same land as, a supermarket when the use commences.<br>The combined leasable floor area for all shops adjoining or on the same land as the supermarket must not exceed 500 square metres.<br>The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3. |
| **Supermarket** | The leasable floor area must not exceed 1800 square metres.<br>The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.<br>Must be on land within the City of Greater Geelong or within an urban growth boundary in metropolitan Melbourne. |
| **Trade supplies** | |
| **Tramway** | |
| **Warehouse (other than Mail centre)** | Must not be a purpose listed in the table to Clause 53.10 with no threshold distance specified.<br>The land must be at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or corrective institution:<br>▪ The threshold distance, for a purpose listed in the table to Clause 53.10.<br>▪ 30 metres, for a purpose not listed in the table to Clause 53.10.<br>Must not:<br>▪ Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2022.<br>▪ Require a notification under the Occupational Health and Safety Regulations 2017.<br>▪ Require a licence under the Dangerous Goods (Explosives) Regulations 2011.<br>▪ Require a licence under the Dangerous Goods (HCDG) Regulations 2016. |

| Use | Condition |
|---|---|
| **Any use listed in Clause 62.01** | Must meet the requirements of Clause 62.01. |

### Section 2 - Permit required

| Use | Condition |
|---|---|
| **Adult sex product shop** | Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone, land used for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school. |
| **Agriculture (other than Animal production and Apiculture)** | |
| **Caretaker's house** | |
| **Container deposit scheme centre** | |
| **Education centre** | |
| **Grazing animal production** | |
| **Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility and Motor racing track)** | |
| **Materials recycling** | |
| **Place of assembly (other than Art gallery, Carnival, Cinema, Cinema based entertainment facility, Circus and Museum)** | |
| **Residential hotel** | |
| **Retail premises (other than Food and drink premises, Postal agency, Restricted retail premises, Supermarket and Trade supplies)** | |
| **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.<br><br>The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3. |
| **Transfer station (other than Automated collection point and Container deposit scheme centre)** | The land must be at least 30 metres from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution. |

| Use | Condition |
|---|---|
| **Utility installation (other than Minor utility installation and Telecommunications facility)** | |
| **Any other use not in Section 1 or 3** | |

### Section 3 - Prohibited

| Use |
|---|
| **Accommodation (other than Caretaker's house and Residential hotel)** |
| **Animal production (other than Grazing animal production)** |
| **Hospital** |
| **Major sports and recreation facility** |
| **Motor racing track** |

## 34.02-2 Use of land

15/07/2013
VC100

A use must not detrimentally affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any building, works or materials.
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

## 34.02-3 Subdivision

31/07/2018
VC148

A permit is required to subdivide land.

### VicSmart applications

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

| Class of application | Information requirements and decision guidelines |
|---|---|
| Subdivide land to realign the common boundary between 2 lots where:<br>▪ The area of either lot is reduced by less than 15 percent.<br>▪ The general direction of the common boundary does not change. | Clause 59.01 |
| Subdivide land into lots each containing an existing building or car parking space where:<br>▪ The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.<br>▪ An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision. | Clause 59.02 |

| Class of application | Information requirements and decision guidelines |
|---|---|
| Subdivide land into 2 lots if:<br>▪ The construction of a building or the construction or carrying out of works on the land:<br>– Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.<br>– Has started lawfully.<br>▪ The subdivision does not create a vacant lot. | Clause 59.02 |

## 34.02-4 Buildings and works

20/04/2026
VC307

A permit is required to construct a building or construct or carry out works.

This does not apply to:

- The installation of an automatic teller machine.
- An alteration to an existing building façade provided:
  - The alteration does not include the installation of an external roller shutter.
  - At least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing.
- An awning that projects over a road if it is authorised by the relevant public land manager.

### VicSmart applications

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

| Class of application | Information requirements and decision guidelines |
|---|---|
| Construct a building or construct or carry out works with an estimated cost of up to $700,000 where the land is not:<br>▪ Within 30 metres of land (not a road) which is in a residential zone.<br>▪ Used for a purpose listed in the table to Clause 53.10.<br>▪ Used for an Adult sex product shop. | Clause 59.04 |

### Maintenance

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

## 34.02-5 Application requirements

14/01/2025
VC237

### 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 Development Licence, Operating Licence, Permit or Registration 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 2022 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

31/07/2018
VC148

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

31/07/2018
VC148

### General

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- The 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.

## 34.02-8 Signs

31/07/2018
VC148

Sign requirements are at Clause 52.05. This zone is in Category 1.

# 35 RURAL ZONES

19/01/2006
VC37

## 35.03 RURAL LIVING ZONE

31/07/2018
VC148

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.

## 35.03-1 Table of uses

14/01/2025
VC237

### Section 1 - Permit not required

| Use | Condition |
|---|---|
| **Automated collection point** | Must meet the requirements of Clause 52.13-3 and 52.13-5.<br>The gross floor area of all buildings must not exceed 50 square metres. |
| **Bed and breakfast** | No more than 10 persons may be accommodated away from their normal place of residence.<br>At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.<br>Must be located more than 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*. |
| **Community care accommodation** | Must meet the requirements of Clause 52.22-2.<br>Must be located more than 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*. |
| **Domestic animal husbandry (other than Domestic animal boarding)** | Must be no more than 2 animals. |
| **Dwelling (other than Bed and breakfast)** | 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.<br>Must be the only dwelling on the lot.<br>Must meet the requirements of Clause 35.03-2.<br>Must be located more than 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*. |
| **Home based business** | |
| **Informal outdoor recreation** | |
| **Poultry farm** | Must be no more than 100 poultry (not including emus or ostriches). |

| Use | Condition |
|---|---|
| | Must be no more than 10 emus and ostriches. |
| **Racing dog husbandry** | Must be no more than 2 animals. |
| **Railway** | |
| **Small second dwelling** | Must be no more than one dwelling existing on the lot.<br>Must be the only small second dwelling on the lot.<br>Reticulated natural gas must not be supplied to the building, or part of a building, used for the small second dwelling.<br>Must meet the requirements of Clause 35.03-2.<br>Must be located more than 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*. |
| **Tramway** | |
| **Any use listed in Clause 62.01** | Must meet the requirements of Clause 62.01. |

### Section 2 - Permit required

| Use | Condition |
|---|---|
| **Accommodation (other than Community care accommodation, Dwelling and Small second dwelling)** | |
| **Agriculture (other than Domestic animal husbandry, Apiculture, Intensive animal production, Poultry farm, Racing dog husbandry and Timber production)** | |
| **Bar** | The site must not have direct access to a rural freeway. |
| **Broiler farm - if the Section 1 condition to Poultry farm is not met** | Must be no more than 10,000 chickens. |
| **Car park** | Must be used in conjunction with another use in Section 1 or 2. |
| **Convenience shop** | The leasable floor area must not exceed 80 square metres.<br>The site must not have direct access to a rural freeway. |
| **Domestic animal boarding** | |
| **Dwelling (other than Bed and breakfast) - if the Section 1 condition is not met** | Must meet the requirements of Clause 35.03-2. |
| **Freeway service centre** | Must meet the requirements of Clause 53.05. |

| Use | Condition |
|---|---|
| **Hotel** | The site must not have direct access to a rural freeway. |
| **Leisure and recreation (other than Informal outdoor recreation and Motor racing track)** | |
| **Market** | |
| **Medical centre** | |
| **Place of assembly (other than Amusement parlour, Carnival, Cinema based entertainment facility, Circus and Nightclub)** | |
| **Plant nursery** | |
| **Postal agency** | |
| **Primary produce sales** | |
| **Racing dog husbandry – if the Section 1 condition is not met** | Must meet the requirements of Clause 53.12. |
| **Restaurant** | The site must not have direct access to a rural freeway. |
| **Rural industry (other than Abattoir and Sawmill)** | |
| **Service station** | The site must either:<br>▪ Adjoin a commercial zone or industrial zone.<br>▪ Adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.<br>The site must not exceed either:<br>▪ 3000 square metres.<br>▪ 3600 square metres if it adjoins on two boundaries a road in a Transport Zone 2 or a Transport Zone 3.<br>The site must not have direct access to a rural freeway. |
| **Store** | Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot. |
| **Timber production** | Must meet the requirements of Clause 53.11. |
| **Utility installation (other than Minor utility installation and Telecommunications facility)** | |
| **Any other use not in Section 1 or 3** | |

### Section 3 - Prohibited

| Use |
|---|
| **Abattoir** |
| **Amusement parlour** |
| **Cinema based entertainment facility** |
| **Industry (other than Automated collection point and Rural Industry)** |
| **Intensive animal production** |
| **Motor racing track** |
| **Nightclub** |
| **Office (other than Medical centre)** |
| **Retail premises (other than Bar, Convenience shop, Hotel, Market, Plant nursery, Postal agency, Primary produce sales and Restaurant)** |
| **Saleyard** |
| **Sawmill** |
| **Small second dwelling – if the Section 1 condition is not met** |
| **Transport terminal** |
| **Warehouse (other than Store)** |

## 35.03-2 Use of land for a dwelling or small second dwelling

14/12/2023
VC253

A lot used for a dwelling or small second dwelling must meet the following requirements:

- Access to the dwelling or small second dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- Each dwelling or small second 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 requirements of the Environment Protection Regulations under the *Environment Protection Act 2017* for an on-site wastewater management system.
- The dwelling or small second 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 or small second dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

## 35.03-3 Subdivision

14/12/2023
VC253

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.

A permit must not be granted which would allow a separate lot to be created for land containing a small second dwelling.

### VicSmart applications

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

| Class of application | Information requirements and decision guidelines |
|---|---|
| Subdivide land to realign the common boundary between 2 lots where:<br>▪ Each new lot is at least the area specified for the land in the zone or the schedule to the zone.<br>▪ The area of either lot is reduced by less than 15 percent.<br>▪ The general direction of the common boundary does not change. | Clause 59.01 |
| Subdivide land into 2 lots where each new lot is at least the area specified for the land in the zone or the schedule to the zone. | Clause 59.12 |

## 35.03-4 Buildings and works

20/04/2026
VC307

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, 200 square metres. Any area specified must be more than 200 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, 250 square metres. Any area specified must be more than 250 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, 250 square metres. Any area specified must be more than 250 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 Transport Zone 2 or land in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority and the purpose of the acquisition is for a road, 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.

  - 30 metres from a small second dwelling not in the same ownership.
  - 100 metres from a waterway, wetlands or designated flood plain or, the distance specified in the schedule to this zone. Any distance specified must be less than 100 metres.
- A building or works associated with accommodation located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

### VicSmart applications

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

| Class of application | Information requirements and decision guidelines |
|---|---|
| Construct a building or construct or carry out works with an estimated cost of up to $350,000 where:<br>▪ The land is not used for Domestic animal husbandry, Pig farm, Poultry farm, Poultry hatchery, Racing dog husbandry or Rural industry.<br>▪ The land is not within 30 metres of land (not a road) which is in a residential zone.<br>▪ The building or works are not associated with accommodation located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.<br>Any works must not be earthworks specified in the schedule to the zone. | Clause 59.13 |

## 35.03-5 Decision guidelines

22/03/2022
VC219

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

### General issues

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- The potential for accommodation to be adversely affected by vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990.*

### 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.
- The need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

## 35.03-6 Signs

31/07/2018
VC148

Sign requirements are at Clause 52.05. This zone is in Category 3.

11/08/2022
C248wynd

# SCHEDULE TO CLAUSE 35.03 RURAL LIVING ZONE

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

## 1.0 Subdivision and other requirements

11/08/2022
C248wynd

| | Land | Area/Dimensions/Distance |
|---|---|---|
| Minimum subdivision area (hectares) | All land zoned Rural Living on Lot 2, Plan of Subdivision 325664 (Deutgam), No. 360-438 Point Cook Road, Point Cook | 1 ha |
| | All other land | 8 ha |
| Minimum area for which no permit is required to use land for a Dwelling (hectares) | All land zoned Rural Living on Lot 2, Plan of Subdivision 325664 (Deutgam), No. 360-438 Point Cook Road, Point Cook. | 1 ha |
| | All other land. | 4 ha |
| Maximum floor area for which no permit is required to alter or extend an existing dwelling (square metres) | None specified | None specified |
| Maximum floor area for which no permit is required to construct an out-building associated with an existing dwelling (square metres) | None specified | None specified |
| Maximum floor area for which no permit is required to alter or extend an existing building used for Agriculture (square metres) | None specified | None specified |
| Minimum setback from a road (metres) | None specified | None specified |
| Minimum setback from a boundary (metres) | None specified | None specified |
| Minimum setback from a dwelling not in the same ownership (metres) | None specified | None specified |

| Permit requirement for earthworks | Land |
|---|---|
| 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 | None specified |

## 35.04 GREEN WEDGE ZONE

31/07/2018
VC148

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

### Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide for the use of land for agriculture.

To recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources.

To encourage use and development that is consistent with sustainable land management practices.

To encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses.

To protect, conserve and enhance the cultural heritage significance and the character of open rural and scenic non-urban landscapes.

To protect and enhance the biodiversity of the area.

## 35.04-1 Table of uses

04/02/2026
VC265

### Section 1 - Permit not required

| Use | Condition |
|---|---|
| **Abattoir** | Must be used in conjunction with Animal production on the same land or contiguous land in the same ownership.<br>Must not have a gross floor area more than 200 square metres.<br>Must not slaughter or process animals, including birds, at a designed throughput of greater than 120 tonnes of product per year.<br>Must not exceed a wastewater design or actual flow rate of greater than 5,000 litres per day.<br>Must not be within 100 metres of a dwelling in separate ownership.<br>The land must be at least 100 metres from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone, Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution.<br>Must not be a purpose listed in the table to Clause 53.10 with no threshold distance specified. |
| **Agriculture (other than Animal production, Apiculture, Domestic animal husbandry, Racing dog husbandry, Rice growing and Timber production)** | |
| **Automated collection point** | Must meet the requirements of Clause 52.13-3 and 52.13-5.<br>The gross floor area of all buildings must not exceed 50 square metres. |
| **Bed and breakfast** | No more than 10 persons may be accommodated away from their normal place of residence. |

| Use | Condition |
|---|---|
| | At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.<br>Must be located more than 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*. |
| **Domestic animal husbandry (other than Domestic animal boarding)** | Must be no more than 5 animals. |
| **Grazing animal production** | |
| **Home based business** | |
| **Informal outdoor recreation** | |
| **Poultry farm** | Must be no more than 100 poultry (not including emus or ostriches).<br>Must be no more than 10 emus and ostriches. |
| **Primary produce sales** | Must not be within 100 metres of a dwelling in separate ownership.<br>The area used for the display and sale of primary produce must not exceed 50 square metres. |
| **Racing dog husbandry** | Must be no more than 5 animals. |
| **Railway** | |
| **Rural store** | Must be used in conjunction with Agriculture.<br>Must be in a building, not a dwelling and have a gross floor area of less than 100 square metres.<br>Must be the only Rural store on the lot. |
| **Tramway** | |
| **Any use listed in Clause 62.01** | Must meet the requirements of Clause 62.01. |

### Section 2 - Permit required

| Use | Condition |
|---|---|
| **Animal production (other than Cattle feedlot, Grazing animal production and Poultry farm)** | |
| **Broiler farm - if the Section 1 condition to Poultry farm is not met** | Must meet the requirements of Clause 53.09. |
| **Camping and caravan park** | |
| **Car park** | Must be used in conjunction with another use in Section 1 or 2. |
| **Cattle feedlot** | Must meet the requirements of Clause 53.08.<br>The site must be located outside a catchment area listed in Appendix 2 of the Victorian Code for Cattle Feedlots – August 1995. |

| Use | Condition |
|---|---|
| **Domestic animal boarding** | |
| **Dwelling (other than Bed and breakfast)** | Must be the only dwelling on the lot. This does not apply to the replacement of an existing dwelling if the existing dwelling is removed or altered (so it can no longer be used as a dwelling) within one month of the occupation of the replacement dwelling.<br>Must meet the requirements of Clause 35.04-2. |
| **Exhibition centre** | |
| **Freezing and cool storage** | The goods stored must be agricultural produce, or products used in agriculture. |
| **Function centre** | Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.<br>The number of patrons present at any time must not exceed the number specified in a schedule to the zone or 150 patrons, whichever is the lesser.<br>The lot on which the use is conducted must be at least the minimum subdivision area specified in a schedule to this zone. If no area is specified, the lot must be at least 40 hectares. |
| **Group accommodation** | Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry, or Winery.<br>The number of dwellings must not exceed the number specified in a schedule to the zone or 40 dwellings, whichever is the lesser.<br>The lot on which the use is conducted must be at least the minimum subdivision area specified in a schedule to this zone. If no area is specified, the lot must be at least 40 hectares. |
| **Hall** | |
| **Host farm** | |
| **Indoor recreation facility** | Must be for equestrian based leisure, recreation or sport. |
| **Leisure and recreation (other than Indoor recreation facility, Informal outdoor recreation, Major sports and recreation facility and Motor racing track)** | |
| **Major sports and recreation facility** | Must be for outdoor leisure, recreation or sport. |
| **Manufacturing sales** | Must be an incidental part of Rural industry. |
| **Market** | |
| **Materials recycling** | Must be used in conjunction with Refuse disposal or Transfer station.<br>Must not include the collecting, dismantling, storing, recycling or selling of used or scrap construction and demolition materials. |
| **Milk depot** | |

| Use | Condition |
|---|---|
| **Place of assembly (other than Carnival, Cinema based entertainment facility, Circus, Exhibition centre, Function centre, Hall, Nightclub and Place of worship)** | Must not be used for more than 10 days in a calendar year. |
| **Place of worship** | |
| **Plant nursery** | |
| **Primary school** | |
| **Racing dog husbandry – if the Section 1 condition is not met** | Must meet the requirements of Clause 53.12. |
| **Refuse disposal** | |
| **Research and development centre** | Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.<br>The lot on which the use is conducted must be at least the minimum subdivision area specified in a schedule to this zone. If no area is specified, the lot must be at least 40 hectares. |
| **Research centre** | Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.<br>The lot on which the use is conducted must be at least the minimum subdivision area specified in a schedule to this zone. If no area is specified, the lot must be at least 40 hectares. |
| **Residential building (other than Residential hotel)** | Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.<br>Must be used to provide accommodation for persons away from their normal place of residence.<br>The lot on which the use is conducted must be at least the minimum subdivision area specified in a schedule to this zone. If no area is specified, the lot must be at least 40 hectares. |
| **Residential hotel** | Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.<br>The number of bedrooms must not exceed the number specified in a schedule to the zone or 80 bedrooms, whichever is the lesser.<br>The lot on which the use is conducted must be at least the minimum subdivision area specified in a schedule to this zone. If no area is specified, the lot must be at least 40 hectares. |
| **Restaurant** | Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.<br>The number of patrons present must not exceed the number specified in a schedule to the zone or 150 patrons, whichever is the lesser. |

| Use | Condition |
|---|---|
| | If used in conjunction with Function centre, the total number of patrons present at any time must not exceed the number specified in a schedule to the zone or 150 patrons, whichever is the lesser.<br>The lot on which the use is conducted must be at least the minimum subdivision area specified in a schedule to this zone. If no area is specified, the lot must be at least 40 hectares. |
| **Restricted place of assembly** | Must not be used for more than 30 days in a calendar year. |
| **Rice growing** | |
| **Rural industry (other than Abattoir)** | |
| **Secondary school** | |
| **Solid fuel depot** | |
| **Small second dwelling** | Must be no more than one dwelling existing on the lot.<br>Must be the only small second dwelling on the lot.<br>Reticulated natural gas must not be supplied to the building, or part of a building, used for the small second dwelling.<br>Must meet the requirements of Clause 35.04-2. |
| **Timber production** | Must meet the requirements of Clause 53.11. |
| **Transfer station (other than Automated collection point)** | Must not include the collecting, storing or processing of used or scrap construction and demolition materials. |
| **Utility installation (other than Minor utility installation and Telecommunications facility)** | |
| **Vehicle store** | |
| **Any other use not in Section 1 or 3** | |

## Section 3 - Prohibited

| Use |
|---|
| **Accommodation (other than Camping and caravan park, Group accommodation, Host farm, Residential building and Small second dwelling)** |
| **Cinema based entertainment facility** |
| **Display home centre** |
| **Education centre (other than Primary school and Secondary school)** |
| **Freeway service centre** |
| **Funeral parlour** |
| **Hospital** |

| Use |
| --- |
| **Industry (other than Materials recycling, Refuse disposal, Transfer station, Research and development centre and Rural industry)** |
| **Motor racing track** |
| **Office** |
| **Nightclub** |
| **Retail premises (other than Manufacturing sales, Market, Plant nursery, Primary produce sales and Restaurant)** |
| **Service station** |
| **Warehouse (other than Freezing and cool storage, Milk depot, Rural store, Solid fuel depot and Vehicle store)** |

## 35.04-2 Use of land for a dwelling or small second dwelling

14/12/2023
VC253

A lot used for a dwelling or small second dwelling must meet the following requirements:

- Access to the dwelling or small second dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- The dwelling or small second dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from the dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017* for an on-site wastewater management system.
- The dwelling or small second 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 or small second dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

## 35.04-3 Subdivision

14/12/2023
VC253

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.

A permit must not be granted which would allow a separate lot to be created for land containing a small second dwelling.

### VicSmart applications

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

| Class of application | Information requirements and decision guidelines |
|---|---|
| Subdivide land to realign the common boundary between 2 lots where:<br>▪ Each new lot is at least the area specified for the land in the zone or the schedule to the zone.<br>▪ The area of either lot is reduced by less than 15 percent.<br>▪ The general direction of the common boundary does not change. | Clause 59.01 |
| Subdivide land into 2 lots where each new lot is at least the area specified for the land in the zone or the schedule to the zone. | Clause 59.12 |

## 35.04-4 Long term lease or licence for accommodation

05/09/2013
VC103

A permit is required to lease or license a portion of a lot for a period of more than 10 years if the portion is to be leased or licensed for the purpose of Accommodation.

Each portion of a lot leased or licensed for the purpose of Accommodation must be at least the minimum subdivision area specified for the land in a schedule to this zone. If no area is specified, each portion of a lot leased or licensed for the purpose of Accommodation must be at least 40 hectares.

## 35.04-5 Buildings and works

20/04/2026
VC307

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

- A building or works associated with a use in Section 2 of Clause 35.04-1. This does not apply to:
  - An alteration or extension to an existing dwelling with a floor area of no more than the area specified in a schedule to this zone or, if no area is specified, 50 square metres.
  - An alteration or extension to a small second dwelling.
  - An alteration or extension to an existing building used for agriculture with a floor area of no more than the area specified in a schedule to this zone or, if no area is specified, 100 square metres. The building must not be used to keep, board, breed or train animals.
  - A rainwater tank.
- Earthworks specified in a schedule to this zone, if on land specified in a schedule.
- A building which is within any of the following setbacks:
  - 100 metres from a Transport Zone 2 or land in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority and the purpose of the acquisition is for a road.
  - 40 metres from a Transport Zone 3 or land in a Public Acquisition Overlay for a road if the Head, Transport for Victoria is not the acquiring authority.
  - 20 metres from any other road.
  - 5 metres from any other boundary.
  - 100 metres from a dwelling or small second dwelling not in the same ownership.
  - 100 metres from a waterway, wetlands or designated flood plain.
- Permanent or fixed feeding infrastructure for season or supplementary feeding for grazing animal production constructed within 100 metres of:

  - A waterway, wetland or designated flood plain.
  - A dwelling not in the same ownership.
  - A residential or urban growth zone.
- A building or works associated with accommodation located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

### VicSmart applications

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

| Class of application | Information requirements and decision guidelines |
|---|---|
| Construct a building or construct or carry out works with an estimated cost of up to $350,000 where:<br>▪ The land is not used for Domestic animal husbandry, Intensive animal production, Pig farm, Poultry farm, Poultry hatchery, Racing dog husbandry or Rural industry.<br>▪ The land is not within 30 metres of land (not a road) which is in a residential zone.<br>▪ The building or works are not associated with accommodation located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.<br>Any works must not be earthworks specified in the schedule to the zone. | Clause 59.13 |

## 35.04-6 Decision guidelines

22/03/2022
VC219

Before deciding on an application to use or subdivide land, lease or license a portion of a lot for a period of more than 10 years if the portion is to be leased or licensed for the purpose of Accommodation, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

### General issues

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development.
- How the use or development relates to rural land use, rural diversification, natural resource management, natural or cultural heritage management, recreation or tourism.
- Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses.
- Whether the use or development is essential to the health, safety or well-being of the State or area but is not appropriate to locate in an urban area because of the effect it may have on existing or proposed urban areas or the effect that existing or proposed urban areas may have on the proposed use or development.

- The need to minimise adverse impacts on the character and appearance of the area or features of architectural, scientific or cultural heritage significance, or of natural scenic beauty.
- The potential for accommodation to be adversely affected by vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990.*

**Rural issues**

- The maintenance of agricultural production and the impact on the rural economy.
- The environmental capacity of the site to sustain the rural enterprise.
- The need to prepare an integrated land management plan.
- The impact on the existing and proposed rural infrastructure.
- The potential for the future expansion of the use or development and the impact of this on adjoining and nearby agriculture and other land uses.
- The protection and retention of land for future sustainable agricultural activities.

**Environmental issues**

- The impact of the use or development on the flora and fauna on the site and its surrounds.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- How the use or development relates to sustainable land management and the need to prepare an integrated land management plan.
- The location of on site effluent disposal areas to minimise impact of nutrient loads on waterways and native vegetation.

**Design and siting issues**

- The need to minimise any adverse impacts of siting, design, height, bulk, and colours and materials to be used, on landscape features, major roads and vistas.
- The location and design of existing and proposed infrastructure services which minimises the visual impact on the landscape.
- The need to minimise adverse impacts on the character and appearance of the area or features of archaeological, historic or scientific significance or of natural scenic beauty or importance.
- The need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

**Primary school or secondary school issues**

- Access being provided via an all-weather road with dimensions adequate to accommodate emergency vehicles and not rely on local residential streets for access.
- Access by public transport, or if public transport is not available or adequate, transport may be provided by the school. Where transport is provided by the school the parking of buses should be accommodated on site.

- Connection to reticulated sewerage if available or if not available, the wastewater must be treated and retained on-site in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017* for an on-site wastewater management system.
- In the absence of reticulated sewerage, a Land Capability Assessment on the risks to human health and the environment of an on-site wastewater management system constructed, installed or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017*.
- Connection to a reticulated potable water supply or an alternative potable water supply with adequate storage for school use as well as for fire fighting purposes.
- Connection to a reticulated electricity supply or an alternative energy source.

## 35.04-7 Signs

31/07/2018
VC148

Sign requirements are at Clause 52.05. This zone is in Category 3.

11/08/2022
C248wynd

# SCHEDULE TO CLAUSE 35.04 GREEN WEDGE ZONE

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

## 1.0

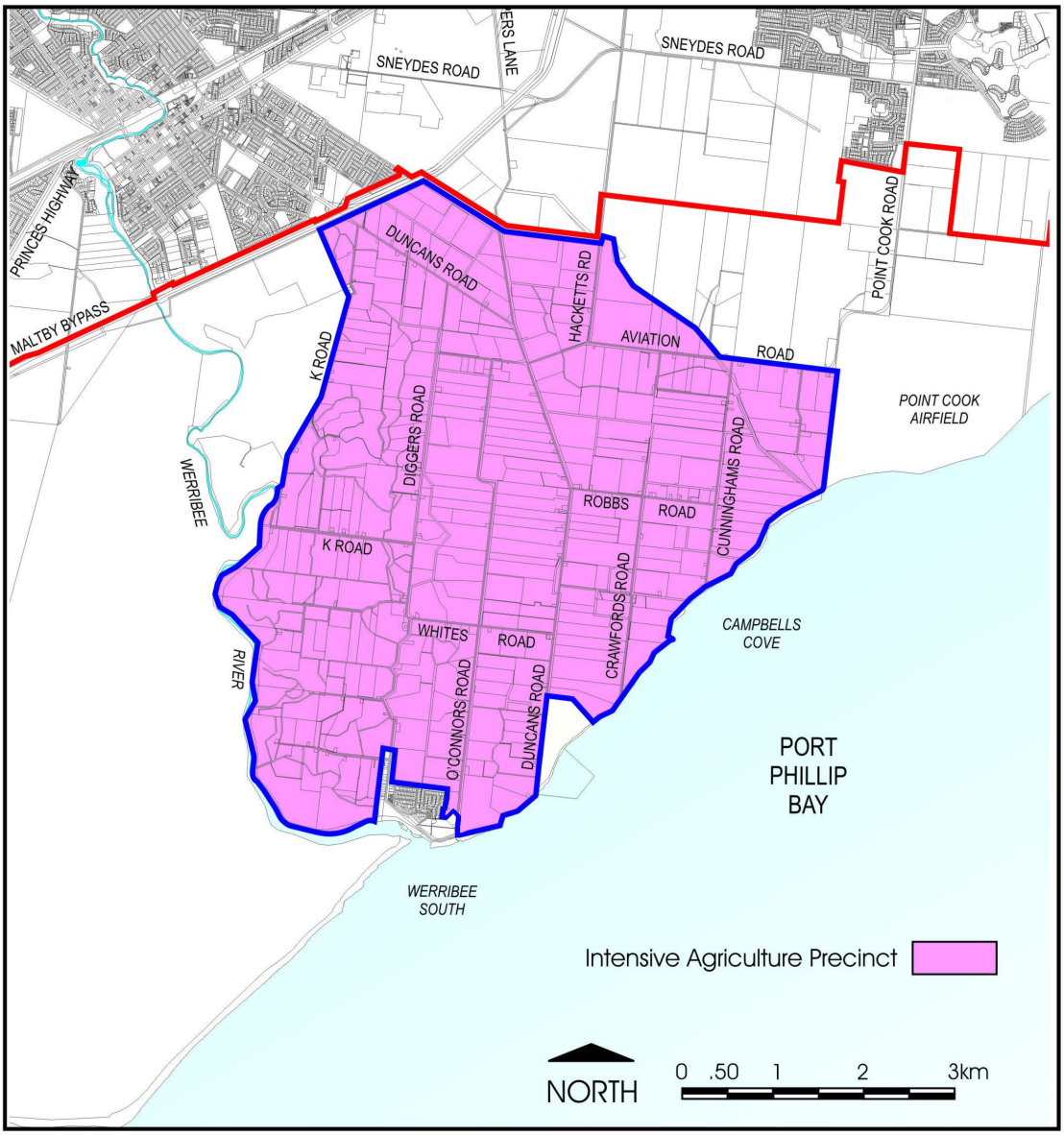
11/08/2022
C248wynd

## Subdivision and other requirements

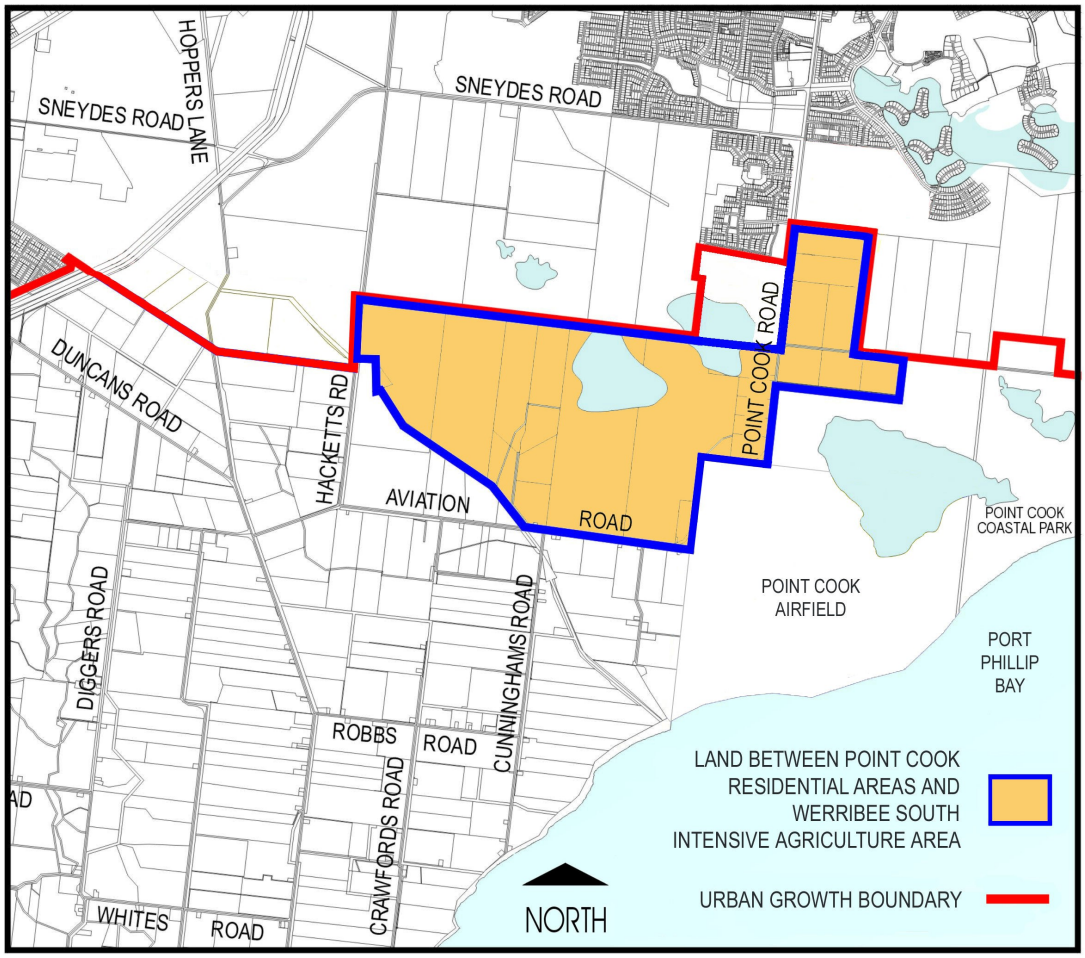
| | Land | Area/Dimensions/Number |
|---|---|---|
| Minimum subdivision area (hectares) | Werribee South Intensive Agriculture Precinct defined on Map 1 forming part of this schedule. | 15 ha except where two or more dwellings currently exist upon a lot.<br>Where two or more dwellings lawfully exist on a lot, one lot of a minimum of 4000 sqm and a maximum of 5000 sqm containing each additional existing dwelling may be excised, provided that one dwelling remains part of the parent lot.<br>This provision applies to permit applications received after 1 May 2008. |
| | Land between Point Cook residential areas and Werribee South Intensive Agriculture Precinct defined on Map 2 forming part of this schedule. | 40 ha |
| | All land other than the areas defined on Map 1 and Map 2 forming part of this schedule. | 80 ha |
| Function centre (number of patrons) | None specified | None specified |
| Group accommodation<br>(number of dwellings) | None specified | None specified |
| Residential hotel (number of bedrooms) | None specified | None specified |
| Restaurant (number of patrons) | None specified | None specified |
| Minimum area for which no permit is required to alter or extend an existing dwelling (square metres)<br>See 35.04-5 for relevant provisions | None specified | None specified |
| Minimum area for which no permit is required to alter or extend an existing building used for agriculture (square metres). | None specified | None specified |

| Permit requirement for earthworks | Land |
|---|---|
| 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 | None specified |

## Map 1 to the Schedule to Clause 35.04



## Map 2 to the Schedule to Clause 35.04



## 35.05 GREEN WEDGE A ZONE

31/07/2018
VC148

Shown on the planning scheme map as **GWAZ** 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 protect, conserve and enhance the biodiversity, natural resources, scenic landscapes and heritage values of the area.

To ensure that use and development promotes sustainable land management practices and infrastructure provision.

To protect, conserve and enhance the cultural heritage significance and the character of rural and scenic non-urban landscapes.

To recognise and protect the amenity of existing rural living areas.

## 35.05-1 Table of uses

14/01/2025
VC237

### Section 1 - Permit not required

| Use | Condition |
|---|---|
| **Agriculture (other than Animal production, Apiculture, Domestic animal husbandry, Racing dog husbandry, Rice growing and Timber production)** | |
| **Bed and breakfast** | No more than 10 persons may be accommodated away from their normal place of residence.<br>At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.<br>Must be located more than 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*. |
| **Domestic animal husbandry (other than Domestic animal boarding)** | Must be no more than 2 animals. |
| **Home based business** | |
| **Informal outdoor recreation** | |
| **Poultry farm** | Must be no more than 100 poultry (not including emus or ostriches).<br>Must be no more than 10 emus and ostriches. |
| **Primary produce sales** | Must not be within 100 metres of a dwelling in separate ownership.<br>The area used for the display and sale of primary produce must not exceed 50 square metres. |
| **Racing dog husbandry** | Must be no more than 2 animals. |

| Use | Condition |
|---|---|
| **Railway** | |
| **Rural store** | Must be used in conjunction with Agriculture.<br>Must be in a building, not a dwelling and have a gross floor area of less than 100 square metres.<br>Must be the only Rural store on the lot. |
| **Tramway** | |
| **Any use listed in Clause 62.01** | Must meet the requirements of Clause 62.01. |

### Section 2 - Permit required

| Use | Condition |
|---|---|
| **Animal production (other than Intensive animal production and Poultry farm)** | |
| **Broiler farm - if the Section 1 condition to Poultry farm is not met** | Must be no more than 10,000 chickens. |
| **Camping and caravan park** | |
| **Car park** | Must be used in conjunction with another use in Section 1 or 2. |
| **Domestic animal boarding** | |
| **Dwelling (other than Bed and breakfast)** | Must be the only dwelling on the lot. This does not apply to the replacement of an existing dwelling if the existing dwelling is removed or altered (so it can no longer be used as a dwelling) within one month of the occupation of the replacement dwelling.<br>Must meet the requirements of Clause 35.05-2. |
| **Exhibition centre** | |
| **Freezing and cool storage** | The goods stored must be agricultural produce, or products used in agriculture.<br>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. |
| **Function centre** | Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.<br>The number of patrons present at any time must not exceed the number specified in a schedule to the zone or 150 patrons, whichever is the lesser.<br>The lot on which the use is conducted must be at least the minimum subdivision area specified in a schedule to this zone. If no area is specified, the lot must be at least 8 hectares. |

| Use | Condition |
|---|---|
| **Group accommodation** | Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry, or Winery.<br>The number of dwellings must not exceed the number specified in a schedule to the zone or 40 dwellings, whichever is the lesser.<br>The lot on which the use is conducted must be at least the minimum subdivision area specified in a schedule to this zone. If no area is specified, the lot must be at least 8 hectares. |
| **Hall** | |
| **Host farm** | |
| **Indoor recreation facility** | Must be for equestrian based leisure, recreation or sport. |
| **Leisure and recreation (other than Informal outdoor recreation, Indoor recreation facility, Major sports and recreation facility and Motor racing track)** | |
| **Major sports and recreation facility** | Must be for outdoor leisure, recreation or sport. |
| **Market** | |
| **Place of worship** | |
| **Plant nursery** | |
| **Primary school** | |
| **Racing dog husbandry - if the Section 1 condition is not met** | Must meet the requirements of Clause 53.12. |
| **Research centre** | Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.<br>The lot on which the use is conducted must be at least the minimum subdivision area specified in a schedule to this zone. If no area is specified, the lot must be at least 8 hectares. |
| **Residential building (other than Residential hotel)** | Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.<br>Must be used to provide accommodation for persons away from their normal place of residence.<br>The lot on which the use is conducted must be at least the minimum subdivision area specified in a schedule to this zone. If no area is specified, the lot must be at least 8 hectares. |
| **Restaurant** | Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.<br>The number of patrons present must not exceed the number specified in a schedule to the zone or 150 patrons, whichever is the lesser. |

| Use | Condition |
|---|---|
| | If used in conjunction with Function centre, the total number of patrons present at any time must not exceed the number specified in a schedule to the zone or 150 patrons, whichever is the lesser.<br>The lot on which the use is conducted must be at least the minimum subdivision area specified in a schedule to this zone. If no area is specified, the lot must be at least 8 hectares. |
| **Restricted place of assembly** | Must not be used for more than 30 days in a calendar year. |
| **Rural industry (other than Abattoir and Sawmill)** | |
| **Rice growing** | |
| **Rural store – if the Section 1 condition is not met** | 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. |
| **Secondary school** | |
| **Small second dwelling** | Must be no more than one dwelling existing on the lot.<br>Must be the only small second dwelling on the lot.<br>Reticulated natural gas must not be supplied to the building, or part of a building, used for the small second dwelling.<br>Must meet the requirements of Clause 35.05-2. |
| **Timber production** | Must meet the requirements of Clause 53.11. |
| **Utility installation (other than Minor utility installation and Telecommunications facility)** | |
| **Vehicle store** | Must be in a building not a dwelling and used to store motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot. |
| **Any other use not in Section 1 or 3** | |

## Section 3 - Prohibited

| Use |
|---|
| **Abattoir** |
| **Accommodation (other than Camping and caravan park, Dwelling, Group accommodation, Host farm, Residential building and Small second dwelling)** |
| **Display home centre** |
| **Education centre (other than Primary school and Secondary school)** |
| **Freeway service centre** |
| **Funeral parlour** |

| Use |
| --- |
| **Hospital** |
| **Industry (other than Rural industry)** |
| **Intensive animal production** |
| **Motor racing track** |
| **Office** |
| **Place of assembly (other than Carnival, Circus, Exhibition centre, Function centre, Hall, Place of worship and Restricted place of assembly)** |
| **Retail premises (other than Market, Plant nursery, Primary produce sales and Restaurant)** |
| **Saleyard** |
| **Sawmill** |
| **Service station** |
| **Transport terminal** |
| **Warehouse (other than Freezing and cool storage, Rural store and Vehicle store)** |

## 35.05-2 Use of land for a dwelling or small second dwelling

14/12/2023
VC253

A lot used for a dwelling or small second dwelling must meet the following requirements:

- Access to the dwelling or small second dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- The dwelling or small second dwelling must be connected to reticulated sewerage, if available. If not available, all wastewater must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017* for the construction, installation or alteration of an on-site wastewater management system.
- The dwelling or small second 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 or small second dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

## 35.05-3 Subdivision

14/12/2023
VC253

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 8 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.

A permit must not be granted which would allow a separate lot to be created for land containing a small second dwelling.

### VicSmart applications

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

| Class of application | Information requirements and decision guidelines |
|---|---|
| Subdivide land to realign the common boundary between 2 lots where:<br>▪ Each new lot is at least the area specified for the land in the zone or the schedule to the zone.<br>▪ The area of either lot is reduced by less than 15 percent.<br>▪ The general direction of the common boundary does not change. | Clause 59.01 |
| Subdivide land into 2 lots where each new lot is at least the area specified for the land in the zone or the schedule to the zone. | Clause 59.12 |

## 35.05-4 Long term lease or licence for accommodation

05/09/2013
VC103

A permit is required to lease or license a portion of a lot for a period of more than 10 years if the portion is to be leased or licensed for the purpose of Accommodation.

Each portion of a lot leased or licensed for the purpose of Accommodation must be at least the minimum subdivision area specified for the land in a schedule to this zone. If no area is specified, each portion of a lot leased or licensed for the purpose of Accommodation must be at least 8 hectares.

## 35.05-5 Buildings and works

20/04/2026
VC307

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 35.05-1. This does not apply to:
  - An alteration or extension to an existing dwelling with a floor area of no more than the area specified in a schedule to this zone or, if no area is specified, 50 square metres.
  - An alteration or extension to a small second dwelling.
  - 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:
  - 30 metres from a Transport Zone 2 or land in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority and the purpose of the acquisition is for a road.
  - 20 metres from a Transport Zone 3 or land in a Public Acquisition Overlay for a road if the Head, Transport for Victoria is not the acquiring authority.
  - 10 metres from any other road.

  - 5 metres from any other boundary.
  - 30 metres from a dwelling or small second dwelling not in the same ownership.
  - 100 metres from a waterway, wetlands or designated flood plain.
- A building or works associated with accommodation located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

### VicSmart applications

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

| Class of application | Information requirements and decision guidelines |
|---|---|
| Construct a building or construct or carry out works with an estimated cost of up to $350,000 where:<br>▪ The land is not used for Domestic animal husbandry, Pig farm, Poultry farm, Poultry hatchery, Racing dog husbandry or Rural industry.<br>▪ The land is not within 30 metres of land (not a road) which is in a residential zone.<br>▪ The building or works are not associated with accommodation located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.<br>Any works must not be earthworks specified in the schedule to the zone. | Clause 59.13 |

## 35.05-6 Decision guidelines

14/12/2023
VC253

Before deciding on an application to use or subdivide land, lease or license a portion of a lot for a period of more than 10 years if the portion is to be leased or licensed for the purpose of Accommodation, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

### General issues

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development, addressing site quality attributes including soil type, soil fertility, soil structure, soil permeability, aspect, contour and drainage patterns.
- How the use or development relates to agricultural land use, rural diversification and natural resource management.
- Whether the site is suitable for the use or development and whether the proposal will have an adverse impact on surrounding land uses.
- The need to protect the amenity of existing residents.

- The need to minimise adverse impacts on the character and appearance of the area or features of architectural, scientific or cultural heritage significance, or of natural scenic beauty or importance.
- The potential for accommodation to be adversely affected by vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990.*

**Rural issues**

- The maintenance of agricultural production and the impact on the local rural economy.
- The need to prepare an integrated land management plan.
- The impact on the existing and proposed rural infrastructure.
- The potential for the future expansion of the use or development and the impact of this on adjoining and nearby agricultural and other land uses.
- Protection and retention of land for future sustainable agricultural activities.

**Environmental issues**

- The impact of the use or development on the flora and fauna on the site and its surrounds.
- An assessment of the likely environmental 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 effluent, noise, dust and odours.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and fauna habitat and the revegetation of land including riparian buffers along waterways, gullies, ridge lines, property boundaries and saline recharge and discharge areas.
- How the use or development relates to sustainable land management and the need to prepare a sustainable land management plan.
- The location of on site effluent disposal areas to minimise impact of nutrient loads on waterways and native vegetation.

**Design and siting issues**

- The need to minimise adverse impacts of the siting, design, height, bulk, colours and materials to be used on major roads, landscape features and vistas.
- The location and design of existing and proposed infrastructure services including gas, water, drainage, telecommunications and sewerage facilities which minimise the visual impact on the landscape.
- The location and design of existing and proposed roads and their impact on the landscape and whether the use or development will require traffic management programs.
- The need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

**Primary school or secondary school issues**

- Access being provided via an all-weather road with dimensions adequate to accommodate emergency vehicles and not rely on local residential streets for access.

- Access by public transport, or if public transport is not available or adequate, transport may be provided by the school. Where transport is provided by the school the parking of buses should be accommodated on site.
- Connection to a reticulated sewerage system if available or if not available, the wastewater must be treated and retained on-site in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017* for an on-site waste water management system.
- In the absence of reticulated sewerage, a Land Capability Assessment on the risks to human health and the environment of an on-site wastewater management system constructed, installed or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017*.
- Connection to a reticulated potable water supply or an alternative potable water supply with adequate storage for school use as well as for fire fighting purposes.
- Connection to a reticulated electricity supply or an alternative energy source.

## 35.05-7 Signs

31/07/2018
VC148

Sign requirements are at Clause 52.05. This zone is in Category 3.

11/08/2022
C248wynd

# SCHEDULE TO CLAUSE 35.05 GREEN WEDGE A ZONE

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

## 1.0

11/08/2022
C248wynd

## Subdivision and other requirements

| | Land | Area/Dimensions/Number |
|---|---|---|
| Minimum subdivision area (hectares) | All other land. | 8 ha |
| Function centre (number of patrons) | None specified | None specified |
| Group accommodation (number of dwellings) | None specified | None specified |
| Residential building (number of bedrooms) | None specified | None specified |
| Restaurant (number of patrons) | None specified | None specified |
| Minimum area for which no permit is required to alter or extend an existing dwelling (square metres) | None specified | None specified |

| Permit requirement for earthworks | Land |
|---|---|
| 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 | None specified |

## 35.06 RURAL CONSERVATION ZONE

31/07/2018
VC148

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.

## 35.06-1 Table of uses

14/01/2025
VC237

### Section 1 - Permit not required

| Use | Condition |
|---|---|
| **Bed and breakfast** | No more than 10 persons may be accommodated away from their normal place of residence.<br>At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.<br>Must be located more than 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*. |
| **Domestic animal husbandry (other than Domestic animal boarding)** | Must be no more than 2 animals. |
| **Home based business** | |
| **Informal outdoor recreation** | |
| **Poultry farm** | Must be no more than 100 poultry (not including emus or ostriches).<br>Must be no more than 10 emus and ostriches. |
| **Racing dog husbandry** | Must be no more than 2 animals. |
| **Railway** | |
| **Tramway** | |
| **Any use listed in Clause 62.01** | Must meet the requirements of Clause 62.01. |

## Section 2 - Permit required

| Use | Condition |
|---|---|
| **Agriculture (other than Apiculture, Domestic animal husbandry, Intensive animal production, Poultry farm, Racing dog husbandry, Rice growing and Timber production)** | |
| **Broiler farm - if the Section 1 condition to Poultry farm is not met** | Must be no more than 10,000 chickens. |
| **Car park** | Must be used in conjunction with another use in Section 1 or 2. |
| **Domestic animal boarding** | |
| **Dwelling (other than Bed and breakfast)** | Must be the only dwelling on the lot. This does not apply to the replacement of an existing dwelling if the existing dwelling is removed or altered (so it can no longer be used as a dwelling) within one month of the occupation of the replacement dwelling.<br>Must meet the requirements of Clause 35.06-2. |
| **Emergency services facility** | |
| **Freezing and cool storage** | |
| **Group accommodation** | |
| **Host farm** | |
| **Landscape gardening supplies** | |
| **Market** | |
| **Primary produce sales** | |
| **Primary school** | |
| **Racing dog husbandry - if the Section 1 condition is not met** | Must meet the requirements of Clause 53.12. |
| **Recreational boat facility** | |
| **Renewable energy facility (other than Wind energy facility)** | Must meet the requirements of Clause 53.13. |
| **Residential hotel** | |
| **Restaurant** | |
| **Rural industry (other than Abattoir and Sawmill)** | |
| **Rural store** | |
| **Secondary school** | |

| Use | Condition |
|---|---|
| **Small second dwelling** | Must be no more than one dwelling existing on the lot.<br>Must be the only small second dwelling on the lot.<br>Reticulated natural gas must not be supplied to the building, or part of a building, used for the small second dwelling.<br>Must meet the requirements of Clause 35.06-2. |
| **Timber production** | Must meet the requirements of Clause 53.11. |
| **Utility installation (other than Minor utility installation and Telecommunications facility)** | |
| **Wind energy facility** | Must meet the requirements of Clause 52.32. |
| **Winery** | |
| **Any other use not in Section 1 or 3** | |

### Section 3 - Prohibited

| Use |
|---|
| **Abattoir** |
| **Accommodation (other than Bed and breakfast, Dwelling, Group accommodation, Host farm, Residential hotel and Small second dwelling)** |
| **Amusement parlour** |
| **Education centre (other than Primary school and Secondary school)** |
| **Industry (other than Rural industry)** |
| **Intensive animal production** |
| **Office** |
| **Leisure and recreation (other than Informal outdoor recreation)** |
| **Place of assembly (other than Carnival and Circus)** |
| **Retail premises (other than Landscape gardening supplies, Market, Primary produce sales and Restaurant)** |
| **Rice growing** |
| **Sawmill** |
| **Transport terminal** |
| **Warehouse (other than Freezing and cool storage and Rural store)** |

## 35.06-2 Use of land for a dwelling or small second dwelling

14/12/2023
VC253

A lot used for a dwelling or small second dwelling must meet the following requirements:

- Access to the dwelling or small second dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- The dwelling or small second dwelling must be connected to reticulated sewerage if available. If reticulated sewerage is not available, all wastewater from the dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017* for an on-site wastewater management system.
- The dwelling or small second 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 or small second dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

## 35.06-3 Subdivision

14/12/2023
VC253

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.

A permit must not be granted which would allow a separate lot to be created for land containing a small second dwelling.

### VicSmart applications

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

| Class of application | Information requirements and decision guidelines |
|---|---|
| Subdivide land to realign the common boundary between 2 lots where:<br>▪ Each new lot is at least the area specified for the land in the zone or the schedule to the zone.<br>▪ The area of either lot is reduced by less than 15 percent.<br>▪ The general direction of the common boundary does not change. | Clause 59.01 |
| Subdivide land into 2 lots where each new lot is at least the area specified for the land in the zone or the schedule to the zone. | Clause 59.12 |

## 35.06-4 Long term lease or licence for accommodation

05/09/2013
VC103

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.

## 35.06-5 Buildings and works

20/04/2026
VC307

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 alteration or extension to a small second dwelling.
  - 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 Transport Zone 2 or land in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority and the purpose of the acquisition is for a road.
  - 40 metres from a Transport Zone 3 or land in a Public Acquisition Overlay for a road if the Head, Transport for Victoria is not the acquiring authority.
  - 20 metres from any other road.
  - 5 metres from any other boundary.
  - 100 metres from a dwelling or small second dwelling not in the same ownership.
  - 100 metres from a waterway, wetlands or designated flood plain.
- A building or works associated with accommodation located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

### VicSmart applications

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

| Class of application | Information requirements and decision guidelines |
|---|---|
| Construct a building or construct or carry out works with an estimated cost of up to $350,000 where:<br>▪ The land is not used for Domestic animal husbandry, Pig farm, Poultry farm, Poultry hatchery, Racing dog husbandry or Rural industry.<br>▪ The land is not within 30 metres of land (not a road) which is in a residential zone.<br>▪ The building or works are not associated with accommodation located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.<br>Any works must not be earthworks specified in the schedule to the zone. | Clause 59.13 |

## 35.06-6 Decision guidelines

22/03/2022
VC219

Before deciding on an application to use or subdivide land, lease or license a portion of a lot for a period of more than 10 years if the portion is to be leased or licensed for the purpose of Accommodation, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

### General issues

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development.
- 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.

### Accommodation 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 accommodation to be adversely affected by vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990.*

### 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.
- The need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990.*

## 35.06-7 Signs

31/07/2018
VC148

Sign requirements are at Clause 52.05. This zone is in Category 4.

11/08/2022
C248wynd

## SCHEDULE TO CLAUSE 35.06 RURAL CONSERVATION ZONE

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

### CONSERVATION VALUES

None specified.

## 1.0 Subdivision and other requirements

11/08/2022
C248wynd

| | Land | Area/Dimensions/Number |
|---|---|---|
| Minimum subdivision area (hectares) | None specified | None specified |
| Maximum floor area for which no permit is required to alter or extend an existing dwelling (square metres) | None specified | None specified |
| Maximum floor area for which no permit is required to construct an out-building associated with a dwelling (square metres) | None specified | None specified |
| Maximum floor area for which no permit is required to alter or extend an existing building used for agriculture (square metres) | None specified | None specified |

| Permit requirement for earthworks | Land |
|---|---|
| Earthworks which change the rate of flow or the discharge point of water across a property boundary. | None specified |
| Earthworks which increase the discharge of saline groundwater. | None specified |

## 35.07 FARMING ZONE

31/07/2018
VC148

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.

## 35.07-1 Table of uses

12/05/2026
VC309

### Section 1 – Permit not required

| Use | Condition |
|---|---|
| **Abattoir** | Must be used in conjunction with Animal production on the same land or contiguous land in the same ownership.<br>Must not have a gross floor area more than 200 square metres.<br>Must not slaughter or process animals, including birds, at a designed throughput of greater than 120 tonnes of product per year.<br>Must not exceed a wastewater design or actual flow rate of greater than 5,000 litres per day.<br>Must not be within 100 metres of a dwelling in separate ownership.<br>The land must be at least 100 metres from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone, Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution.<br>Must not be a purpose listed in the table to Clause 53.10 with no threshold distance specified. |
| **Agriculture (other than Animal production, Apiculture, Domestic animal husbandry, Racing dog husbandry, Rice growing and Timber production)** | |
| **Automated collection point** | Must meet the requirements of Clause 52.13-3 and 52.13-5.<br>The gross floor area of all buildings must not exceed 50 square metres. |

| Use | Condition |
|---|---|
| **Bed and breakfast** | No more than 10 persons may be accommodated away from their normal place of residence.<br>At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.<br>Must be located more than one kilometre from the nearest title boundary of land subject to:<br>▪ A permit for a wind energy facility; or<br>▪ An application for a permit for a wind energy facility; or<br>▪ An incorporated document approving a wind energy facility; or<br>▪ A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the *Environment Effects Act 1978*.<br>Must be located more than 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*. |
| **Cattle feedlot** | Must meet the requirements of Clause 53.08.<br>The total number of cattle to be housed in the cattle feedlot must be 1000 or less.<br>The site must be located outside a special water supply catchment under the *Catchment and Land Protection Act 1994*.<br>The site must be located outside a catchment area listed in Appendix 2 of the Victorian Code for Cattle Feedlots – August 1995. |
| **Domestic animal husbandry (other than Domestic animal boarding)** | Must be no more than 5 animals. |
| **Dwelling (other than Bed and breakfast)** | Must be the only dwelling on the lot.<br>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.<br>Must meet the requirements of Clause 35.07-2.<br>Must be located more than one kilometre from the nearest title boundary of land subject to:<br>▪ A permit for a wind energy facility; or<br>▪ An application for a permit for a wind energy facility; or<br>▪ An incorporated document approving a wind energy facility; or<br>▪ A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the *Environment Effects Act 1978*.<br>Must be located more than 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*. |
| **Grazing animal production** | |
| **Home based business** | |

| Use | Condition |
|---|---|
| **Informal outdoor recreation** | |
| **Poultry farm** | Must be no more than 100 poultry (not including emus or ostriches).<br>Must be no more than 10 emus and ostriches. |
| **Primary produce sales** | Must not be within 100 metres of a dwelling in separate ownership.<br>The area used for the display and sale of primary produce must not exceed 50 square metres. |
| **Racing dog husbandry** | Must be no more than 5 animals. |
| **Railway** | |
| **Rural industry (other than Abattoir and Sawmill)** | Must not have a gross floor area more than 200 square metres.<br>Must not be within 100 metres of a dwelling in separate ownership.<br>Must not be a purpose listed in the table to Clause 53.10 with no threshold distance specified.<br>Must not manufacture mud bricks that contain hemp.<br>The land must be at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution:<br>▪ The threshold distance, for a purpose listed in the table to Clause 53.10.<br>▪ 30 metres, for a purpose not listed in the table to Clause 53.10.<br>Must not:<br>▪ Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2022.<br>▪ Require a notification under the Occupational Health and Safety Regulations 2017.<br>▪ Require a licence under the Dangerous Goods (Explosives) Regulations 2011.<br>▪ Require a licence under the Dangerous Goods (HCDG) Regulations 2016. |
| **Rural store** | Must be used in conjunction with Agriculture.<br>Must be in a building, not a dwelling and have a gross floor area of less than 100 square metres.<br>Must be the only Rural store on the lot. |
| **Rural worker accommodation** | The number of persons accommodated at any time must not be more than 10.<br>Must be used in conjunction with Agriculture on the same land or contiguous land in the same ownership.<br>Must be used exclusively for accommodating workers engaged on the same land or contiguous land in the same ownership.<br>Must be the only accommodation other than a dwelling on the same land or contiguous land in the same ownership. |

| Use | Condition |
|---|---|
| | Must be on the same lot as an existing dwelling.<br>The lot must be at least the area specified in a schedule to this zone for which no permit is required to use land for a dwelling. If no area is specified, the lot must be at least 40 hectares.<br>Must meet the requirements of Clause 35.07-2.<br>Must be located more than one kilometre from the nearest title boundary of land subject to:<br>▪ A permit for a wind energy facility; or<br>▪ An application for a permit for a wind energy facility; or<br>▪ An incorporated document approving a wind energy facility; or<br>▪ A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the *Environment Effects Act 1978*.<br>Must be located more than 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*. |
| **Small second dwelling** | Must be no more than one dwelling existing on the lot.<br>Must be the only small second dwelling on the lot.<br>Reticulated natural gas must not be supplied to the building, or part of a building, used for the small second dwelling.<br>Must meet the requirements of Clause 35.07-2.<br>Must be located more than one kilometre from the nearest title boundary of land subject to:<br>▪ A permit for a wind energy facility; or<br>▪ An application for a permit for a wind energy facility; or<br>▪ An incorporated document approving a wind energy facility; or<br>▪ A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the *Environment Effects Act 1978*.<br>Must be located more than 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*. |
| **Timber production** | Must meet the requirements of Clause 53.11.<br>The plantation area must not exceed any area specified in a schedule to this zone. Any area specified must be at least 40 hectares.<br>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.<br>The plantation must not be within 100 metres of:<br>▪ Any dwelling in separate ownership.<br>▪ Any land zoned for residential, commercial or industrial use.<br>▪ Any site specified on a permit which is in force which permits a dwelling to be constructed. |

| Use | Condition |
|---|---|
| | 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. |
| **Tramway** | |
| **Any use listed in Clause 62.01** | Must meet requirements of Clause 62.01. |

### Section 2 – Permit required

| Use | Condition |
|---|---|
| **Animal production (other than Cattle feedlot, Grazing animal production and Poultry farm)** | |
| **Broiler farm - if the Section 1 condition to Poultry farm is not met** | Must meet the requirements of Clause 53.09. |
| **Camping and caravan park** | |
| **Car park** | Must be used in conjunction with another use in Section 1 or 2. |
| **Cattle feedlot – if the Section 1 condition is not met** | Must meet the requirements of Clause 53.08.<br>The site must be located outside a catchment area listed in Appendix 2 of the Victorian Code for Cattle Feedlots – August 1995. |
| **Cemetery** | |
| **Crematorium** | |
| **Domestic animal boarding** | |
| **Dwelling (other than Bed and breakfast) – if the Section 1 condition is not met** | Must meet the requirements of Clause 35.07-2. |
| **Emergency services facility** | |
| **Freeway service centre** | Must meet the requirements of Clause 53.05. |
| **Group accommodation** | |
| **Host farm** | |
| **Industry (other than Automated collection point and Rural industry)** | |
| **Landscape gardening supplies** | |
| **Leisure and recreation (other than Informal outdoor recreation)** | |

| Use | Condition |
|---|---|
| **Manufacturing sales** | |
| **Market** | |
| **Place of assembly (other than Amusement parlour, Carnival, Cinema based entertainment facility, Circus and Nightclub)** | |
| **Primary school** | |
| **Racing dog husbandry – if the Section 1 condition is not met** | Must meet the requirements of Clause 53.12. |
| **Renewable energy facility (other than Wind energy facility)** | Must meet the requirements of Clause 53.13. |
| **Residential hotel** | |
| **Restaurant** | |
| **Rice growing** | |
| **Rural worker accommodation – if the Section 1 condition is not met** | Must meet the requirements of Clause 35.07-2. |
| **Sawmill** | |
| **Secondary school** | |
| **Timber production – if the Section 1 condition is not met** | Must meet the requirements of Clause 53.11. |
| **Trade supplies** | |
| **Utility installation (other than Minor utility installation and Telecommunications facility)** | |
| **Warehouse (other than Rural store)** | |
| **Wind energy facility** | Must meet the requirements of Clause 52.32. |
| **Winery** | |
| **Any other use not in Section 1 or 3** | |

## Section 3 – Prohibited

| Use |
|---|
| **Accommodation (other than Bed and breakfast, Camping and caravan park, Dwelling, Group accommodation, Host farm, Residential hotel, Rural worker accommodation and Small second dwelling)** |
| **Amusement parlour** |
| **Cinema based entertainment facility** |
| **Education centre (other than Primary school and Secondary school)** |

| Use |
| --- |
| **Nightclub** |
| **Office** |
| **Retail premises (other than Market, Landscape gardening supplies, Manufacturing sales, Primary produce sales, Restaurant and Trade supplies)** |
| **Small second dwelling – if the Section 1 condition is not met** |

## 35.07-2 Use of land for a dwelling, small second dwelling or rural worker accommodation

14/12/2023
VC253

A lot used for a dwelling, small second dwelling or rural worker accommodation must meet the following requirements:

- Access to the dwelling, small second dwelling or rural worker accommodation must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- Each dwelling, small second dwelling or rural worker accommodation 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 requirements of the Environment Protection Regulations under the *Environment Protection Act 2017* for an on-site wastewater management system.
- The dwelling, small second dwelling or rural worker accommodation 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, small second dwelling or rural worker accommodation must be connected to a reticulated electricity supply or have an alternative energy source.

## 35.07-3 Subdivision

06/02/2026
VC271

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.
- The subdivision is to create a lot for a utility installation used to:
  - transmit or distribute electricity; or
  - store electricity if the installed capacity is 1 megawatt or greater.

A permit cannot be granted which would allow a separate lot to be created for land containing a small second dwelling.

### VicSmart applications

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

| Class of application | Information requirements and decision guidelines |
|---|---|
| Subdivide land to realign the common boundary between 2 lots where:<br>▪ Each new lot is at least the area specified for the land in the zone or the schedule to the zone.<br>▪ The area of either lot is reduced by less than 15 percent.<br>▪ The general direction of the common boundary does not change.<br>▪ The land is not used for Rural worker accommodation | Clause 59.01 |
| Subdivide land into 2 lots where each new lot is at least the area specified for the land in the zone or the schedule to the zone where the land is not used for Rural worker accommodation. | Clause 59.12 |

## 35.07-4 Buildings and works

20/04/2026
VC307

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, 200 square metres. Any area specified must be more than 200 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, 250 square metres. Any area specified must be more than 250 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, 250 square metres. Any area specified must be more than 250 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 Transport Zone 2 or land in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority and the purpose of the acquisition is for a road 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 small second dwelling not in the same ownership.
  - 100 metres from a waterway, wetlands or designated flood plain or, the distance specified in the schedule to this zone. Any distance specified must be less than 100 metres.
- 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 or small second dwelling not in the same ownership.
  - A residential or urban growth zone.

- A building or works associated with accommodation located within one kilometre from the nearest title boundary of land subject to:
  - A permit for a wind energy facility; or
  - An application for a permit for a wind energy facility; or
  - An incorporated document approving a wind energy facility; or
  - A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the *Environment Effects Act 1978*.
- A building or works associated with accommodation located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

### VicSmart applications

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

| Class of application | Information requirements and decision guidelines |
|---|---|
| Construct a building or construct or carry out works associated with a Section 1 use in the Table of uses of the zone with an estimated cost of up to $700,000.<br>Any works must not be earthworks specified in the schedule to the zone. | Clause 59.13 |
| 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 $700,000 where:<br>▪ The land is not used for Domestic animal husbandry, Intensive animal production, Pig farm, Poultry farm, Poultry hatchery, Racing dog husbandry, Rural industry or Rural worker accommodation.<br>▪ The land is not within 30 metres of land (not a road) which is in a residential zone.<br>▪ The building or works are not associated with accommodation located within one kilometre from the nearest title boundary of land subject to:<br>– A permit for a wind energy facility; or<br>– An application for a permit for a wind energy facility; or<br>– An incorporated document approving a wind energy facility; or<br>– A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the *Environment Effects Act 1978*.<br>▪ The building or works are not associated with accommodation located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.<br>Any works must not be earthworks specified in the schedule to the zone. | Clause 59.13 |

## 35.07-5 Application requirements for dwellings

19/01/2006
VC37

An application to use a lot for a dwelling must be accompanied by a written statement which explains how the proposed dwelling responds to the decision guidelines for dwellings in the zone.

## 35.07-6 Decision guidelines

22/03/2022
VC219

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

### General issues

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- How the use and development makes use of existing infrastructure and services.

### Agricultural issues and the impacts from non-agricultural uses

- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- Any integrated land management plan prepared for the site.
- Whether Rural worker accommodation is necessary having regard to:
  - The nature and scale of the agricultural use.
  - The accessibility to residential areas and existing accommodation, and the remoteness of the location.
- The duration of the use of the land for Rural worker accommodation.

### Accommodation 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.
- The potential for accommodation to be adversely affected by noise and shadow flicker impacts if it is located within one kilometre from the nearest title boundary of land subject to:
  - A permit for a wind energy facility; or
  - An application for a permit for a wind energy facility; or

  - An incorporated document approving a wind energy facility; or
  - A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the *Environment Effects Act 1978*.
- The potential for accommodation to be adversely affected by vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990.*

**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.
- The need to locate and design buildings used for accommodation to avoid or reduce noise and shadow flicker impacts from the operation of a wind energy facility if it is located within one kilometre from the nearest title boundary of land subject to:
  - A permit for a wind energy facility; or
  - An application for a permit for a wind energy facility; or
  - An incorporated document approving a wind energy facility; or
  - A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the *Environment Effects Act 1978*.
- The need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

## 35.07-7 Signs

31/07/2018
VC148

Sign requirements are at Clause 52.05. This zone is in Category 4.

11/08/2022
C248wynd

# SCHEDULE 1 TO CLAUSE 35.07 FARMING ZONE

Shown on the planning scheme map as **FZ1.**

## 1.0 Subdivision and other requirements

11/08/2022
C248wynd

| | Land | Area/Dimensions/Distance |
|---|---|---|
| Minimum subdivision area (hectares) | All land | 80 ha |
| Minimum area for which no permit is required to use land for a dwelling (hectares) | None specified | None specified |
| Maximum area for which no permit is required to use land for timber production (hectares) | None specified | None specified |
| Maximum floor area for which no permit is required to alter or extend an existing dwelling (square metres) | None specified | None specified |
| Maximum floor area for which no permit is required to construct an out-building associated with a dwelling (square metres) | None specified | None specified |
| Maximum floor area for which no permit is required to alter or extend an existing building used for agriculture (square metres) | None specified | None specified |
| Minimum setback from a road (metres) | All land | 100 m from a Road Zone Category 1 or land in a Public Acquisition Overlay to be acquired for a road, Category 1 |
| | All land | 40 m from a Road Zone Category 2 or land in a Public Acquisition Overlay to be acquired for a road, Category 2 |
| | All land | 20 m from any other road |
| Minimum setback from a boundary (metres) | Any other boundary | 5 m |
| Minimum setback from a dwelling not in the same ownership (metres) | Any dwelling not in the same ownership | 100 m |

| Permit requirement for earthworks | Land |
|---|---|
| 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 | None specified |

11/08/2022
C248wynd

# SCHEDULE 2 TO CLAUSE 35.07 FARMING ZONE

Shown on the planning scheme map as **FZ2.**

## 1.0 Subdivision and other requirements

11/08/2022
C248wynd

| | Land | Area/Dimensions/Distance |
|---|---|---|
| Minimum subdivision area (hectares) | All land | 40 ha |
| Minimum area for which no permit is required to use land for a dwelling (hectares) | None specified | None specified |
| Maximum area for which no permit is required to use land for timber production (hectares) | None specified | None specified |
| Maximum floor area for which no permit is required to alter or extend an existing dwelling (square metres) | None specified | None specified |
| Maximum floor area for which no permit is required to construct an out-building associated with a dwelling (square metres) | None specified | None specified |
| Maximum floor area for which no permit is required to alter or extend an existing building used for agriculture (square metres) | None specified | None specified |
| Minimum setback from a road (metres) | All land | 100 m from a Road Zone Category 1 or land in a Public Acquisition Overlay to be acquired for a road, Category 1 |
| | All land | 40 m from a Road Zone Category 2 or land in a Public Acquisition Overlay to be acquired for a road, Category 2 |
| | All land | 20 m from any other road |
| Minimum setback from a boundary (metres) | Any other boundary | 5 m |
| Minimum setback from a dwelling not in the same ownership (metres) | Any dwelling not in the same ownership | 100 m |

| Permit requirement for earthworks | Land |
|---|---|
| Earthworks which change the rate of flow or the discharge point of water across a property boundary | All land |

| Permit requirement for earthworks | Land |
|---|---|
| Earthworks which increase the discharge of saline groundwater | None specified |

11/08/2022
C248wynd

# SCHEDULE 3 TO CLAUSE 35.07 FARMING ZONE

Shown on the planning scheme map as **FZ3.**

## 1.0 Subdivision and other requirements

11/08/2022
C248wynd

| | Land | Area/Dimensions/Distance |
|---|---|---|
| Minimum subdivision area (hectares) | None specified | None specified |
| Minimum area for which no permit is required to use land for a dwelling (hectares) | None specified | None specified |
| Maximum area for which no permit is required to use land for timber production (hectares) | None specified | None specified |
| Maximum floor area for which no permit is required to alter or extend an existing dwelling (square metres) | None specified | None specified |
| Maximum floor area for which no permit is required to construct an out-building associated with a dwelling (square metres) | None specified | None specified |
| Maximum floor area for which no permit is required to alter or extend an existing building used for agriculture (square metres) | None specified | None specified |
| Minimum setback from a road (metres) | None specified | None specified |
| Minimum setback from a boundary (metres) | None specified | None specified |
| Minimum setback from a dwelling not in the same ownership (metres) | None specified | None specified |

| Permit requirement for earthworks | Land |
|---|---|
| Earthworks which change the rate of flow or the discharge point of water across a property boundary relevant provisions | All land |
| Earthworks which increase the discharge of saline groundwater | None specified |

# 36 PUBLIC LAND ZONES

19/01/2006
VC37

## 36.01 PUBLIC USE ZONE

31/07/2018
VC148

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.

## 36.01-1 Table of uses

14/11/2022
VC227

### Section 1 - Permit not required

| Use | Condition |
|---|---|
| **Automated collection point** | Must meet the requirements of Clause 52.13-3 and 52.13-5.<br>The gross floor area of all buildings must not exceed 50 square metres. |
| **Railway** | |
| **Tramway** | |
| **Any use listed in Clause 62.01** | Must meet the requirements of Clause 62.01. |
| **Any other use** | The use must be for the purpose described in the table to Clause 36.01-6 which corresponds to the notation on the planning scheme map.<br>The use must be carried out by or on behalf of the public land manager. |

### Section 2 - Permit required

| Use | Condition |
|---|---|

### Section 3 - Prohibited

| Use |
|---|
| **Nil** |

## 36.01-2 Permit requirement

19/01/2006
VC37

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.

## 36.01-3 Application requirements

19/01/2006
VC37

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.

## 36.01-4 Decision guidelines

31/07/2018
VC148

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 Municipal Planning Strategy and the Planning Policy Framework.
- 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.

## 36.01-5 Permit not required

19/01/2006
VC37

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.

## 36.01-6 Table of public land use

14/01/2025
VC237

| Shown on the planning scheme map | Purpose of public land use |
|---|---|
| **PUZ1** | Service & Utility |
| **PUZ2** | Education |
| **PUZ3** | Health & Community |
| **PUZ5** | Cemetery/Crematorium |
| **PUZ6** | Local Government |
| **PUZ7** | Other public use |

## 36.01-7 Signs

20/01/2022
VC205

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.

Where a Transport Zone 2 or a Transport Zone 3 is the nearest adjoining zone, a permit is required to display a sign.

11/08/2022
C248wynd

# SCHEDULE TO CLAUSE 36.01 PUBLIC USE ZONE

## 1.0 Permit exemptions and conditions

11/08/2022
C248wynd

| Public land | Use or development | Conditions |
|---|---|---|
| None specified | None specified | None specified |

## 2.0 Sign requirements

11/08/2022
C248wynd

| Land | Sign Category |
|---|---|
| None specified | None specified |

## 36.02 PUBLIC PARK AND RECREATION ZONE

31/07/2018
VC148

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.

## 36.02-1 Table of uses

14/01/2025
VC237

### Section 1 - Permit not required

| Use | Condition |
|---|---|
| **Automated collection point** | Must meet the requirements of Clause 52.13-3 and 52.13-5.<br>The gross floor area of all buildings must not exceed 50 square metres. |
| **Informal outdoor recreation** | |
| **Open sports ground** | Must be conducted by or on behalf of the public land manager.<br>Must not be on coastal Crown land under the *Marine and Coastal Act 2018*. |
| **Any use listed in Clause 62.01** | Must meet the requirements of Clause 62.01. |
| **Contractor's depot** | Must be either of the following:<br>A use conducted by or on behalf of a public land manager, Parks Victoria or the Great Ocean Road Coast and Parks Authority, under the relevant provisions of the *Local Government Act 2020*, 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 Safety Act 2010*, the *Port Management Act 1995*, or the *Crown Land (Reserves) Act 1978*.<br>A use specified in an Incorporated plan in a schedule to this zone. |
| **Heliport** | |
| **Office** | |
| **Retail premises** | |
| **Store** | |
| **Any other use not in Section 3** | |

### Section 2 - Permit required

| Use | Condition |
|---|---|
| **Contractor's depot - if the Section 1 condition is not met** | Must be associated with the public land use. |
| **Heliport - if the Section 1 condition is not met** | Must be associated with the public land use. |
| **Office - if the Section 1 condition is not met** | Must be associated with the public land use. |
| **Retail premises - if the Section 1 condition is not met** | Must be associated with the public land use. |

| Use | Condition |
|---|---|
| **Store - if the Section 1 condition is not met** | Must be associated with the public land use. |

**Section 3 - Prohibited**

| Use |
|---|
| **Cinema based entertainment facility** |
| **Corrective institution** |
| **Display home centre** |
| **Funeral parlour** |
| **Industry (other than Automated collection point)** |
| **Saleyard** |
| **Transport terminal (other than Heliport)** |
| **Veterinary centre** |
| **Warehouse (other than Store)** |

## 36.02-2 Permit requirement

14/01/2025
VC237

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, Parks Victoria or the Great Ocean Road Coast and Parks Authority, under the *Local Government Act 2020*, 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 Safety Act 2010*, the *Port Management Act 1995* or the *Crown Land (Reserves) Act 1978*.
- Subdivide land.

## 36.02-3 Application requirements

19/01/2006
VC37

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.

## 36.02-4 Exemption from notice and review

31/07/2018
VC148

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.

## 36.02-5 Decision guidelines

31/07/2018
VC148

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 Municipal Planning Strategy and the Planning Policy Framework.
- The comments of any public land manager or other relevant land manager having responsibility for the care or management of the land or adjacent land.
- Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.

## 36.02-6 Incorporated plan

19/01/2006
VC37

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.

## 36.02-7 Use and development of land identified in a schedule

19/01/2006
VC37

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.

## 36.02-8 Signs

31/07/2018
VC148

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.

11/08/2022
C248wynd

# SCHEDULE TO CLAUSE 36.02 PUBLIC PARK AND RECREATION ZONE

## 1.0 Permit exemptions and conditions

11/08/2022
C248wynd

| Public land | Use or development | Conditions |
|---|---|---|
| Crown Foreshore Reserve abutting Lots 1 and 2 LP 222211P, Duncans Road Werribee South | Use or development in accordance with the Development Plan approved under the Development Plan Overlay - Wyndham Harbour. | Any conditions specified in the planning approval which relate to the Crown Foreshore Reserve covered by the approved Development Plan must be satisfied |

## 2.0 Sign requirements

11/08/2022
C248wynd

| Land | Sign Category |
|---|---|
| None specified | None specified |

## 3.0 Use and development of land specified in an Incorporated Plan

11/08/2022
C248wynd

None specified.

## 36.03 PUBLIC CONSERVATION AND RESOURCE ZONE

31/07/2018
VC148

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.

## 36.03-1 Table of uses

14/01/2025
VC237

### Section 1 - Permit not required

| Use | Condition |
|---|---|
| **Apiculture** | Must meet the requirements of the Apiary Code of Practice, May 2011. |
| **Automated collection point** | Must meet the requirements of Clause 52.13-3 and 52.13-5.<br>The gross floor area of all buildings must not exceed 50 square metres. |
| **Boat launching facility** | Must be either of the following:<br>▪ A use conducted by or on behalf of a public land manager, Parks Victoria or the Great Ocean Road Coast and Parks Authority, under the relevant provisions of the *Local Government Act 2020*, 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 Safety Act 2010*, the *Port Management Act 1995* or the *Crown Land (Reserves) Act 1978*.<br>▪ Specified in an Incorporated plan in a schedule to this zone. |
| **Camping and caravan park** | |
| **Caretaker's house** | |
| **Car park** | |
| **Informal outdoor recreation** | |
| **Interpretation centre** | |
| **Jetty** | |
| **Kiosk** | |
| **Marine dredging** | |
| **Mooring pole** | |
| **Open sports ground** | |
| **Pier** | |
| **Pontoon** | |
| **Road** | |
| **Utility installation (other than Telecommunications facility)** | |
| **Any use listed in Clause 62.01 (other than Apiculture)** | |

| Use | Condition |
|---|---|
| **Any other use not in Section 2 or 3** | ▪ Must be a use conducted by or on behalf of a public land manager, Parks Victoria or the Great Ocean Road Coast and Parks Authority, under the relevant provisions of the *Local Government Act 2020*, 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 Safety Act 2010*, the *Port Management Act 1995* or the *Crown Land (Reserves) Act 1978*. |

**Section 2 - Permit required**

| Use | Condition |
|---|---|
| **Emergency services facility** | |
| **Renewable energy facility (other than Wind energy facility)** | Must not be located on land reserved under the *National Parks Act 1975*.<br>Must meet the requirements of Clause 53.13. |
| **Wind energy facility** | 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.<br>Must meet the requirements of Clause 52.32. |

**Section 3 - Prohibited**

| Use |
|---|
| **The use in Section 1 described as 'Any other use not in Section 2 or 3' – if the Section 1 condition is not met** |

## 36.03-2 Permit requirement

14/01/2025
VC237

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 2020*, 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 Safety Act 2010*, the *Port Management Act 1995* or the *Crown Land (Reserves) Act 1978*.
  - A building or works carried out by or on behalf of a public land manager, Parks Victoria or the Great Ocean Road Coast and Parks Authority, under the *Local Government Act 2020*, 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 Safety Act 2010*, the *Port Management Act 1995,* the *Crown Land (Reserves) Act 1978*, or the *Road Management Act 2004*.

- Subdivide land.

## 36.03-3 Application requirements

20/03/2023
VC229

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 Energy, Environment and Climate Action.

## 36.03-4 Exemption from notice and review

31/07/2018
VC148

An application to subdivide land which is consistent with an Incorporated plan is exempt from the notice requirements of section 52(1) (a), (b), and (d), the decision requirements of sections 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

## 36.03-5 Referral of applications

18/06/2010
VC62

An application to use or develop land for the purpose of an emergency services facility must be referred under Section 55 of the Act to the person or body specified as the referral authority in Clause 66.03.

## 36.03-6 Decision guidelines

31/07/2018
VC148

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 Municipal Planning Strategy and the Planning Policy Framework.
- The comments of any public land manager or other relevant land manager having responsibility for the care or management of the land or adjacent land.
- Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.

## 36.03-7 Incorporated plan

18/06/2010
VC62

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.

## 36.03-8 Use and development of land identified in a schedule

18/06/2010
VC62

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.

## 36.03-9 Signs

31/07/2018
VC148

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.

11/08/2022
C248wynd

# SCHEDULE TO CLAUSE 36.03 PUBLIC CONSERVATION AND RESOURCE ZONE

## 1.0 Permit exemptions and conditions

11/08/2022
C248wynd

| Public land | Use or development | Conditions |
|---|---|---|
| None specified | None specified | None specified |

## 2.0 Sign requirements

11/08/2022
C248wynd

| Land | Sign Category |
|---|---|
| None specified | None specified |

## 3.0 Use and development of land specified in an Incorporated Plan

11/08/2022
C248wynd

None specified.

## 36.04 TRANSPORT ZONE

20/01/2022
VC205

Shown on the planning scheme map as **TRZ** with a number.

### Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide for an integrated and sustainable transport system.

To identify transport land use and land required for transport services and facilities.

To provide for the use and development of land that complements, or is consistent with, the transport system or public land reservation.

To ensure the efficient and safe use of transport infrastructure and land comprising the transport system.

## 36.04-1 Table of uses

15/03/2024
VC256

### Section 1 - Permit not required

| Use | Condition |
|---|---|
| **Automated collection point** | Must meet the requirements of Clause 52.13-3 and 52.13-5.<br>The gross floor area of all buildings must not exceed 50 square metres. |
| **Railway** | |
| **Railway station** | The combined leasable floor area for the selling of food, drink and other convenience goods and services must not exceed 800 square metres. |
| **Tramway** | |
| **Transport terminal (other than Railway station)** | The use must be carried out by or on behalf of a relevant transport manager. |
| **Utility installation (other than Minor utility installation and Telecommunications facility)** | The use must be carried out by or on behalf of a relevant transport manager. |
| **Any use listed in Clause 62.01** | Must meet the requirements of Clause 62.01. |
| **Any other use** | The use must be for a transport purpose and carried out by or on behalf of a relevant transport manager. |

### Section 2 - Permit required

| Use | Condition |
|---|---|

### Section 3 - Prohibited

| Use |
|---|
| **Nil** |

## 36.04-2 Permit requirement

20/01/2022
VC205

A permit is required to:

- Construct a building or construct or carry out works for any use in Section 2 of Clause 36.04-1. This does not apply to navigational beacons and aids.
- Subdivide land.

## 36.04-3 Application requirements

20/01/2022
VC205

An application by a person other than a relevant transport manager on land shown on a planning scheme map as TRZ1 or TRZ2 must be accompanied by the written consent of the Head, Transport for Victoria, indicating that the Head, Transport for Victoria consents generally or conditionally to either:

- The application being made.
- The application being made and to the proposed use or development.

## 36.04-4 Table of transport uses

20/01/2022
VC205

| Shown on the planning scheme map | Purpose of transport use |
|---|---|
| **TRZ1** | State transport infrastructure |
| **TRZ2** | Principal road network |
| **TRZ3** | Significant municipal road |
| **TRZ4** | Other transport use |

## 36.04-5 Decision guidelines

20/01/2022
VC205

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- The effect of the proposal on the development, operation and safety of the transport system.
- Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.

## 36.04-6 Signs

12/02/2024
VC254

Sign requirements are at Clause 52.05.

A permit is required to construct or put up for display a sign:

- over a road carriageway or over land within 600 millimetres of a carriageway.
- on land in a Transport Zone 1, if a Transport Zone 2 or Transport Zone 3 is the adjoining zone.

For all other land in this zone, 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.

# 37 SPECIAL PURPOSE ZONES

19/01/2006
VC37

## 37.01 SPECIAL USE ZONE

31/07/2018
VC148

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.

## 37.01-1 Table of uses

19/01/2006
VC37

### Section 1 - Permit not required

| Use | Condition |
|---|---|
| **Any use in Section 1 of the schedule to this zone** | Must comply with any condition in Section 1 of the schedule to this zone |

### Section 2 - Permit required

| Use | Condition |
|---|---|
| **Any use in Section 2 of the schedule to this zone** | Must comply with any condition in Section 2 of the schedule to this zone. |
| **Any other use not in Section 1 or 3 of the schedule to this zone** | |

### Section 3 - Prohibited

| Use |
|---|
| **Any use in Section 3 of the schedule to this zone** |

## 37.01-2 Use of land

31/07/2018
VC148

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:

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any guidelines in the schedule to this zone.

## 37.01-3 Subdivision

14/12/2023
VC253

### Permit requirement

A permit is required to subdivide land.

Any requirement in the schedule to this zone must be met.

A permit must not be granted which would allow a separate lot to be created for land containing a small second dwelling.

### VicSmart applications

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

| Class of application | Information requirements and decision guidelines |
|---|---|
| Subdivide land to realign the common boundary between 2 lots where:<br>▪ The area of either lot is reduced by less than 15 percent.<br>▪ The general direction of the common boundary does not change. | Clause 59.01 |
| Subdivide land into lots each containing an existing building or car parking space where:<br>▪ The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.<br>▪ An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision. | Clause 59.02 |
| Subdivide land into 2 lots if:<br>▪ The construction of a building or the construction or carrying out of works on the land:<br>– Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.<br>– Has started lawfully.<br>▪ The subdivision does not create a vacant lot. | Clause 59.02 |

### Application requirements

An application to subdivide land must be accompanied by any information specified in the schedule to this zone.

### Exemption from notice and review

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

### Decision guidelines

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any guidelines in the schedule to this zone.

## 37.01-4 Buildings and works

20/04/2026
VC307

### 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.

| Class of application | Information requirements and decision guidelines |
|---|---|
| Construct a building or construct or carry out works with an estimated cost of up to $700,000 and the land is not:<br>▪ Within 30 metres of land (not a road) which is in a residential zone.<br>▪ Used for a purpose listed in the table to Clause 53.10. | Clause 59.04 |

### 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.

Clause 58 of this scheme, as in force immediately before the approval date of Amendment VC174, 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.

### 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.

## 37.01-5 Signs

31/07/2018
VC148

Sign requirements are at Clause 52.05. This zone is in Category 3 unless a schedule to this zone specifies a different category.

11/08/2022
C248wynd

## SCHEDULE 1 TO CLAUSE 37.01 SPECIAL USE ZONE

Shown on the planning scheme map as **SUZ1.**

### WYNDHAM HARBOUR

#### Purpose

To provide a safe, functional and visually attractive harbour as part of an integrated marina and residential development.

To ensure the use and development are compatible with existing uses in the vicinity.

To provide for boating and boating-related activities on Port Phillip Bay.

To ensure the use and development complement existing tourist and recreational facilities within the western region of metropolitan Melbourne.

To provide for and enrich the physical, social and economic environments of the residents of the City of Wyndham and the western region of metropolitan Melbourne.

To provide for a mix of retail, residential, tourism and other complementary uses which will make the development economically feasible, and meet anticipated demand for the marina and its related facilities.

To ensure that the land within the zone is developed in an orderly and proper manner.

## 1.0 Table of uses

01/12/2023
VC217

### Section 1 - Permit not required

| Use | Condition |
|---|---|
| **Aquaculture** | |
| **Automated collection point** | Must meet the requirements of Clause 52.13-3 and 52.13-5.<br>The gross floor area of all buildings must not exceed 50 square metres. |
| **Boat and caravan storage**<br>**Caretaker's house**<br>**Car park** | |
| **Dwelling** | Not more than 240 dwellings |
| **Exhibition centre**<br>**Food and drink premises** | |
| **Fuel depot** | Must be directly related to a Recreational boat facility or marine based activity. |
| **Industry (other than Automated collection point)** | Must be a Rural Industry or in conjunction with a Recreational boat facility<br>Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10.<br>Must not adversely affect the amenity of the neighbourhood, including through the: |

| Use | Condition |
|---|---|
| | ▪ Transport of materials, goods or commodities to or from the land.<br>▪ Appearance of any stored goods or materials.<br>▪ Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil. |
| **Informal Outdoor Recreation** | |
| **Manufacturing sales** | Must be directly related to a Recreational boat facility or marine based activity. |
| **Minor sports and recreation Facility**<br>**Mineral exploration** | |
| **Mining** | Must meet the requirements of Clause 52.08-2. |
| **Minor Sports and Recreation Facility**<br>**Office (other than Bank)**<br>**Place of assembly** | |
| **Primary produce sales** | Produce must be derived from the sea. |
| **Recreational boat facility** | Not more than 1000 wet berths |
| **Residential building**<br>**Retail premises (other than Adult sex product shop, Food and drink premises , Manufacturing sales and Primary produce sales)** | |
| **Search for stone** | Must not be costeaning or bulk sampling. |
| **Trade supplies** | Must be directly related to a Recreational boat facility or marine based activity |
| **Transport terminal (other than Airport and Road Freight Terminal)**<br>**Utility Installation** | |
| **Any use listed in Clause 62.01** | Must meet the requirements of Clause 62.01 |

## Section 2 - Permit required

| Use | Condition |
|---|---|
| **Agriculture**<br>**Bank**<br>**Camping and caravan park**<br>**Education centre**<br>**Mail centre**<br>**Major sports and recreation facility** | |

| Use | Condition |
|---|---|
| **Mineral, stone or soil extraction (other than Extractive industry, Mineral exploration, Mining and Search for stone)** | |
| **Service station** | |
| **Any other use not in Section 1 or 3 or any Section 1 use if the condition is not met.** | |

### Section 3 - Prohibited

| Use |
|---|
| **Abattoir** |
| **Adult sex product shop** |
| **Cemetery** |
| **Crematorium** |
| **Extractive industry** |
| **Motor racing track** |
| **Saleyard** |

## 2.0 Use of land

11/08/2022
C248wynd

None specified.

## 3.0 Subdivision

11/08/2022
C248wynd

A permit is required to subdivide land.

## 4.0 Buildings and works

11/08/2022
C248wynd

A permit is required to construct a building and construct or carry out works.

### Application Requirements

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

- Finished and natural ground levels, floor levels, and overall building heights relative to the Australian Height Datum (AHD);
- A schedule of materials, colours and finishes;
- The intended use of the building.

## 5.0 Signs

11/08/2022
C248wynd

Sign requirements are at Clause 52.05.

All land within Wyndham Harbour is in Category 1 or Category 3 as designated on the Wyndham Harbour Land Use Framework Plan.

## 6.0 Decision Guidelines

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The location, provision and maintenance of public and private open space areas and other public facilities.
- The location, provision and maintenance of landscaping associated with the development of the land.
- The stages, if any, by which the development is proposed to proceed.
- The Environment Effects Statement Wyndham Cove Marina Development Main Report dated June 2005 and the Supplementary Reports Volumes 1, 2 and 3 to that document and the Minister's Assessment which provide a more detailed assessment of the environmental values and features of the site.
- The Wyndham Harbour Land Use Framework Plan (as amended to the satisfaction of the Responsible Authority from time to time).
- The Wyndham Harbour Design Guidelines (as amended to the satisfaction of the Responsible Authority from time to time).

## 7.0 Exemption from Notice and Appeal

An application to use land, construct a building or construct or carry out works, or subdivide land is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

## 8.0 Background Documents

Wyndham Harbour Design Guidelines (as amended to the satisfaction of the Responsible Authority from time to time).

Wyndham Harbour Land Use Framework Plan (as amended to the satisfaction of the Responsible Authority from time to time).

11/08/2022
C248wynd

# SCHEDULE 2 TO CLAUSE 37.01 SPECIAL USE ZONE

Shown on the planning scheme map as **SUZ2.**

## WERRIBEE RACECOURSE

To provide for land to be used as a racecourse and associated activities.

## 1.0 Table of uses

01/12/2023
VC217

### Section 1 - Permit not required

| Use | Condition |
|---|---|
| **Automated collection point** | Must meet the requirements of Clause 52.13-3 and 52.13-5.<br>The gross floor area of all buildings must not exceed 50 square metres. |
| **Caretaker's house**<br>**Home based business**<br>**Horse stables**<br>**Informal outdoor recreation**<br>**Mineral exploration** | |
| **Mining** | Must meet the requirements of Clause 52.08 |
| **Open sports ground**<br>**Racing dog keeping**<br>**Racecourse** | |
| **Search for stone** | Must not be costeaning or bulk sampling |
| **Veterinary centre** | |
| **Any use listed in Clause 62.01** | Must meet the requirements of Clause 62.01 |

### Section 2 - Permit required

| Use | Condition |
|---|---|
| **Agriculture (other than Intensive animal husbandry, Horse stables and Racing dog keeping)**<br>**Car park**<br>**Equestrian supplies**<br>**Leisure and recreation (other than Racecourse, Informal outdoor recreation and Open sports ground)**<br>**Mineral, stone, or soil extraction (other than Extractive industry, Mineral exploration, Mining and Search for stone)**<br>**Minor utility installation** | |

| Use | Condition |
|---|---|
| Office | |
| Place of Assembly | |
| Any other use not in Section 1 or 3 | |

### Section 3 - Prohibited

| Use |
|---|
| Accommodation (other than Caretaker's house) |
| Adult sex product shop |
| Cemetery |
| Crematorium |
| Extractive industry |
| Hospital |
| Industry (other than Automated collection point) |
| Intensive animal husbandry |
| Manufacturing sales |
| Shop (other than Equestrian supplies) |
| Service station |
| Saleyard |
| Timber yard |
| Utility installation (other than Minor utility installation) |
| Warehouse |

## 2.0 Use of land

11/08/2022
C248wynd

None specified.

## 3.0 Subdivision

11/08/2022
C248wynd

None specified.

## 4.0 Buildings and works

11/08/2022
C248wynd

None specified.

## 5.0 Signs

11/08/2022
C248wynd

Sign requirements are at Clause 52.05. This zone is in Category 2.

11/08/2022
C248wynd

## SCHEDULE 3 TO CLAUSE 37.01 SPECIAL USE ZONE

Shown on the planning scheme map as **SUZ3.**

### PRISON

### Purpose

To encourage the development of a prison to an international best practice standard.

To ensure that development and use of the prison occurs with minimum negative impact on surrounding land uses.

To encourage a form of development that will enhance the visual quality of the surrounding area.

To provide for prison industries, prisoner education, recreation, visitor and health service facilities and any other facility necessary for the operation of an international best practice prison.

## 1.0 Table of uses

14/11/2022
VC227

### Section 1 - Permit not required

| Use | Condition |
|---|---|
| **Automated collection point** | Must meet the requirements of Clause 52.13-3 and 52.13-5.<br>The gross floor area of all buildings must not exceed 50 square metres. |
| **Corrective institution** | |
| **Mineral exploration** | |
| **Mining** | Must meet the requirements of Clause 52.08-2 |
| **Search for stone** | Must not be costeaning or bulk sampling |
| **Any use listed in Clause 62.01** | Must meet the requirements of Clause 62.01 |

### Section 2 - Permit required

| Use | Condition |
|---|---|
| **Industry (other than Automated collection point)** | |
| **Any other use not in Section 1 or 3** | |

### Section 3 - Prohibited

| Use |
|---|
| None specified |

## 2.0 Use of land

11/08/2022
C248wynd

None specified.

## 3.0 Subdivision

11/08/2022
C248wynd

None specified.

## 4.0 Buildings and works

11/08/2022
C248wynd

### Permit requirement

No permit is required to develop the land for a prison and associated facilities.

### Prison Development Plan

Before any development or use commences (excluding internal works), a Prison Development Plan must be prepared in accordance with the purpose of the zone to the satisfaction of the Minister for Planning after consultation with the responsible authority. The Prison Development Plan must be advertised and publicly displayed at the municipal office for at least two weeks before it is considered by the responsible authority.

When considering the Prison Development Plan, the Minister for Planning and the responsible authority should have regard to potential office effects, including those associated with:

- lighting;
- noise; and
- visual impact
- and the effect of existing land uses on the prison.

The Prison Development Plan should also provide for:

- Prompt establishment of appropriate screening vegetation; and
- Accessibility of the site.

The Prison Development Plan must include:

- Site plans at a scale of no less that 1:2000 showing the proposed location (excluding internal layout), type, design and where appropriate, the height and colour of all buildings and works, including:
  - all fencing;
  - all security lighting, including a statement of lighting intensity and indicative hours of operation;
  - the proposed location and extent of vehicle parking areas and road within the site;
  - the number, location, size and form of all signs proposed to be erected.
- An assessment of the principal view corridors into the site, particularly from residential areas and transport corridors.
- A detailed description, including appropriate plans, of the proposed landscape treatment of the site, including:
  - the design approach upon which the landscaping plan is based;
  - location and type of existing vegetation to be retained;
  - location and type of proposed additional plantings;
  - the proposed sequencing of additional plantings to achieve maximum effect as quickly as possible.
- An assessment of traffic generated by employees, visitors and service providers together with appropriate plans showing entrances to and exits from the site.

- Details of any public address, alarm, amplified music or other such system that may be audible beyond the boundary of the site, including indicative locations, hours of operation and volume.
- Details of the waste disposal system that is proposed, and if not disposing to a Melbourne Water sewer, the Prison development Plan must indicate appropriate details to the satisfaction of Environment Protection Authority for obtaining a Works Approval for installation of a packaged sewerage treatment plant.

All buildings and works must comply with the approved Prison Development Plan.

Erosion and sediment control during site works should conform with Environment Protection Authority publication 275 'Construction Techniques for Sediment Pollution Control'.

The Prison Development Plan may be amended to the satisfaction of the Minister for Planning after consultation with the responsible authority. If, in the opinion of the Minister for Planning, the proposed amendment is significant in nature, then the amendment is subject to the advertisement and public display requirements included in this schedule.

## 5.0 Signs

11/08/2022
C248wynd

None specified.

11/08/2022
C248wynd

# SCHEDULE 4 TO CLAUSE 37.01 SPECIAL USE ZONE

Shown on the planning scheme map as **SUZ4.**

## K ROAD TOURISM AND RECREATION PRECINCT

To promote tourism and provide for complimentary tourist and recreational activities which build on the natural and cultural assets of the area.

## 1.0 Table of uses

01/12/2023
VC217

### Section 1 - Permit not required

| Use | Condition |
|---|---|
| **Automated collection point** | Must meet the requirements of Clause 52.13-3 and 52.13-5.<br>The gross floor area of all buildings must not exceed 50 square metres. |
| **Caretaker's house**<br>**Crop raising (other than Timber production)**<br>**Extensive animal husbandry**<br>**Horse stables**<br>**Informal outdoor recreation**<br>**Mineral exploration** | |
| **Mining** | Must meet the requirements of Clause 52.08. |
| **Open sports ground** | |
| **Search for stone** | Must not be costeaning or bulk sampling. |
| **Any use listed in Clause 62.01** | Must meet the requirements of Clause 62.01 |

### Section 2 - Permit required

| Use | Condition |
|---|---|
| **Accommodation (other than Caretaker's house)**<br>**Agriculture (other than Crop raising, Extensive animal husbandry and Horse stables)**<br>**Art and craft centre**<br>**Car park**<br>**Convenience shop**<br>**Education centre**<br>**Equestrian supplies**<br>**Food and drink premises**<br>**Leisure and recreation (other than Informal outdoor recreation, Open sports ground and Motor racing track)**<br>**Market** | |

| Use | Condition |
|---|---|
| **Mineral, stone, or soil extraction (other than Extractive industry, Mineral exploration, Mining and Search for stone)** | |
| **Place of assembly (other than an Amusement parlour and Nightclub)** | |
| **Plant nursery** | |
| **Primary produce sales** | |
| **Rural industry (other than Abattoir and Sawmill)** | |
| **Service station** | |
| **Store** | |
| **Veterinary centre** | |
| **Any other use not in Section 1 or 3** | |

### Section 3 - Prohibited

| Use |
|---|
| **Abattoir** |
| **Amusement parlour** |
| **Extractive industry** |
| **Industry (other than Automated collection point and Rural industry)** |
| **Motor racing track** |
| **Nightclub** |
| **Retail premises (other than Market, Convenience shop, Equestrian supplies, Food and drink premises, Plant nursery and Primary produce sales)** |
| **Saleyard** |
| **Sawmill** |
| **Transport terminal** |
| **Warehouse (other than Store)** |

## 2.0 Use of land

11/08/2022
C248wynd

A permit is not required for the use or development of public land by the relevant public land manager provided the use or development is related to tourism or recreational activities.

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The impact of the proposed use on the tourism precinct.
- The impact of the proposed use on the agricultural use of nearby land.

## 3.0 Subdivision

11/08/2022
C248wynd

None specified.

## 4.0 Buildings and works

11/08/2022
C248wynd

### Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The impact of the buildings and works on the tourism precinct.
- The impact of the buildings and works on the nearby agricultural land.
- The impact of the buildings and works 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 of any building or works with respect to the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.

## 5.0 Signs

11/08/2022
C248wynd

None specified.

24/04/2026
GC263

# SCHEDULE 6 TO CLAUSE 37.01 SPECIAL USE ZONE

Shown on the planning scheme map as **SUZ6.**

## EXTRACTIVE INDUSTRY

### Purpose

To encourage use and development of land for extractive industry.

To protect land for extractive industry and minimise land use conflict.

To support land management practices and rehabilitation and minimise adverse impact on the use and development of nearby land, including the Western Grasslands Reserve.

## 1.0 Table of uses

24/04/2026
GC263

### Section 1 - Permit not required

| Use | Condition |
|---|---|
| **Automated collection point** | Must meet the requirements of clause 52.13-3 and 52.13-5.<br>The gross floor area of all buildings must not exceed 50 square metres. |
| **Extractive industry** | Must meet the requirements of clause 52.08 |
| **Grazing animal production** | |
| **Home based business** | |
| **Railway** | |
| **Tramway** | |
| **Any use listed in clause 62.01** | Must meet the requirements of clause 62.01 |

### Section 2 - Permit required

| Use | Condition |
|---|---|
| **Agriculture (other than Animal husbandry)** | |
| **Caretaker's house** | |
| **Domestic animal husbandry (other than Domestic animal boarding)** | Must be no more than five animals. |
| **Industry (other than Materials recycling, Refuse disposal, and Transfer station)** | Must be used in conjunction with extractive industry. |
| **Landscape gardening supplies** | |
| **Leisure and recreation** | |
| **Manufacturing sales** | |
| **Materials recycling** | |
| **Refuse disposal** | |
| **Transfer station (other than Automated collection point)** | |
| **Utility installation (other than Minor utility installation and Telecommunications facility)** | |
| **Warehouse** | Must not be a purpose listed in the table to clause 53.10. |

| Use | Condition |
|---|---|
| **Any other use not in Section 1 or 3** | |

**Section 3 - Prohibited**

| Use |
|---|
| **Accommodation (other than Caretaker's house)** |
| **Animal husbandry (other than Apiculture, Domestic animal husbandry and Grazing animal production** |
| **Education Centre** |
| **Funeral parlour** |
| **Hospital** |
| **Office** |
| **Place of assembly** |
| **Retail premises (other than Landscape gardening supplies and Manufacturing sales)** |
| **Saleyard** |
| **Service station** |
| **Transport terminal** |
| **Veterinary centre** |

## 2.0 Use of land

24/04/2026
GC263

The following decision guidelines apply to an application for a permit under clause 37.01, in addition to those specified in clause 37.01 and elsewhere in the planning scheme which must be considered, as appropriate, by the responsible authority:

- Whether the use is compatible with existing and future extractive uses.
- Whether the proposed use adversely impacts on the existing and future productive extraction of the resource.

## 3.0 Subdivision

24/04/2026
GC263

A permit is required to subdivide land.

Each lot must be at least 40 hectares.

A permit may be granted to create smaller lots if any of the following apply:

- The subdivision is the re-subdivision of existing lots, the number of lots is not increased, and the number of dwellings is not increased.
- The subdivision by a public authority or utility service provider is to create a lot for a utility installation.

## 4.0 Buildings and works

24/04/2026
GC263

A permit is required to construct a building or construct or carry out works.

The following decision guidelines apply to an application for a permit under clause 37.01, in addition to those specified in clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether development is compatible with existing and future extractive industry uses.

- Whether use or development may adversely impact on the existing and future productive extraction of the resource.
- Whether development is designed and sited in a location which minimises amenity impacts from resource extraction operations and transportation.

## 5.0 Signs

04/05/2022
VC210

None specified.

11/08/2022
C248wynd

# SCHEDULE 7 TO CLAUSE 37.01 SPECIAL USE ZONE

Shown on the planning scheme map as **SUZ7.**

## TRUGANINA PRECINCT STRUCTURE PLAN - ELECTRICITY EASEMENT

### Purpose

To manage the transition of non-urban land into urban land in accordance with a precinct structure plan.

To provide for a range of uses and the development of land generally in accordance with a precinct structure plan.

### Precinct structure plan provisions

A precinct structure plan applies to land when the precinct structure plan is incorporated in this scheme.

## 1.0 Table of uses

14/11/2022
VC227

Any requirement in the Table of uses and any requirement specified in this schedule or the precinct structure plan applying to the land must be met.

A permit granted must be generally in accordance with the precinct structure plan applying to the land.

### Section 1 - Permit not required

| Use | Condition |
|---|---|
| **Automated collection point** | Must meet the requirements of Clause 52.13-3 and 52.13-5.<br>The gross floor area of all buildings must not exceed 50 square metres. |
| **Convenience shop**<br>**Crop raising**<br>**Extensive animal husbandry**<br>**Home based business**<br>**Informal outdoor recreation**<br>**Mail centre**<br>**Railway** | |
| **Service station** | 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. |
| **Shop (other than Adult sex product shop, Convenience shop, Restricted retail premises and Supermarket)** | Must adjoin, or be on the same lot as, a supermarket when the use commences.<br>The combined leasable floor area for all shops adjoining or on the same lot as the supermarket must not exceed 500 square metres. |

| Use | Condition |
|---|---|
| | The site must adjoin, or be within 30 metres of, a road in a Road Zone. |
| **Supermarket** | The leasable floor area must not exceed 1800 square metres.<br>The site must adjoin, or be within 30 metres of, a road in a Road Zone.<br>Must be on land within an urban growth boundary and in metropolitan Melbourne. |
| **Tramway** | |
| **Any use listed in Clause 62.01** | Must meet the requirements of Clause 62.01 |

### Section 2 - Permit required

| Use | Condition |
|---|---|
| **Adult sex product shop** | Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone , land used for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school. |
| **Agriculture (other than Apiculture, Crop raising, Extensive animal husbandry and Intensive animal husbandry)**<br>**Caretaker's house** | |
| **Education centre** | Must not be a primary or secondary school. |
| **Industry (other than Automated collection point)**<br>**Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility and Motor racing track)**<br>**Office**<br>**Place of Assembly (other than Carnival and Circus)**<br>**Restricted retail premises**<br>**Retail premises (other than Shop)**<br>**Utility installation (other than Minor utility installation and Telecommunications facility)**<br>**Warehouse (other than Mail centre)** | |
| **Any other use not in Section 1 or 3** | |

**Section 3 - Prohibited**

| Use |
| --- |
| **Accommodation (other than Caretaker's house)** |
| **Cinema based entertainment facility** |
| **Hospital** |
| **Intensive animal husbandry** |
| **Major sports and recreation facility** |
| **Motor racing track** |
| **Shop (other than Adult sex product shop, Convenience shop, Restricted retail premises and Supermarket) – if the Section 1 conditions are not met** |
| **Supermarket – if the Section 1 conditions are not met** |

## 2.0 Use of land

11/08/2022
C248wynd

None specified.

## 3.0 Subdivision

11/08/2022
C248wynd

A permit granted must:

- Be generally in accordance with the precinct structure plan applying to the land.
- Include any conditions or requirements specified in the precinct structure plan.

## 4.0 Buildings and works

11/08/2022
C248wynd

No permit is required to construct a building or construct or carry out works for the following:

- 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, extensive animal husbandry or informal outdoor recreation.
- A rainwater tank with a capacity of more than 4500 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 permit granted must:

- Be generally in accordance with the precinct structure plan applying to the land.
- Include any conditions or requirements specified in the the precinct structure plan.

## 5.0 Exemption from notice and review

An application under any provision of this scheme which is generally in accordance with the precinct structure plan applying to the land is exempt from the notice requirements of section

52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

## 6.0 Signs

11/08/2022
C248wynd

Sign requirements are at Clause 52.05. All land located within this zone is in Category 3.

11/08/2022
C248wynd

## SCHEDULE 8 TO CLAUSE 37.01 SPECIAL USE ZONE

Shown on the planning scheme map as **SUZ8**.

### TARNEIT ELECTRICITY TRANSMISSION EASEMENT - RESIDENTIAL AREAS TARNEIT NORTH PRECINCT STRUCTURE PLAN

#### Purpose

To manage the transition of non-urban land into urban land in accordance with a precinct structure plan.

To provide for a range of uses and the development of land generally in accordance with a precinct structure plan.

#### Precinct structure plan provisions

A precinct structure plan applies to land when the precinct structure plan is incorporated in this scheme.

## 1.0 Table of uses

01/12/2023
VC217

Any requirement in the Table of uses and any requirement specified in this schedule or the precinct structure plan applying to the land must be met.

A permit granted must be generally in accordance with the precinct structure plan applying to the land.

#### Section 1 - Permit not required

| Use | Condition |
|---|---|
| **Animal keeping (other than Animal boarding)** | Must be no more than 2 animals. |
| **Automated collection point** | Must meet the requirements of Clause 52.13-3 and 52.13-5.<br>The gross floor area of all buildings must not exceed 50 square metres. |
| **Bed and breakfast** | No more than 10 persons may be accommodated away from their normal place of residence.<br>At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence. |
| **Dependent person's unit** | Must be the only dependent person's unit on the lot. |
| **Dwelling (other than Bed and breakfast)** | |
| **Food and drink premises (other than Convenience restaurant, Hotel and Tavern)** | The land must be located within 100 metres of a commercial zone or Mixed Use Zone and must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.<br>The land must have the same street frontage as the land in the commercial zone or Mixed Use Zone.<br>The leasable floor area must not exceed 100 square metres. |
| **Home based occupation** | |

| Use | Condition |
|---|---|
| **Informal outdoor recreation** | |
| **Medical centre** | The gross floor area of all buildings must not exceed 250 square metres. |
| **Place of worship** | The gross floor area of all buildings must not exceed 250 square metres.<br>The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3. |
| **Railway**<br>**Residential aged care facility** | |
| **Shop (other than Adult sex product shop and Bottle shop)** | The land must be located within 100 metres of a commercial zone or Mixed Use Zone and must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.<br>The land must have the same street frontage as the land in the commercial zone or Mixed Use Zone.<br>The leasable floor area must not exceed 100 square metres. |
| **Tramway** | |
| **Any use listed in Clause 62.01** | Must meet the requirements of Clause 62.01. |

## Section 2 - Permit required

| Use | Condition |
|---|---|
| **Accommodation (other than Dependent person's unit, Dwelling and Residential aged care facility)**<br>**Agriculture (other than Animal keeping, Animal training, Apiculture, Horse stables and Intensive animal husbandry)** | |
| **Animal keeping (other than Animal boarding) – if the Section 1 condition is not met** | Must be no more than 5 animals. |
| **Car park** | Must be used in conjunction with another use in Section 1 or 2. |
| **Car wash** | The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3. |
| **Convenience restaurant** | The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3. |
| **Convenience shop – if the Section 1 conditions to Shop are not met.**<br>**Hotel**<br>**Leisure and recreation (other than Informal outdoor recreation and Motor racing track)** | |

| Use | Condition |
|---|---|
| **Market** | |
| **Office (other than Medical centre)** | The land must be located within 100 metres of a commercial zone.<br>The land must have the same street frontage as the land in the commercial zone.<br>The leasable floor area must not exceed 250 square metres. |
| **Place of assembly (other than Amusement parlour, Carnival, Circus, Nightclub and Place of worship)**<br>**Plant nursery** | |
| **Service station** | The site must either:<br>▪ Adjoin a commercial zone or industrial zone.<br>▪ Adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.<br>The site must not exceed either:<br>▪ 3000 square metres.<br>▪ 3600 square metres if it adjoins on two<br>▪ boundaries a road in a Transport Zone 2 or a Transport Zone 3. |
| **Shop (other than Adult sex product shop, Bottle shop and Convenience shop) – if the Section 1 conditions are not met** | The land must be located within 100 metres of a commercial zone or Mixed Use Zone.<br>The land must have the same street frontage as the land in the commercial zone or Mixed Use Zone. |
| **Store** | Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot. |
| **Tavern**<br>**Utility installation (other than Minor utility installation and Telecommunications facility)** | |
| **Any other use not in Section 1 or 3** | |

## Section 3 - Prohibited

| Use |
|---|
| **Adult sex product shop** |
| **Amusement parlour** |
| **Animal boarding** |
| **Animal training** |

| Use |
|---|
| **Bottle shop** |
| **Cinema based entertainment facility** |
| **Horse stables** |
| **Industry (other than Automated collection point and Car wash)** |
| **Intensive animal husbandry** |
| **Motor racing track** |
| **Nightclub** |
| **Retail premises (other than Food and drink premises, Market, Plant nursery and Shop)** |
| **Saleyard** |
| **Use** |
| **Stone extraction** |
| **Transport terminal** |
| **Warehouse (other than Store)** |

## 2.0 Subdivision

13/11/2014
C188

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.

| Class of subdivision | Objectives and standards to be met |
|---|---|
| **60 or more lots** | All except Clause 56.03-5. |
| **16 – 59 lots** | All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3. |
| **3 – 15 lots** | 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. |
| **2 lots** | Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2. |

## 3.0 Buidlings and works

13/11/2014
C188

## 3.1 Construction and extension of one dwelling on a lot

13/11/2014
C188

### Permit requirement

A permit is required to construct or extend one dwelling on a lot 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.

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

13/11/2014 C188

**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.

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

## 3.3 Requirements of Clause 54 and Clause 55

13/11/2014 C188

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.

## 3.4 Buildings and works associated with a Section 2 use

13/11/2014 C188

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.07-1.

## 3.5 Maximum building height requirement for a dwelling or residential building

13/11/2014 C188

The maximum height of a building used for the purpose of a dwelling or residential building must not exceed the building height specified in a schedule to this zone.

This does not apply to:

- An extension of an existing building that exceeds the specified building height provided that the extension does not exceed the existing building height.
- A building which exceeds the specified building height for which a valid building permit was in effect prior to the introduction of this provision.

If no building height is specified in a schedule to this zone, the maximum building height should not exceed 13.5 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 height of the building should not exceed 14.5 metres.

This building height requirement replaces the maximum building height specified in Standard A4 in Clause 54 and Standard B7 in Clause 55.

## 3.6 Buildings on lots that abut another residential zone

13/11/2014
C188

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

## 4.0 Application requirements

11/08/2022
C248wynd

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- 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 residential development of five or more storeys, an urban context report and design response as required in Clause 52.35.
- 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.

## 5.0 Exemption from notice and review

13/11/2014
C188

An application under any provision of this scheme which is generally in accordance with the precinct structure plan applying to the land is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

## 6.0 Signs

11/08/2022
C248wynd

Sign requirements are at Clause 52.05. This zone is in Category 3.

18/10/2018
C222

# SCHEDULE 9 TO CLAUSE 37.01 SPECIAL USE ZONE

Shown on the planning scheme map as **SUZ9.**

## CHERRY CREEK YOUTH JUSTICE REDEVELOPMENT PROJECT

### Purpose

To provide for the use and development of the land for a corrective institution (youth justice centre).

To provide for associated education, recreation, visitor and health service facilities and any other facility necessary to support the operation of a corrective institution (youth justice centre).

To ensure that the use and development of the land for a corrective institution (youth justice centre) occurs with minimum negative impact on surrounding land uses.

To ensure that the use and development of land for a corrective institution (youth justice centre) employs best-practice design and landscaping to mitigate visual impacts on and responds to the inter-urban break between Melbourne and Geelong, views towards the You Yangs, and views from key transport corridors such as the Princes Highway and proposed Outer Metropolitan Ring Road/E6 Transport Corridor.

## 1.0 Table of uses

14/11/2022
VC227

### Section 1 - Permit not required

| Use | Condition |
|---|---|
| **Automated collection point** | Must meet the requirements of Clause 52.13-3 and 52.13-5.<br>The gross floor area of all buildings must not exceed 50 square metres. |
| **Corrective institution** | The use must be in relation to the Cherry Creek Youth Justice Redevelopment Project as generally described in the *Cherry Creek Youth Justice Redevelopment Project Incorporated Document August 2018*. |
| **Any use listed in Clause 62.01** | Must meet the requirements of Clause 62.01 |

### Section 2 - Permit required

| Use | Condition |
|---|---|
| **Industry (other than Automated collection point)** | |
| **Any other use not in Section 1 or 3** | |

### Section 3 - Prohibited

| Use |
|---|
| **Nil** |

## 2.0 Use of land

18/10/2018
C222

None specified.

### Application requirements

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- 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.

### Exemption from notice and review

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

### Decision guidelines

The following decision guidelines apply to an application under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme, which must be considered, as appropriate, by the responsible authority:

- The purpose of this schedule.
- The effect that existing uses may have on the proposed use.
- The effect of traffic to be generated by the proposed use.
- The interim use of those parts of the land not required for the proposed use.
- Whether the proposed use is compatible with adjoining and nearby uses.
- The proposed hours of operation, noise and other likely off-site amenity impacts.

## 3.0 Subdivision

18/10/2018
C222

None specified.

### Exemption from notice and review

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

## 4.0 Buildings and works

18/10/2018
C222

No permit is required to construct a building or construct or carry out works for the following:

- An alteration or extension to an existing building used for a corrective institution provided the floor area of the alteration or extension is not more than 100 square metres and not result in a building of more than two storeys.
- An outbuilding associated with a corrective institution provided the floor area of the outbuilding is not more than 50 square metres and not more than two storeys.

### Application requirements

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A site plan which shows:
  - The boundaries and dimensions of the site.
  - The existing siting and layout of buildings and works.
  - The proposed siting and layout of buildings and works.
  - Buffer distances from surrounding land uses and the gas pipeline.

  - The siting and layout of vehicle access roads, parking areas and pathways.
  - The location and details of lighting and fencing.
  - Any other notable features, constraints or other characteristics of the site.
- Elevation plans.
- Details of the approach to landscape design, consistent with the purpose of this schedule, and a landscape plan including schedule which shows:
  - The location and type of vegetation to be retained and removed.
  - The location and type of proposed vegetation.
  - The location and form of earthworks and mounding.
  - Surface finishes of vehicle access roads, parking areas and pathways.
- Details of any acoustic attenuation measures required to reduce noise levels from the proposed Outer Metropolitan Ring Road/E6 Transport Corridor.
- Details of how lighting will be designed to avoid or reduce any significant off-site impacts due to the emission of light.
- A Landscape and Visual Impact Assessment which provides an analysis of impacts of the proposed buildings and works on the inter-urban break between Melbourne and Geelong, views towards the You Yangs, and views from key transport corridors such as the Princes Highway and proposed Outer Metropolitan Ring Road/E6 Transport Corridor.
- Details of any vehicle loading areas, including the location of rubbish storage and removal facilities.
- A preliminary site assessment of the land by a suitably qualified professional providing advice and recommendations on potential contamination.
- Preliminary details of the proposed approach to environmental management during construction in order to avoid, minimise, mitigate and manage potential adverse environmental and amenity impacts during construction and operation. (Specific details may be included as a condition to any permit granted.)

### Exemption from notice and review

An application to 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.

### Decision Guidelines

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The purpose of this schedule.
- Landscape or visual impacts on the inter-urban break between Melbourne and Geelong, views towards the You Yangs, and views from key transport corridors such as the Princes Highway and proposed Outer Metropolitan Ring Road/E6 Transport Corridor.
- Whether the acoustic attenuation measures will satisfactorily protect existing or proposed noise sensitive uses from the proposed Outer Metropolitan Ring Road/E6 Transport Corridor.
- Any natural or cultural values on or near the land.
- The size and scale of the built form.
- Provision of landscape treatment and lighting.

- Interface with adjoining land.
- Provision of parking and site access.
- Provision of loading and service areas.
- Outdoor storage.

## 5.0 Advertising signs

18/10/2018
C222

None specified.

*Note: Refer to the "Cherry Creek Youth Justice Redevelopment Project Incorporated Document, August 2018" which may affect the use and development of the land.*

## 37.03 URBAN FLOODWAY ZONE

01/07/2021
VC203

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 by managing urban stormwater, protecting water supply catchment areas and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.

## 37.03-1 Table of uses

14/01/2025
VC237

### Section 1 - Permit not required

| Use | Condition |
|---|---|
| **Informal outdoor recreation** | |
| **Any use listed in Clause 62.01** | Must meet the requirements of Clause 62.01. |

### Section 2 - Permit required

| Use | Condition |
|---|---|
| **Agriculture (other than Animal production and Apiculture)** | |
| **Grazing animal production** | |
| **Leisure and recreation (other than Informal outdoor recreation, Indoor recreation facility, and Motor racing track)** | |
| **Road** | |
| **Utility installation (other than Telecommunications facility)** | |
| **Any use listed in Clause 62.01 if any requirement is not met** | |

### Section 3 - Prohibited

| Use |
|---|
| **Animal production (other than Grazing animal production)** |
| **Indoor recreation facility** |
| **Motor racing track** |
| **Any other use not in Section 1 or 2** |

## 37.03-2 Buildings and works

17/02/2022
VC200

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, if the water flowpath is redirected or obstructed.
- 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:

- Roadworks or bicycle paths and trails constructed or carried out by or on behalf of the Head, Transport for Victoria, to the satisfaction of the relevant floodplain management authority.
- 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.

## 37.03-3 Subdivision

14/12/2023
VC253

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.

A permit must not be granted which would allow a separate lot to be created for land containing a small second dwelling.

## 37.03-4 Application requirements

31/07/2018
VC148

### 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

19/01/2006
VC37

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

31/07/2018
VC148

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- The 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

31/07/2018
VC148

Sign requirements are at Clause 52.05. This zone is in Category 4 unless the schedule to this zone specifies a different category.

11/08/2022
C248wynd

# SCHEDULE TO CLAUSE 37.03 URBAN FLOODWAY ZONE

## 1.0 Application requirements

11/08/2022
C248wynd

None specified.

## 2.0 Decision guidelines

11/08/2022
C248wynd

None specified.

## 3.0 Signs

11/08/2022
C248wynd

| Land | Sign Category |
|---|---|
| None specified | |

## 37.06 PRIORITY DEVELOPMENT ZONE

31/07/2018
VC148

Shown on the planning scheme map as **PDZ** 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 projects and areas of regional or State significance.

To provide for a range of uses and the development of land in accordance with a plan incorporated in this scheme.

## 37.06-1 Table of uses

19/01/2006
VC37

### Section 1 - Permit not required

| Use | Condition |
|---|---|
| **Any use in Section 1 of the schedule to this zone** | Must comply with any condition in Section 1 of the schedule to this zone. |

### Section 2 - Permit required

| Use | Condition |
|---|---|
| **Any use in Section 2 of the schedule to this zone** | Must comply with any condition in Section 2 of the schedule to this zone. |
| **Any other use not in Section 1 or 3 of the schedule to this zone** | |

### Section 3 - Prohibited

| Use |
|---|
| **Any use in Section 3 of the schedule to this zone** |

## 37.06-2 Use of land

19/01/2006
VC37

Any requirement in the schedule to this zone must be met.

## 37.06-3 Subdivision

14/12/2023
VC253

### Permit requirement

A permit is required to subdivide land.

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

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

| Class of subdivision | Objectives and standards to be met |
|---|---|
| **60 or more lots** | All except Clause 56.03-5. |

| Class of subdivision | Objectives and standards to be met |
|---|---|
| **16 – 59 lots** | All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3. |
| **3 – 15 lots** | 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. |
| **2 lots** | Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2. |

Any requirement in the schedule to this zone must be met.

A permit must not be granted which would allow a separate lot to be created for land containing a small second dwelling.

### VicSmart applications

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

| Class of application | Information requirements and decision guidelines |
|---|---|
| Subdivide land to realign the common boundary between 2 lots where:<br>▪ The area of either lot is reduced by less than 15 percent.<br>▪ The general direction of the common boundary does not change. | Clause 59.01 |
| Subdivide land into lots each containing an existing building or car parking space where:<br>▪ The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.<br>▪ An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision. | Clause 59.02 |
| Subdivide land into 2 lots if:<br>▪ The construction of a building or the construction or carrying out of works on the land:<br>– Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.<br>– Has started lawfully.<br>▪ The subdivision does not create a vacant lot. | Clause 59.02 |

## 37.06-4 Buildings and works

20/04/2026
VC307

### 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.

| Class of application | Information requirements and decision guidelines |
|---|---|
| Construct a building or construct or carry out works with an estimated cost of up to $700,000 and the land is not:<br>▪ Within 30 metres of land (not a road) which is in a residential zone.<br>▪ Used for a purpose listed in the table to Clause 53.10. | Clause 59.04 |

### 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.

Clause 58 of this scheme, as in force immediately before the approval date of Amendment VC174, 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.

## 37.06-5 Application requirements

13/04/2017
VC136

An application to use land, to subdivide land or 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.

## 37.06-6 Exemption from notice and review

19/01/2006
VC37

An application under any provision of this scheme which is generally in accordance with the 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 unless the schedule to this zone specifies otherwise.

## 37.06-7 Decision guidelines

31/07/2018
VC148

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- The objectives and standards of Clause 56.
- For an apartment development, the objectives, standards and decision guidelines of Clause 58
- Any guidelines in the schedule to this zone.

## 37.06-8 Signs

31/07/2018
VC148

Sign requirements are at Clause 52.05. This zone is in Category 3 unless a schedule to this zone specifies a different category.

## 37.06-9 Other provisions of the scheme

19/01/2006
VC37

The schedule to this zone may specify that other provisions of the scheme do not apply.

25/02/2016
C199

# SCHEDULE 1 TO THE PRIORITY DEVELOPMENT ZONE

Shown on the planning scheme map as **PDZ1**.

## LAVERTON MAJOR ACTIVITY CENTRE AND EMPLOYMENT NODE INCORPORATED PLAN

The Laverton Employment Node and Major Activity Centre Incorporated Plan, July 2006 (Amended Version B May 2012) (the Laverton Incorporated Plan) is the incorporated plan for the land.

### Land

The land comprises approximately 275 hectares and is the site formerly known as the RAAF Williams Laverton Air Base, generally bounded by Forsyth Road, Sayers Road and the Werribee Railway Line.

The precincts referred to in this schedule are shown on Map 1 to this schedule. For the purposes of this schedule, the Residential Precinct includes the Central, Eastern, Southern and Western Neighbourhoods as shown on Map 1.

### Objective

- To give effect to the vision, objectives and planning concepts of the Laverton Incorporated Plan.
- To recognise the strategic importance of the site for the establishment of a major activity centre and employment node, including a diverse range of retail, industrial, business, and commercial uses with a focus on achieving the highest practical proportion of non-retail jobs.
- To provide for an active Main Street within the activity centre which creates pedestrian activity and linkages to the passenger railway station.
- To provide for a new transit node including a bus interchange, freeway interchange, passenger railway station and commuter car parking that will form the focus for the major activity centre and employment node.
- To encourage a diverse range of residential development opportunities and densities where consistent with the creation of a major activity centre and employment node on the land.
- To recognise specific sites which contain flora and fauna of National and State significance and to provide for the effective conservation and management of these sites.

## 1.0 Table of uses

14/11/2022
VC227

### Section 1 - Permit not required

| Use | Condition |
|---|---|
| **Accommodation (other than Camping and caravan park, Caretaker's house and Corrective institution)** | Must be in accordance with a development plan approved by the responsible authority under this schedule. |
| **Automated collection point** | Must meet the requirements of Clause 52.13-3 and 52.13-5.<br>The gross floor area of all buildings must not exceed 50 square metres. |
| **Car park** | Must not be in the Residential Precinct unless used in conjunction with another use in Section 1 or 2. |
| **Caretaker's house** | |
| **Convenience shop** | Must be in accordance with a development plan approved by the responsible authority under this schedule. |

| Use | Condition |
|---|---|
| **Education centre (other than a Primary school or a Secondary school)** | Must be in accordance with a development plan approved by the responsible authority under this schedule. |
| **Food and drink premises** | Must be in accordance with a development plan approved by the responsible authority under this schedule.<br>Must be in the Activity Centre or Mixed Use Precincts. |
| **Industry (other than Abattoir, Automated collection point, Materials recycling, Refuse transfer station)** | Must not be a purpose listed in the table to Clause 52.10.<br>Must not be for a use or activity which requires a licence under the Dangerous Goods Act 1985.<br>Must be in the Activity Centre or Mixed Use Precincts.<br>Must occupy a building where at least 12% of the floor area is constructed in the form of offices and used for administration, sales, research and development, office or related activities.<br>Must be in accordance with a development plan approved by the responsible authority under this schedule. |
| **Informal outdoor recreation**<br>**Minor utility installation** | |
| **Office** | Must be in accordance with a development plan approved by the responsible authority under this schedule.<br>Must be in the Activity Centre or Mixed Use Precincts.. |
| **Place of assembly** | Must be in accordance with a development plan approved by the responsible authority under this schedule.<br>Must be in the Activity Centre or Mixed Use Precincts. |
| **Railway** | |
| **Restricted retail premises** | Must be in accordance with a development plan approved by the responsible authority under this schedule. |
| **Service station** | Must be in accordance with a development plan approved by the responsible authority under this schedule.<br>Must be in the Activity Centre or Mixed Use Precincts. |
| **Shop (other than Adult sex bookshop, Convenience shop and Restricted retail premises)** | Must be in accordance with a development plan approved by the responsible authority under this schedule<br>Must be in the Activity Centre Precinct. |
| **Trade supplies (other than Timber yard)** | Must be in accordance with a development plan approved by the responsible authority under this schedule.<br>Must be in the Activity Centre or Mixed Use Precincts. |
| **Tramway** | |
| **Transport terminal** | Must be in accordance with a development plan approved by the responsible authority under this schedule.<br>Must be in the Activity Centre Precinct. |

| Use | Condition |
|---|---|
| **Warehouse** | Must be in accordance with a development plan approved by the responsible authority under this schedule.<br>Must be in the Activity Centre or Mixed Use Precincts.<br>Must occupy a building where at least 16% of the floor area is constructed in the form of offices and used for administration, sales, research and development, office or related activities.<br>Must not be a purpose listed in the table to Clause 52.10.<br>Must not be for a use or activity which requires a licence under the Dangerous Goods Act 1985. |
| **Any use listed in Clause 62.01** | Must meet the requirements of Clause 62.01. |

### Section 2 - Permit required

| Use | Condition |
|---|---|
| **Industry (other than Automated collection point) - where any Section 1 condition is not met** | Must not be in the Residential Precinct (other than Car Wash).<br>Must not be a purpose listed in Clause 52.10 for which a Threshold Distance of more than 100 metres applies. |
| **Leisure and recreation (other than informal outdoor recreation)**<br>**Utility installation (other than minor utility installation** | |
| **Warehouse (where any Section 1 condition is not met)** | Must not be in the Residential Precinct.<br>Must not be for a purpose listed in Clause 52.10 for which a Threshold Distance of more than 100 metres applies. |
| **Any other use not in Section 1 or 3** | |

### Section 3 - Prohibited

| Use |
|---|
| **Abattoir** |
| **Corrective institution** |
| **Extractive industry** |
| **Intensive animal husbandry** |
| **Transport terminal (where the Section 1 condition is not met)** |

## 2.0 Use of land

05/06/2014
GC6

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 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.

### Requirements

An application to use land must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of activities which will be carried out;
- The likely effects, if any, on adjoining land, including noise levels, traffic impact, the hours of delivery and dispatch of goods and materials, hours of operation, light spill, and emissions to land or water;
- Details of the estimated employment generated by the use;
- Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority; and
- The means of maintaining land not required for immediate use.

### Decision guidelines

Before deciding on an application, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework including the Municipal Strategic Statement and local planning policies.
- The vision, objectives and planning concepts of the Laverton Incorporated Plan and the objectives of this schedule and how these will be given effect by the proposal.
- The mix of land uses and their capacity to optimise employment opportunities on the site especially those of a non-retail nature, having regard to the Laverton Incorporated Plan.
- The provision of buffers from land used for industrial or railway purposes.
- The provisions of any applicable development plan approved under this schedule and any relevant agreements;
- The drainage of the land;
- The availability of and connection to services;
- The effect of traffic to be generated on roads; and
- The interim use and management of those parts of the land not required for the proposed use.

### Exemption from notice and review

An application for any Section 2 use under clause 37.06-1 of the scheme is not 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.

## 3.0 Subdivision

25/02/2016
C199

### Decision guidelines

Before deciding on an application to subdivide land, the responsible authority must consider, as appropriate:

- The objectives of this schedule and the provisions of the Laverton Incorporated Plan and any applicable development plan, approved under this schedule;
- The suitability of the proposed lots for the intended uses;
- The size of the lots and their flexibility to adapt to changes in land use and development over time, particularly in the Activity Centre and Mixed Use Precincts;

- Whether there is a need to impose building envelope controls in order to achieve desirable spatial planning relationships and a suitably high standard of design for future development;
- The degree to which the proposal makes provision for roads and other development and community infrastructure, in accordance with any agreements which have been entered into between the responsible authority and the landowner; and
- The effect of the proposed subdivision on the conservation areas identified in the relevant native vegetation precinct plan.

### Exemption from notice and review

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 if it is generally in accordance with the Laverton Incorporated Plan and any applicable development plan approved under this schedule.

### Conditions for subdivision permits that allow the creation of a lot less than 300 square metres (within the Southern Neighbourhood)

Any permit for subdivision that allows the creation of a lot less than 300square metres within the Southern Neighbourhood must contain the following conditions:

- Prior to the certification of the plan of subdivision for the relevant stage, a plan must be submitted to the responsible authority for approval. The plan must identify the lots that will include a restriction on title allowing the use of the provisions of the Small Lot Housing Code (incorporated in the Wyndham Planning Scheme at Clause 81), to the satisfaction of the responsible authority; and
- The plan of subdivision submitted for certification must identify whether Type A or Type B of the Small Lot Housing Code applies to each lot, to the satisfaction of the responsible authority.

## 4.0 Buildings and works

25/02/2016
C199

An application to construct a building or construct or carry out works which causes the ‘shop’ floorspace (excluding restricted retail premises) to exceed 25,000m² should make provision for continuous ground level activation along Main Street between Old Geelong Road and the Williams Landing Station to the satisfaction of the Responsible Authority. The ground floor active uses along Main Street should be delivered prior to the development of any ‘shop’ floorspace located above ground floor level.

The requirement to activate the street frontage referred to in this clause may be deferred subject to the form and extent of the proposed development, the amount of shop floorspace by which the 25,000m² is exceeded or for other reasons to the satisfaction of the Responsible Authority.

### Application requirements

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

- A plan drawn to scale which shows, as relevant:
  - The boundaries and dimensions of the site;
  - Adjoining roads and any alterations necessary to provide for the proposed development;
  - Relevant ground levels;
  - The layout of existing and proposed buildings, and works;
  - Driveways and vehicle parking and loading areas;

  - Proposed landscape areas; and
  - External storage and waste treatment areas.
- Elevation drawings to scale which show the colour and materials of all buildings and works;
- Provision for the on-site management and disposal of storm water drainage;
- Provision of reticulated services (including water supply, sewerage, gas, and electricity);
- Arrangements (if relevant) for the management and use of areas set aside for future development;
- 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; and
- Any other details required to be provided as part of any applicable development plan approved under this schedule.

### Decision guidelines

Before deciding on an application for buildings and works, the responsible authority must consider, as appropriate:

- The objectives of this schedule and the provisions of the Laverton Incorporated Plan and any applicable development plan, approved under this schedule;
- How the proposed buildings and works relate to and comply with or implement the approved development plan for the locality;
- The proper layout of the site and the suitability of the proposed buildings and works for their intended usage;
- The architectural and urban design merit of the proposed buildings and works, their contribution to the scale, form, function and safety of the space they occupy and that of the public realm;
- The provision of ground level activation along Main Street between Old Geelong Road and the railway station;
- Landscape treatment;
- The provision for pedestrian permeability, connections to the road and bicycle networks and public transport services;
- The need to provide for appropriate treatments at the interface between residential and non-residential areas;
- Any natural or cultural values on or near the land;
- Parking and site access;
- Loading and service areas;
- Outdoor storage;
- Lighting;
- Stormwater discharge and the use of water sensitive urban design treatments; and
- The effect of the buildings or works on the conservation areas identified in the relevant native vegetation precinct plan.

### Permit exemptions

A permit is not required to construct a building or to construct or carry out works if they:

- Are to construct or extend one dwelling in the Residential Precinct (including outbuildings and other associated and incidental works) on a lot greater than 300 square metres;
- Are to demolish an existing building or works;
- Rearrange, alter or renew plant if the area or height of the plant is not increased;
- Are a modification necessary to comply with a direction or licence under the Dangerous Goods Act 1985 or a Waste Discharge Licence, Works Approval or Pollution Abatement Notice under the Environment Protection Act 1970;
- Are used for informal outdoor recreation;
- Are used for a car park associated with public transport in the Activity Centre Precinct.

#### Specific provisions – Construction of one dwelling on a lot less than 300 square metres in area (within the Southern Neighbourhood)

A permit is not required to construct or extend one dwelling on a lot within an area less than 300 square metres where a site is identified as a lot to be assessed against the Small Lot Housing Code via a restriction on title, and it complies with the Small Lot Housing Code incorporated pursuant to Clause 81 of the Wyndham Planning Scheme.

#### Exemption from notice and review

An application for buildings and works for any Section 1 use under clause 37.06-1 of the scheme is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act if it is generally in accordance with the Laverton Incorporated Plan and any applicable development plan approved under this schedule.

An application for buildings and works for any Section 2 use under clause 37.06-1 of the scheme is not 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.

## 5.0 Development plan

03/03/2011
C140

#### Environmental assessment

Before a development plan can be approved for any part of the land, an environmental auditor appointed under the Environment Protection Act 1970 must make a statement that the environmental conditions of the land are suitable for the uses proposed in the development plan. There may be different statements for different areas of the land and a statement may relate only to the area subject to the development plan or a greater area.

#### Development plan requirements

A permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan, to the satisfaction of the responsible authority has been approved for the precinct, part of a precinct or neighbourhood (in the Residential Precinct), within which the land is located.

A permit may be granted for the following before a development plan has been approved:

- Minor extensions, additions or modifications to any existing use or development;
- To subdivide land to create new road reserves or to create a lot as a precinct or a neighbourhood (in the Residential Precinct); or
- For works associated with site preparation or the remediation, investigation or clearing of land.

A development plan must be generally in accordance with the Laverton Incorporated Plan, to the satisfaction of the responsible authority, and must include or be supported by, as appropriate:

- A Subdivision Masterplan that addresses the intended staging of subdivision of the precinct or the neighbourhood within which the land is located;
- An infrastructure provision report detailing development and community infrastructure that is to be provided as part of the subdivision and/or future development of the land;
- The preferred land use mix for that part of the land subject to the development plan;
- A land use and development budget detailing how the development plan compares against the land use, employment and dwelling milestones and objectives described in the Laverton Incorporated Plan;
- The functional layout necessary to achieve an orderly and integrated development of the land including, where relevant:
  - building envelopes;
  - building forms;
  - provision for open space;
  - pedestrian and bicycle pathway networks;
  - car parking areas and roadways;
  - provision for bicycle parking spaces and associated shower and change facilities; and
  - areas for external storage of goods and materials where appropriate.
- The provision of appropriate buffers from industrial land and any rail corridor;
- Where appropriate, a site analysis and design response for the development plan demonstrating a response to the site's opportunities and constraints, with particular regard to the outcomes of any environmental assessment, archaeological survey, the physical constraints of the site, and the interface with adjoining uses and developments;
- An Environmental Management Plan indicating the measures to be adopted to protect, enhance and manage any identified environmental values;
- A Construction Management and Environmental Impact Mitigation Plan to control impacts during development on environmental values including habitat, water quality, sites of biological and cultural significance and vegetation to be retained on the site;
- An Overall Drainage Management Plan for the whole of the site including any external catchments and a Stormwater Management Plan detailing how stormwater will be collected and treated, including the provision of water sensitive design and sustainable storm water practices;
- A Landscape Concept Plan for the site that has regard to identified flora and fauna/habitat, archaeological, historical and cultural values within the land and addresses how public open space is to be developed and its intended purpose;
- A Traffic Management Plan that provides for:
  - a detailed analysis of traffic improvements likely to occur (both short term and long term) on the surrounding road network and on local (internal) roads;
  - proposals for the orderly management of vehicular traffic on the land and at the entrances to it from Forsyth Road and Sayers Road;

- identification of any road and/or traffic control works that may be required on nearby local roads as a particular consequence of the staged development and use of the land. This must include a description of works that are to be undertaken by nominated parties, and the arrangements and timing for their implementation; and
- Details including the scope, staging and timing of any public transport works and facilities in consultation with the relevant public transport authorities.

A development plan may, with the agreement of the responsible authority, be prepared and implemented in stages. A development plan may be approved with or without conditions to the satisfaction of the responsible authority.

### Amendment of the development plan

Any approved development plan may be amended to the satisfaction of the responsible authority.

### Decision guidelines

Before approving a development plan or any amendment to a development plan the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework including the Municipal Strategic Statement and local planning policies.
- The vision, objectives and planning concepts of the Laverton Incorporated Plan and how these will be given effect by the development plan.
- The proposed mix of land uses and their capacity to optimise employment opportunities on the site especially those of a non-retail nature.
- What scope remains within the Activity Centre and Mixed Use Precincts to achieve the employment milestones in the Laverton Incorporated Plan and if necessary, how these milestones may be achieved by encouraging higher density employment generating uses in these precincts.
- The opportunities to optimise residential densities especially in areas close to public transport and the activity centre whilst recognising the need to avoid the potential to create land use conflicts between residential and non-residential employment generating uses.
- The effect that any residential development in the Activity Centre Precinct may have on the achievement of the employment milestones in the Laverton Incorporated Plan.
- The orderly and integrated development of the land including:
  - provision for linkages between areas including potential linkages with the RAAF Base and the existing Laverton community to the east,
  - provision for public open space including neighbourhood parks and sporting fields,
  - access and transport requirements,
  - proximity to public transport, shopping, employment and community activities,
  - and the intended landscape concept for the land.
- The views of Hobsons Bay City Council in relation to the opportunities to integrate the development with the community of Laverton.
- The provision of uses and urban design strategies likely to enhance public safely and activate the area in the vicinity of the railway station during the evening and at night.
- The provision made for public transport works and facilities.
- The provision of buffers from land used for industrial or railway purposes.

- The outcomes of any Environmental Assessment, Infrastructure Provision Report, Environmental Management Plan, Archaeological Survey, Construction Management and Environmental Impact Mitigation Plan, Overall Drainage Management Plan, Landscape Concept Plan and Traffic Management Plan prepared under the provisions of this schedule.
- Any relevant transport plan or strategy.
- Any relevant reference document.

## 6.0 Native vegetation – Conservation Management Plan

01/03/2007
C82

The Conservation Management Plan is "A Conservation Management Plan for Three Rare Species Reserves RAAF Williams Laverton" (Biosis Research Pty Ltd - May 1998) or any amended Conservation Management Plan approved by the Federal Department of Environment and Heritage that supersedes the May 1998 Conservation Management Plan.

No buildings or works may be constructed on the land and the land must not be subdivided until the owner of the land enters into an agreement with the Secretary to the Department of Sustainability and Environment for the provision of a Native Vegetation Offset contribution.

A permit is required to remove, destroy or lop native vegetation in Conservation Areas A, B and C as delineated on the Laverton Incorporated Plan if the requirements the Conservation Management Plan are not met.

In considering a permit application, the responsible authority must consider the Conservation Management Plan.

## 7.0 Car parking

01/03/2007
C82

Car parking must be provided for the following uses, at least in accordance with the following rates:

| | | |
|---|---|---|
| Office: | | 3 spaces to each 100sqm of net floor area |
| Shop: | Supermarket | 5 spaces to each 100sqm of leasable floor area |
| | Discount department store | 3.5 spaces to each 100sqm of leasable floor area |
| | Other | 3.5 spaces to each 100sqm of leasable floor area |
| Restricted retail premises: | | 2 spaces to 100sqm of leasable floor area |
| Industry and Warehouse: | | 3 spaces to each 100sqm of net floor area for any office component, otherwise 1.5 spaces to each 100sqm of net floor area |
| Dwellings: | Multiple dwellings | 1 space to each 1 and 2 bedroom dwelling |
| | | 1.5 spaces to each 3+ bedroom dwelling |
| | | 1 space to every five dwellings for visitors |
| | Single dwellings | 2 spaces to each dwelling |

Lower rates can be applied to the satisfaction of the responsible authority having regard to the decision guidelines in Clause 52.06-1.

## 8.0 Legal agreement

01/03/2007
C82

No buildings or works may be constructed on the land and the land must not be subdivided until the owner of the land enters into an agreement with the responsible authority and the Director of Public Transport under Section 173 of the Act.

The agreement must, to the satisfaction of the responsible authority and the relevant public authority as appropriate, make provision for:

- development contributions to be made by the owners towards the provision of State and local infrastructure that provides for:
  - on-site and off-site road, traffic and public transport improvements (including the provision of land and/or payment of financial levies) and:

The agreement must be prepared at the reasonable cost of the land owner.

## 9.0 Advertising signs

01/03/2007
C82

All land in the Activity Centre Precinct is in Category 1. All land in the Mixed Use Precinct is in Category 2.

## 10.0 Other provisions of the scheme

01/03/2007
C82

### Native Vegetation

The provisions of Clause 52.17 (native vegetation) do not apply to the land.

### Car parking

The car parking rates set out in the table at clause 52.06-5 do not apply to the uses specified at clause 7 of this schedule.

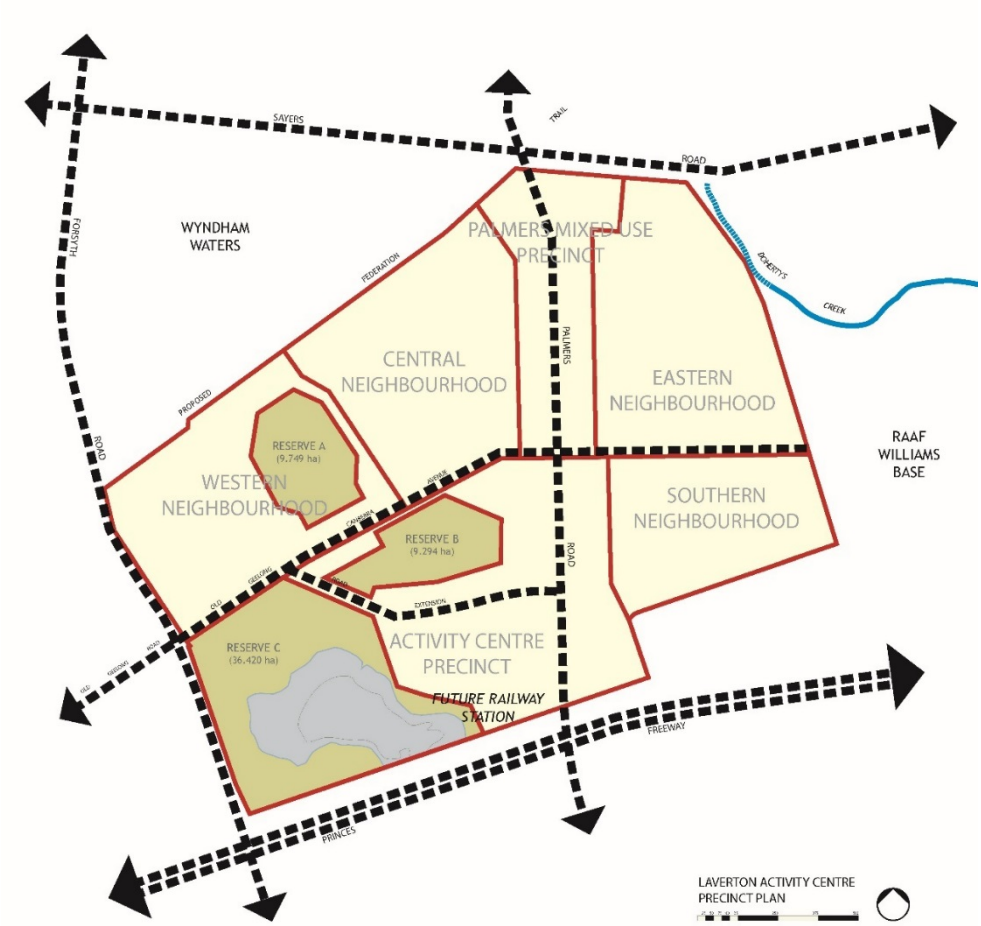
All other provisions of clause 52.06 including those provisions of clause 52.06-5 applicable to other uses not specified at clause 7 of this schedule continue to apply.

## 11.0 Reference documents

25/02/2016
C199

*A Conservation Management Plan for Three Rare Species Reserves RAAF Williams Laverton (Biosis Research Pty Ltd - May 1998)*

### Map 1 to Schedule 1 to Clause 37.06



## 37.07 URBAN GROWTH ZONE

31/07/2018
VC148

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

### Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To manage the transition of non-urban land into urban land in accordance with a precinct structure plan.

To provide for a range of uses and the development of land generally in accordance with a precinct structure plan.

To contain urban use and development to areas identified for urban development in a precinct structure plan.

To provide for the continued non-urban use of the land until urban development in accordance with a precinct structure plan occurs.

To ensure that, before a precinct structure plan is applied, the use and development of land does not prejudice the future urban use and development of the land.

### Application of provisions

#### Part A – No precinct structure plan applies

The provisions of Clauses 37.07-1 to 37.07-8 apply if no precinct structure plan applies to the land.

#### Part B – Precinct structure plan applies

The provisions of Clauses 37.07-9 to 37.07-16 apply if a precinct structure plan applies to the land.

### Precinct structure plan provisions

A precinct structure plan applies to land when the precinct structure plan is incorporated in this scheme.

## 37.07-1 Part A – Provisions For Land Where No Precinct Structure Plan Applies

14/01/2025
VC237

### Table of uses

#### Section 1 – Permit not required

| Use | Condition |
|---|---|
| **Agriculture (other than Animal production, Apiculture, Domestic animal husbandry, Racing dog husbandry, Rice growing and Timber production)** | |
| **Automated collection point** | Must meet the requirements of Clause 52.13-3 and 52.13-5.<br>The gross floor area of all buildings must not exceed 50 square metres. |
| **Bed and breakfast** | No more than 10 persons may be accommodated away from their normal place of residence.<br>At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence. |

| Use | Condition |
|---|---|
| **Dwelling (other than Bed and breakfast)** | Must be the only dwelling on the lot.<br>The lot must be at least 40 hectares.<br>Must meet the requirements of Clause 37.07-2. |
| **Grazing animal production** | |
| **Home based business** | |
| **Informal outdoor recreation** | |
| **Poultry farm** | Must be no more than 100 poultry (not including emus or ostriches).<br>Must be no more than 10 emus and ostriches. |
| **Primary produce sales** | Must not be within 100 metres of a dwelling in separate ownership.<br>The area used for the display and sale of primary produce must not exceed 50 square metres. |
| **Railway** | |
| **Rural industry (other than Abattoir and Sawmill)** | Must not have a gross floor area more than 200 square metres.<br>Must not be within 100 metres of a dwelling in separate ownership.<br>Must not be a purpose shown listed in the table to Clause 53.10 with no threshold distance specified.<br>The land must be at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education cente or a corrective institution:<br>▪ The threshold distance, for a purpose listed in the table to Clause 53.10.<br>▪ 30 metres, for a purpose not listed in the table to Clause 53.10.<br>Must not:<br>▪ Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2022.<br>▪ Require a notification under the Occupational Health and Safety Regulations 2017.<br>▪ Require a licence under the Dangerous Goods (Explosives) Regulations 2011.<br>▪ Require a licence under the Dangerous Goods (HCDG) Regulations 2016. |
| **Rural store** | Must be used in conjunction with Agriculture.<br>Must be in a building, not a dwelling, and have a gross floor area of less than 100 square metres.<br>Must be the only Rural store on the lot. |

| Use | Condition |
|---|---|
| **Small second dwelling** | Must be no more than one dwelling existing on the lot.<br>Must be the only small second dwelling on the lot.<br>Reticulated natural gas must not be supplied to the building, or part of a building, used for the small second dwelling.<br>Must meet the requirements of Clause 37.07-2. |
| **Tramway** | |
| **Any use listed in Clause 62.01** | Must meet the requirements of Clause 62.01 |

### Section 2 – Permit required

| Use | Condition |
|---|---|
| **Abattoir** | |
| **Animal production (other than Grazing animal production, Intensive animal production and Poultry farm)** | |
| **Broiler farm - if the Section 1 condition to Poultry farm is not met** | Must be no more than 10,000 chickens. |
| **Camping and caravan park** | |
| **Car park** | Must be used in conjunction with another use in Section 1 or 2. |
| **Cemetery** | |
| **Crematorium** | |
| **Display home centre** | |
| **Domestic animal boarding** | |
| **Domestic animal husbandry (other than Domestic animal boarding)** | Must be no more than 5 animals. |
| **Dwelling (other than Bed and breakfast) – if the Section 1 conditions are not met** | Must be no more than 2 dwellings on the lot.<br>Must meet the requirements of Clause 37.07-2. |
| **Education centre (other than child care centre)** | |
| **Emergency services facility** | |
| **Freeway service centre** | Must meet the requirements of Clause 53.05. |
| **Industry (other than Automated collection point and Rural Industry)** | |
| **Racing dog husbandry** | Must be no more than 5 animals. |
| **Trade supplies** | |

| Use | Condition |
|---|---|
| **Utility installation (other than Minor utility installation and Telecommunications facility)** | |
| **Veterinary centre** | |
| **Warehouse (other than Rural store)** | |
| **Winery** | |
| **Any other use not in Section 1 or 3** | |

### Section 3 - Prohibited

| Use |
|---|
| **Accommodation (other than Bed and breakfast, Camping and caravan park, Dwelling, Group accommodation, Host farm, Residential hotel and Small second dwelling)** |
| **Amusement parlour** |
| **Child care centre** |
| **Cinema based entertainment facility** |
| **Intensive animal production** |
| **Nightclub** |
| **Office (other than Medical centre and Real estate agency)** |
| **Renewable energy facility** |
| **Retail premises (other than Landscape gardening supplies, Manufacturing sales, Market, Primary produce sales, Restaurant and Trade supplies)** |
| **Saleyard** |
| **Small second dwelling - if the Section 1 condition is not met** |
| **Timber production** |

## 37.07-2 Use of land for a dwelling or small second dwelling

14/12/2023
VC253

A lot used for a dwelling or small second dwelling must meet the following requirements:

- Access to the dwelling or small second dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- Each dwelling or small second 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 requirements of the Environment Protection Regulations under the *Environment Protection Act 2017* for an on-site wastewater management system.

- The dwelling or small second 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 or small second dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

## 37.07-3 Subdivision

14/12/2023
VC253

A permit is required to subdivide land.

Each lot must be at least 40 hectares.

A permit may be granted to create smaller lots if any of the following apply:

- The subdivision is to create a lot for an existing dwelling. The subdivision must be a two lot subdivision.
- The subdivision is the re-subdivision of existing lots and the number of lots is not increased.
- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

A permit cannot be granted which would allow a separate lot to be created for land containing a small second dwelling.

## 37.07-4 Buildings and works

14/12/2023
VC253

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

- A building or works associated with a use in Section 2 of Clause 37.07-1. This does not apply to:
  - An alteration or extension to an existing dwelling provided the floor area of the alteration or extension is no more than 100 square metres.
  - An out-building associated with an existing dwelling provided the floor area of the out-building is not more than 100 square metres.
  - An alteration or extension to an existing building used for agriculture provided the floor area of the alteration or extension is no more than 200 square metres. The building must not be used to keep, board, breed or train animals.
- Earthworks which change the rate of flow or the discharge point of water across a property boundary.
- Earthworks which increase the discharge of saline water.
- A building which is within any of the following setbacks:
  - 100 metres from a road in a Transport Zone 2 or land in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority; and the purpose of the acquisition is for a road.
  - 40 metres from a road in a Transport Zone 3 or land in a Public Acquisition Overlay if the Head, Transport for Victoria is not the acquiring authority.
  - 20 metres from any other road.
  - 5 metres from any other boundary.

  - 100 metres from a dwelling or small second dwelling not in the same ownership.
  - 100 metres from a waterway, wetlands or designated flood plain.
- Permanent or fixed feeding infrastructure for seasonal or supplementary feeding for grazing animal production constructed within 100 metres of:
  - A waterway, wetland or designated flood plain.
  - A dwelling or small second dwelling not in the same ownership.
  - A residential zone or urban growth zone where a precinct structure plan applies.

## 37.07-5 Referral of applications

08/08/2019
VC159

An application of the kind listed below must be referred in accordance with section 55 of the Act to the referral authority specified in Clause 66.03.

- An application to use or develop land for any of the following:
  - Display home centre.
  - Education centre.
  - Hospital.
  - Industry.
  - Medical centre.
  - Place of worship.
  - Real estate agency.
  - Warehouse.
- An application to subdivide land to create a lot smaller than 40 hectares in area.

## 37.07-6 Environmental audit

04/05/2022
VC210

Before a pre-school centre, primary school or secondary school commences on potentially contaminated land, or before the construction or carrying out of buildings and works in association with a pre-school centre, primary school or secondary school commences on potentially contaminated land:

- A preliminary risk screen assessment statement in accordance with the *Environment Protection Act 2017* must be issued stating that an environmental audit is not required for the use or proposed use; or
- An environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* must be issued stating that the land is suitable for the use or proposed use; or
- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*; or
- A statement of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970* stating that the environmental conditions of the land are suitable for the use or proposed use.

The requirement for a preliminary risk screen assessment statement, an environmental audit statement, a certificate of environmental audit or a statement of environmental audit in this provision does not apply to the construction or carrying out of buildings and works, if:

- The buildings and works are associated with an existing pre-school centre, primary school or secondary school, included in Clause 62.02-1 or 62.02-2, and the soil is not disturbed;

- The buildings and works are required by the Environment Protection Authority or an environmental auditor appointed under the *Environment Protection Act 2017* to make the site suitable for use; or
- The buildings and works are reasonably required by an environmental auditor appointed under the *Environment Protection Act 2017* or the *Environment Protection Act 1970* to undertake a preliminary risk screen assessment or environmental audit.

## 37.07-7 Decision guidelines

31/07/2018
VC148

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 Municipal Planning Strategy and the Planning Policy Framework.
- The effect on the future urban development and use of the land, and adjacent or nearby land, having regard to:
  - Any relevant Growth Corridor Framework Plan.
  - Any precinct structure plan being prepared for the area.
  - Any comments or directions of the referral authority.
- Whether the proposal will prejudice the logical, efficient and orderly future urban development of the land, including the development of roads, public transport and other infrastructure.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management.
- Whether the site is suitable for the use or development.
- The impact of the siting, design, height, bulk, colours and materials to be used on the natural environment, major roads, vistas and water features, future urban use of the land, and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, public transport, walking and cycling networks, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the use and development will require new or upgraded infrastructure, including traffic management measures.

## 37.07-8 Signs

31/07/2018
VC148

Sign requirements are at Clause 52.05. The zone is in Category 3.

Despite the provisions of Clause 52.05-13, a permit may be granted, for a period of not more than 5 years, to display a sign that promotes the sale of land or dwellings.

## 37.07-9 Part B – Provisions For Land Where A Precinct Structure Plan Applies

14/01/2025
VC237

### Use of land

Any requirement in the Table of uses and any requirement specified in the schedule to this zone must be met.

A permit granted must be generally in accordance with the precinct structure plan applying to the land.

### Table of uses

#### Section 1 – Permit not required

| Use | Condition |
|---|---|
| **Any use in Section 1 of a zone applied by the schedule to this zone** | Must comply with any condition opposite the use in Section 1 of the applied zone.<br>Must comply with any condition or requirement specified in the schedule to this zone or in the precinct structure plan. |
| **Any use specified in the schedule to this zone as a use for which a permit is not required** | Must comply with any condition or requirement specified in the schedule to this zone or in the precinct structure plan. |

#### Section 2 – Permit required

| Use | Condition |
|---|---|
| **Any use in Section 2 of a zone applied by the schedule to this zone** | Must comply with any condition opposite the use in Section 2 of the applied zone.<br>Must comply with any condition or requirement specified in the schedule to this zone or in the precinct structure plan. |
| **Any use specified in the schedule to this zone as a use for which a permit is required** | Must comply with any condition or requirement specified in the schedule to this zone or in the precinct structure plan. |
| **Any other use not in Section 1 or 3** | |

#### Section 3 – Prohibited

| Use |
|---|
| **Any use in Section 3 of a zone applied by the schedule to this zone** |
| **Any use specified in the schedule to this zone as a use which is prohibited** |

## 37.07-10 Subdivision of land

14/12/2023
VC253

A permit is required to subdivide land. Any requirement in the schedule to this zone or the precinct structure plan must be met.

A permit granted must:

- Be generally in accordance with the precinct structure plan applying to the land.
- Include any conditions or requirements specified in the schedule to this zone or the precinct structure plan.

A permit cannot be granted which would allow a separate lot to be created for land containing a small second dwelling.

## 37.07-11 Buildings and works

23/09/2011
VC77

If the schedule to this zone specifies:

- That the provisions of a zone apply to the development of land, the provisions of the zone apply to land in the circumstances specified in the schedule.

- Provisions relating to the development of land, those provisions apply to land in the circumstances specified in the schedule.

If the schedule to this zone specifies that a permit is required to construct a building or construct or carry out works, a permit granted must:

- Be generally in accordance with the precinct structure plan applying to the land.
- Include any conditions or requirements specified in the schedule to this zone or the precinct structure plan.

## 37.07-12 Application requirements

10/06/2008
VC48

An application to use or subdivide land, construct a building or construct or carry out works, must be accompanied by any information specified in the schedule to this zone.

## 37.07-13 Exemption from notice and review

25/05/2017
VC133

An application under any provision of this scheme which is generally in accordance with the precinct structure plan applying to the land is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act, unless the schedule to this zone specifies otherwise.

## 37.07-14 Decision guidelines

31/07/2018
VC148

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 Municipal Planning Strategy and the Planning Policy Framework.
- Any relevant Growth Area Framework Plan.
- The precinct structure plan applying to the land, including the vision and objectives of the precinct structure plan.
- Any guidelines in the schedule to this zone.

## 37.07-15 Inconsistencies between specific and applied zone provisions

10/06/2008
VC48

If there is an inconsistency between the specific provisions specified in the schedule to this zone and the provisions of a zone applied by the schedule to this zone, the specific provisions prevail to the extent of any inconsistency.

## 37.07-16 Signs

31/07/2018
VC148

Sign requirements are at Clause 52.05. This zone is in the category specified in the schedule to this zone or, if no category is specified, Category 3.

11/08/2022
C248wynd

## SCHEDULE 1 TO CLAUSE 37.07 URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ1**.

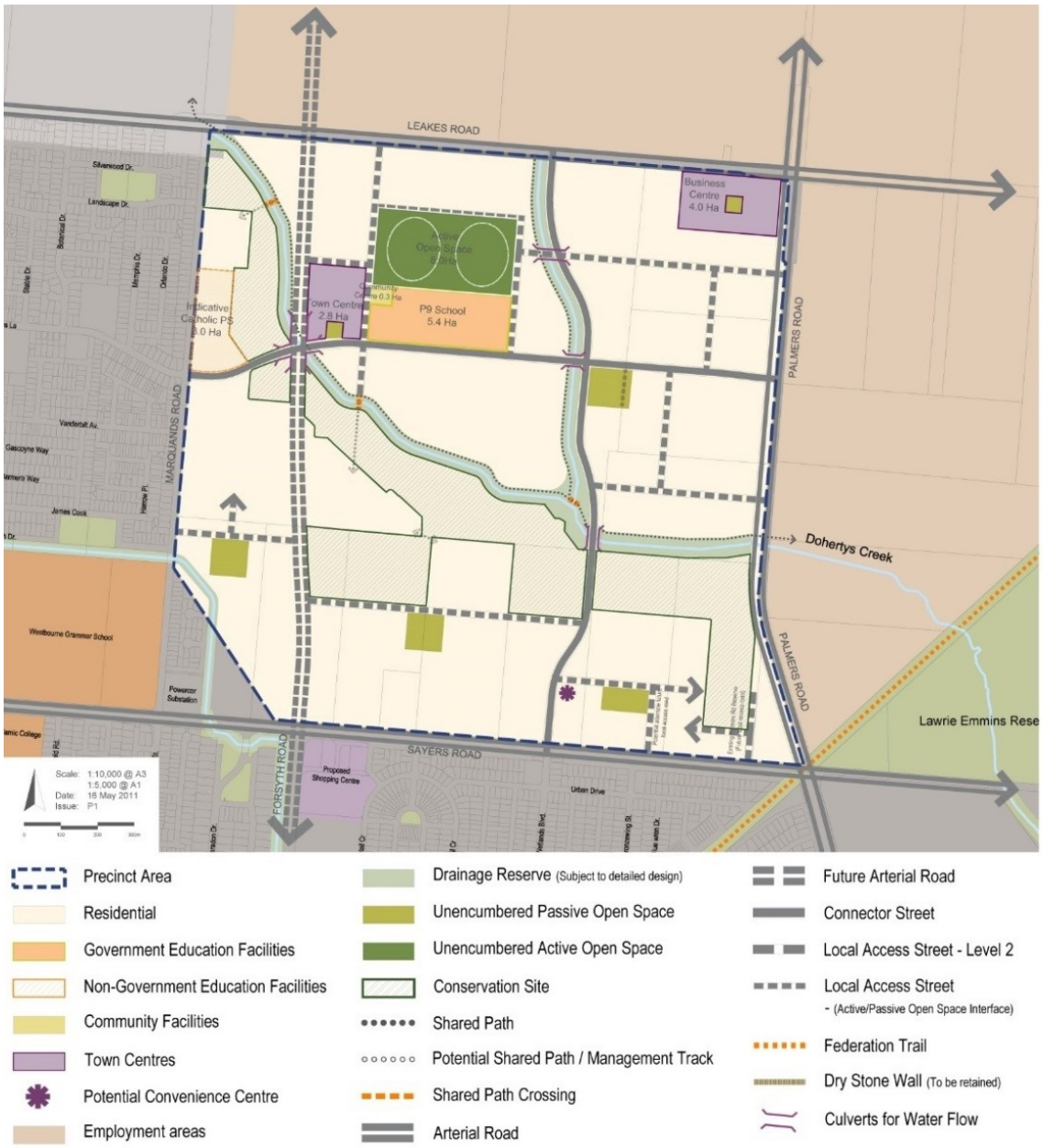
### TRUGANINA SOUTH COMMUNITY PRECINCT STRUCTURE PLAN

## 1.0 The Plan

11/08/2022
C248wynd

Plan 1 shows the future urban structure proposed in the Truganina South Community Precinct Structure Plan. It is a reproduction of Plan 5 in the Truganina South Community Precinct Structure Plan.

**Plan 1 to Schedule 1 to Clause 37.07**



## 2.0 Use and development

16/04/2015
C213

### 2.1 The Land

11/08/2022
C248wynd

The use and development provisions specified in this schedule apply to the land as shown in Plan 1 and shown as UGZ1 on the planning scheme maps.

### 2.2 Applied zone provisions

11/08/2022
C248wynd

The provisions of the following zones in this scheme apply to the use and subdivision of land, construction of a building, and construction and carrying out of works, by reference to Plan 1 of this schedule.

**Table 1: Applied zone provisions**

| Land use/development (carried out or proposed) generally in accordance with the precinct structure plan applying to the land (refer Plan 1) | Applied zone provisions |
|---|---|
| Land shown on plan 1 of this schedule<br>**Local town centre & Business Centre** | Applied zone provisions<br>Clause 34.01 – Commercial 1 Zone |
| Land shown on plan 1 of this schedule<br>**Conservation site** | Applied zone provisions<br>Clause 35.07 – Farming Zone (Schedule 3) |
| Land shown on plan 1 of this schedule<br>**Leakes Road** | Applied zone provisions<br>Clause 36.04 – Transport Zone 3 |
| Land shown on plan 1 of this schedule<br>**All other land** | Applied zone provisions<br>Clause 32.08 – General Residential Zone |

### 2.3 Reference to a planning scheme zone is a reference to an applied zone

20/01/2022
VC205

A reference to a planning scheme zone in an applied zone must be read as if it were a reference to an applied zone under this schedule.

*Note: e.g. The General Residential Zone specifies 'Car wash' as a section 2 Use with the condition, 'The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.' In this instance the condition should be read as, 'The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3 or an applied Transport Zone 2 or Transport Zone 3 in the Urban Growth Zone schedule applying to the land.'*

### 2.4 Specific provisions - Use of land

11/08/2022
C248wynd

**Table 2: Retail premises uses within the Business Centre shown on Plan 1**

| Use | Condition |
|---|---|
| **Equestrian supplies, lighting shop and party supplies** | Prohibited. |
| **Food and drink premises (other than convenience restaurant, hotel, tavern)** | The total combined leasable floor area for all food and drink premise (other than convenience restaurant, hotel, tavern) must not exceed 1,000 square metres. |
| **Hotel** | Must be ancillary to a reception and/or conference centre. |

| Use | Condition |
|---|---|
| **Restricted retail premises (other than equestrian supplies, lighting shop and party supplies)** | Must only be used to sell or hire office equipment and supplies.<br>The total combined leasable floor area for all restricted retail premises must not exceed 3000 square metres. |
| **Shop (other than restricted retail premises)** | The total combined leasable floor area for all shops must not exceed 1,000 square metres. |
| **Tavern** | Must be ancillary to a reception and/or conference centre. |

**Table 2: Retail premises uses within the Town Centre shown on Plan 1**

| Use | Condition |
|---|---|
| **Shop** | A permit is required to use land for a shop if the combined leasable floor area of all shops exceeds 7000 square metres. |

A permit may be granted for a shop (other than Adult sex product shop) if the gross leasable floor area does not exceed 250 square metres.

## 2.5 Specific Provision – Construction of single dwellings on small lots

28/11/2024
GC206

A permit is not required to construct or extend one dwelling on a lot between 250 square metres and 300 square metres where an approved building envelope (as defined in Part 5 of the Building Regulations 2018) applies to the lot.

A permit is required to construct a front fence within 3 metres of a street unless the Front Fence Height Standard in Table A2 to Clause 54.06-2 is met.

A permit is not required to construct or extend one dwelling on a lot of less than 300 square metres, if either of the following apply:

- There is a restriction registered on the plan of subdivision identifying the lot as a lot to which the *Small Lot Housing Code* (Victorian Planning Authority, November 2019) applies and the development complies with the *Small Lot Housing Code* (Victorian Planning Authority, November 2019) incorporated into this planning scheme.
- There is a restriction registered on the plan of subdivision identifying the lot as a lot to which the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies and the development complies with the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) incorporated into this planning scheme.

## 2.6 Specific provisions – matters of national environmental significance

11/08/2022
C248wynd

### Conservation Site – Conservation Management Plan

A permit must not be granted to use or subdivide land, or to construct a building or construct and carry out works on or immediately adjacent to land shown as 'Conservation Site' on Plan 1 until a Conservation Management Plan is approved to the satisfaction of the Department of Sustainability and Environment.

A Conservation Management Plan may be amended by a landowner, or person proposing to develop the land, to the satisfaction of the Department of Sustainability and Environment.

### Conservation Site - management and security requirements

Subdivision of land within the 'Conservation Site' and within 30m of the 'Conservation Site' must be in accordance with the requirements of a Conservation Management Plan approved to the satisfaction of the Department of Sustainability and Environment. Before subdivision or where appropriate concurrent with subdivision, the person developing the land must:

- permanently secure the site for the conservation of the threatened species; and
- carry out the management actions specified in the Conservation Management Plan in the timeframes specified in the Conservation Management Plan.

Where a management action specified in the Conservation Management Plan is not completed during the course of the development, the person developing the land must, before the issue of a certificate of compliance, provide for the completion of those actions by one or more of:

- registered on-title agreement under Section 173 of the Planning and Environment Act 1987 with the responsible authority and the Department of Sustainability and Environment that provides for the completion of management actions;
- registered on-title agreement under Section 69 of the Conservation Forests and Lands Act 1987;
- a conservation covenant under the Victorian Conservation Trust Act 1972; or
- transfer of the land to public ownership as a reserve for the purposes of conservation under the Crown Land (Reserves) Act 1978 as a park under the National Parks Act 1975.

## 3.0 Application requirements

11/08/2022
C248wynd

### Subdivision

An application must be accompanied by a Public Infrastructure Plan which addresses the following:

- the provision, staging and timing of stormwater drainage works;
- what land may be affected or required for the provision of infrastructure works;
- the provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment;
- the landscaping of any land;
- the provision of public open space and land for any community facilities;
- what, if any, infrastructure set out in the Truganina South Community Development Contributions Plan is sought to be provided as "works in lieu" subject to the consent of the collecting agency; and
- any other matter relevant to the provision of public infrastructure required by the responsible authority.

### Urban Design Framework - activity centres

A permit must not be granted to use or subdivide land, or to construct a building or construct and carry out works on, or immediately adjacent to land shown as 'town centre' on Plan 1 until an Urban Design Framework for the relevant activity centre has been approved by the responsible authority.

The Urban Design Framework must be generally in accordance with the Truganina South Community Precinct Structure Plan.

The responsible authority may reduce or waive the requirement to prepare an Urban Design Framework if it is satisfied that the proposal will not prejudice the achievement of the objectives and planning and design guidelines for the activity centre set out in the Truganina South Community Precinct Structure Plan.

An Urban Design Framework may be prepared in stages and amended to the satisfaction of the responsible authority.

### Subdivision - residential development

In addition to the requirements of Clause 56, an application for subdivision must be accompanied by the following information for all of the land in the contiguous ownership of the landowner forming part of the development:

- the proposed use and development of each part of the land;
- the staging of the development.

In addition to the requirements of Clause 56, an application for a residential subdivision of 10 lots or more must be accompanied by Subdivision and Housing Design Guidelines, prepared to the satisfaction of the responsible authority. The guidelines must address the following:

- how development of the lots will support environmental sustainability and reduce reliance on non-renewable energy sources; and
- where vehicle entrance to a lot is from the rear, detailed design of the rear laneway and access arrangements in accordance with Council's guidelines.

If in the opinion of the responsible authority an application requirement is not relevant to the assessment of an application, the responsible authority may waive or reduce the requirement.

## 4.0 Conditions and requirements for permits

28/11/2024
GC206

A planning permit must include a condition or conditions which ensure that any requirements or conditions set out in the Truganina South Community Precinct Structure Plan and the Truganina South Native Vegetation Precinct Plan are implemented as part of the planning permit or the plans endorsed under the permit.

Land required for community facilities, public open space or public roads must be shown on a plan of certification as a reserve in favour of Wyndham City Council or another relevant person or body.

### Conditions - a permit to subdivide land to create a lot less than 300 square metres

Before a plan is certified for a subdivision (or the relevant stage of a subdivision) where building envelopes are proposed, each lot between 250 square metres and 300 square metres in area must contain a building envelope (in accordance with Part 5 of the Building Regulations 2018) to the satisfaction of the responsible authority.

If an approved building envelope applies to a lot between 250-300 square metres under section 2.4 of this schedule a planning permit must contain a condition that requires the approved building envelopes be applied as a restriction on the plan of subdivision or through an agreement under section 173 of the Act that is registered on the title to the land. The restriction or the agreement must provide for:

- the building envelope plan to apply to each relevant lot;
- all buildings to conform to the building envelope on the relevant lot;
- the construction of a building outside the building envelope only with the written consent of the responsible authority; and
- a building envelope to cease to apply to any building on the lot affected by the envelope after the issue of a certificate of occupancy for the whole of a dwelling on the land.

Or

A permit issued before 31 December 2026 which allows for the subdivision of land to create a lot of less than 300 square metres, must include the following condition:

- Before the plan of subdivision is certified under the *Subdivision Act 1988*, a plan must be approved and endorsed by the responsible authority, that identifies the lots to which:

– type A or type B of the *Small Lot Housing Code* (Victorian Planning Authority, 2019) applies; or

– type A, type B or type C of the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies.

to the satisfaction of the responsible authority.

A permit issued on or after 31 December 2026, other than an amendment of a permit issued before 31 December 2026 under section 72 of the Act , which allows for the subdivision of land to create a lot of less than 300 square metres, must include the following condition:

- Before the plan of subdivision is certified under the *Subdivision Act 1988*, a plan that identifies the lots to which type A, type B or type C of the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies, must be approved and endorsed by the responsible authority.

Prior to the issue of a Statement of Compliance for the first stage of a development, the owner must, if required, enter into an agreement or agreements under section 173 of the Act which specifies the infrastructure required to be provided as part of the development. The agreement must give effect to the approved Public Infrastructure Plan.

### Requirements for subdivision and development associated with the Conservation Site

A road interface should be provided between any residential development (excepting the drainage reserve) and the Conservation Site. If there are compelling reasons for an alternative to this treatment, then this alternative treatment must:

- provide sufficient separation distances from residential dwellings to the Conservation Site;
- predominantly be an impervious hard surface that minimises the potential for weed invasion;
- provide cycle and pedestrian connectivity;
- ensure passive surveillance and have residential dwellings that positively address the Conservation Site; and
- be approved by the Department of Sustainability and Environment.

Before the commencement of works the following actions are to be undertaken in accordance with the approved Conservation Management Plan for the Conservation Site:

- a fence must be erected along any boundary of the Conservation Site;
- controlled access points must be established along the boundary fence;
- signs must be erected at regular intervals on all fences identifying the Conservation Site and any relevant access limitations; and
- existing fencing within the Conservation Site must be removed.

A Construction Management Plan is to be prepared to the satisfaction of the Department of Sustainability and Environment prior to the subdivision or development of land within 30m the Conservation Site. The Construction Management Plan is to address any requirements of the Conservation Management Plan and ensure that the Conservation Site is protected.

### Biodiversity - offsets and translocation

Prior to the commencement of works on that part of a property within which Golden Sun Moth habitat has been identified, offsets for the removal of Golden Sun Moth habitat within the land must be provided to the satisfaction of the Department of Sustainability and Environment or an agreement entered into to provide offsets to the satisfaction of the Department of Sustainability and Environment.

Prior to the commencement of works in respect of any plan of subdivision within which Striped Legless Lizard native habitat has been identified offsets for removal of Striped Legless Lizard native habitat and the means to achieve these offsets, must be approved by the Secretary of the Department of Sustainability and Environment.

Prior to the commencement of any buildings or works, a fully costed Striped Legless Lizard translocation / salvage plan must be prepared to the satisfaction of the Department of Sustainability and Environment.

The Striped Legless Lizard translocation / salvage plan must be implemented to the satisfaction of the responsible authority.

## 5.0 Exemption from notice and review

11/08/2022
C248wynd

The exemption from notice and review under Clause 37.07-13 does not apply in residential areas outside the Peripheral Area shown in Plan 8: Housing Plan of the Truganina South Community Precinct Structure Plan incorporated in this scheme:

- if the use is listed under Section 2 of Clause 32.08-1;
- to buildings and works associated with a use listed under Section 2 of Clause 32.08-1;

except where the use is shown in the Truganina South Community Precinct Structure Plan incorporated in this scheme.

## 6.0 Decision guidelines

None specified.

## 7.0 Signs

11/08/2022
C248wynd

The following sign categories in this scheme apply by reference to Plan 1 of this Schedule.

**Table 3: Signs**

| Land shown on Plan 1 of this schedule | Sign category |
|---|---|
| **Residential** | Category 3 |
| **Local town centre / Business centre** | Category 1 |
| **All other land** | Category 4 |

11/08/2022
C248wynd

## SCHEDULE 2 TO CLAUSE 37.07 URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ2**.

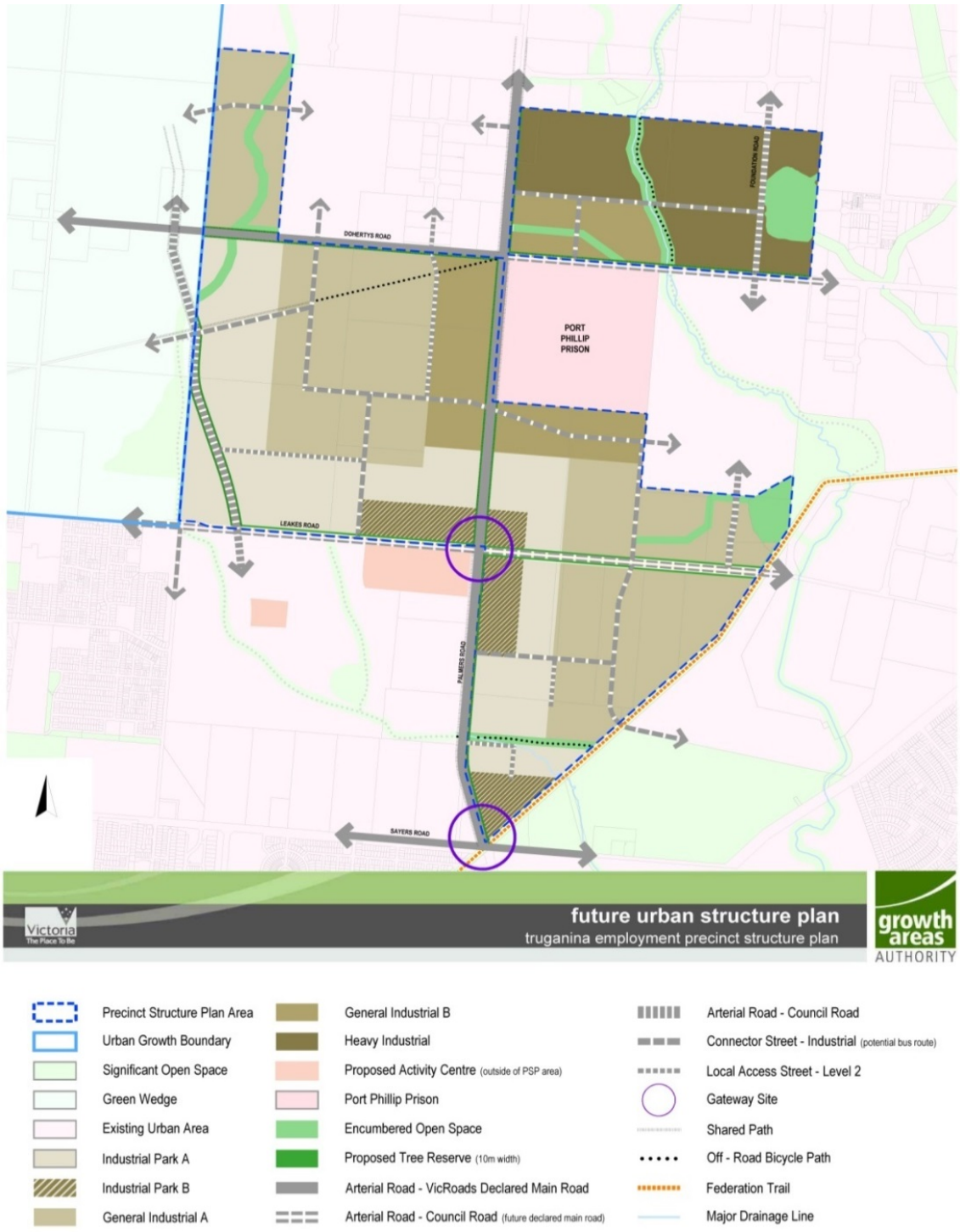
### TRUGANINA EMPLOYMENT PRECINCT STRUCTURE PLAN (DECEMBER 2009)

## 1.0 The Plan

11/08/2022
C248wynd

Plan 1 shows the future urban structure proposed in the Truganina Employment Precinct Structure Plan.

**Plan 1 to Schedule 2 to Clause 37.07**



## 2.0 Use and development

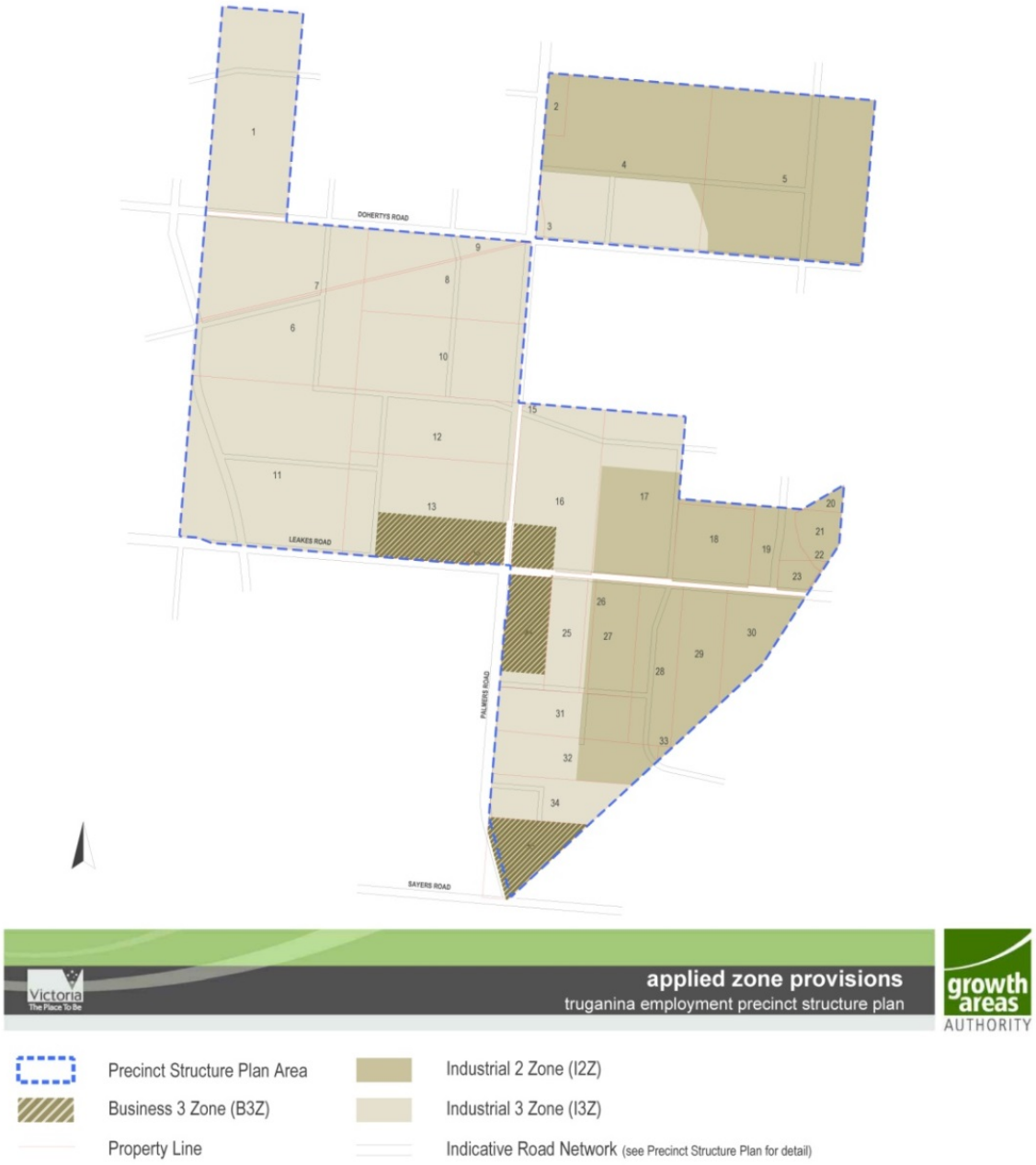
15/09/2016
C212

### 2.1 The land

11/08/2022
C248wynd

The use and development provisions specified in this schedule apply where the land is in both UGZ2 on the planning scheme maps, and on Plan 2 of this schedule.

**Plan 2 to Schedule 2 to Clause 37.07**




### 2.2 Applied zone provisions

14/11/2024
C263wynd

The provisions of the following zones in this scheme apply to the use and subdivision of land, construction of a building, and construction or carrying out of works by reference to Plan 2 of this Schedule:

**Table 1: Applied Zone provisions**

| Land as shown on plan 2 of this schedule | Applied zone provisions |
|---|---|
| Business 3 Zone | Clause 34.02 – Commercial 2 Zone |
| Industrial 2 Zone | Clause 33.02 – Industrial 2 |
| Industrial 3 Zone | Clause 33.03 – Industrial 3 |
| Leakes Road | Clause 36.04 – Transport Zone 3 |
| Re-aligned section of Palmers Road adjacent to 20 and 40 Palmers Road | Clause 36.04 – Transport Zone 3 |

A reference to a planning scheme zone in an applied zone must be read as if it were a reference to an applied zone under this schedule.

***Note:***

*e.g. The Commercial 2 Zone specifies 'Supermarket' as a section 1 and section 2 use with the condition, 'The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.' In this instance the condition should read as; 'The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3 or an applied Transport Zone 2 or Transport Zone 3 in the Urban Growth Zone schedule applying to the land'.*

## 2.3 Specific provisions – Use of land

14/11/2024
C263wynd

| Use | Requirement |
|---|---|
| Office | No more than 500 square metres of leasable floor area may be permitted for any one premises on land shown as General Industrial A, General Industrial B or Heavy Industrial on Plan 1. |
| Cemetery/Crematorium | A permit is not required to use or develop land for a cemetery/crematorium on land known as Lot 7 TP7245, Doherty Road Truganina. |
| Restricted Retail Premises | A permit is required for land shown as Industrial Park B on Plan 1. |
| Food and Drink Premises | A permit is required for land shown as Industrial Park B on Plan 1. |
| Child care centre | A permit is required for land shown as Industrial Park B on Plan 1. |
| Place of Assembly | A permit is required for land shown as Industrial Park B on Plan 1. |
| Primary School | Must not be on land shown as Industrial Park B on Plan 1. |
| Shop (Other than Supermarket) | A permit is required for land shown as Industrial Park B on Plan 1 and the use must meet the following requirements: |

| Use | Requirement |
|---|---|
| | ▪ The use must adjoin, or be on the same land as, a supermarket when the use commences; and<br>▪ The site must adjoin, or have access to, a road in the Transport Zone 2 or Transport Zone 3. |
| Secondary School | Must not be on land shown as Industrial Park B on Plan 1. |
| Supermarket | A permit is required for land shown as Industrial Park B on Plan 1 and the use must meet the following requirement:<br>▪ The site must adjoin, or have access to, a road in the Transport Zone 2 or Transport Zone 3. |

### 2.4 Specific provisions - Subdivision

Non specified

### 2.5 Specific provisions - Buildings and works

Non specified

## 2.6 Specific provisions – Resolution of doubt

11/08/2022
C248wynd

If any doubt arises as to whether a provision specified in the schedule applies to land, a permit may be granted for any use or development if the responsible authority is satisfied that the use or development is in accordance with the incorporated Truganina Employment Precinct Structure Plan.

## 2.7 Application requirements - Salvage and translocation

28/04/2026
VC232

All applications for subdivision of land identified as 'Potential Salvage Operations' by the MSA Map Share tool must be accompanied by evidence that a salvage enquiry form has been submitted to the Department of Energy, Environment and Climate Action.

## 2.8 Condition – Salvage and translocation

11/08/2022
C248wynd

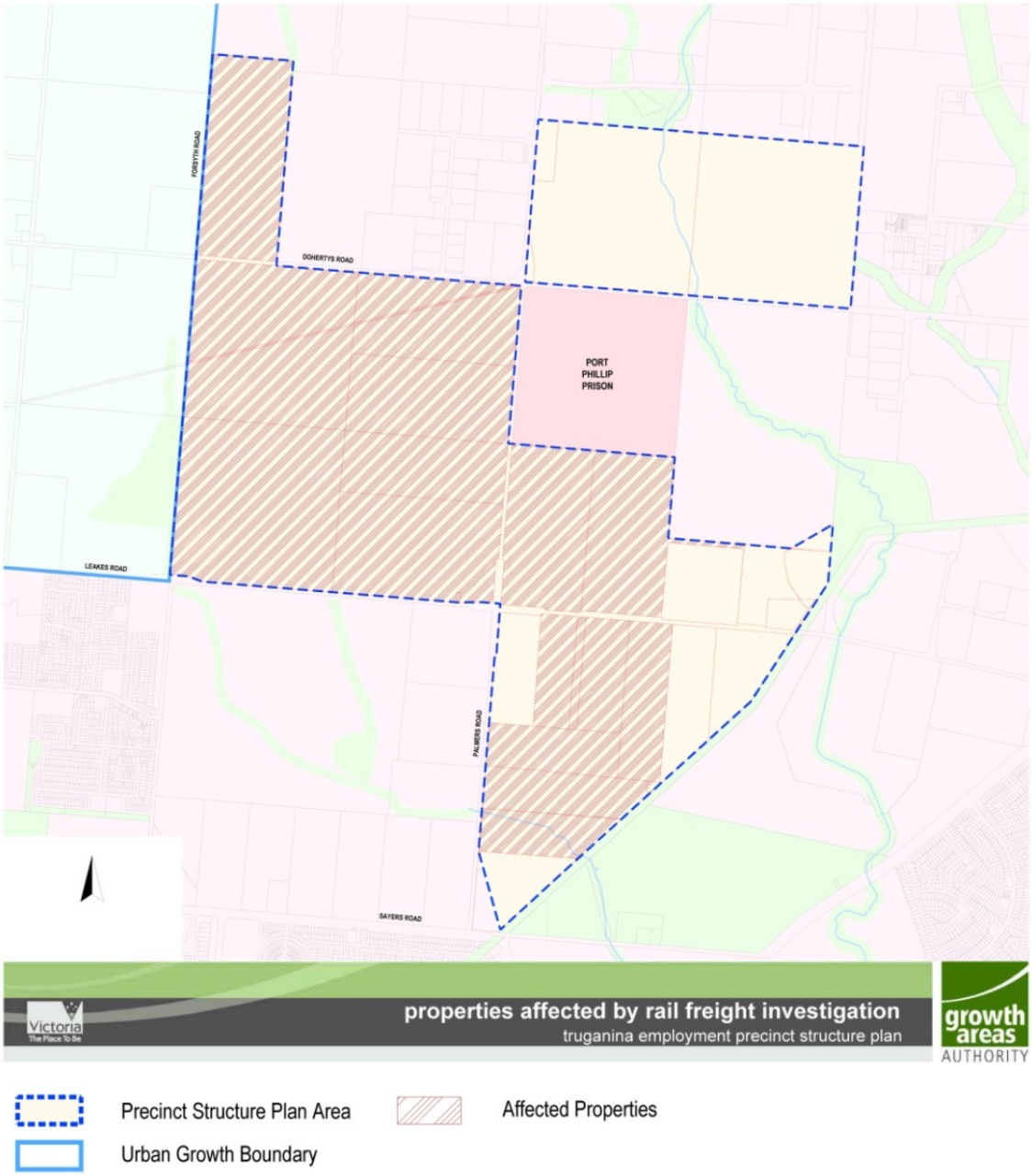
Prior to the commencement of development, a salvage inquiry form must be submitted to the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*) (Secretary), and where required the Secretary must be permitted to access the land to conduct salvage operations, in accordance with the requirements of the *Salvage and Translocation Protocol for Melbourne's Growth Corridors 2018* (Department of Environment, Land, Water and Planning, 2018).

## 3.0 Referral of applications

28/04/2026
VC232

An application on land shown as 'Affected Properties' in Plan 3 to this schedule must be referred in accordance with section 55 of the Act to the Head, Transport for Victoria.

**Plan 3 to Schedule 2 to Clause 37.07**




## 4.0 Notice of applications

28/04/2026
VC232

Notice of an application 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 in the schedule to clause 66.06 unless otherwise agreed in writing between the responsible authority and the specified person or body. The notice must be accompanied by a copy of the application, existing conditions and development plans.

## 5.0 Signs

11/08/2022
C248wynd

Sign requirements are at Clause 52.05. Land in UGZ2 is in Category 2.

### 5.1 Specific provision - land sales signs

Despite the provisions of Clause 52.05, signs promoting the sale of land that are displayed on the land (or on adjoining land in the same ownership) may be displayed without a permit provided:

- The display area for each sign does not exceed 10 square metres.
- Only one sign is displayed per road frontage. Where the property has a road frontage of more than 150 metres multiple signs may be erected provided there is a minimum of 150 metres distance between each sign, with a total of not more than 4 signs per frontage.
- The sign is not animated, scrolling, electronic or internally illuminated sign.
- The sign is not displayed longer than 21 days after the sale (not settlement) of the last lot.
- The sign is setback a minimum of 750mm from the property boundary.

A permit may be granted to display a sign promoting the sale of land with an area greater than 10 square metres.

## 6.0 Decision guidelines

14/11/2024
C263wynd

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

- The cumulative impact of any existing similar uses to the proposed use and the proposed use on the availability of land for industrial use.
- Whether the site is suitable for the proposed use.
- Whether the proposed use is compatible with the surrounding use and development.

11/08/2022
C248wynd

# SCHEDULE 3 TO CLAUSE 37.07 URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ3**.

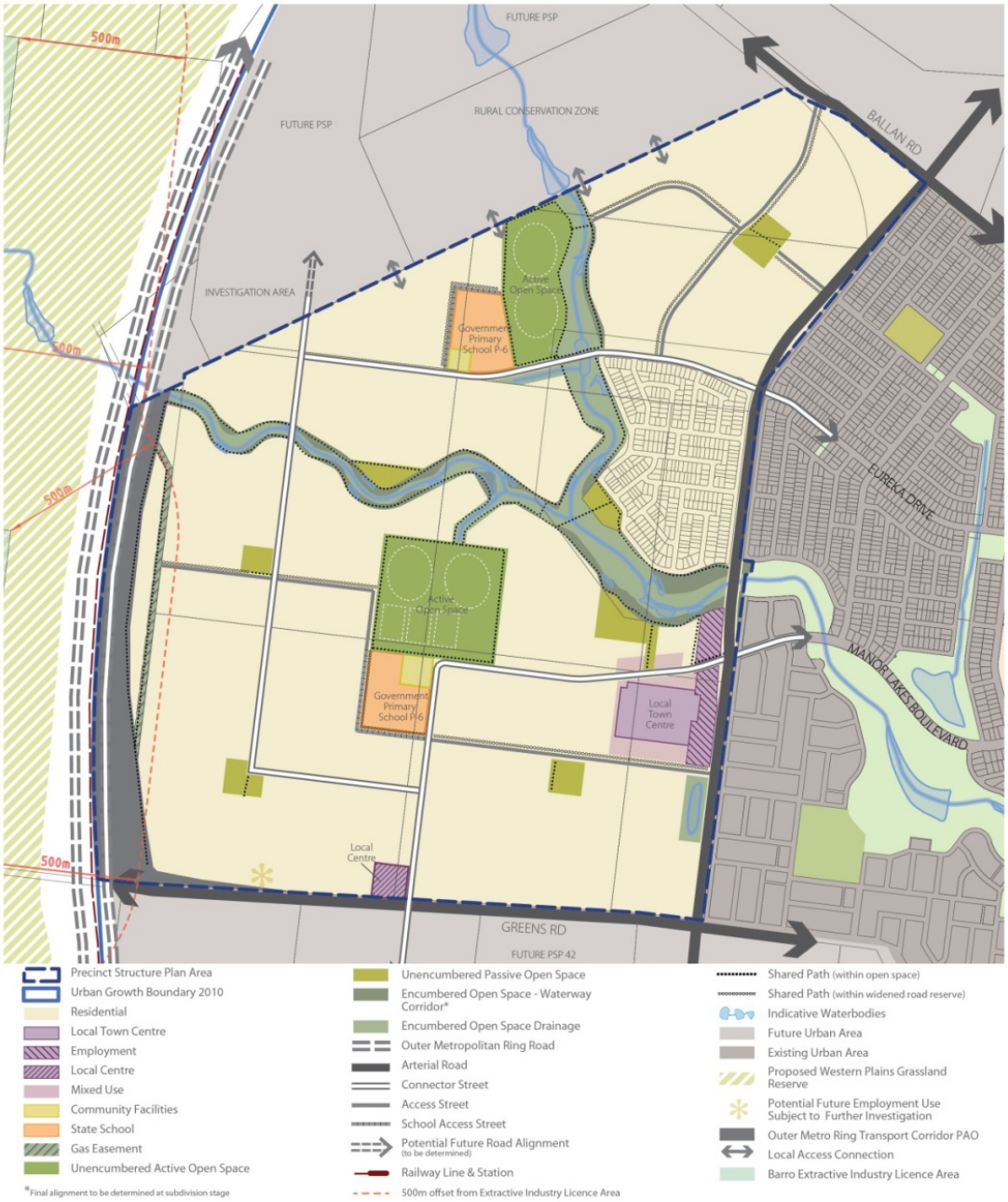
## MANOR LAKES PRECINCT STRUCTURE PLAN

## 1.0 The Plan

11/08/2022
C248wynd

Plan 1 shows the future urban structure proposed in the *Manor Lakes Precinct Structure Plan*. It is a reproduction of Plan 5 in the *Manor Lakes Precinct Structure Plan*.

### Plan 1 to Schedule 3 to Clause 37.07



## 2.0 Use and development

28/08/2014
C181

### 2.1 The land

11/08/2022
C248wynd

The use and development provisions specified in this schedule apply to the land as shown in Plan 1 and shown as UGZ3 on the planning scheme maps.

### 2.2 Applied zone provisions

11/08/2022
C248wynd

The provisions of the following zones in this scheme apply to the use and subdivision of land, the construction of a building, and the construction or carrying out of works, by reference to Plan 1 of this Schedule.

**Table 1: Applied zone provisions**

| Land use/development (carried out or proposed) generally in accordance with the precinct structure plan applying to the land (refer Plan 1) | Applied zone provisions |
|---|---|
| Land shown on plan 1 of this schedule<br>Local Town Centre/Local Centre | Applied zone provisions<br>Clause 34.01 – Commercial 1 Zone |
| Land shown on plan 1 of this schedule<br>Employment | Applied zone provisions<br>Clause 34.01 – Commercial 1 Zone |
| Land shown on plan 1 of this schedule<br>Mixed Use | Applied zone provisions<br>Clause 32.04 – Mixed Use Zone |
| Land shown on plan 1 of this schedule<br>All other land | Applied zone provisions<br>Clause 32.08 – General Residential Zone |

**Table 2: Use**

| Use | Requirement |
|---|---|
| **Shop where the applied zone is Commercial 1 Zone** | A permit is required to use land for a shop if the combined leasable floor area of all shops exceeds the following area for the relevant centre as described in the Manor Lakes Precinct Structure Plan<br>▪ 8000 square metres for land shown as a local town centre<br>▪ 1500 square metres for land shown as a local centre |

### 2.3 Specific provisions – Use and development of future public land

28/06/2012
C154

A permit is not required to use or develop land shown in the *Manor Lakes Precinct Structure Plan* as open space (active or passive) or community facilities provided the use or development is carried out generally in accordance with the *Manor Lakes Precinct Structure Plan* and with the prior written consent of the Responsible Authority.

## 2.4 Specific provisions – Dwellings on a lot less than 300 square metres

28/11/2024
GC206

A permit is not required to construct or extend one dwelling on a lot of less than 300 square metres, if either of the following apply:

- There is a restriction registered on the plan of subdivision identifying the lot as a lot to which the *Small Lot Housing Code* (Victorian Planning Authority, November 2019) applies and the development complies with the *Small Lot Housing Code* (Victorian Planning Authority, November 2019) incorporated into this planning scheme.
- There is a restriction registered on the plan of subdivision identifying the lot as a lot to which the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies and the development complies with the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) incorporated into this planning scheme.

## 2.5 Specific provisions - Referral of applications

28/04/2026
VC232

An application to develop land for a sensitive use within 500 metres of the property boundary of the land containing the Barro Group Quarry, Argoona Road, Mambourin subject to Work Authority 43 (WA43) under the *Mineral Resources (Sustainable Development) Act 1990)*, must be referred in accordance with section 55 to the person or body specified as a referral authority in clause 66.04 or a schedule to that clause. The referral authority may request a risk assessment prepared by a suitably experienced and qualified consultant that acknowledges the existing and future land use at the Barro Quarry and provides sufficient confidence that a sensitive use can be safely developed within 500 metres of the Barro Quarry.

## 2.6 Specific provisions - Referral of subdivision to the Director of Public Transport - Consistency with the Manor Lakes Precinct Structure Plan for the purpose of under Clause 52.36-1

11/08/2022
C248wynd

Clause 52.36 requires referral of some applications to the Director of Public Transport. For the purpose of Clause 52.36-1 of the Victoria Planning Provisions a development is consistent with the *Manor Lakes Precinct Structure Plan* where the following requirements are met:

- A road nominated on Plan 12 – Public Transport in the Manor Lakes Precinct Structure Plan as a potential bus route is constructed in accordance with its corresponding cross section in the Manor Lakes Precinct Structure Plan;
- Any roundabouts or other road management devices on potential bus routes are constructed to accommodate ultra low floor buses in accordance with the Public Transport Guidelines for Land Use and Development; and
- Prior to the issue of a Statement of Compliance for any subdivision stages bus stop hard stands with direct and safe pedestrian access to a pedestrian path must be constructed:
  - in accordance with the Public Transport Guidelines for Land Use and Development and
  - compliant with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002 at locations approved by the Director of Public Transport;
  - at no cost to the Director of Public Transport and to the satisfaction of the Director of Public Transport.

## 2.7 Specific provisions - Subdivision

None specified.

## 2.8 Specific provisions - Buildings and works

None specified.

## 3.0 Application requirements

28/04/2026
VC232

### Salvage and translocation

All applications for subdivision of land identified as 'Potential Salvage Operations' by the MSA Map Share tool must be accompanied by evidence that a salvage enquiry form has been submitted to the Department of Energy, Environment and Climate Action.

## 3.1 Subdivision - residential development

28/06/2012
C154

An application must be accompanied by a Public Infrastructure Plan which addresses the following:

- what land may be affected or required for the provision of infrastructure works;
- the provision, staging and timing of stormwater drainage works;
- the provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment;
- the landscaping of any land;
- what, if any, infrastructure set out in the Manor Lakes Development Contributions Plan is sought to be provided as "works in lieu" subject to the consent of Wyndham City Council;
- the provision of public open space and land for any community facilities; and
- any other matter relevant to the provision of public infrastructure required by the responsible authority.

If in the opinion of the responsible authority an application requirement is not relevant to the assessment of an application, the responsible authority may waive or reduce the requirement.

## 4.0 Conditions and requirements for permits

28/08/2014
C181

### Conditions for subdivision or building and works permits where land is required for community facilities, public open space and road widening.

Land required for community facilities, as set out in the *Manor Lakes Precinct Structure Plan* or the *Manor Lakes Development Contributions Plan*, must be transferred to or vested in Council at no cost to Council unless the land is funded by the *Manor Lakes Development Contributions Plan*.

Land required for public open space as a local or district park, as set out in the *Manor Lakes Precinct* Structure *Plan* or the *Manor Lakes Development Contributions Plan*, must be transferred to or vested in Council at no cost to Council unless the land is funded by the *Manor Lakes Development Contributions Plan*.

Land required for road widening including right of way flaring for the ultimate design of any intersection within an existing or proposed arterial road must be transferred to or vested in Council at no cost to the acquiring agency unless funded by the *Manor Lakes Development Contributions Plan*.

## 4.1 Conditions for subdivision permits that allow for the creation of a lot of less than 300 square metres

28/11/2024
GC206

A permit issued before 31 December 2026 which allows for the subdivision of land to create a lot of less than 300 square metres, must include the following condition:

- Before the plan of subdivision is certified under the *Subdivision Act 1988*, a plan must be approved and endorsed by the responsible authority, that identifies the lots to which:

– type A or type B of the *Small Lot Housing Code* (Victorian Planning Authority, 2019) applies; or

– type A, type B or type C of the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies.

to the satisfaction of the responsible authority.

A permit issued on or after 31 December 2026, other than an amendment of a permit issued before 31 December 2026 under section 72 of the Act , which allows for the subdivision of land to create a lot of less than 300 square metres, must include the following condition:

- Before the plan of subdivision is certified under the *Subdivision Act 1988*, a plan that identifies the lots to which type A, type B or type C of the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies, must be approved and endorsed by the responsible authority.

## 4.2 Construction of connector street creek crossings

28/06/2012
C154

Unless arrangements for the construction of any connector street creek crossings as shown in the *Manor Lakes Precinct Structure Plan* have been made to the satisfaction of the responsible authority, a permit for subdivision of land which requires access via a creek crossing must provide for the construction of the creek crossing, or include a requirement that the owner of the land under permit enter into an agreement under Section 173 of the *Planning and Environment Act 1987* to contribute towards the construction of the creek crossing.

## 4.3 Biodiversity

28/04/2026
VC232

### Eastern Grey Kangaroo

Any permit granted for subdivision must contain the following conditions unless otherwise agreed to in writing by the Secretary to the Department Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*) (Secretary):

- Prior to the commencement of any works in a stage of subdivision an Eastern Grey Kangaroo Management Plan must be submitted for approval to the Secretary. The plan must include:
  - Strategies (e.g. staging) to avoid land locking Eastern Grey Kangaroos; and
  - Management solutions and action to respond to their containment in an area with no reasonable likelihood of their continued safe existence.
- The subdivision and associated works must implement the Eastern Grey Kangaroo Management Plan in the timeframes set out in the plan by:
  - Proceeding in the order of stages as shown on the plan; and
  - Implementing the management solutions and actions of the Plan,

all to the satisfaction of the Secretary and the Responsible Authority.

### Condition – Salvage and translocation

Prior to the commencement of development, a salvage inquiry form must be submitted to the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*) (Secretary), and where required the Secretary must be permitted to access the land to conduct salvage operations, in accordance with the requirements of the *Salvage and Translocation Protocol for Melbourne's Growth Corridors 2018* (Department of Environment, Land, Water and Planning, 2018).

### Development within 50m of native vegetation to be protected

Prior to commencement of works within 50 metres of native vegetation 'to be protected' in the *Native Vegetation Precinct Plan* applying to the land (see the Schedule to Clause 52.16 of the Wyndham Planning Scheme), a Construction Management Plan must be prepared to the satisfaction of the Responsible Authority which addresses the following matters:

- A highly visible vegetation protection fence to be erected around twice the canopy distance of each scattered tree identified to be protected, unless otherwise agreed in writing 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*).
- Any construction stockpiles, fill and machinery to be located away from areas supporting native vegetation and drainage lines to the satisfaction of the Responsible Authority.

### 5.0 Exemption from notice and review

None specified

## 6.0 Decision guidelines

11/08/2022
C248wynd

None specified.

## 7.0 Signs

11/08/2022
C248wynd

The following sign categories in this scheme apply by reference to Plan 1 of this Schedule.

**Table 3: Signs**

| Land shown on plan 1 of this schedule | Sign category |
|---|---|
| **Residential** | Category 3 |
| **Local Town Centre** | Category 1 |
| **Employment** | Category 2 |
| **Local Centre** | Category 1 |
| **All other land** | Category 4 |

### 7.1 Land and home sales signs

Despite the provisions of Clause 52.05, signs promoting the sale of land or homes on the land (or on adjoining land in the same ownership) may be displayed without a permit provided:

- The display area for each sign does not exceed 10 square metres.
- Only one sign is displayed per road frontage. Where the property has a road frontage of more than 150 metres multiple signs may be erected provided there is a minimum of 150 metres distance between each sign, with a total of not more than 4 signs per frontage.
- The sign is not animated, scrolling, electronic or internally illuminated sign.
- The sign is not displayed longer than 21 days after the sale (not settlement) of the last lot.
- The sign is setback a minimum of 750mm from the property boundary.

A permit may be granted to display a sign promoting the sale of land or homes on the land (or on adjoining land in the same ownership) with an area greater than 10 square metres.

11/08/2022
C248wynd

# SCHEDULE 4 TO CLAUSE 37.07 URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ4.**

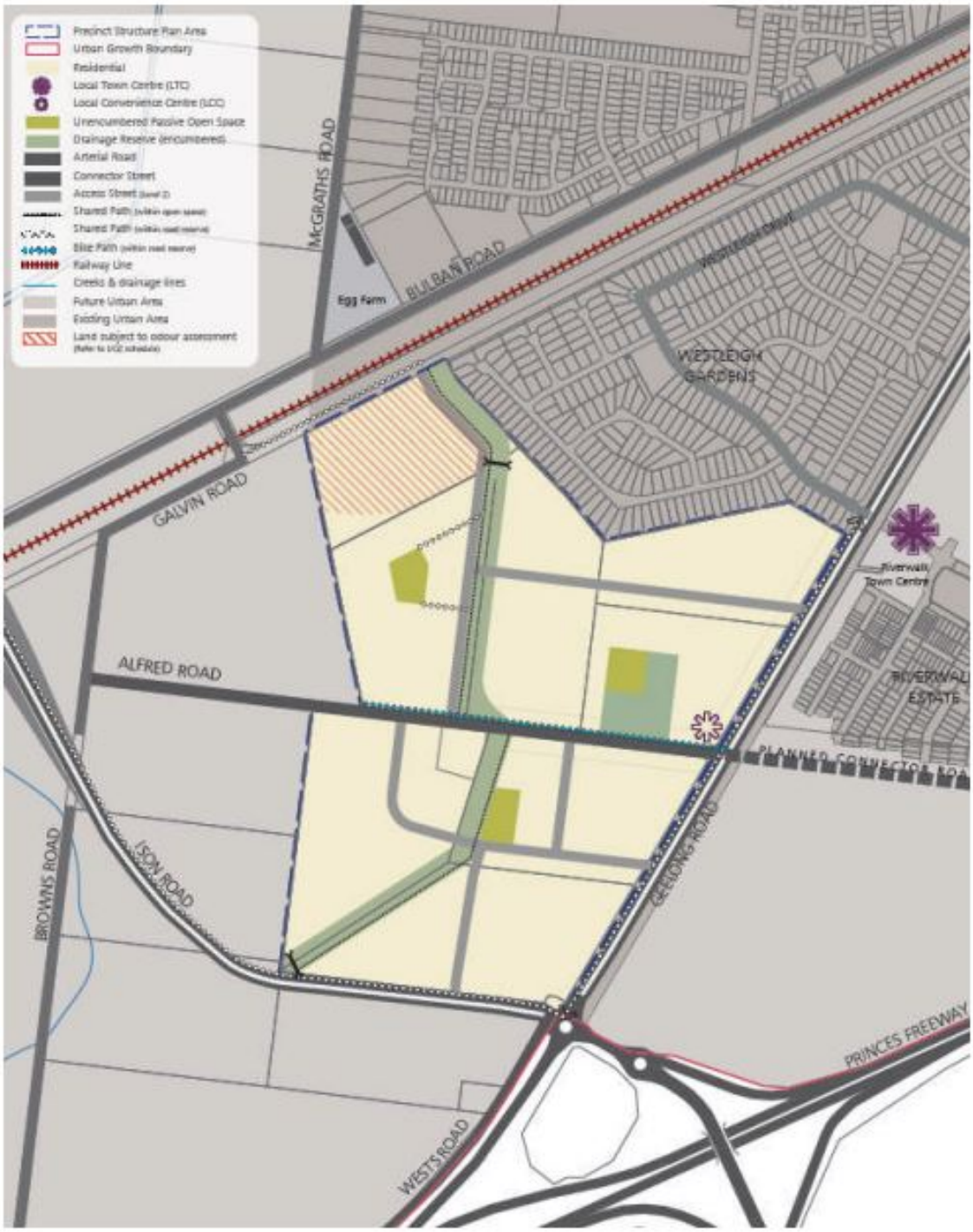
## ALFRED ROAD PRECINCT STRUCTURE PLAN

## 1.0 The Plan

11/08/2022
C248wynd

Plan 1 to Schedule 4 to Clause 37.07 shows the Future Urban Structure for Alfred Road. It is a reproduction of Plan 2 in the Alfred Road Precinct Structure Plan.

### Plan 1 to Schedule 4 to Clause 37.07



## 2.0 Use and development

28/08/2014
C181

### 2.1 The land

11/08/2022
C248wynd

The use and development provisions specified in this schedule apply to the land shown as 'Precinct Structure Plan Area' in Plan 1 of this schedule and shown as UGZ4 on the planning scheme maps.

*Note: If land shown on Plan 1 is not zoned UGZ, the provisions of this zone do not apply.*

### 2.2 Applied zone provisions

11/08/2022
C248wynd

The provisions of the following zones in this scheme apply to the use and subdivision of land, construction of a building, and construction and carrying out of works, by reference to Plan 1 of this schedule.

**Table 1: Applied zone provisions**

| Land use or development (carried out or proposed) generally in accordance with the precinct structure plan applying to the land | Applied zone provisions |
|---|---|
| Land shown on plan 1 of this schedule | Applied zone provisions |
| Local convenience centre | Clause 34.01 – Commercial 1 Zone |
| Land shown on plan 1 of this schedule | Applied zone provisions |
| All other land | Clause 32.08 – General Residential Zone |

### 2.3 Specific provisions - shop use in applied Commercial 1 Zone

15/08/2013
C159

**Table 2: Use**

| Use | Requirement |
|---|---|
| **Shop where the applied zone is Commercial 1 Zone** | A permit is required to use land for a shop if:<br>▪ the combined leasable floor area of all shops exceeds 1,500 square metres.<br>▪ the leasable floor area of an individual shop premises exceeds 600 square metres. |

### 2.4 Specific provisions – Use and development of future public land

15/08/2013
C159

A permit is not required to use or develop land shown in the 'Alfred Road Precinct Structure Plan' as passive open space provided the use or development is carried out generally in accordance with the 'Alfred Road Precinct Structure Plan' and with the prior written consent of Wyndham City Council.

### 2.5 Specific provisions – Buildings and works

28/11/2024
GC206

#### 2.5.1 Specific provisions – Dwellings on a lot less than 300 square metres

A permit is not required to construct or extend one dwelling on a lot of less than 300 square metres, if either of the following apply:

- There is a restriction registered on the plan of subdivision identifying the lot as a lot to which the *Small Lot Housing Code* (Victorian Planning Authority, November 2019) applies and the development complies with the *Small Lot Housing Code* (Victorian Planning Authority, November 2019) incorporated into this planning scheme.
- There is a restriction registered on the plan of subdivision identifying the lot as a lot to which the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies and the development complies with the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) incorporated into this planning scheme.

## 3.0 Application requirements

23/07/2015
C141

If in the opinion of the responsible authority an application requirement is not relevant to the assessment of an application, the responsible authority may waive or reduce the requirement.

## 3.1 Land budget Public Infrastructure Plan

15/08/2013
C159

An application for subdivision must address the requirements of Clause 56 of the Wyndham Planning Scheme. In addition to any requirement in 56.01-2 a subdivision design response must include:

- A land budget table, to the same format and methodology as those within this PSP, setting out the amount of land allocated to the proposed uses and expected population and dwelling yields.

## 3.2 Public Infrastructure Plan

15/08/2013
C159

An application for subdivision must be accompanied by a Public Infrastructure Plan which addresses the following:

- The provision, staging and timing of stormwater drainage works.
- What land may be affected or required for the provision of infrastructure works.
- The provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment.
- The landscaping of any land.
- The provision of public open space and land for any community facilities.
- What, if any, infrastructure set out in the development contributions plan applying to the land is sought to be provided as "works in lieu" subject to the consent of the collecting agency.
- The provision, staging and timing of stormwater drainage works, including temporary outfall provisions, to the satisfaction of Melbourne Water.
- Any other matter relevant to the provision of public infrastructure required by the responsible authority.

## 3.3 Surface and subsurface water assessment

15/08/2013
C159

An application for subdivision must be accompanied by an assessment of surface and subsurface water conditions on the site and the potential impacts on the proposed development including any measures required to mitigate the impacts of groundwater conditions on the development and the impact of the development on groundwater.

## 3.4 Access to Geelong Road assessment

15/08/2013
C159

An application that proposes to create or change access to Geelong Road or the proposed Ison Road must be accompanied by a Traffic Impact Assessment Report (TIAR). The TIAR, including functional layout plans and a feasibility / concept road safety audit must be to the satisfaction of VicRoads.

## 3.5 Rail noise assessment

15/08/2013
C159

An application that proposes, or will allow, residential buildings within 80 metres of a rail track within the Melbourne-Geelong Rail Line land must be accompanied by an assessment of noise and vibration impacts on the development from the rail operations at the time of the application.

## 3.6 Potential contamination assessment

15/08/2013
C159

An application to use or develop land for a sensitive use must be accompanied by an environmental site assessment of the land by a suitably qualified environmental professional to the satisfaction of the responsible authority which provides information including:

- detailed assessment of the matters outlined as potential contaminants on the land documented in 'Stage 1 and 2 Desktop Environmental, Hydrogeological and Geotechnical Assessment, Report on PSP area 43 – Alfred Road, Draft V2, 23 July 2010' by SKM.
- Clear advice on whether the environmental condition of the land is suitable for the proposed use/s and whether an environmental audit of all, or part, of the land is recommended having regard to the 'Potentially Contaminated Land General Practice Note June 2005, DSE'.
- Recommended remediation actions for any potentially contaminated land.

## 3.7 Egg farm emissions assessment

23/07/2015
C141

An application to use or develop land for a sensitive use on land marked as 'land subject to odour assessment' must be accompanied by a risk assessment prepared by a suitably experienced and qualified person. The risk assessment must acknowledge the existing egg farm operations at 170-198 Bulban Road, Werribee and assess the adverse amenity impacts of the poultry facility on the future use or development of the land for a sensitive use, providing sufficient confidence of the suitability of any sensitive use.

# 4.0 Conditions and requirements for permits

23/07/2015
C141

## 4.1 Tree reserve and landscape buffer requirement

15/08/2013
C159

Land set aside for tree reserves or landscape buffers as set out in the 'Alfred Road Precinct Structure Plan' must be transferred to or vested in Council at no cost to Council unless the land is funded by an incorporated Development Contributions Plan.

## 4.2 Conditions for subdivision permits that allow for the creation of a lot of less than 300 square metres

28/11/2024
GC206

A permit issued before 31 December 2026 which allows for the subdivision of land to create a lot of less than 300 square metres, must include the following condition:

- Before the plan of subdivision is certified under the *Subdivision Act 1988*, a plan must be approved and endorsed by the responsible authority, that identifies the lots to which:

– type A or type B of the *Small Lot Housing Code* (Victorian Planning Authority, 2019) applies; or

– type A, type B or type C of the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies.

to the satisfaction of the responsible authority.

A permit issued on or after 31 December 2026, other than an amendment of a permit issued before 31 December 2026 under section 72 of the Act , which allows for the subdivision of land to create a lot of less than 300 square metres, must include the following condition:

- Before the plan of subdivision is certified under the *Subdivision Act 1988*, a plan that identifies the lots to which type A, type B or type C of the *Small Lot Housing Code* (Victorian Planning

Authority, November 2024) applies, must be approved and endorsed by the responsible authority.

### 4.3 Subdivision of convenience centre lot - requirement

15/08/2013
C159

The boundary of a local convenience centre lot within the applied Commercial 1 Zone must be shown on a plan of subdivision to the satisfaction of the responsible authority.

### 4.4 Nationally threatened species and communities - conditions

23/07/2015
C141

A permit for subdivision, or to construct a building or construct or carry out works must contain the following condition:

- The *'Protocol for the Salvage Translocation of Threatened Species in Melbourne's Growth Corridors'* (Department of Sustainability and Environment, 2012) must be implemented to the satisfaction of Department of Environment and Primary Industries.
- Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 fees for the clearing of threatened species habitat and/or native vegetation within the lot must be provided to the satisfaction of the Department of Environment and Primary Industries unless otherwise agreed by the Department of Environment and Primary Industries.

These conditions are not required to be included in a permit where the Department of Environment and Primary Industries has confirmed in writing that the conditions have previously been met.

### 4.5 Design of intersections with existing and future arterial roads - requirements and conditions

23/07/2015
C141

A permit that creates or changes access to Geelong Road or the future Ison Road must require the preparation of a Functional Layout Plan for the permitted access to the satisfaction of the relevant road management authority.

Prior to the certification of a plan of subdivision, the plan of subdivision must show the land affected by the widening of the road reserve which is required to provide road widening and/or right of way flaring for the ultimate design of any adjacent intersection.

The land required for road flaring must be transferred to or vested as 'road' in the Roads Corporation (in the case of land for arterial roads under the *Road Management Act 2004*) or in Wyndham City Council (in the case of other roads) at no cost unless that road or road widening land is funded by an incorporated Development Contributions Plan.

### 4.6 Precinct Infrastructure Plan - condition

11/08/2022
C248wynd

Prior to the certification of a plan of subdivision or at such other time which is agreed between Council and the owner, if required by the responsible authority or the owner, the owner must enter into an agreement or agreements under section 173 of the *Planning and Environment Act 1987* which provides for:

- The implementation of the Public Infrastructure Plan approved under this permit.
- The purchase and/or reimbursement by the responsible authority for any provision of public open space in excess of the amount specified in the schedule to clause 53.01.
- The timing of any payments to be made to the owner having regard to the availability of funds in the open space account.

## 5.0 Exemption from notice and review not to apply to certain applications

11/08/2022
C248wynd

In accordance with section 52(1)(c) of the Act, notice of an application to use or develop land for a sensitive use on land shown as 'land subject to odour assessment' on Plan 1 of this schedule must be given to the owner/operator of the egg farm at 170-198 Bulban Road, Werribee.

## 6.0 Decision guidelines

11/08/2022
C248wynd

None specified.

## 7.0 Signs

11/08/2022
C248wynd

Land is in the category specified in the applied zone.

### 7.1 Land and home sales signs

Despite the provisions of Clause 52.05, signs promoting the sale of land or homes on the land (or on adjoining land in the same ownership) may be displayed without a permit provided:

- The display area for each sign does not exceed 10 square metres.
- Only one sign is displayed per road frontage. Where the property has a road frontage of more than 150 metres multiple signs may be erected provided there is a minimum of 150 metres distance between each sign, with a total of not more than 4 signs per frontage.
- The sign is not animated, scrolling, electronic or internally illuminated sign.
- The sign is not displayed longer than 21 days after the sale (not settlement) of the last lot.
- The sign is setback a minimum of 750mm from the property boundary.

A permit may be granted to display a sign promoting the sale of land or homes on the land (or on adjoining land in the same ownership) with an area greater than 10 square metres.

11/08/2022
C248wynd

## SCHEDULE 5 TO CLAUSE 37.07 URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ5**.

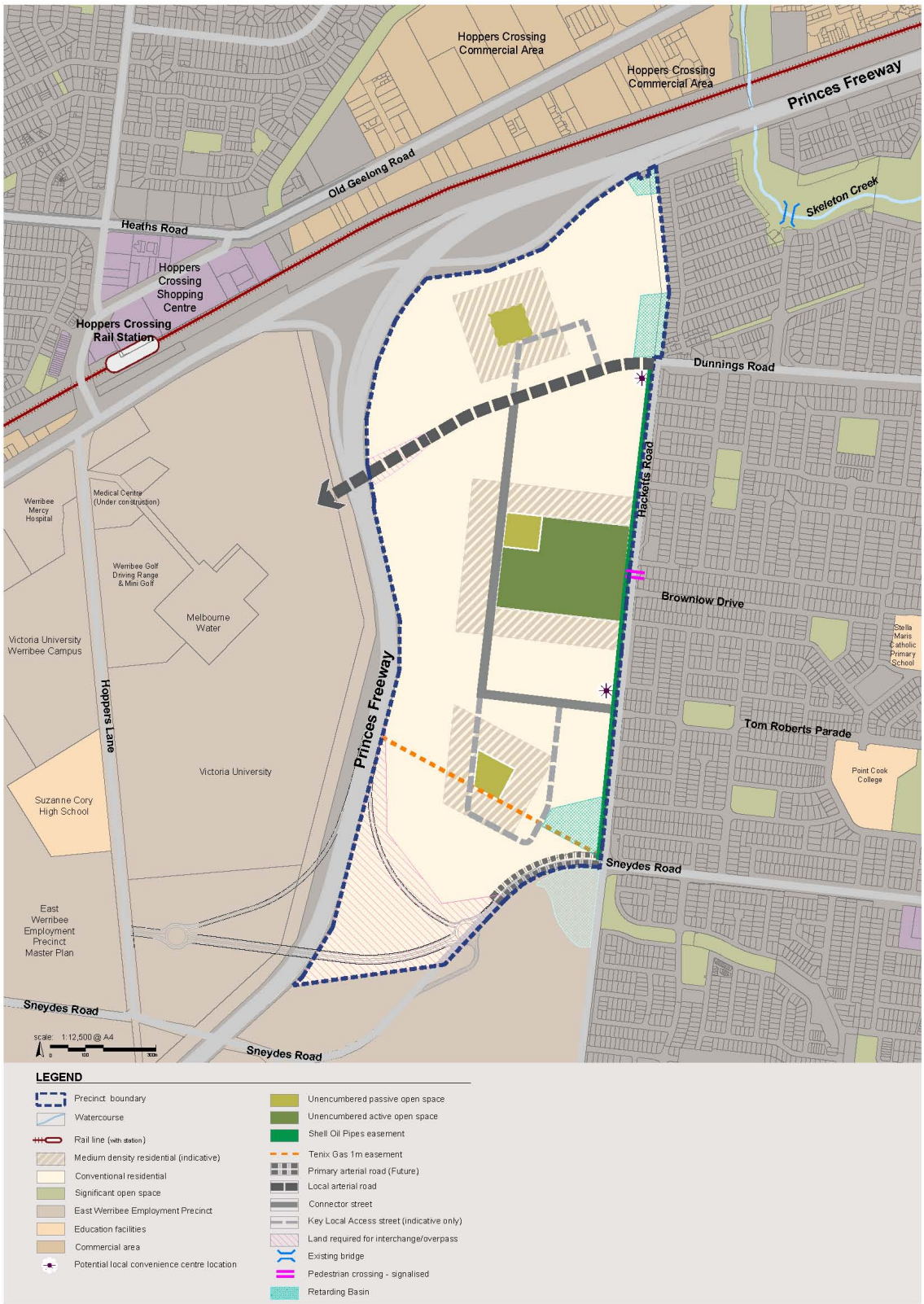
### POINT COOK WEST PRECINCT STRUCTURE PLAN

## 1.0 The Plan

11/08/2022
C248wynd

Plan 1 shows the future urban structure proposed in the Point Cook West Precinct Structure Plan. It is a reproduction of Plan 2 in the Point Cook West Precinct Structure Plan.

## Plan 1 to Schedule 5 to Clause 37.07




## 2.0 Use and development

28/08/2014
C181

## 2.1 The Land

11/08/2022
C248wynd

The use and development provisions specified in this schedule apply to the land as shown within the 'precinct boundary' on Plan 1 of this Schedule and shown as UGZ5 on the planning scheme maps.

*Note: If land shown on Plan 1 is not zoned UGZ, the provisions of this zone do not apply.*

## 2.2 Applied zone provisions

11/08/2022
C248wynd

The provisions of the following zones in this scheme apply to the use and subdivision of land, construction of a building, and construction and carrying out of works, by reference to Plan 1 of this schedule.

**Table 1: Applied zone provisions**

| Land use/development (carried out or proposed) generally in accordance with the precinct structure plan applying to the land (refer Plan 1) | Applied zone provisions |
|---|---|
| Land shown on plan 1 of this schedule | Applied zone provisions |
| Local Convenience Centre | Clause 34.01 – Commercial 1 Zone* |
| Land shown on plan 1 of this schedule | Applied zone provisions |
| All other land | Clause 32.08 – General Residential Zone |

*If no local convenience centre is developed then the land reverts to an applied General Residential Zone

## 2.3 Specific provisions – Use and development of future public land

29/11/2012
C163

A permit is not required to use or develop land shown in the Point Cook West Precinct Structure Plan as open space (active or passive) or community facilities provided the use or development is carried out generally in accordance with the Point Cook West Precinct Structure Plan and with the prior written consent of Wyndham City Council.

## 2.4 Specific Provisions - Dwellings on a lot less than 300 square metres

28/11/2024
GC206

A permit is not required to construct or extend one dwelling on a lot of less than 300 square metres, if either of the following apply:

- There is a restriction registered on the plan of subdivision identifying the lot as a lot to which the *Small Lot Housing Code* (Victorian Planning Authority, November 2019) applies and the development complies with the *Small Lot Housing Code* (Victorian Planning Authority, November 2019) incorporated into this planning scheme.
- There is a restriction registered on the plan of subdivision identifying the lot as a lot to which the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies and the development complies with the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) incorporated into this planning scheme.

## 2.5 Specific provisions – Referral of applications to the Director of Public Transport

11/08/2022
C248wynd

For the purpose of Clause 66.02-11 of the planning scheme a development is generally in accordance with the Point Cook West Precinct Structure Plan (October 2012) where the following requirements are met:

- a road nominated on Plan 4 – Public Transport and Trails in the *Point Cook West Precinct Structure Plan* as a potential bus route is constructed (including any partial construction where relevant) in accordance with its corresponding cross section in the *Point Cook West Precinct Structure Plan* and in accordance with the Public Transport Guidelines for Land Use and Development;

- signalised intersections that contain a proposed Principal Public Transport Network (PPTN) route in the *Point Cook West Precinct Structure* Plan include bus priority measures to mitigate delays to bus travel times, to the satisfaction of the Director of Public Transport;
- any roundabouts or other road management devices on potential bus routes are constructed to accommodate ultra low floor buses in accordance with the Public Transport Guidelines for Land Use and Development; and
- unless otherwise agreed in writing with the Director of Public Transport, prior to the issue of a Statement of Compliance for any subdivision stage, bus stops must be constructed, at full cost to the permit holder, as follows:
  - generally in the location identified by the Director of Public Transport;
  - in accordance with the *Public Transport Guidelines for Land Use and Development* with a concrete hard stand area, and in activity centres a shelter must also be constructed;
  - be compliant with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002; and
  - be provided with direct and safe pedestrian access to a pedestrian path

to the satisfaction of the Director of Public Transport.

A responsible authority may address any of the above matters through planning permit conditions.

## 3.0 Application requirements

29/11/2012
C163

If in the opinion of the responsible authority an application requirement listed below is not relevant to the assessment of an application, the responsible authority may waive or reduce the requirement.

## 3.1 Subdivision - residential development

29/11/2012
C163

In addition to any requirement in 56.01-2, a subdivision design response must include:

- A land budget table in the same format and methodology as those within the precinct structure plan applying to the land, setting out the amount of land allocated to the proposed uses and expected population and dwelling yields.
- A mobility plan that demonstrates how the local street and movement network integrates with adjacent urban development or is capable of integrating with future development on adjacent land parcels.
- For applications in the vicinity of the Shell high pressure oil pipelines, a response to the Shell documents *Conditions For Works Near Shell & WAG High Pressure Pipelines In Victoria and Land Use Planning, Development & Subdivision Near Shell & W.A.G. High Pressure Pipelines In Victoria.*

An application for subdivision must be accompanied by a Public Infrastructure Plan which addresses the following:

- The provision, staging and timing of stormwater drainage works;
- What land may be affected or required for the provision of infrastructure works;
- The provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment;
- The landscaping of any land;
- The provision of public open space and land for any community facilities;
- What, if any, infrastructure set out in the development contributions plan applying to the land is sought to be provided as "works in lieu" subject to the consent of the collecting agency;

- The provision, staging and timing of stormwater drainage works, including temporary outfall provisions, to the satisfaction of Melbourne Water; and
- Any other matter relevant to the provision of public infrastructure required by the responsible authority.

## 4.0 Conditions and requirements for permits

28/08/2014 C181

### 4.1 Conditions for subdivision or building and works permits where land is required for community facilities, public open space and road widening.

29/11/2012 C163

Land required for community facilities, as set out in the Point Cook West Precinct Structure Plan or the Point Cook West Development Contributions Plan, must be transferred to or vested in Council at no cost to Council unless the land is funded by the Point Cook West Development Contributions Plan.

Land required for public open space as a local park, as set out in the Point Cook West Precinct Structure Plan or the Point Cook West Development Contributions Plan must be transferred to or vested in Council at no cost to Council unless the land is funded by the Point Cook West Development Contributions Plan.

Land required for road widening including right of way flaring for the ultimate design of any intersection within an existing or proposed arterial road must be transferred to or vested in Council or VicRoads at no cost to the acquiring agency unless funded by the Point Cook West Development Contributions Plan.

### 4.2 Conditions for subdivision permits that allow for the creation of a lot of less than 300 square metres

28/11/2024 GC206

A permit issued before 31 December 2026 which allows for the subdivision of land to create a lot of less than 300 square metres, must include the following condition:

- Before the plan of subdivision is certified under the *Subdivision Act 1988*, a plan must be approved and endorsed by the responsible authority, that identifies the lots to which:

– type A or type B of the *Small Lot Housing Code* (Victorian Planning Authority, 2019) applies; or

– type A, type B or type C of the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies.

to the satisfaction of the responsible authority.

A permit issued on or after 31 December 2026, other than an amendment of a permit issued before 31 December 2026 under section 72 of the Act , which allows for the subdivision of land to create a lot of less than 300 square metres, must include the following condition:

- Before the plan of subdivision is certified under the *Subdivision Act 1988*, a plan that identifies the lots to which type A, type B or type C of the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies, must be approved and endorsed by the responsible authority.

#### Biodiversity

#### Striped Legless Lizard

Any permit which would allow subdivision, building or works that will impact on an area of land identified as potential habitat for Striped Legless Lizard on Plan 3 – Threatened Species Action Plan in the Point Cook West Precinct Structure Plan must contain the following condition unless otherwise agreed to in writing by the Department of Sustainability and Environment:

- *The Salvage and Translocation of Striped Legless Lizard in the Urban Growth Areas of Melbourne: Strategic Approach (DSE 2011) and Salvage and Translocation of Striped Legless Lizard in the Urban Growth Aras of Melbourne: Operational Plan (DSE 2011)* must be implemented to the satisfaction of the Secretary of the Department of Sustainability and Environment before during and after the carrying out of any buildings or works or native vegetation removal and all specifications and requirements of the approved plan must be complied with.

**Growling Grass Frog**

Any permit which would allow subdivision, buildings or works that will impact on an area identified on Plan 3 – Threatened Species Action Plan and Biodiversity in the Point Cook West Precinct Structure Plan as Growling Grass Frog Category suitable habitat must contain the following condition unless otherwise agreed to in writing by the Department of Sustainability and Environment:

- Prior to the commencement of any buildings or works, a fully costed Growling Grass Frog Conservation Management Plan that directs the salvage and translocation must be prepared to the satisfaction of the Department of Sustainability and Environment and be submitted to and approved by the Responsible Authority. The approved Growling Grass Frog Conservation Management Plan must be implemented to the satisfaction of the Department of Sustainability and Environment and the Responsible Authority.

## 5.0 Exemption from notice and review

11/08/2022 C248wynd

None specified.

## 6.0 Decision guidelines

11/08/2022 C248wynd

None specified.

## 7.0 Signs

11/08/2022 C248wynd

The following sign categories in this scheme apply by reference to Plan 1 of this Schedule.

**Table 2: Signs**

| Land shown on plan 1 of this Schedule | Sign category |
|---|---|
| **Residential** | Category 3 |
| **Local Convenience Centre*** | Category 1 |
| **All other land** | Category 4 |

* If no Local Convenience Centre is developed then Category 3 would apply.

### 7.1 Land and home sales signs

Despite the provisions of Clause 52.05, signs promoting the sale of land or homes on the land (or on adjoining land in the same ownership) may be displayed without a permit provided:

- the display area for each sign does not exceed 10 square metres;
- only one sign is displayed per road frontage. Where the property has a road frontage of more than 150 metres multiple signs may be erected provided there is a minimum of 150 metres distance between each sign, with a total of not more than 4 signs per frontage;
- the sign is not animated, scrolling, electronic or internally illuminated sign;

- the sign is not displayed longer than 21 days after the sale (not settlement) of the last lot; and
- the sign is setback a minimum of 750mm from the property boundary.

A permit may be granted to display a sign promoting the sale of land or homes on the land (or on adjoining land in the same ownership) with an area greater than 10 square metres.

11/08/2022
C248wynd

# SCHEDULE 6 TO CLAUSE 37.07 URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ6**.

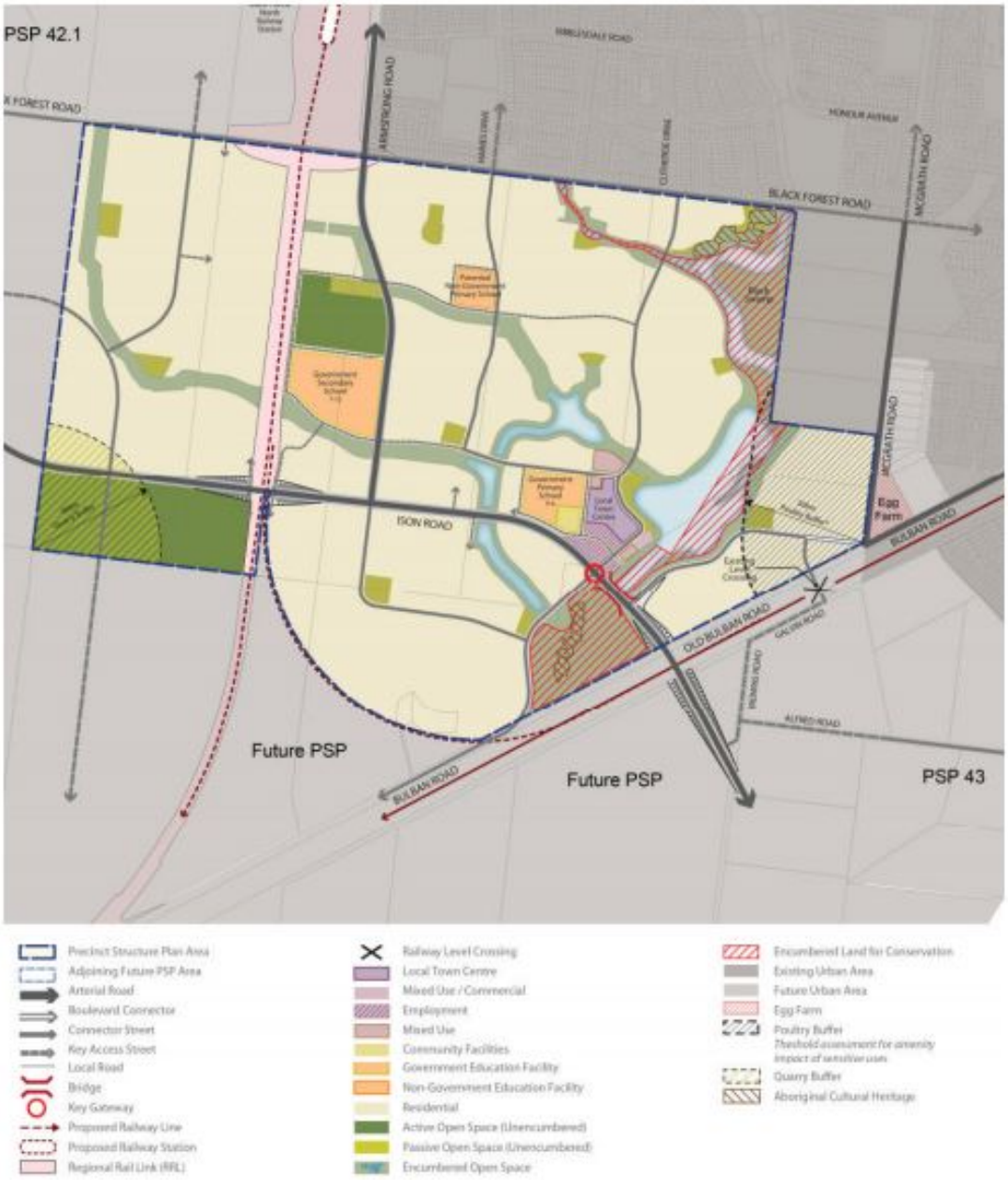
## BLACK FOREST ROAD SOUTH PRECINCT STRUCTURE PLAN

## 1.0 The Plan

11/08/2022
C248wynd

Plan 1 shows the future urban structure proposed in the *Black Forest Road South Precinct Structure Plan*. It is a reproduction of Plan 2 in the *Black Forest Road South Precinct Structure Plan*.

**Plan 1 to Schedule 6 to Clause 37.07**




## 2.0 Use and development

28/08/2014
C181

## 2.1 The land

11/08/2022
C248wynd

The use and development provisions specified in this schedule apply to the land as shown on Plan 1 and shown as UGZ6 on the planning scheme maps.

*Note: If land shown on Plan 1 is not zoned UGZ, the provisions of this zone do not apply.*

## 2.2 Applied zone provisions

11/08/2022
C248wynd

The provisions of the following zones in this scheme apply to the use and subdivision of land, construction of a building, and construction and carrying out of works, by reference to Plan 1 of this schedule.

**Table 1: Applied zone provisions**

| Land use/development (carried out or proposed) generally in accordance with the precinct structure plan applying to the land (Refer Plan 1) | Applied zone provisions |
|---|---|
| Land shown on plan 1 of this schedule<br>**Mixed Use** | Land shown on plan 1 of this schedule<br>Clause 32.04 – Mixed Use Zone |
| Land shown on plan 1 of this schedule<br>**Local Town Centre**<br>**Mixed Use-Commercial** | Land shown on plan 1 of this schedule<br>Clause 34.01 – Commercial 1 Zone |
| Land shown on plan 1 of this schedule<br>**Employment** | Land shown on plan 1 of this schedule<br>Clause 34.02 – Commercial 2 Zone |
| Land shown on plan 1 of this schedule<br>**Regional Rail Link** | Land shown on plan 1 of this schedule<br>Clause 36.01 – Transport Zone 1 |
| Land shown on plan 1 of this schedule<br>**All other land** | Land shown on plan 1 of this schedule<br>Clause 32.08 – General Residential Zone |

**Table 2: Use**

| Use | Requirement |
|---|---|
| **Shop where the applied zone is Commercial 1 Zone** | A permit is required to use land for a shop if the combined leasable floor area of all shops exceeds 8000 square metres. |
| **Shop, supermarket and restricted retail premises where the applied zone is Commercial 2 Zone** | A permit is required to use land for a shop, supermarket and restricted retail premises. |
| **Primary school** | A permit is not required to use land for a Primary School on land shown as Potential Non-Government Primary School. |

## 2.3 Buildings and works associated with Non Government Education Facility

15/08/2013
C169

A permit is required to construct a building or construct or carry out works associated with a Primary School or Secondary School on land shown as a non-government school unless exempt under Clauses 62.02-1 and 62.02-2.

## 2.4 Specific provisions – Use and development of future public land

15/08/2013
C169

A permit is not required to use or develop land shown in the *Black Forest Road South Precinct Structure Plan* as open space (active or passive) or community facilities provided the use or development is carried out generally in accordance with the *Black Forest Road South Precinct Structure Plan* and with the prior written consent of Wyndham City Council.

## 2.5 Specific Provisions - Dwellings on a lot less than 300 square metres

28/11/2024
GC206

A permit is not required to construct or extend one dwelling on a lot of less than 300 square metres, if either of the following apply:

- There is a restriction registered on the plan of subdivision identifying the lot as a lot to which the *Small Lot Housing Code* (Victorian Planning Authority, November 2019) applies and the development complies with the *Small Lot Housing Code* (Victorian Planning Authority, November 2019) incorporated into this planning scheme.
- There is a restriction registered on the plan of subdivision identifying the lot as a lot to which the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies and the development complies with the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) incorporated into this planning scheme.

## 2.6 Specific provisions – Referral of applications – Holcim Quarry

15/08/2013
C169

An application to develop land for a sensitive use within 480 metres of the property boundary of the land containing the Holcim Quarry, 780 Bulban Road, Mambourin subject to Work Authority 240 (WA240) under the *Mineral Resources (Sustainable Development) Act 1990*), must be referred to the Department of Environment and Primary Industries (DEPI). DEPI may request a risk assessment prepared by a suitably experienced and qualified consultant that acknowledges the existing and future land use at the Holcim Quarry and provides sufficient confidence that a sensitive use can be safely developed within 480 metres of the Holcim Quarry. The application and risk assessment (if required) must be referred to the Program Manager - Planning in the Earth Resources Regulation Branch at the DEPI.

An application for the construction of a building within 200 metres of the property boundary of the land containing the Holcim Quarry, 780 Bulban Road, Mambourin subject to Work Authority 240 (WA240) under the *Mineral Resources (Sustainable Development) Act 1990*), must include a risk assessment prepared by a suitably experienced and qualified consultant that acknowledges the existing and future land use at the Holcim Quarry and provides sufficient confidence that a building can be safely developed within 200 metres of the Holcim Quarry. The application and risk assessment must be referred to the Program Manager - Planning in the Earth Resources Regulation Branch at the DEPI.

## 3.0 Application requirements

23/07/2015
C141

If in the opinion of the responsible authority an application requirement listed at 3.1 is not relevant to the assessment of an application, the responsible authority may waive or reduce the requirement.

## 3.1 Subdivision - residential development

15/08/2013
C169

An application for subdivision must address the requirements of Clause 56 of the Wyndham Planning Scheme. In addition to any requirement in 56.01-2 a subdivision design response must include:

- A land budget table, to the same format and methodology as those within the Black Forest Road South Precinct Structure Plan, setting out the amount of land allocated to the proposed uses and expected population and dwelling yields.

An application for subdivision must be accompanied by a Public Infrastructure Plan which addresses the following:

- what land may be affected or required for the provision of infrastructure works.
- the provision, staging and timing of stormwater drainage works.
- the provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment.
- the landscaping of any land.

- what if any infrastructure set out in the Wyndham West Development Contributions Plan is sought to be provided as "works in lieu" subject to the consent of Wyndham City Council.
- the provision of public open space and land for any community facilities.
- any other matter relevant to the provision of public infrastructure required by the responsible authority.

An application that proposes, or will allow, residential buildings within 80 metres of a rail track within the Melbourne-Geelong Rail Line land must be accompanied by an assessment of noise and vibration impacts on the development from the rail operations at the time of the application.

## 3.2 Specific provision – Land adjacent to Egg Farm, 170-198 Bulban Road, Werribee

23/07/2015
C141

An application to use or develop land for a sensitive use within 500 metres of the egg farm at 170-198 Bulban Road, Werribee must be accompanied by a risk assessment prepared by a suitably experienced and qualified person. The risk assessment must acknowledge the existing egg farm operations and assess the adverse amenity impacts of the egg facility on the future use or development of the land for a sensitive use, providing sufficient confidence of the suitability of any sensitive use within the buffer designated in the *Black Forest Road South Precinct Structure Plan*.

## 3.3 Specific provision – Lollypop Creek Corridor

15/08/2013
C169

A planning permit application on land containing or abutting the Lollypop Creek Corridor its tributaries and environs should be accompanied by a plan that shows:

- Natural features including trees and other significant vegetation, habitat for protected species, drainage lines, water courses, wetlands, ridgelines, hill tops and features of geomorphic significance.
- Recreation facilities to be provided within public open space.
- Stormwater facilities that are compliant with the relevant approved drainage strategy.
- The retention and removal of vegetation and any revegetation.

# 4.0 Conditions and requirements for permits

28/08/2014
C181

## 4.1 Conditions for subdivision or building and works permits where land is required for community facilities, public open space and road widening.

15/08/2013
C169

Land required for community facilities, as set out in the *Black Forest Road South Precinct Structure Plan* or the *Wyndham West Development Contributions Plan*, must be transferred to or vested in Council at no cost to Council unless the land is funded by the *Wyndham West Development Contributions Plan*.

Land required for public open space as a local or district park, as set out in the *Black Forest Road South Precinct Structure Plan* or the *Wyndham West Development Contributions Plan* must be transferred to or vested in Council at no cost to Council unless the land is funded by the *Wyndham West Development Contributions Plan*.

Land required for road widening including right of way flaring for the ultimate design of any intersection within an existing or proposed arterial road must be transferred to or vested in Council at no cost to the acquiring agency unless funded by the *Wyndham West Development Contributions Plan*.

## 4.2 Conditions for subdivision permits that allow for the creation of a lot of less than 300 square metres

28/11/2024
GC206

A permit issued before 31 December 2026 which allows for the subdivision of land to create a lot of less than 300 square metres, must include the following condition:

- Before the plan of subdivision is certified under the *Subdivision Act 1988*, a plan must be approved and endorsed by the responsible authority, that identifies the lots to which:

– type A or type B of the *Small Lot Housing Code* (Victorian Planning Authority, 2019) applies; or

– type A, type B or type C of the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies.

to the satisfaction of the responsible authority.

A permit issued on or after 31 December 2026, other than an amendment of a permit issued before 31 December 2026 under section 72 of the Act , which allows for the subdivision of land to create a lot of less than 300 square metres, must include the following condition:

- Before the plan of subdivision is certified under the *Subdivision Act 1988*, a plan that identifies the lots to which type A, type B or type C of the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies, must be approved and endorsed by the responsible authority.

## 4.3 Melbourne – Geelong Rail Corridor

15/08/2013
C169

Any recommendations contained in an assessment of noise and vibration impacts from the Melbourne – Geelong Rail Line operations on the development must be implemented by the developer of the relevant land as far as is reasonably practicable to the satisfaction of the responsible authority.

## 4.4 Biodiversity

14/07/2022
VC213

### Condition – Security of conservation land

A permit to subdivide land containing a ‘conservation area’ as shown in the *Black Forest Road South Precinct Structure Plan* must include the following condition:

The owner of the land must, as part of the plan of subdivision (or the first plan of subdivision submitted for registration, in the case of any staged subdivision), create the 'conservation area' as a separate lot or reserve. The boundaries of the lot or reserve on the plan of subdivision are subject to the prior satisfaction 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* (Secretary). The owner must further secure the conservation area, by causing that lot or reserve to be vested, transferred, or protected in perpetuity in one of the following ways:

- Prior to a statement of compliance being issued for the plan of subdivision (or, in the case of a staged subdivision, the plan of subdivision or masterplan which implements the first stage of the subdivision), enter into an agreement under section 173 of the *Planning and Environment Act 1987* by which the owner agrees to transfer ownership of the conservation area to, or to vest the conservation area in, the Minister responsible for section 5 of the *Crown Land (Reserves) Act 1978*, the Council or Melbourne Water. The transfer or vesting must either be for no or nominal consideration. The Secretary and the person or body to whom the land is to be transferred or vested must also be a party to the agreement. The terms of the agreement must include that the owner pays the reasonable costs of the other parties to the agreement that were incurred for the preparation, execution, and registration of the agreement. The owner must

cause the agreement to be registered prior to lodgement of the plan of subdivision for registration; or

- Prior to a statement of compliance being issued for the plan of subdivision (or, in the case of a staged subdivision, the plan of subdivision or masterplan which implements the first stage of the subdivision), enter into an agreement with the Secretary under section 69 of the *Conservation, Forests and Lands Act 1987*, which provides for the conservation and management of the conservation area by or on behalf of the owner in perpetuity. The terms of the agreement must include that the owner pays the reasonable costs of the Secretary incurred for the preparation, execution, and registration of the agreement. The owner must cause the agreement to be registered prior to lodgement of the plan of subdivision for registration.

The requirement to include the above condition does not apply if the permit applicant provides the responsible authority with a statement in writing from the Secretary, as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*, that the condition is not required because the Secretary is satisfied that either:

- the land containing the conservation area is expected to be further subdivided and a further planning permit will be required for that subdivision (to which the above condition requirement will apply); or
- the conservation area has been or will be otherwise secured in perpetuity.

**Condition – Fencing of conservation areas**

A permit granted to subdivide land where works are required to carry out the subdivision, or a permit granted to construct a building or carry out works, on land including or abutting a conservation area as shown in the *Black Forest Road South Precinct Structure Plan*, must include the following condition:

Prior to the commencement of development, a conservation area fencing plan must be submitted to and 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*) (Secretary) to ensure the conservation area is adequately protected. The fencing plan must contain the following:

- The boundaries of any conservation area, and the location of any scattered tree and the boundaries of any patch of native vegetation within the conservation area.
- The location and alignment of temporary protection fencing showing the following minimum distance from the element to be protected:

| Element | Distance |
|---|---|
| Conservation area | 0.5 metres |
| Scattered tree | 12 x diameter at a height of 1.3 metres |
| Patch of native vegetation | 2 metres |

- The timing of installation and removal of temporary protection fencing.
- The timing of installation of permanent fencing.
- Location and details of ongoing maintenance vehicle access points.
- The type of temporary and permanent fencing including materials, heights and spacing of uprights.
- Frequency of inspections and rectification works for temporary protection fencing.

Once approved the plan will form part of the permit and must be implemented to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning and the responsible authority.

Stockpiles, fill, machinery, vehicle parking, excavation and construction activity of any kind must not be bought into, or be undertaken within, the area to be fenced, except with the prior written consent from the Secretary.

**Condition – Correct alignment of protective fencing**

Buildings and works must not commence until written evidence that protection fencing has been erected in accordance with the approved Conservation Area Fencing Plan is provided by a suitably qualified land surveyor to the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*) (Secretary), and the Secretary confirms it is satisfied by the evidence.

**Condition – Land management plan for conservation area**

A permit to subdivide land containing a conservation area as shown in the *Black Forest Road South Precinct Structure Plan* must include the following condition:

Prior to the commencement of development, a land management plan for the conservation area land must be prepared by a suitably qualified consultant, submitted to, and 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*) (Secretary). The land management plan must outline how the biodiversity values for the land identified in the *Biodiversity Conservation Strategy for Melbourne's Growth Corridors* (Department of Environment and Primary Industries, 2013) will be maintained, managed, and improved, including:

- How environmental weeds will be managed up until the securing of the conservation area.
- How any revegetation will be undertaken in coordination with weed management activities to prevent re-colonisation of weed species.
- How rubbish and hazards will be removed, and any contaminated material managed up until the securing of the conservation area.

Once approved the plan will form part of the permit and must be implemented to the satisfaction of the Secretary and the responsible authority.

**Condition – Construction environmental management plan**

A planning permit to subdivide land, construct a building, or construct or carry out works on or within 50 metres of land shown as a conservation area in the incorporated *Black Forest Road South Precinct Structure Plan* must include the following condition:

Before works start, a Construction Environmental Management Plan consistent with *DELWP requirements for Construction Environmental Management Plans under the Melbourne Strategic Assessment* (Department of Environment, Land, Water and Planning, November 2020) must be submitted to and 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) and the responsible authority, demonstrating how the conservation area will be protected during works.

Once approved the plan will form part of the permit and must be implemented to the satisfaction of the Secretary and the responsible authority.

**Eastern Grey Kangaroo Management Plan**

**Any permit granted for subdivision must contain the following condition unless otherwise agreed to in writing by the DEPI:**

- Prior to the commencement of any works in a stage of subdivision an Eastern Grey Kangaroo Management Plan must be submitted for approval to the DEPI. The plan must include:

- Strategies (e.g. staging) to avoid land locking Eastern Grey Kangaroos; and
- Management solutions and action to respond to their containment in an area with no reasonable likelihood of their continued safe existence.

- The subdivision and associated works must implement the Eastern Grey Kangaroo Management Plan in the timeframes set out in the plan by:
  - Proceeding in the order of stages as shown on the plan and
  - Implementing the management solutions and actions of the Plan,

all to the satisfaction of the DEPI and the responsible authority.

## 5.0 Exemption from notice and review not to apply to certain applications

15/08/2013
C169

In accordance with section 52(1)(c) of the Act, notice of an application to use or develop land for a sensitive use within 500 metres of the egg farm at 170-198 Bulban Road, Werribee must be given to the owner/operator of the egg farm at 170-198 Bulban Road, Werribee.

## 6.0 Decision guidelines

11/08/2022
C248wynd

None specified.

## 7.0 Signs

11/08/2022
C248wynd

The following sign categories in this scheme apply by reference to Plan 1 of this Schedule.

**Table 4: Signs**

| Land shown on Plan 1 of this schedule | Sign category |
|---|---|
| **Residential/Mixed use** | Category 3 |
| **Local Town Centre/Local Convenience Centre/Mixed Use-Commercial** | Category 1 |
| **Employment** | Category 2 |
| **All other land** | Category 4 |

### 7.1 Land and home sales signs

Despite the provisions of Clause 52.05, signs promoting the sale of land or homes on the land (or on adjoining land in the same ownership) may be displayed without a permit provided:

- the display area for each sign does not exceed 10 square metres;
- only one sign is displayed per road frontage. Where the property has a road frontage of more than 150 metres multiple signs may be erected provided there is a minimum of 150 metres distance between each sign, with a total of not more than 4 signs per frontage;
- the sign is not animated, scrolling, electronic or internally illuminated;
- the sign is not displayed longer than 21 days after the sale (not settlement) of the last lot; and
- the sign is setback a minimum of 750mm from the property boundary.

A permit may be granted to display a sign promoting the sale of land or homes on the land (or on adjoining land in the same ownership) with an area greater than 10 square metres.

11/08/2022
C248wynd

## SCHEDULE 7 TO CLAUSE 37.07 URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ7**.

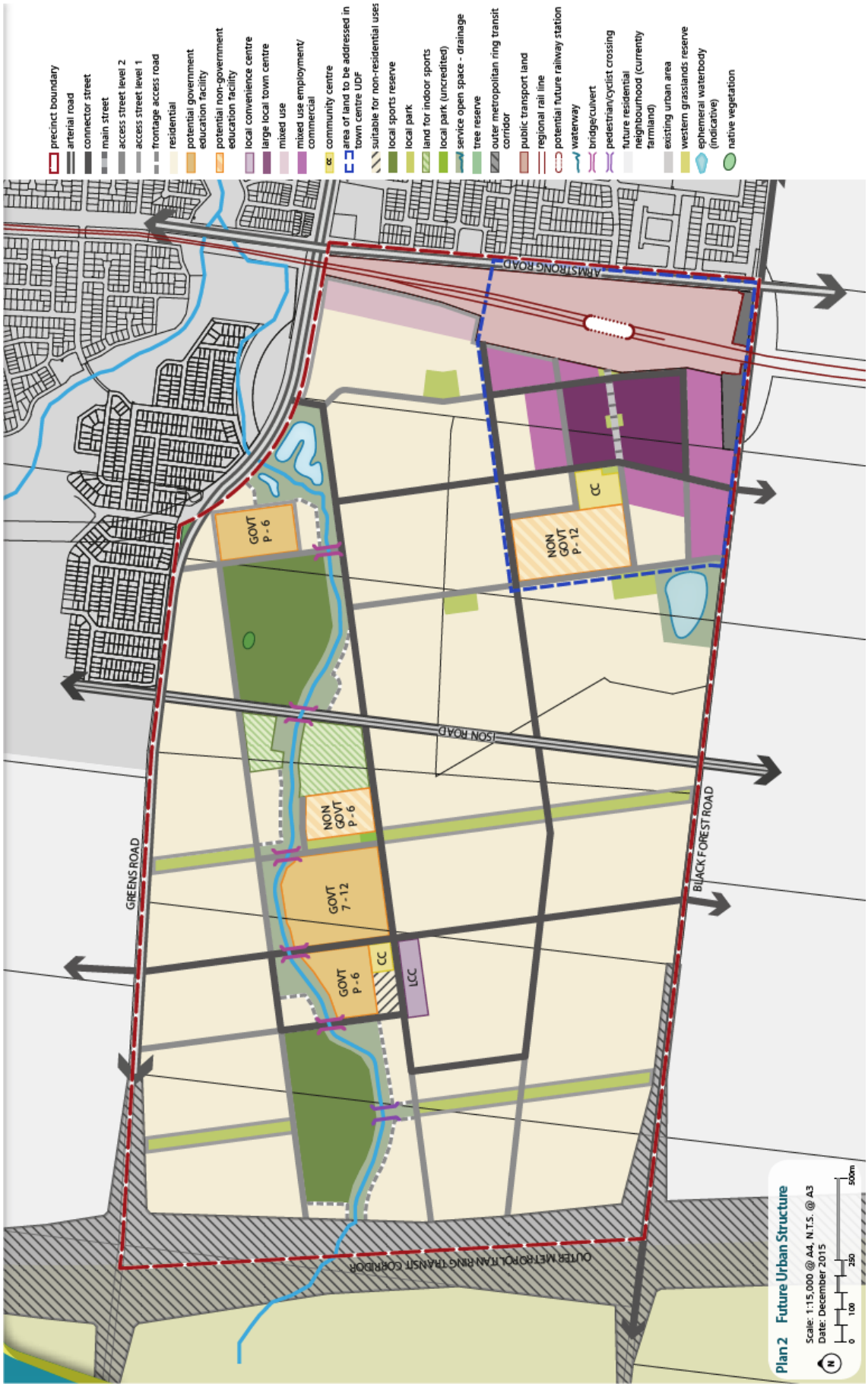
### BLACK FOREST ROAD NORTH PRECINCT STRUCTURE PLAN

## 1.0 The Plan

11/08/2022
C248wynd

Plan 1 shows the future urban structure proposed in the *Black Forest Road North Precinct Structure Plan*. It is a reproduction of Plan 2 in the *Black Forest Road North Precinct Structure Plan*.

## Plan 1 to Schedule 7 to Clause 37.07



## 2.0 Use and development

11/02/2016
C170

### 2.1 The land

11/08/2022
C248wynd

The use and development provisions specified in this schedule apply to the land as shown on Plan 1 and shown as UGZ7 on the planning scheme maps.

*Note: If land shown on Plan 1 is not zoned UGZ, the provisions of this zone do not apply.*

### 2.2 Applied zone provisions

11/08/2022
C248wynd

The provisions of the following zones in this scheme apply to the use and subdivision of land, construction of a building, and construction and carrying out of works, by reference to Plan 1 of this schedule.

**Table 1: Applied zone provisions**

| Land use/development (carried out or proposed) generally in accordance with the precinct structure plan applying to the land (Refer map 1) | Applied zone provisions |
|---|---|
| Land shown on plan 1 of this schedule<br>**Large local town centre** | Applied zone provisions<br>Clause 34.01 – Commercial 1 Zone |
| **Mixed use employment/ commercial** | |
| **Local convenience centre** | |
| Land shown on plan 1 of this schedule<br>**Mixed use** | Applied zone provisions<br>Clause 32.04 – Mixed Use Zone |
| Land shown on plan 1 of this schedule<br>**Outer metropolitan ring transit corridor** | Applied zone provisions<br>Clause 36.04 – Transport Zone 2 |
| **Arterial road** | |
| **Connector street** | Applied zone provisions<br>Clause 36.04 – Transport Zone 3 |
| Land shown on plan 1 of this schedule<br>**All land within the gas pipeline measurement length, except the outer metropolitan ring transit corridor, as shown on Plan 8 – Utilities of the precinct structure plan** | Applied zone provisions<br>Clause 32.08 – General Residential Zone 1 |
| Land shown on plan 1 of this schedule<br>**All other land** | Applied zone provisions<br>Clause 32.07 – Residential Growth Zone 1 |

### 2.3 Specific provision - Reference to a planning scheme zone is a reference to an applied zone

20/01/2022
VC205

A reference to a planning scheme zone in an applied zone must be read as if it were a reference to an applied zone under this schedule.

*Note: e.g. the Commercial 2 Zone specifies 'Shop' as a Section 1 Use with the condition, 'The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.' In this instance the condition should be read as, 'The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3 or an applied Transport Zone 2 or Transport Zone 3 in the Urban Growth Zone schedule applying to the land'*

## 2.4 Specific provision – Use of land

11/02/2016
C170

The following provisions apply to the use of land.

**Table 2: Use**

| Use | Requirement |
|---|---|
| **Shop where the precinct structure plan shows 'Large local town centre'** | A permit is required to use land for a shop if the combined leasable floor area of all shops exceeds 25,000 square metres. |
| **Shop where the precinct structure plan shows 'mixed use employment/ commercial'** | A permit is required to use land for a shop if the leasable floor area exceeds 150 square metres. |
| **Shop where the precinct structure plan shows 'Local convenience centre'** | A permit is required to use land for a shop if the combined leasable floor area of all shops exceeds 1,500 square metres. |
| **Primary school** | A permit is not required to use land for a Primary School on land shown as Potential Non-Government Primary School. |
| **Dwelling where the applied zone is Mixed Use Zone** | A permit is required to use land for a dwelling. |

## 2.5 Specific provision – Urban Design Framework – Large Local Town Centre

11/02/2016
C170

A permit must not be granted to use or subdivide land, or construct a building and carry out works on land shown as large local town centre in the incorporated *Black Forest Road North Precinct Structure Plan* until an urban design framework for the centre has been prepared to the satisfaction of the responsible authority, the Growth Areas Authority and Public Transport Victoria.

An urban design framework approved under this schedule must be generally in accordance with the precinct structure plan applying to the land.

An application to use or subdivide land or to construct a building or carry out works on land shown as a large local town centre must be consistent with any urban design framework approved under this schedule.

A permit may be granted to use or subdivide land, or to construct a building or construct and carry out works prior to the approval of an urban design framework if, in the opinion of the responsible authority, the permit is consistent with the requirements for the urban design framework and the permit implements the objectives for the large local town centre set out in the incorporated *Black Forest Road North Precinct Structure Plan*.

The responsible authority may allow an urban design framework to be prepared in stages.

The urban design framework may be amended to the satisfaction of the responsible authority, the Growth Areas Authority and Public Transport Victoria.

## 2.6 Specific provision – Buildings and works for a school

11/02/2016
C170

A permit is required to construct a building or construct or carry out works associated with a primary school or secondary school on land shown as a non-government school unless exempt under Clauses 62.02-1 and 62.02-2.

## 2.7 Specific provision – Use and development of future public land

11/02/2016
C170

A permit is not required to use or develop land shown in the *Black Forest Road North Precinct Structure Plan* as community facility provided the use or development is carried out generally in accordance with the *Black Forest Road North Precinct Structure Plan* and with the prior written consent of Wyndham City Council.

## 2.8 Specific provision – Dwellings on a lot less than 300 square metres

28/11/2024
GC206

A permit is not required to construct or extend one dwelling on a lot of less than 300 square metres, if either of the following apply:

- There is a restriction registered on the plan of subdivision identifying the lot as a lot to which the *Small Lot Housing Code* (Victorian Planning Authority, November 2019) applies and the development complies with the *Small Lot Housing Code* (Victorian Planning Authority, November 2019) incorporated into this planning scheme.
- There is a restriction registered on the plan of subdivision identifying the lot as a lot to which the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies and the development complies with the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) incorporated into this planning scheme.

## 2.9 Specific provision – Construction of the intersection of western connector and Black Forest Road at the southern boundary of property 10

11/02/2016
C170

Unless arrangements for the construction of the intersection of the western north-south connector road and Black Forest Road shown in the incorporated *Black Forest Road North Precinct Structure Plan* have been made to the satisfaction of the responsible authority, a permit for subdivision of land shown as property 10 must provide for the construction of the intersection as a roundabout capable of accommodating a fourth intersection leg to the south, or include a requirement that the owner of the land under permit enter into an agreement under Section 173 of *the Act* to contribute towards the construction of the roundabout or other intersection treatment to the satisfaction of the relevant road management authority.

## 3.0 Application requirements

14/07/2022
VC213

If in the opinion of the responsible authority an application requirement listed at Subdivision - residential development is not relevant to the assessment of an application, the responsible authority may waive or reduce the requirement.

### Subdivision - residential development

An application for subdivision must address the requirements of Clause 56 of the Wyndham Planning Scheme. In addition to any requirement in 56.01-2 a subdivision design response must include:

- A land budget table, in the same format and methodology as within the *Black Forest Road North Precinct Structure Plan*, setting out the amount of land allocated to the proposed uses and expected population and dwelling yields;
- A demonstration of how the property will contribute to the achievement of the residential density outcomes in the precinct structure plan applying to the land.
- A demonstration of lot size diversity by including a colour-coded lot size plan, reflecting the lot size categories in Table 2 of the precinct structure plan applying to the land.

### Public Infrastructure Plan

An application for subdivision must be accompanied by a Public Infrastructure Plan which addresses the following:

- What land may be affected or required for the provision of infrastructure works. The provision, staging and timing of stormwater drainage works.
- The provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment.
- The landscaping of any land.

- What, if any, infrastructure set out in the Wyndham West Development Contributions Plan is sought to be provided as "works in lieu" subject to the consent of Wyndham City Council.
- The provision of public open space and land for any community facilities.
- Any other matter relevant to the provision of public infrastructure required by the responsible authority.

#### Traffic Impact Assessment

An application that proposes to create or change access to a primary or secondary arterial road must be accompanied by a Traffic Impact Assessment Report (TIAR). The TIAR, including functional layout plans and a feasibility / concept road safety audit, must be to the satisfaction of VicRoads or responsible authority, as required.

#### Kangaroo management

An application for subdivision must be accompanied by a Kangaroo Management Plan to the satisfaction for the responsible authority which includes:

- Strategies to avoid land locking land adjacent to the subdivision that provides habitat to kangaroos; and
- Management requirements to respond to the containment of kangaroos in an area with no reasonable likelihood of their continued safe existence; or
- Management and monitoring actions to sustainably manage a population of kangaroos within a suitable location.
- Where a Kangaroo Management Plan has been approved in respect to the land to which the application applies, the application must be accompanied by:
- A copy of the approved Kangaroo Management Plan; and
- A ‘design/management response’ statement outlining how the application is consistent with and gives effect to any requirements of the approved Kangaroo Management Plan.

#### Salvage and translocation

All applications for subdivision of land identified as ‘Potential Salvage Operations’ by the MSA Map Share tool must be accompanied by evidence that a salvage enquiry form has been submitted to the Department of Environment, Land, Water, and Planning.

## 4.0 Conditions and requirements for permits

11/02/2016
C170

### 4.1 Conditions for subdivision permits that allows the creation of a lot less than 300 square metres

28/11/2024
GC206

A permit issued before 31 December 2026 which allows for the subdivision of land to create a lot of less than 300 square metres, must include the following condition:

- Before the plan of subdivision is certified under the *Subdivision Act 1988*, a plan must be approved and endorsed by the responsible authority, that identifies the lots to which:

– type A or type B of the *Small Lot Housing Code* (Victorian Planning Authority, 2019) applies; or

– type A, type B or type C of the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies.

to the satisfaction of the responsible authority.

A permit issued on or after 31 December 2026, other than an amendment of a permit issued before 31 December 2026 under section 72 of the Act , which allows for the subdivision of land to create a lot of less than 300 square metres, must include the following condition:

- Before the plan of subdivision is certified under the *Subdivision Act 1988*, a plan that identifies the lots to which type A, type B or type C of the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies, must be approved and endorsed by the responsible authority.

## 4.2 Biodiversity and Threatened Species Conditions

14/07/2022
VC213

Any permit for subdivision must contain the following conditions:

### Kangaroo Management Plan

Before the certification of the plan of subdivision, a Kangaroo Management Plan must be approved by the Secretary to the Department of Land, Environment, Water and Planning. Once approved the plan will be endorsed by the responsible authority and form part of the permit.

The endorsed Kangaroo Management Plan must be implemented to the satisfaction of the responsible authority

### Salvage and translocation

Prior to the commencement of development, a salvage inquiry form must be submitted to the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*) (Secretary), and where required the Secretary must be permitted to access the land to conduct salvage operations, in accordance with the requirements of the *Salvage and Translocation Protocol for Melbourne's Growth Corridors 2018* (Department of Environment, Land, Water and Planning, 2018).

## 4.3 Public transport

11/02/2016
C170

Any permit for subdivision must contain the following condition:

Unless otherwise agreed by Public Transport Victoria, prior to the issue of Statement of Compliance for any subdivision stage, bus stop hard stands with direct and safe pedestrian access to a pedestrian path must be constructed:

- In accordance with the Public Transport Guidelines for Land Use and Development and be compliant with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002.
- At locations approved by Public Transport Victoria, at no cost to Public Transport Victoria, and to the satisfaction of Public Transport Victoria.

## 4.4 Road network

11/02/2016
C170

Any permit for subdivision or building and works must contain the following condition:

Land required for road widening including right of way flaring for the ultimate design of any intersection within an existing or proposed arterial road must be transferred to or vested in council at no cost to the acquiring agency unless the transfer is funded by the Wyndham West Development Contirbutions Plan.

## 4.5 Construction Management Plan – Protection of gas transmission

11/02/2016
C170

Prior to the commencement of any building or works, including demolition, on land shown as gas pipeline measurement length on Plan 8 – Utilities in the incorporated *Black Forest Road North Precinct Structure Plan* , a construction management plan must be submitted to and approved by the responsible authority. The plan must:

- Prohibit the use of rippers or horizontal directional drills unless otherwise agreed by the operator of the gas transmission pipeline.

- Be endorsed by the operator of the gas transmission pipeline where the works are within, crossing or within 50 metres of the relevant gas transmission easement.
- Include any other relevant matter to the satisfaction of the responsible authority.

The construction management plan must be implemented to the satisfaction of the responsible authority.

The construction management plan may be amended to the satisfaction of the responsible authority.

## 4.6 Bushfire management

11/02/2016
C170

Before the commencement of works for any stage of subdivision a Site Management Plan that addresses bushfire risk during, and where necessary, after construction must be submitted to and approved by the responsible authority. The plan must specify, amongst other things:

- The staging of development and the likely bushfire risks at each stage.
- An area of land between the development edge and non-urban areas consistent with the separation distances specified in AS3959-2009, where bushfire risk is managed.
- The measures to be undertaken by the developer to reduce the risk from fire within any surrounding rural or undeveloped landscape and protect residents and property from the threat of fire.
- How adequate opportunities for access and egress will be provided for early residents, construction workers and emergency vehicles.

The plan must be carried out to the satisfaction of the responsible authority.

## 5.0 Notice to gas transmission pipeline owner and operator

11/02/2016
C170

Notice must be given to the person or body listed in the Schedule to Clause 66.06 of an application on land shown within the gas pipeline measurement length on Plan 8 – Utilities in the incorporated *Black Forest Road North Precinct Structure Plan*, where the application is to:

- Use land;
- Construct 10 or more dwellings on a lot.

## 6.0 Decision guidelines

11/08/2022
C248wynd

Before deciding on an application to use land for a shop in a town or convenience centre, in addition to the decision guidelines at Clause 37.07-14, the responsible authority must consider:

- The demand for the additional shop floor space in the area; and
- The effect on existing and planned town centres within the total primary retail catchment estimated to result from the proposal and the existing floor space in the centre.

Before deciding on an application to construct a building or construct or carry out works in a large local town centre, in addition to the decision guidelines at Clause 37.07-14, the responsible authority must consider the *Large local town centre urban design framework concept* and the *Town centre design guidelines* in the precinct structure plan applying to the land.

## 7.0 Signs

11/08/2022
C248wynd

The sign category for the land is the category specified in the zone applied to the land at Clause 2.2 of this schedule.

## 7.1 Land and home sales signs

11/08/2022
C248wynd

Despite the provisions of Clause 52.05, signs promoting the sale of land or homes on the land (or on adjoining land in the same ownership) may be displayed without a permit provided:

- The display area for each sign does not exceed 10 square metres.
- Only one sign is displayed per road frontage. Where the property has a road frontage of more than 150 metres multiple signs may be erected provided there is a minimum of 150 metres distance between each sign, with a total of not more than 4 signs per frontage.
- The sign is not animated, scrolling, electronic or internally illuminated.
- The sign is not displayed longer than 21 days after the sale (not settlement) of the last lot; and
- The sign is setback a minimum of 750mm from the property boundary.

A permit may be granted to display a sign promoting the sale of land or homes on the land (or on adjoining land in the same ownership) with an area greater than 10 square metres.

11/08/2022
C248wynd

## SCHEDULE 8 TO CLAUSE 37.07 URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ8.**

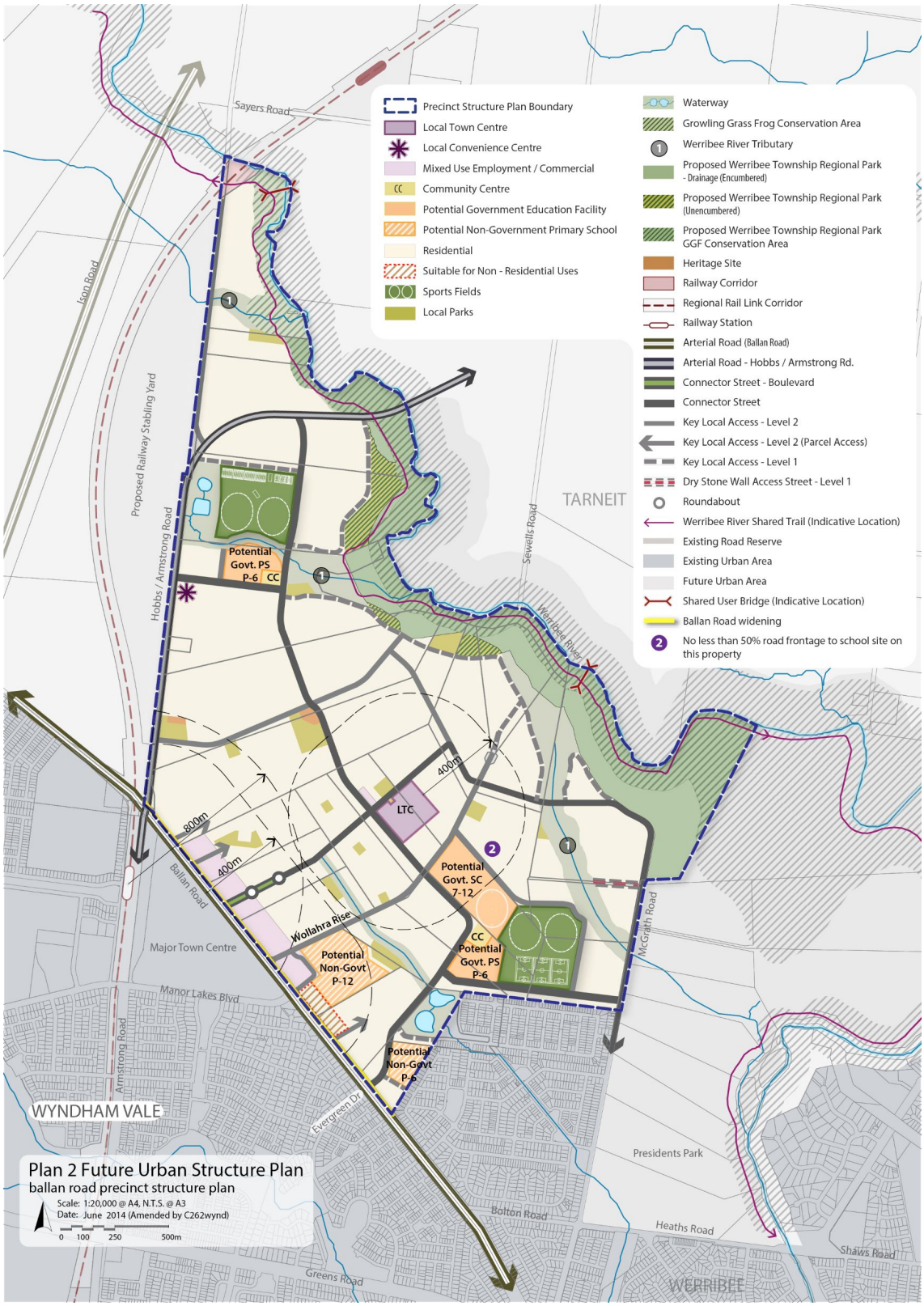
### BALLAN ROAD PRECINCT STRUCTURE PLAN

## 1.0 The Plan

22/02/2024
C262wynd

Plan 1 to Schedule 8 to Clause 37.07 shows the Future Urban Structure for Ballan Road. It is a reproduction of Plan 2 in the Ballan Road Precinct Structure Plan.

## Plan 1 To Schedule 8 to Clause 37.07




## 2.0 Use and development

23/07/2015
C141

## 2.1 The Land

11/08/2022
C248wynd

The use and development provisions specified in this schedule apply to the land shown as 'Precinct Structure Plan Area' in Plan 1 of this schedule and shown as UGZ8 on the planning scheme maps.

*Note: If land shown on Plan 1 is not zoned UGZ, the provisions of this zone do not apply.*

## 2.2 Applied zone provisions

11/08/2022
C248wynd

The provisions of the following zones in this scheme apply to the use and subdivision of land, the construction of a building, and construction or carrying out of works as set out in Table 1.

**Table 1: Applied zone provisions**

| Land use or development (carried out or proposed) generally in accordance with the precinct structure plan applying to the land | Applied zone provisions |
|---|---|
| Land shown on plan 1 of this schedule<br>**Local town centre**<br>**Local convenience centre** | Applied zone provisions<br>Clause 34.01 – Commercial 1 Zone |
| Land shown on plan 1 of this schedule<br>**Mixed use employment/commercial** | Applied zone provisions<br>Clause 32.04s1 – Mixed Use Zone 1 |
| Land shown on plan 1 of this schedule<br>**Ballan Road widening** | Applied zone provisions<br>Clause 36.04 – Transport Zone 2 |
| Land shown on plan 1 of this schedule<br>**Connector street** | Applied zone provisions<br>Clause 36.04 – Transport Zone 3 |
| Land shown on plan 1 of this schedule<br>**Waterway (Encumbered) – where waterway is Werribee River and its tributaries**<br>**Proposed Werribee Township Regional Park – Drainage (encumbered)**<br>**Proposed Werribee Township Regional Park – (unencumbered)** | Applied zone provisions<br>Clause 36.03 – Public Conservation and Resource Zone |
| Land shown on plan 1 of this schedule<br>**All other land** | Applied zone provisions<br>Clause 32.07s1 – Residential Growth Zone 1 |

## 2.3 Specific provision – Reference to a public land manager in an applied zone

17/07/2014
C171

Where Public Conservation and Resource Zone is applied in Table 1 and the land is in private ownership Melbourne Water or Wyndham City Council or Parks Victoria, as appropriate, is the public land manager for the purposes of the zone.

## 2.4 Specific provision – Reference to a planning scheme zone is a reference to an applied zone

20/01/2022
VC205

A reference to a planning scheme zone in an applied zone must be read as if it were a reference to an applied zone under this schedule.

*Note: e.g. The Residential Growth Zone specifies 'Car wash' as a Section 2 Use with the condition, 'The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.' In this instance the condition should be read as, 'The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3 or an applied Transport Zone 2 or Transport Zone 3 in the Urban Growth Zone schedule applying to the land'.*

## 2.5 Specific provision – Use and development of future public land

17/07/2014
C171

A permit is not required to use or develop land shown in the *Ballan Road Precinct Structure Plan* as a local park, sports fields or community facilities provided the use or development is carried out generally in accordance with the *Ballan Road Precinct Structure Plan* and with the prior written consent of the responsible authority.

## 2.6 Specific provisions – Use of land

17/07/2014
C171

The following provisions apply to the use of land.

**Table 2: Use**

| Use | Requirement |
|---|---|
| **Shop where the applied zone is Commercial 1 Zone** | A permit is required to use land for a shop if the combined leasable floor area of all shops exceeds:<br>▪ 5,000 square metres for land shown as a local town centre in the incorporated Ballan Road Precinct Structure Plan.<br>▪ 500 square metres for land shown as a local convenience centre in the incorporated Ballan Road Precinct Structure Plan. |

## 2.7 Specific provision – Construction of one dwelling on a lot less than 300 square metres in area

28/11/2024
GC206

A permit is not required to construct or extend one dwelling on a lot of less than 300 square metres, if either of the following apply:

- There is a restriction registered on the plan of subdivision identifying the lot as a lot to which the *Small Lot Housing Code* (Victorian Planning Authority, November 2019) applies and the development complies with the *Small Lot Housing Code* (Victorian Planning Authority, November 2019) incorporated into this planning scheme.
- There is a restriction registered on the plan of subdivision identifying the lot as a lot to which the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies and the development complies with the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) incorporated into this planning scheme.

## 2.8 Specific provision – Buildings and works for a school

17/07/2014
C171

A permit is required to construct a building or construct or carry out works associated with a Primary School or Secondary School on land shown as a non government school unless exempt under Clauses 62.02-1 and 62.02-2.

## 3.0 Application requirements

17/07/2014
C171

If in the opinion of the responsible authority an application requirement listed below is not relevant to the assessment of an application, the responsible authority may waive or reduce the requirement.

## 3.1 All subdivision applications

14/07/2022
VC213

### Stormwater management

Any application for subdivision must be accompanied by a Stormwater Management Strategy that addresses the provision, staging and timing of stormwater drainage works, including temporary outfall provisions, to the satisfaction of Melbourne Water.

### Kangaroo management

An application for subdivision must be accompanied by a Kangaroo Management Plan to the satisfaction of the responsible authority which includes:

- strategies to avoid land locking land adjacent to the subdivision that provides habitat to kangaroos; and
- management requirements to respond to the containment of kangaroos in an area with no reasonable likelihood of their continued safe existence; or
- management and monitoring actions to sustainably manage a population of kangaroos within a suitable location.

Where a Kangaroo Management Plan has been approved in respect to the land to which the application applies, the application must be accompanied by:

- A copy of the approved Kangaroo Management Plan; and
- A 'design/management response' statement outlining how the application is consistent with and gives effect to any requirements of the approved Kangaroo Management Plan.

### Salvage and translocation

All applications for subdivision of land identified as 'Potential Salvage Operations' by the MSA Map Share tool must be accompanied by evidence that a salvage enquiry form has been submitted to the Department of Environment, Land, Water, and Planning.

### Traffic Impact Assessment

An application that proposes to create or change access to Ballan Road or Hobbs/Armstrong Road must be accompanied by a Traffic Impact Assessment Report (TIAR). The TIAR, including functional layout plans and a feasibility / concept road safety audit, must be to the satisfaction of VicRoads (in the case of Ballan Road) or Wyndham City Council (in the case of Hobbs/Armstrong Road).

## 3.2 Residential subdivision

17/07/2014
C171

In addition to any requirement in 56.01-2, a subdivision design response must include:

- A land budget table in the same format and methodology as those within the precinct structure plan applying to the land, setting out the amount of land allocated to the proposed uses and expected population and dwelling yields.
- A demonstration of how the property will contribute to the achievement of the residential density outcomes in the precinct structure plan applying to the land.
- A demonstration of lot size diversity by including a colour-coded lot size plan, reflecting the lot size categories in Table 2.

An application for subdivision must be accompanied by a Public Infrastructure Plan which addresses the following:

- A stormwater management strategy that makes provision for the staging and timing of stormwater drainage works, including temporary outfall provisions, to the satisfaction of Melbourne Water.
- What land may be affected or required for the provision of infrastructure works
- The provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment
- The landscaping of any land
- The provision of public open space and land for any community facilities

- What, if any, infrastructure set out in the development contributions plan applying to the land is sought to be provided as "works in lieu" subject to the consent of the collecting agency
- Any other matter relevant to the provision of public infrastructure required by the responsible authority.

An application to use or develop land must be accompanied by an environmental site assessment of the land by a suitably qualified environmental professional to the satisfaction of the responsible authority which takes account of '*Stage 1 and 2 – Desktop Environmental, Hydrogeological and Geotechnical Assessment: REPORT ON PSP AREA 40 – BALLAN ROAD*' (SKM, March 2013) and provides information including:

- Further detailed assessment of potential contaminants on the relevant land.
- Clear advice on whether the environmental condition of the land is suitable for the proposed use/s and whether an environmental audit of all, or part, of the land is recommended having regard to the Potentially Contaminated Land General Practice Note June 2005, DSE.
- Further detailed assessment of surface and subsurface water conditions and geotechnical characteristics on the relevant land and the potential impacts on the proposed development including any measures required to mitigate the impacts of groundwater conditions and geology on the development and the impact of the development on surface and subsurface water.
- Recommended remediation actions for any potentially contaminated land.

## 3.3 Development applications on land containing or abutting the Werribee River, its tributaries and environs

17/07/2014
C171

An application on land containing or abutting the Werribee River, its tributaries and environs must be accompanied by:

A plan that shows:

- Natural features including trees and other significant vegetation, habitat for protected species, drainage lines, water courses, wetlands, ridgelines, hill tops and features of geomorphic significance; and
- Recreation facilities to be provided within public open space; and
- Stormwater facilities that are compliant with the relevant approved drainage strategy; and
- The retention and removal of vegetation and any re-vegetation; and
- The width of the waterway corridor to the satisfaction of Melbourne Water and the responsible authority.

A Landscape and Viewshed Analysis that identifies and protects important views associated with the waterway, including views within, to and from the waterways.

## 4.0 Conditions and requirements for permits

28/11/2024
GC206

### Conditions - A permit to subdivide land to create a lot less than 300 square metres

A permit issued before 31 December 2026 which allows for the subdivision of land to create a lot of less than 300 square metres, must include the following condition:

- Before the plan of subdivision is certified under the *Subdivision Act 1988*, a plan must be approved and endorsed by the responsible authority, that identifies the lots to which:

– type A or type B of the *Small Lot Housing Code* (Victorian Planning Authority, 2019) applies; or

– type A, type B or type C of the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies.

to the satisfaction of the responsible authority.

A permit issued on or after 31 December 2026, other than an amendment of a permit issued before 31 December 2026 under section 72 of the Act , which allows for the subdivision of land to create a lot of less than 300 square metres, must include the following condition:

- Before the plan of subdivision is certified under the *Subdivision Act 1988*, a plan that identifies the lots to which type A, type B or type C of the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies, must be approved and endorsed by the responsible authority.

For other applications refer to the precinct structure plan applying to the land.

### 5.0 Exemption from notice and review

None specified.

## 6.0 Decision guidelines

11/08/2022
C248wynd

None specified.

## 7.0 Signs

11/08/2022
C248wynd

The sign category for the land is the category specified in the zone applied zone to the land at Clause 2.2 of this schedule.

### 7.1 Land and home sales signs

Despite the provisions of Clause 52.05, signs promoting the sale of land or homes on the land (or on adjoining land in the same ownership) may be displayed without a permit provided:

- The display area for each sign does not exceed 10 square metres.
- Only one sign is displayed per road frontage. Where the property has a road frontage of more than 150 metres multiple signs may be erected provided there is a minimum of 150 metres distance between each sign, with a total of not more than 4 signs per frontage.
- The sign is not animated, scrolling, electronic or internally illuminated sign.
- The sign is not displayed longer than 21 days after the sale (not settlement) of the last lot.
- The sign is setback a minimum of 750mm from the property boundary.

A permit may be granted to display a sign promoting the sale of land or homes on the land (or on adjoining land in the same ownership) with an area greater than 10 square metres.

11/08/2022
C248wynd

# SCHEDULE 9 TO CLAUSE 37.07 URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ9.**

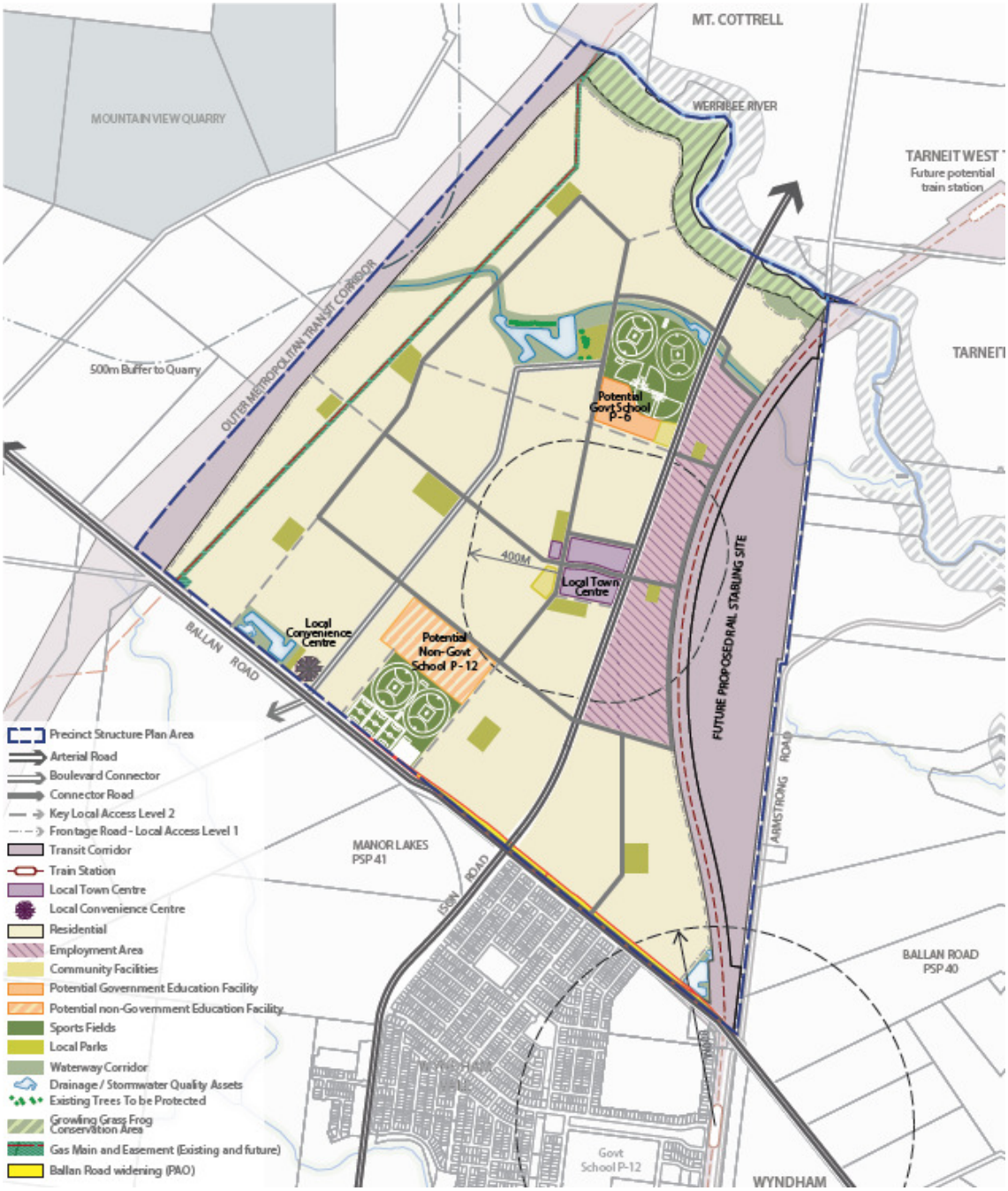
## WESTBROOK PRECINCT STRUCTURE PLAN

## 1.0 The Plan

11/08/2022
C248wynd

Plan 1 to Schedule 9 to Clause 37.07 shows the Future Urban Structure for Westbrook. It is a reproduction of Plan 2 in the Westbrook Precinct Structure Plan.

### Plan 1 To Schedule 9 to Clause 37.07



## 2.0 Use and development

17/07/2014
C172

### 2.1 The land

11/08/2022
C248wynd

The use and development provisions specified in this schedule apply to the land shown as 'Precinct Structure Plan Area' in Plan 1 of this schedule and shown as UGZ9 on the planning scheme maps.

*Note: If land shown on Plan 1 is not zoned UGZ, the provisions of this zone do not apply.*

### 2.2 Applied zone provisions

11/08/2022
C248wynd

The provisions of the following zones in this scheme apply to the use and subdivision of land, the construction of a building, and the construction or carrying out of works as set out in Table 1.

**Table 1: Applied zone provisions**

| Land use or development (carried out or proposed) generally in accordance with the precinct structure plan applying to the land | Applied zone provisions |
|---|---|
| Land shown on Plan 1 of this schedule<br>**Local town centre**<br>**Local convenience centre** | Clause 34.01 – Commercial 1 Zone |
| Land shown on Plan 1 of this schedule<br>**Employment area** | Clause 34.02 – Industrial 1 Zone |
| Land shown on Plan 1 of this schedule<br>**Arterial road**<br>**Outer Metropolitan Ring Transit Corridor** | Clause 36.04 – Transport Zone 2 |
| **Connector road** | Clause 36.04 – Transport Zone 3 |
| Land shown on Plan 1 of this schedule<br>**Waterway corridor**<br>**Retarding basins** | Clause 36.03 – Public Conservation and Resource Zone |
| Land shown on Plan 1 of this schedule<br>**Regional Rail Link Transit Corridor**<br>**Future Rail Stabling Yard** | Clause 36.01 – Transport Zone 1 |
| Land shown on Plan 1 of this schedule<br>**All other land** | Clause 32.07s1 – Residential Growth Zone 1 |

### 2.3 Specific provision – Reference to a public land manager in an applied zone

17/07/2014
C172

Where Public Conservation and Resource Zone is applied in Table 1 and the land is in private ownership Melbourne Water or Wyndham City Council or Parks Victoria, as appropriate, is the public land manager for the purposes of the zone.

## 2.4 Specific provision – Reference to a planning scheme zone is a reference to an applied zone

20/01/2022
VC205

A reference to a planning scheme zone in an applied zone must be read as if it were a reference to an applied zone under this schedule.

*Note: e.g. The Residential Growth Zone specifies 'Car wash' as a Section 2 Use with the condition, 'The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.' In this instance the condition should be read as, 'The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3 or an applied Transport Zone 2 or Transport Zone 3 in the Urban Growth Zone schedule applying to the land'.*

## 2.5 Specific provision – Use and development of future Council open space

17/07/2014
C172

A permit is not required to use or develop land shown in the *Westbrook Precinct Structure Plan* as open space (active or passive) or community facilities provided the use or development is carried out generally in accordance with the *Westbrook Precinct Structure Plan* and with the prior written consent of the responsible authority.

## 2.6 Specific provisions – Use of land

20/01/2022
VC205

The following provisions apply to the use of land.

**Table 2: Use**

| Use | Requirement |
|---|---|
| **Shop where the applied zone is Commercial 1 Zone** | A permit is required to use land for a shop if the combined leasable floor area of all shops exceeds:<br>▪ 8,000 square metres for land shown as a local town centre in the incorporated Westbrook Precinct Structure Plan.<br>▪ 500 square metres for land shown as a local convenience centre in the Westbrook Precinct Structure Plan. |
| **Any use in an applied zone with the condition, 'The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.'** | At the end of the condition add the words, 'or any arterial road described in the Westbrook Precinct Structure Plan'. |
| **Primary school** | A permit is not required to use land for a primary or secondary school on land shown as Non Government School P-12 in the Westbrook Precinct Structure Plan. |
| **Secondary school** | |

## 2.7 Specific provisions - Department of State Development, Business and Innovation (DSDBI) (Earth Resources)

17/07/2014
C172

An application to develop land for a sensitive use within 480 metres of the property boundary of lands on Cobbledicks Ford Road, Wyndham Vale (described as Lot 1 on TP827630, Lot 1 on LP200501 and Lots 13 & 14 on LP221963)('the Mountain View Quarry') where that property is subject to a Work Authority under the Mineral Resources (Sustainable Development) Act 1990, must be referred to the DSDBI.

The DSDBI may request a risk assessment prepared by a suitably experienced and qualified consultant that acknowledges the existing and likely future land use and provides sufficient confidence that a sensitive use can be safely developed within 480 metres of any quarrying activity at the Mountain View Quarry.

## 2.8 Specific provision – Dwellings on a lot less than 300 square metres

28/11/2024
GC206

A permit is not required to construct or extend one dwelling on a lot of less than 300 square metres, if either of the following apply:

- There is a restriction registered on the plan of subdivision identifying the lot as a lot to which the *Small Lot Housing Code* (Victorian Planning Authority, November 2019) applies and the development complies with the *Small Lot Housing Code* (Victorian Planning Authority, November 2019) incorporated into this planning scheme.
- There is a restriction registered on the plan of subdivision identifying the lot as a lot to which the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies and the development complies with the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) incorporated into this planning scheme.

## 2.9 Specific provision – Buildings and works for a school

17/07/2014
C172

A permit is required to construct a building or construct or carry out works associated with a Primary School or Secondary School on land shown as a non government school unless exempt under Clauses 62.02-1 and 62.02-2.

## 2.10 Specific provision – Permit required for a fence on employment land fronting Ison Road

17/07/2014
C172

A permit is required to construct a fence on land in an applied Industrial 1 Zone that is fronting Ison Road.

## 3.0 Application requirements

17/07/2014
C172

## 3.1 All subdivision applications

17/07/2014
C172

### Stormwater management

Any application for subdivision must be accompanied by a Stormwater Management Strategy that addresses the provision, staging and timing of stormwater drainage works, including temporary outfall provisions, to the satisfaction of Melbourne Water.

### Kangaroo management

An application for subdivision must be accompanied by a Kangaroo Management Plan to the satisfaction fo the responsible authority which includes:

- strategies to avoid land locking land adjacent to the subdivision that provides habitat to kangaroos; and
- management requirements to respond to the containment of kangaroos in an area with no reasonable likelihood of their continued safe existence; or
- management and monitoring actions to sustainably manage a population of kangaroos within a suitable location.

Where a Kangaroo Management Plan has been approved in respect to the land to which the application applies, the application must be accompanied by:

- a copy of the approved Kangaroo Management Plan; and
- a 'design/management response' statement outlining how the application is consistent with and gives effect to any requirements of the approved Kangaroo Management Plan.

**Traffic Impact Assessment**

An application that proposes to create or change access to Ison Road or Westbrook must be accompanied by a Traffic Impact Assessment Report (TIAR). The TIAR, including functional layout plans and a feasibility / concept road safety audit must be to the satisfaction of VicRoads.

## 3.2 Residential subdivision

17/07/2014
C172

In addition to any requirement in 56.01-2, a subdivision design response must include:

- A land budget table in the same format and methodology as those within the precinct structure plan applying to the land, setting out the amount of land allocated to the proposed uses and expected population and dwelling yields.
- A demonstration of how the property will contribute to the achievement of the residential density outcomes in the precinct structure plan applying to the land.
- A demonstration of lot size diversity by including a colour-coded lot size plan, reflecting the lot size categories outlined in Table 2.

An application for subdivision must be accompanied by a Public Infrastructure Plan which addresses the following:

- What land may be affected or required for the provision of infrastructure works
- The provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment
- The landscaping of any land
- The provision of public open space and land for any community facilities
- What, if any, infrastructure set out in the development contributions plan applying to the land is sought to be provided as "works in lieu" subject to the consent of the collecting agency
- Any other matter relevant to the provision of public infrastructure required by the responsible authority.

An application to use land for a sensitive use or to subdivide land where the Residential Growth Zone is the applied zone must be accompanied by a preliminary assessment of the potential for contaminated land as a result of the previous land uses, carried out by a suitably qualified person that provides the following information:

- A detailed assessment of potential contaminants on the relevant land.
- Clear advice on whether the environmental condition of the land is suitable for the proposed use/s and whether an environmental audit of all, or part, of the land is recommended having regard to the Potentially Contaminated Land General Practice Note June 2005, DSE.
- Further detailed assessment of surface and subsurface water conditions and geotechnical characteristics on the relevant land and the potential impacts on the proposed development including any measures required to mitigate the impacts of groundwater conditions and geology on the development and the impact of the development on surface and subsurface water.
- Recommended remediation actions for any potentially contaminated land.

## 3.3 Development applications on land containing or abutting the Werribee River, its tributaries and environs

17/07/2014
C172

An application on land containing or abutting the Werribee River, its tributaries and environs must be accompanied by:

A plan that shows:

- Natural features including trees and other significant vegetation, habitat for protected species, drainage lines, water courses, wetlands, ridgelines, hill tops and features of geomorphic significance; and
- Recreation facilities to be provided within public open space; and
- Stormwater facilities that are compliant with the relevant approved drainage strategy; and
- The retention and removal of vegetation and any re-vegetation; and
- The width of the waterway corridor to the satisfaction of Melbourne Water and the responsible authority.

A Landscape and Viewshed Analysis that identifies and protects important views associated with the waterway, including views within, to and from the waterways.

## 4.0 Conditions and requirements for permits

28/11/2024
GC206

### Conditions - A permit to subdivide land to create a lot less than 300 square metres

A permit issued before 31 December 2026 which allows for the subdivision of land to create a lot of less than 300 square metres, must include the following condition:

- Before the plan of subdivision is certified under the *Subdivision Act 1988*, a plan must be approved and endorsed by the responsible authority, that identifies the lots to which:

– type A or type B of the *Small Lot Housing Code* (Victorian Planning Authority, 2019) applies; or

– type A, type B or type C of the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies.

to the satisfaction of the responsible authority.

A permit issued on or after 31 December 2026, other than an amendment of a permit issued before 31 December 2026 under section 72 of the Act , which allows for the subdivision of land to create a lot of less than 300 square metres, must include the following condition:

- Before the plan of subdivision is certified under the *Subdivision Act 1988*, a plan that identifies the lots to which type A, type B or type C of the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies, must be approved and endorsed by the responsible authority.

For other applications refer to the precinct structure plan applying to the land.

## 5.0 Exemption from notice and review

None specified.

## 6.0 Decision guidelines

11/08/2022
C248wynd

None specified.

## 7.0 Signs

11/08/2022
C248wynd

The sign category for the land is the category specified in the zone applied zone to the land at Clause 2.2 of this schedule.

## 7.1 Land and home sales signs

Despite the provisions of Clause 52.05, signs promoting the sale of land or homes on the land (or on adjoining land in the same ownership) may be displayed without a permit provided:

- The display area for each sign does not exceed 10 square metres.
- Only one sign is displayed per road frontage. Where the property has a road frontage of more than 150 metres multiple signs may be erected provided there is a minimum of 150 metres distance between each sign, with a total of not more than 4 signs per frontage.
- The sign is not animated, scrolling, electronic or internally illuminated sign.
- The sign is not displayed longer than 21 days after the sale (not settlement) of the last lot.
- The sign is setback a minimum of 750mm from the property boundary.
- A permit may be granted to display a sign promoting the sale of land or homes on the land (or on adjoining land in the same ownership) with an area greater than 10 square metres.

11/08/2022
C248wynd

# SCHEDULE 10 TO CLAUSE 37.07 URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ10.**

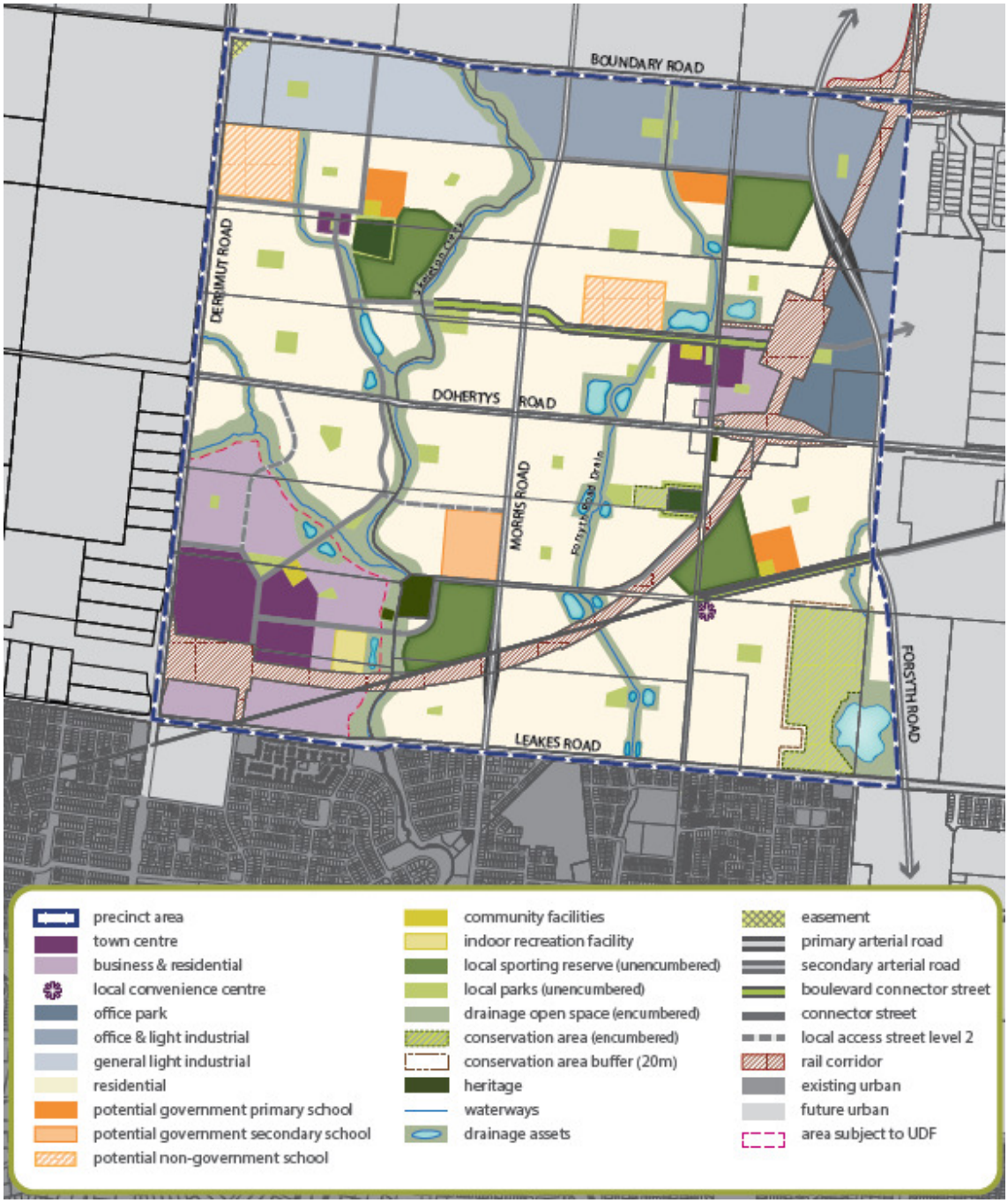
## TRUGANINA PRECINCT STRUCTURE PLAN

## 1.0 The Plan

11/08/2022
C248wynd

Plan 1 shows the future urban structure proposed in the *Truganina Precinct Structure Plan*. It is a reproduction of Plan 2 in the *Truganina Precinct Structure Plan*.

### Plan 1 to Schedule 10 to Clause 37.07



## 2.0 Use and development

13/11/2014
C175

### 2.1 The land

11/08/2022
C248wynd

The use and development provisions specified in this schedule apply to the land within the 'precinct area' on Plan 1 and shown as UGZ10 on the planning scheme maps.

### 2.2 Applied zone provisions

11/08/2022
C248wynd

The provisions of the following zones in this scheme apply to the use and subdivision of land, the construction of a building, and the construction or carrying out of works as set out in Table 1.

**Table 1: Applied zone provisions**

| Land use/development (carried out or proposed) generally in accordance with the precinct structure plan applying to the land | Applied zone provisions |
|---|---|
| Land shown on plan 1 of this schedule<br>**Town Centre**<br>**Local Convenience Centre**<br>**Business & residential** | Applied zone provisions<br>Clause 34.01 – Commercial 1 Zone |
| Land shown on plan 1 of this schedule<br>**Office & Light Industrial**<br>**Office Park** | Applied zone provisions<br>Clause 32.02 – Commercial 2 Zone |
| Land shown on plan 1 of this schedule<br>**General Light Industrial** | Applied zone provisions<br>Clause 33.03 – Industrial 3 Zone |
| Land shown on plan 1 of this schedule<br>**Natural waterway as described on Plan 8 of the incorporated Truganina Precinct Structure Plan** | Applied zone provisions<br>Clause 36.03 – Public Conservation and Resource Zone |
| Land shown on plan 1 of this schedule<br>**Arterial road** | Applied zone provisions<br>Clause 36.04 – Transport Zone 2 |
| Land shown on plan 1 of this schedule<br>**Connector street** | Applied zone provisions<br>Clause 36.04 – Transport Zone 3 |
| Land shown on plan 1 of this schedule<br>**Land, or any lot wholly contained within, 100 metres distance from any part of a local town centre (where it would otherwise be classed as 'all other land')** | Applied zone provisions<br>Clause 32.04 – Mixed Use Zone 1 |
| Land shown on plan 1 of this schedule<br>**All other land** | Applied zone provisions<br>Clause 32.07 – Residential Growth Zone 1 |

### 2.3 Specific provision - reference to a planning scheme zone is a reference to an applied zone

20/01/2022
VC205

A reference to a planning scheme zone in an applied zone must be read as if it were a reference to an applied zone under this schedule.

*Note: e.g. The Residential Growth Zone specifies 'Car wash' as a Section 2 Use with the condition, 'The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.' In this instance the condition should be read as, 'The site must adjoin, or have access to, a road in an applied Transport Zone 2 or Transport Zone 3'.*

## 2.4 Specific provisions – Use and development of future public land

13/11/2014
C175

A permit is not required to use or develop land shown in the *Truganina Precinct Structure Plan* as public open space or community facilities provided the use or development is carried out generally in accordance with the *Truganina Precinct Structure Plan* and with the prior written consent of Wyndham City Council.

## 2.5 Specific provisions – Use of land

13/11/2014
C175

**Table 2: Use**

| Use | Requirement |
|---|---|
| **Shop where the applied zone is Commercial 1 Zone** | A permit is required to use land for a shop if the combined leasable floor area of all shops exceeds:<br>▪ 55,000 square metres for land shown as a major town centre in the incorporated Truganina Precinct Structure Plan.<br>▪ 0 square metres for land shown as business & residential in the incorporated Truganina Precinct Structure Plan.<br>▪ 8,000 square metres for land shown as Truganina local town centre in the incorporated Truganina Precinct Structure Plan.<br>▪ 4,500 square metres for land shown as Robertson's Farm local town centre in the incorporated Truganina Precinct Structure Plan.<br>▪ 1,500 square metres for land shown as a local convenience centre in the incorporated Truganina Precinct Structure Plan. |
| **Primary school** | A permit is not required to use land for a Primary or Secondary school on land shown as Potential Non Government School. |
| **Secondary school** | |
| **Dwelling in the Dry Creek and Skeleton Creek precincts on Figure 1 of the Truganina Precinct Structure Plan** | A permit is not required to use land for a dwelling. |

## 2.6 Specific provisions – Construction of one dwelling on a lot less than 300 square metres in area

28/11/2024
GC206

A permit is not required to construct or extend one dwelling on a lot of less than 300 square metres, if either of the following apply:

- There is a restriction registered on the plan of subdivision identifying the lot as a lot to which the *Small Lot Housing Code* (Victorian Planning Authority, November 2019) applies and the development complies with the *Small Lot Housing Code* (Victorian Planning Authority, November 2019) incorporated into this planning scheme.
- There is a restriction registered on the plan of subdivision identifying the lot as a lot to which the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies and the development complies with the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) incorporated into this planning scheme.

## 2.7 Specific provisions – Truganina Major Town Centre Urban Design Framework

28/04/2026
VC232

Except with the consent of the responsible authority and the Growth Areas Authority, a permit must not be granted to use or subdivide land, or construct a building and carry out works on land shown as the Truganina Major Town Centre until an urban design framework for the centre has been prepared to the satisfaction of the responsible authority and the Victorian Planning Authority.

An urban design framework approved under this schedule must be generally in accordance with the precinct structure plan applying to the land.

An application for use and/or development on land shown as 'Area subject to UDF' on Plan 2 of the incorporated Truganina Precinct Structure Plan must be consistent with any urban design framework approved under this schedule.

A permit may be granted to subdivide land or to construct a building or construct and carry out works prior to the approval of an urban design framework if, in the opinion of the responsible authority, the permit is consistent with the requirements for the urban design framework and the permit implements the objectives for the Major Town Centre as set out in the Truganina Precinct Structure Plan.

The responsible authority may allow an urban design framework to be prepared in stages.

The Urban Design Framework may be amended to the satisfaction of the responsible authority and the Victorian Planning Authority.

## 2.8 Specific provision – Buildings and works for a school

13/11/2014
C175

A permit is required to construct a building or construct or carry out works associated with a Primary School or Secondary School on land shown as a non government school unless exempt under Clauses 62.02-1 and 62.02-2.

## 2.9 Specific provision – Referral of applications – Truganina Major Town Centre

28/04/2026
VC232

An application to subdivide land, or construct a building or carry out works (where the value of those works is in excess of $500,000) on land in the Truganina Major Town Centre and within the local town centres must be referred in accordance with section 55 of the Act to the person or body specified as a referral authority in clause 66.04 or a schedule to that clause.

## 3.0 Application requirements

28/04/2026
VC232

If in the opinion of the responsible authority an application requirement listed below is not relevant to the assessment of an application, the responsible authority may waive or reduce the requirement.

### Subdivision - residential development

In addition to any requirement in 56.01-2, a subdivision design response must include:

- A land budget table in the same format and methodology as those within the precinct structure plan applying to the land, setting out the amount of land allocated to the proposed uses and expected population and dwelling yields.
- A demonstration of how the property will contribute to the achievement of the residential density outcomes in the precinct structure plan applying to the land.
- A demonstration of lot size diversity by including a colour-coded lot size plan, reflecting the lot size categories and colours outlined in Table 2.
- A demonstration of how the subdivision will contribute to the delivery of a diversity of housing.

### Public Infrastructure Plan

An application must be accompanied by a Public Infrastructure Plan which addresses the following:

- a stormwater management strategy that makes provision for the staging and timing of stormwater drainage works, including temporary outfall provisions, to the satisfaction of Melbourne Water;
- what land may be affected or required for the provision of infrastructure works;
- the provision, staging and timing of stormwater drainage works;
- the provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment;
- the landscaping of any land;
- what if any infrastructure set out in the Wyndham North Development Contributions Plan is sought to be provided as "works in lieu" subject to the written consent of Wyndham City Council;
- the provision of public open space and land for any community facilities;
- any other matter relevant to the provision of public infrastructure required by the responsible authority.

### Traffic Impact Assessment

An application that proposes to create or change access to a primary or secondary arterial road must be accompanied by a Traffic Impact Assessment Report (TIAR). The TIAR, including functional layout plans and a feasibility / concept road safety audit, must be to the satisfaction of VicRoads or Wyndham City Council, as required.

### Environmental Site Assessment

An application to subdivide land, use or develop land for a sensitive use (residential use, child care centre, pre-school centre or primary school) must be accompanied by an environmental site assessment of the land by a suitably qualified environmental professional to the satisfaction of the responsible authority which takes account of 'Desktop Environmental, Hydrogeological and Geotechnical Study: Tarneit Precinct Structure Plan Area 90 Growth Areas Authority' (Aurecon, August 2011) and provides information including:

- Further detailed assessment of potential contaminants on the relevant land.
- Clear advice on whether the environmental condition of the land is suitable for the proposed use/s and whether an environmental audit of all, or part, of the land is recommended having regard to the *Potentially Contaminated Land General Practice Note June 2005, DSE*.
- Further detailed assessment of surface and subsurface water conditions and geotechnical characteristics on the relevant land and the potential impacts on the proposed development including any measures required to mitigate the impacts of groundwater conditions and geology on the development and the impact of the development on surface and subsurface water.
- Recommended remediation actions for any potentially contaminated land.

### Dry Creek and Skeleton Creek Corridor

A planning permit application on land containing or abutting Skeleton and Dry Creeks, their tributaries and environs must be accompanied by:

- A plan that shows:

– Natural features including trees and other significant vegetation, habitat for protected species, drainage lines, water courses, wetlands, ridgelines, hill tops and features of geomorphic significance; and

– Recreation facilities to be provided within public open space; and

– Storm water facilities that are compliant with the relevant approved drainage strategy; and

– The retention and removal of vegetation and any re-vegetation; and

- A Landscape and Viewshed Analysis that identifies and protects important views associated with the waterway, including views within, to and from the waterways.

**Salvage and translocation**

All applications for subdivision of land identified as 'Potential Salvage Operations' by the MSA Map Share tool must be accompanied by evidence that a salvage enquiry form has been submitted to the Department of Energy, Environment and Climate Action.

## 4.0 Conditions and requirements for permits

28/11/2024
GC206

**Conditions - A permit to subdivide land to create a lot less than 300 square metres**

A permit issued before 31 December 2026 which allows for the subdivision of land to create a lot of less than 300 square metres, must include the following condition:

· Before the plan of subdivision is certified under the *Subdivision Act 1988*, a plan must be approved and endorsed by the responsible authority, that identifies the lots to which:

– type A or type B of the *Small Lot Housing Code* (Victorian Planning Authority, 2019) applies; or

– type A, type B or type C of the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies.

to the satisfaction of the responsible authority.

A permit issued on or after 31 December 2026, other than an amendment of a permit issued before 31 December 2026 under section 72 of the Act , which allows for the subdivision of land to create a lot of less than 300 square metres, must include the following condition:

· Before the plan of subdivision is certified under the *Subdivision Act 1988*, a plan that identifies the lots to which type A, type B or type C of the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies, must be approved and endorsed by the responsible authority.

For other applications refer to the precinct structure plan applying to the land.

## 5.0 Exemption from notice and review not to apply to certain applications

13/11/2014
C175

In accordance with section 52(1)(c) of the Act, notice of an application to use or develop land for a sensitive use within 500 metres of the broiler farm at 895 Derrimut Road, Tarneit must be given to the owner/operator of the broiler farm at 895 Derrimut Road, Tarneit.

## 6.0 Decision guidelines

11/08/2022
C248wynd

Before deciding on an application to use land for a shop in a town centre, in addition to the decision guidelines at Clause 37.07-14, the responsible authority must consider, as appropriate:

- The local catchment and PSP catchment demand for the additional floor area; and
- The effect on existing and future major town centres within Wyndham North.

## 7.0 Signs

11/08/2022
C248wynd

The sign category for the land is the category specified in the zone applied to the land at Clause 2.2 of this schedule.

## 7.1 Land and home sales signs

11/08/2022
C248wynd

Despite the provisions of Clause 52.05, signs promoting the sale of land or homes on the land (or on adjoining land in the same ownership) may be displayed without a permit provided:

- the display area for each sign does not exceed 10 square metres;

- only one sign is displayed per road frontage. Where the property has a road frontage of more than 150 metres multiple signs may be erected provided there is a minimum of 150 metres distance between each sign, with a total of not more than 4 signs per frontage;
- the sign is not animated, scrolling, electronic or internally illuminated sign;
- the sign is not displayed longer than 21 days after the sale (not settlement) of the last lot; and
- the sign is setback a minimum of 750mm from the property boundary.

A permit may be granted to display a sign promoting the sale of land or homes on the land (or on adjoining land in the same ownership) with an area greater than 10 square metres.

11/08/2022
C248wynd

# SCHEDULE 11 TO CLAUSE 37.07 URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ11.**

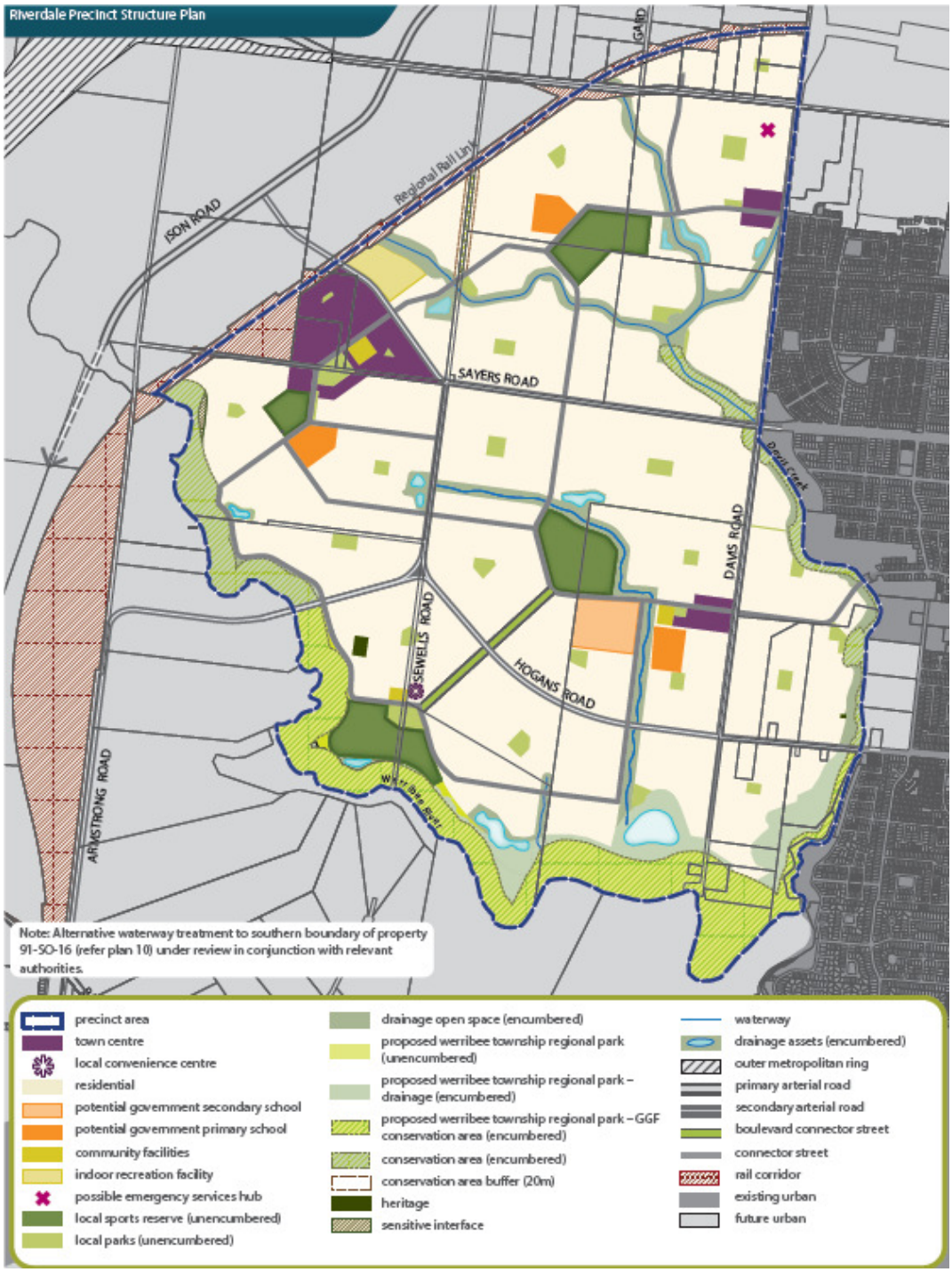
## RIVERDALE PRECINCT STRUCTURE PLAN

## 1.0 The Plan

11/08/2022
C248wynd

Plan 1 shows the future urban structure proposed in the *Riverdale Precinct Structure Plan*. It is a reproduction of Plan 2 in the *Riverdale Precinct Structure Plan*.

### Plan 1 to Schedule 11 to Clause 37.07



## 2.0 Use and development

13/11/2014
C176

### 2.1 The land

11/08/2022
C248wynd

The use and development provisions specified in this schedule apply to the land within the 'precinct area' on Plan 1 and shown as UGZ11 on the planning scheme maps.

### 2.2 Applied zone provisions

11/08/2022
C248wynd

The provisions of the following zones in this scheme apply to the use and subdivision of land, the construction of a building, and the construction or carrying out of works as set out in Table 1.

**Table 1: Applied zone provisions**

| Land use/development (carried out or proposed) generally in accordance with the precinct structure plan applying to the land | Applied zone provisions |
|---|---|
| Land shown on plan 1 of this schedule<br>**Town Centre**<br>**Local Convenience Centre** | Applied zone provisions<br>Clause 34.01 – Commercial 1 Zone |
| Land shown on plan 1 of this schedule<br>**Land, or any lot wholly contained within, 200 metres distance from a major town centre or 100 metres distance from a local town centre (where it would otherwise be classes as 'all other land')** | Applied zone provisions<br>Clause 32.04 – Mixed Use Zone 1 |
| Land shown on plan 1 of this schedule<br>**Arterial road** | Applied zone provisions<br>Clause 36.04 – Transport Zone 2 |
| Land shown on plan 1 of this schedule<br>**Connector street** | Applied zone provisions<br>Clause 36.04 – Transport Zone 3 |
| Land shown on plan 1 of this schedule<br>**All other land** | Applied zone provisions<br>Clause 32.07 – Residential Growth Zone 1 |

### 2.3 Specific provision - Reference to a planning scheme zone is a reference to an applied zone

20/01/2022
VC205

A reference to a planning scheme zone in an applied zone must be read as if it were a reference to an applied zone under this schedule.

*Note: e.g. The Residential Growth Zone specifies 'Car wash' as a Section 2 Use with the condition, 'The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.' In this instance the condition should be read as, 'The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3 or an applied Transport Zone 2 or Transport Zone 3 in the Urban Growth Zone schedule applying to the land'.*

### 2.4 Specific provisions – Use and development of future public land

13/11/2014
C176

A permit is not required to use or develop land shown in the *Riverdale Precinct Structure Plan* as open space (active or passive) or community facilities provided the use or development is carried out generally in accordance with the *Riverdale Precinct Structure Plan* and with the prior written consent of Wyndham City Council.

### 2.5 Specific provisions – Use of land

13/11/2014
C176

The following provisions apply to the use of land.

**Table 2: Use**

| Use | Requirement |
|---|---|
| **Shop where the applied zone is Commercial 1 Zone** | A permit is required to use land for a shop if the combined leasable floor area of all shops exceeds:<br>▪ 25,000 square metres for land shown as a major town centre in the incorporated Riverdale Precinct Structure Plan.<br>▪ 10,000 square metres for land shown as the Davis Road South local town centre in the incorporated Riverdale Precinct Structure Plan.<br>▪ 8,000 square metres for land shown as the Davis Road North local town centre in the incorporated Riverdale Precinct Structure Plan.<br>▪ 1,500 square metres for land shown as a local convenience centre in the incorporated Riverdale Precinct Structure Plan. |
| **Emergency Services Facility** | A permit is not required to use land for an Emergency Services Facility on land shown as Possible Emergency Services Hub. |

## 2.6 Specific provisions – Construction of one dwelling on a lot less than 300 square metres in area

28/11/2024
GC206

A permit is not required to construct or extend one dwelling on a lot of less than 300 square metres, if either of the following apply:

- There is a restriction registered on the plan of subdivision identifying the lot as a lot to which the *Small Lot Housing Code* (Victorian Planning Authority, November 2019) applies and the development complies with the *Small Lot Housing Code* (Victorian Planning Authority, November 2019) incorporated into this planning scheme.
- There is a restriction registered on the plan of subdivision identifying the lot as a lot to which the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies and the development complies with the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) incorporated into this planning scheme.

## 2.7 Specific provisions – Riverdale Major Town Centre Urban Design Framework

28/04/2026
VC232

Except with the consent of the responsible authority and the Growth Areas Authority, a permit must not be granted to use or subdivide land, or construct a building and carry out works on land shown as the Riverdale Major Town Centre until an urban design framework for the centre has been prepared to the satisfaction of the responsible authority and the Victorian Planning Authority.

An urban design framework approved under this schedule must be generally in accordance with the precinct structure plan applying to the land.

An application for use and/or development on land shown as the Riverdale Major Town Centre must be consistent with any urban design framework approved under this schedule.

A permit may be granted to subdivide land or to construct a building or construct and carry out works prior to the approval of an urban design framework if, in the opinion of the responsible authority, the permit is consistent with the requirements for the urban design framework and the permit implements the objectives for the Major Town Centre as set out in the Riverdale Precinct Structure Plan.

The responsible authority may allow an urban design framework to be prepared in stages.

The Urban Design Framework may be amended to the satisfaction of the responsible authority and the Victorian Planning Authority.

## 2.8 Specific provisions – Referral of applications – Riverdale Major Town Centre

28/04/2026
VC232

An application to subdivide land, or construct a building or carry out works (where the value of those works is in excess of $500,000) on land in the Riverdale Major Town Centre and within the local town centres must be referred in accordance with section 55 of the Act to the person or body specified as a referral authority in clause 66.04 or a schedule to that clause.

## 3.0 Application requirements

28/04/2026
VC232

If in the opinion of the responsible authority an application requirement listed below is not relevant to the assessment of an application, the responsible authority may waive or reduce the requirement.

### Residential Subdivision

In addition to any requirement in 56.01-2, a subdivision design response must include:

- A land budget table in the same format and methodology as those within the precinct structure plan applying to the land, setting out the amount of land allocated to the proposed uses and expected population and dwelling yields.
- A demonstration of how the property will contribute to the achievement of the residential density outcomes in the precinct structure plan applying to the land.
- A demonstration of lot size diversity by including a colour-coded lot size plan, reflecting the lot size categories and colours outlined in Table 2.
- A demonstration of how the subdivision will contribute to the delivery of a diversity of housing.

### Public Infrastructure Plan

An application must be accompanied by a Public Infrastructure Plan which addresses the following:

- a stormwater management strategy that makes provision for the staging and timing of stormwater drainage works, including temporary outfall provisions, to the satisfaction of Melbourne Water;
- what land may be affected or required for the provision of infrastructure works;
- the provision, staging and timing of stormwater drainage works;
- the provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment;
- the landscaping of any land;
- what if any infrastructure set out in the Wyndham North Development Contributions Plan is sought to be provided as "works in lieu" subject to the written consent of Wyndham City Council;
- the provision of public open space and land for any community facilities;
- any other matter relevant to the provision of public infrastructure required by the responsible authority.

### Environmental Site Assessment

An application to use land for a sensitive use or to subdivide land where the Residential Growth Zone is applied must be accompanied by an environmental site assessment of the land by a suitably qualified environmental professional to the satisfaction of the responsible authority which takes account of ‘Desktop Environmental, Hydrogeological and Geotechnical Study: Tarneit Precinct Structure Plan Area 91 Growth Areas Authority’ (Aurecon, August 2011) and provides information including:

- Further detailed assessment of potential contaminants on the relevant land.

- Clear advice on whether the environmental condition of the land is suitable for the proposed use/s and whether an environmental audit of all, or part, of the land is recommended having regard to the *Potentially Contaminated Land General Practice Note June 2005, DSE*.
- Further detailed assessment of surface and subsurface water conditions and geotechnical characteristics on the relevant land and the potential impacts on the proposed development including any measures required to mitigate the impacts of groundwater conditions and geology on the development and the impact of the development on surface and subsurface water.
- Recommended remediation actions for any potentially contaminated land.

### Traffic Impact Assessment

An application that proposes to create or change access to Sewells Road, Armstrong Road, Leakes Road, Sayers Road, Davis Road or Hogans Road must be accompanied by a Traffic Impact Assessment Report (TIAR). The TIAR, including functional layout plans and a feasibility / concept road safety audit, must be to the satisfaction of VicRoads or Wyndham City Council, as required.

### Werribee River and Davis Creek corridors

An application on land containing or abutting the Werribee River or its tributaries and environs must be accompanied by:

A plan that shows:

- Natural features including trees and other significant vegetation, habitat for protected species, drainage lines, water courses, wetlands, ridgelines, hill tops and features of geomorphic significance; and
- Recreation facilities to be provided within public open space; and
- Storm water facilities that are compliant with the relevant approved drainage strategy; and
- The retention and removal of vegetation and any re-vegetation.

and

- A Landscape and Viewshed Analysis that identifies and protects important views associated with the waterway, including views within, to and from the waterways.

### Kangaroo Management Plan

Any application for subdivision must be accompanied by a Kangaroo Management Plan which includes:

- strategies to avoid land locking land adjacent to the subdivision that provides habitat to kangaroos; and
- management requirements to respond to the containment of kangaroos in an area with no reasonable likelihood of their continued safe existence; or
- management and monitoring actions to sustainably manage a population of kangaroos within a suitable location.

Where a Kangaroo Management Plan has been approved in respect to the land to which the application applies, the application must be accompanied by:

- a copy of the approved Kangaroo Management Plan; and
- a 'design/management response' statement outlining how the application is consistent with and gives effect to any requirements of the approved Kangaroo Management Plan.

### Salvage and translocation

All applications for subdivision of land identified as ‘Potential Salvage Operations’ by the MSA Map Share tool must be accompanied by evidence that a salvage enquiry form has been submitted to the Department of Energy, Environment and Climate Action.

## 4.0 Conditions and requirements for permits

28/11/2024
GC206

### Conditions - a permit to subdivide land to create a lot less than 300 square metres

A permit issued before 31 December 2026 which allows for the subdivision of land to create a lot of less than 300 square metres, must include the following condition:

- Before the plan of subdivision is certified under the *Subdivision Act 1988*, a plan must be approved and endorsed by the responsible authority, that identifies the lots to which:

– type A or type B of the *Small Lot Housing Code* (Victorian Planning Authority, 2019) applies; or

– type A, type B or type C of the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies.

to the satisfaction of the responsible authority.

A permit issued on or after 31 December 2026, other than an amendment of a permit issued before 31 December 2026 under section 72 of the Act , which allows for the subdivision of land to create a lot of less than 300 square metres, must include the following condition:

- Before the plan of subdivision is certified under the *Subdivision Act 1988*, a plan that identifies the lots to which type A, type B or type C of the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies, must be approved and endorsed by the responsible authority.

For other applications refer to the precinct structure plan applying to the land.

## 5.0 Exemption from notice and review

11/08/2022
C248wynd

None specified.

## 6.0 Decision guidelines

11/08/2022
C248wynd

The following decision guidelines apply to an application for a permit to use land for a shop in a town centre under 37.07, in addition to those specified in Clause 37.07 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The local catchment and PSP catchment demand for the additional floor area; and
- The effect on existing and future town centres within Wyndham North.

## 7.0 Signs

11/08/2022
C248wynd

The sign category for the land is the category specified in the zone applied to the land at Clause 2.2 of this schedule.

### 7.1 Land and home sales signs

Despite the provisions of Clause 52.05, signs promoting the sale of land or homes on the land (or on adjoining land in the same ownership) may be displayed without a permit provided:

- the display area for each sign does not exceed 10 square metres;
- only one sign is displayed per road frontage. Where the property has a road frontage of more than 150 metres multiple signs may be erected provided there is a minimum of 150 metres distance between each sign, with a total of not more than 4 signs per frontage;
- the sign is not animated, scrolling, electronic or internally illuminated sign;
- the sign is not displayed longer than 21 days after the sale (not settlement) of the last lot; and
- the sign is setback a minimum of 750mm from the property boundary.

A permit may be granted to display a sign promoting the sale of land or homes on the land (or on adjoining land in the same ownership) with an area greater than 10 square metres.

11/08/2022
C248wynd

# SCHEDULE 13 TO CLAUSE 37.07 URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ13**.

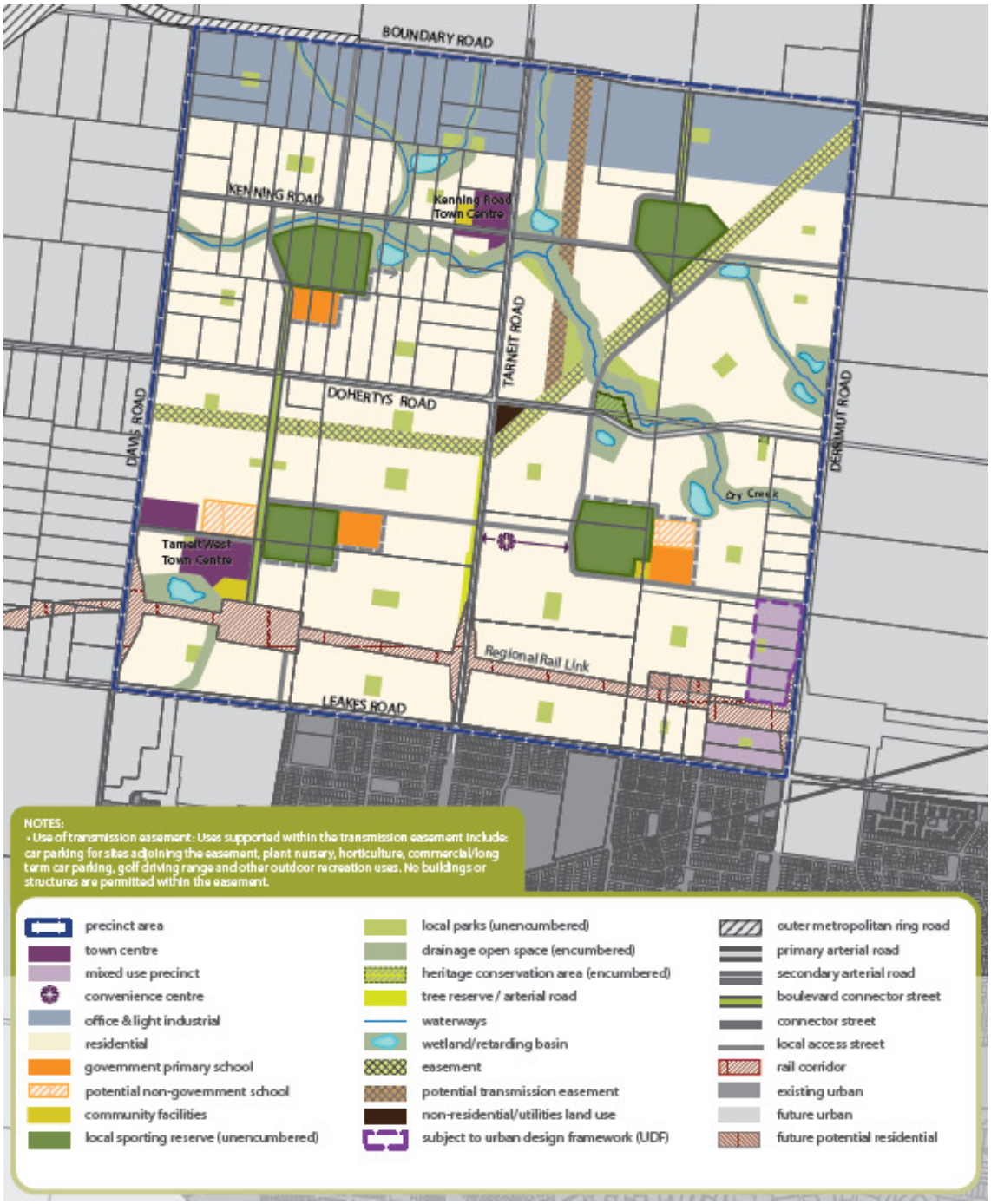
## TARNEIT NORTH PRECINCT STRUCTURE PLAN

## 1.0 The Plan

11/08/2022
C248wynd

Plan 1 shows the future urban structure proposed in the *Tarneit North Precinct Structure Plan*. It is a reproduction of Plan 2 in the *Tarneit North Precinct Structure Plan*.

### Plan 1 to Schedule 13 to Clause 37.07



## 2.0 Use and development

23/07/2015
C141

### 2.1 The land

11/08/2022
C248wynd

The use and development provisions specified in this schedule apply to the land within the 'precinct area' on Plan 1 and shown as UGZ13 on the planning scheme maps.

Note: Some land shown in Plan 1 is not zoned UGZ and the provisions of this schedule do not apply.

### 2.2 Applied zone provisions

11/08/2022
C248wynd

The provisions of the following zones in this scheme apply to the use and subdivision of land, the construction of a building, and the construction or carrying out of works as set out in Table 1.

**Table 1: Applied zone provisions**

| Land use/development (carried out or proposed) generally in accordance with the precinct structure plan applying to the land (refer Plan 1) | Applied zone provisions |
|---|---|
| Land shown on plan 1 of this schedule<br>**Town Centre**<br>**Convenience Centre** | Applied zone provisions<br>Clause 34.01 – Commercial 1 Zone |
| Land shown on plan 1 of this schedule<br>**Office & Light Industrial** | Applied zone provisions<br>Clause 33.03 – Industrial 3 Zone |
| Land shown on plan 1 of this schedule<br>**Land, or any lot wholly contained within, 100 metres distance from a town centre** | Applied zone provisions<br>Clause 32.04 – Mixed Use Zone |
| Land shown on plan 1 of this schedule<br>**Mixed Use Precinct** | Applied zone provisions<br>Clause 32.04 – Mixed Use Zone |
| Land shown on plan 1 of this schedule<br>**Arterial road (any type)** | Applied zone provisions<br>Clause 36.04 – Transport Zone 2 |
| Land shown on plan 1 of this schedule<br>**Connector street (any type)** | Applied zone provisions<br>Clause 36.04 – Transport Zone 3 |
| Land shown on plan 1 of this schedule<br>**Waterway corridor as described on Plan 8 of the incorporated Tarneit North Precinct Structure Plan** | Applied zone provisions<br>Clause 36.03 – Public Conservation and Resource Zone |
| Land shown on plan 1 of this schedule<br>**All other land** | Applied zone provisions<br>Clause 32.07 – Residential Growth Zone 1 |

### 2.3 Reference to a planning scheme zone is a reference to an applied zone

20/01/2022
VC205

A reference to a planning scheme zone in an applied zone must be read as if it were a reference to an applied zone under this schedule.

*Note: e.g. The Residential Growth Zone specifies 'Car wash' as a Section 2 Use with the condition, 'The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.' In this instance the condition should be read as, 'The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3 or an applied Transport Zone 2 or Transport Zone 3 in the Urban Growth Zone schedule applying to the land'.*

## 2.4 Specific provisions – Use and development of future public land

13/11/2014
C188

A permit is not required to use or develop land shown in the *Tarneit North Precinct Structure Plan* as open space (active or passive) or community facilities provided the use or development is carried out generally in accordance with the *Tarneit North Precinct Structure Plan* and with the prior written consent of Wyndham City Council.

## 2.5 Specific provisions – Use of land

13/11/2014
C188

**Table 2: Use**

| Use | Requirement |
|---|---|
| **Shop where the applied zone is Commercial 1 Zone** | A permit is required to use land for a shop if the combined leasable floor area of all shops exceeds:<br>▪ 6,000 square metres for land shown as Kenning local town centre in the incorporated Tarneit North Precinct Structure Plan.<br>▪ 10,000 square metres for land shown as Tarneit West local town centre in the incorporated Tarneit North Precinct Structure Plan.<br>▪ 1,500 square meters for land shown as a convenience centre in the Tarneit North Precinct Structure Plan. |
| **Shop where the applied zone is Mixed Use Zone** | A permit must not be granted to use land for a shop where the leasable floor area of an individual shop premises is greater than 600 square metres. |
| **Office where the applied zone is Industrial 3 Zone** | Office is a Section 1 use. |
| **Primary or Secondary School** | A permit is not required to use land for a Primary or Secondary school on land shown as Potential Non-Government School. |

## 2.6 Specific provision – Construction of one dwelling on a lot less than 300 square metres in area

28/11/2024
GC206

A permit is not required to construct or extend one dwelling on a lot of less than 300 square metres, if either of the following apply:

- There is a restriction registered on the plan of subdivision identifying the lot as a lot to which the *Small Lot Housing Code* (Victorian Planning Authority, November 2019) applies and the development complies with the *Small Lot Housing Code* (Victorian Planning Authority, November 2019) incorporated into this planning scheme.
- There is a restriction registered on the plan of subdivision identifying the lot as a lot to which the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies and the development complies with the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) incorporated into this planning scheme.

## 2.7 Specific provisions – Urban Design Framework – 605-635 Derrimut Road

13/11/2014
C188

Except with the consent of the responsible authority, a permit must not be granted to use or subdivide land, or construct a building and carry out works on land at 605-635 Derrimut Road, Tarneit until an urban design framework for the area has been prepared to the satisfaction of the responsible authority.

An urban design framework approved under this schedule must be generally in accordance with the precinct structure plan applying to the land.

An application for use and/or development on land shown as 'subject to urban design framework (UDF)' on Plan 2 of the incorporated Tarneit North Precinct Structure Plan must be consistent with any urban design framework approved under this schedule.

A permit may be granted to subdivide land or to construct a building or construct and carry out works prior to the approval of an urban design framework if, in the opinion of the responsible authority, the permit is consistent with the requirements for the urban design framework and the permit implements the objectives in the Tarneit North Precinct Structure Plan.

The responsible authority may allow an urban design framework to be prepared in stages.

The Urban Design Framework may be amended to the satisfaction of the responsible authority.

## 2.8 Specific provisions – Buildings and works for a school

13/11/2014 C188

A permit is required to construct a building or construct or carry out works associated with a Primary School or Secondary School on land shown as a non government school unless exempt under Clauses 62.02-1 and 62.02-2.

## 3.0 Application requirements

13/11/2014 C188

If in the opinion of the responsible authority an application requirement listed below is not relevant to the assessment of an application, the responsible authority may waive or reduce the requirement.

## 3.1 Subdivision - residential development

13/11/2014 C188

In addition to any requirement in 56.01-2, a subdivision design response must include:

- A land budget table in the same format and methodology as those within the precinct structure plan applying to the land, setting out the amount of land allocated to the proposed uses and expected population and dwelling yields.
- A demonstration of how the property will contribute to the achievement of the residential density outcomes in the precinct structure plan applying to the land.
- A demonstration of lot size diversity by including a colour-coded lot size plan, reflecting the lot size categories outlined in Table 1 & 2 of the Tarneit North PSP.
- A demonstration of how the subdivision will contribute to the delivery of a diversity of housing.

## 3.2 Public Infrastructure Plan

13/11/2014 C188

An application must be accompanied by a Public Infrastructure Plan which addresses the following:

- a stormwater management strategy that makes provision for the staging and timing of stormwater drainage works, including temporary outfall provisions, to the satisfaction of Melbourne Water;
- what land may be affected or required for the provision of infrastructure works;
- the provision, staging and timing of stormwater drainage works;
- the provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment;
- the landscaping of any land;
- what if any infrastructure set out in the Wyndham North Development Contributions Plan is sought to be provided as "works in lieu" subject to the written consent of Wyndham City Council;
- the provision of public open space and land for any community facilities;
- any other matter relevant to the provision of public infrastructure required by the responsible authority.

## 3.3 Traffic Impact Assessment

13/11/2014
C188

An application that proposes to create or change access to a primary or secondary arterial road must be accompanied by a Traffic Impact Assessment Report (TIAR). The TIAR, including functional layout plans and a feasibility / concept road safety audit, must be to the satisfaction of VicRoads or Wyndham City Council, as required.

## 3.4 Environmental Site Assessment

13/11/2014
C188

An application to subdivide land, use or develop land for a sensitive use (residential use, child care centre, pre-school centre or primary school) must be accompanied by an environmental site assessment of the land by a suitably qualified environmental professional to the satisfaction of the responsible authority which takes account of '*Wyndham North Precinct Structure Plan – Environmental, Hydrological & Geotechnical Assessment Precinct Structure Plan Area 1089 – Growth Areas Authority*' (Meinhardt, May 2012) and provides information including:

- Further detailed assessment of potential contaminants on the relevant land.
- Clear advice on whether the environmental condition of the land is suitable for the proposed use/s and whether an environmental audit of all, or part, of the land is recommended having regard to the *Potentially Contaminated Land General Practice Note June 2005, DSE.*
- Further detailed assessment of surface and subsurface water conditions and geotechnical characteristics on the relevant land and the potential impacts on the proposed development including any measures required to mitigate the impacts of groundwater conditions and geology on the development and the impact of the development on surface and subsurface water.
- Recommended remediation actions for any potentially contaminated land.

## 3.5 Dry Creek

13/11/2014
C188

An application on land containing or abutting the Dry Creek Corridor, its tributaries and environs must be accompanied by:

A plan that shows:

- Natural features including trees and other significant vegetation, habitat for protected species, drainage lines, water courses, wetlands, ridgelines, hill tops and features of geomorphic significance; and
- Recreation facilities to be provided within public open space; and
- Storm water facilities that are compliant with the relevant approved drainage strategy; and
- The retention and removal of vegetation and any re-vegetation; and
- A Landscape and Viewshed Analysis that identifies and protects important views associated with the waterway, including views within, to and from the waterways

## 3.6 Kangaroo Management Plan

13/11/2014
C188

Any application for subdivision must be accompanied by a Kangaroo Management Plan which includes:

- strategies to avoid land locking land adjacent to the subdivision that provides habitat to kangaroos; and
- management requirements to respond to the containment of kangaroos in an area with no reasonable likelihood of their continued safe existence; or
- management and monitoring actions to sustainably manage a population of kangaroos within a suitable location.

Where a Kangaroo Management Plan has been approved in respect to the land to which the application applies, the application must be accompanied by:

- a copy of the approved Kangaroo Management Plan; and
- a 'design/management response' statement outlining how the application is consistent with and gives effect to any requirements of the approved Kangaroo Management Plan.

## 4.0 Conditions and requirements for permits

28/11/2024
GC206

### Conditions - a permit to subdivide land to create a lot of less than 300 square metres

A permit issued before 31 December 2026 which allows for the subdivision of land to create a lot of less than 300 square metres, must include the following condition:

- Before the plan of subdivision is certified under the *Subdivision Act 1988*, a plan must be approved and endorsed by the responsible authority, that identifies the lots to which:

– type A or type B of the *Small Lot Housing Code* (Victorian Planning Authority, 2019) applies; or

– type A, type B or type C of the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies.

to the satisfaction of the responsible authority.

A permit issued on or after 31 December 2026, other than an amendment of a permit issued before 31 December 2026 under section 72 of the Act , which allows for the subdivision of land to create a lot of less than 300 square metres, must include the following condition:

- Before the plan of subdivision is certified under the *Subdivision Act 1988*, a plan that identifies the lots to which type A, type B or type C of the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies, must be approved and endorsed by the responsible authority.

For other applications refer to the precinct structure plan applying to the land.

## 5.0 Exemption from notice and review

11/08/2022
C248wynd

None specified.

## 6.0 Decision guidelines

11/08/2022
C248wynd

Before deciding on an application to use land for a shop in a town centre, in addition to the decision guidelines at Clause 37.07-14, the responsible authority must consider, as appropriate:

- The local catchment and PSP catchment demand for the additional floor area; and
- The effect on existing and future major town centres within Wyndham North.

## 7.0 Signs

11/08/2022
C248wynd

The sign category for the land is the category specified in the zone applied zone to the land at Clause 2.2 of this schedule.

### 7.1 Land and home sales signs

Despite the provisions of Clause 52.05, signs promoting the sale of land or homes on the land (or on adjoining land in the same ownership) may be displayed without a permit provided:

- the display area for each sign does not exceed 10 square metres;

- only one sign is displayed per road frontage. Where the property has a road frontage of more than 150 metres multiple signs may be erected provided there is a minimum of 150 metres distance between each sign, with a total of not more than 4 signs per frontage;
- the sign is not animated, scrolling, electronic or internally illuminated sign;
- the sign is not displayed longer than 21 days after the sale (not settlement) of the last lot; and
- the sign is setback a minimum of 750mm from the property boundary.

A permit may be granted to display a sign promoting the sale of land or homes on the land (or on adjoining land in the same ownership) with an area greater than 10 square metres.

11/08/2022
C248wynd

# SCHEDULE 14 TO CLAUSE 37.07 URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ14**.

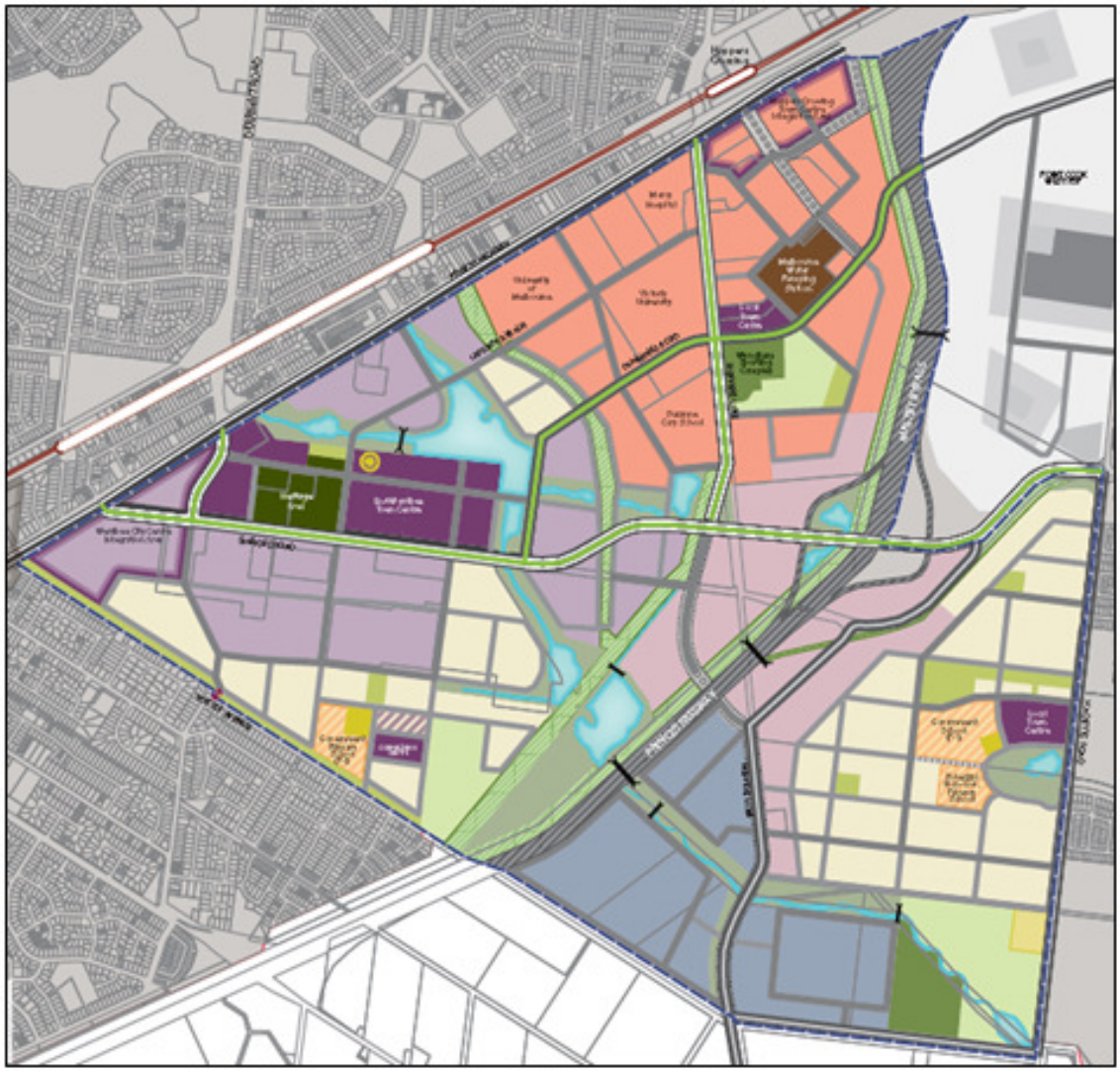
## EAST WERRIBEE EMPLOYMENT PRECINCT

## 1.0 The plan

11/08/2022
C248wynd

Plan 1 shows the future urban structure proposed for the *East Werribee Employment Precinct Structure Plan*. It is a reproduction of Plan 2 in the *East Werribee Employment Precinct Structure Plan*.

**Plan 1 to Schedule 14 to Clause 37.07**



## 2.0 Use and development

28/08/2014
C181

### 2.1 The land

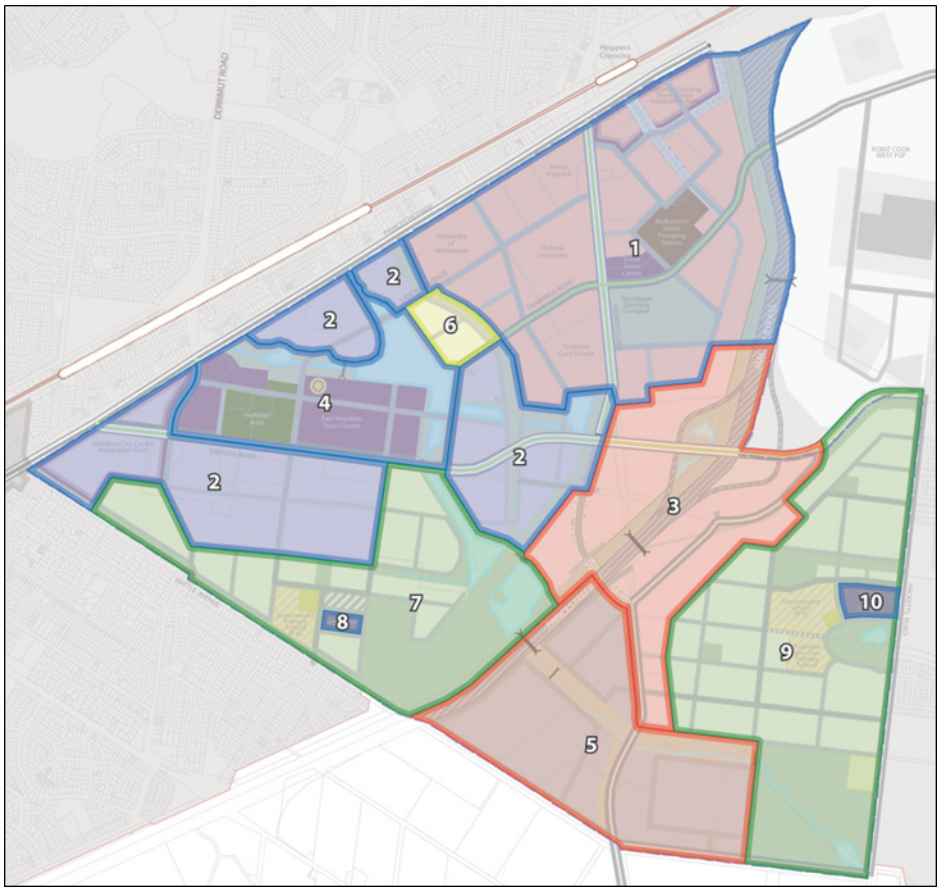
11/08/2022
C248wynd

The use and development provisions specified in this schedule apply to the land as shown on Plans 1 and 2 and shown as UGZ14 on the planning scheme maps.

The land comprises the areas referred to in the Precinct Structure Plan and depicted on Plan 2:

*Note: If land shown on Plan 2 is not zoned UGZ, the provisions of this zone do not apply.*

**Plan 2 to Schedule 14 to Clause 37.07**




**1** - Health & Learning Hub
**2** - Commercial Hub
**3** - Interchange Business Hub
**4** - East Werribee Town Centre
**5** - Enterprise Hub
**6** - Lakeside Community
**7** - Wattle Village Community
**8** - Convenience Centre (Wattle Village)
**9** - Point Cook South West Community
**10** - Local Town Centre (Point Cook South West)

## 2.2 Applied zone provisions

11/08/2022
C248wynd

The provisions of the following zones in this scheme apply to the use and subdivision of land, the construction of a building, construction or carrying out of works as set out in Table 1.

**Table 1: Applied zones**

| Generally in accordance with the area nominated on Plan 2 | Applied zone provisions |
|---|---|
| Land shown on plan 2 of this schedule | Applied zone provisions |
| Commercial Hub | Clause 34.01 – Commercial 1 Zone |
| Convenience Centre (Wattle Village Community ) | |
| East Werribee Town Centre | |
| Land shown on plan 2 of this schedule | Applied zone provisions |
| Enterprise Hub | Clause 33.01 – Industrial 1 Zone |

| Generally in accordance with the area nominated on Plan 2 | Applied zone provisions |
|---|---|
| Land shown on plan 2 of this schedule<br>Health and Learning Hub | Applied zone provisions<br>Clause 34.01 – Commercial 1 Zone |
| Land shown on plan 2 of this schedule<br>Interchange Business Hub | Applied zone provisions<br>Clause 33.01 – Industrial 1 Zone |
| Land shown on plan 2 of this schedule<br>Lakeside Community | Applied zone provisions<br>Clause 32.07 – Residential Growth Zone |
| Land shown on plan 2 of this schedule<br>Local Town Centre (Point Cook South West Community) | Applied zone provisions<br>Clause 34.01 – Commercial 1 Zone |
| Land shown on plan 2 of this schedule<br>Point Cook South West Community (excluding Local Town Centre) | Applied zone provisions<br>Clause 32.08 – General Residential Zone |

## 2.3 Specific provisions – Use and development of future public land

17/10/2013
C179

A permit is not required to use or develop land shown in the *East Werribee Employment Precinct Structure Plan* as open space (active or passive) or community facilities provided the use or development is carried out generally in accordance with the *East Werribee Employment Precinct Structure Plan* and with the prior written consent of Wyndham City Council.

## 2.4 Specific provisions – Use and development by the public land manager

31/03/2022
GC192

A permit is not required to use or develop public land by the relevant public land manager provided the use or development is carried out generally in accordance with the *East Werribee Employment Precinct Structure Plan* and with the prior written consent of the responsible authority.

## 2.5 Specific provisions – Use of land in the General Residential Zone

20/01/2022
VC205

### Table 2: Use

| Use | Condition |
|---|---|
| **Primary school** | A permit is not required to use land for a Primary school on land shown as Potential Non Government Primary School. |
| **Any use in an applied zone with the condition, 'The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.'** | At the end of the condition add the words, 'or any arterial road described in the East Werribee Employment Precinct Structure Plan'. |

## 2.6 Specific provisions – Use of land in the Residential Growth Zone

20/01/2022
VC205

### Table 3: Use

| Use | Condition |
|---|---|
| **Place of worship** | A permit is required to use land for a Place of worship. |

| Use | Condition |
|---|---|
| **Residential aged care facility** | A permit is required to use land for a Residential aged care facility. |
| **Any use in an applied zone with the condition, 'The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.'** | At the end of the condition add the words, 'or any arterial road described in the East Werribee Employment Precinct Structure Plan'. |

## 2.7 Specific provisions – Use of land in the Commercial 1 Zone

20/01/2022
VC205

### Table 4: Use

| Use | Condition |
|---|---|
| **Child care centre** | A permit is required to use land for a Child care centre in the Health and Learning Hub. |
| **Corrective institution** | A permit is required to use land for a Corrective institution. |
| **Major sport and recreation facility** | A permit is required to use land for a Major sport and recreation facility. |
| **Primary school**<br>**Secondary school** | A permit is required to use land for a Primary school or Secondary school. |
| **Shop** | A permit is required to use land for a Shop in the Health and Learning Hub (this condition does not apply to land shown as Local Town Centre or Hoppers Crossing Town Centre Integration Area).<br>A permit is required to use land for a Shop in the Commercial Hub.<br>A permit is required to use land for a Shop if the combined leasable floor area of all shops exceeds the following area for the relevant centre as described in the East Werribee Precinct Structure Plan:<br>▪ 5000 square metres for land shown as Local Town Centre in the Health and Learning Hub<br>▪ 1500 square metres for land shown as Convenience Centre in Wattle Village Community<br>▪ 8000 square metres for land shown as Local Town Centre in Point Cook South West Village. |
| **Retail premises (other than Shop)** | A permit is required to use land for a Retail premises (other than Shop) in the Health and Learning Hub and Commercial Hub. |
| **Any use in an applied zone with the condition, 'The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.'** | At the end of the condition add the words, 'or any arterial road described in the East Werribee Employment Precinct Structure Plan'. |

## 2.8 Specific provisions – Use of land in the Industrial 1 Zone

20/01/2022
VC205

**Table 5: Use**

| Use | Condition |
|---|---|
| **Service station** | A permit is required to use land for a Service station. |
| **Shipping container storage** | A permit is required to use land for Shipping container storage. |
| **Any use in an applied zone with the condition, 'The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.'** | At the end of the condition add the words, 'or any arterial road described in the East Werribee Employment Precinct Structure Plan'. |

## 2.9 Specific Provisions - Dwellings on a lot less than 300 square metres

28/11/2024
GC206

A permit is not required to construct or extend one dwelling on a lot of less than 300 square metres, if either of the following apply:

- There is a restriction registered on the plan of subdivision identifying the lot as a lot to which the *Small Lot Housing Code* (Victorian Planning Authority, November 2019) applies and the development complies with the *Small Lot Housing Code* (Victorian Planning Authority, November 2019) incorporated into this planning scheme.
- There is a restriction registered on the plan of subdivision identifying the lot as a lot to which the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies and the development complies with the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) incorporated into this planning scheme.

## 2.10 Specific provisions – Referral of applications to Public Transport Victoria

11/08/2022
C248wynd

For the purpose of Clause 66.02-11 of the scheme a development is generally in accordance with the *East Werribee Employment Precinct Structure Plan* where the following requirements are met:

- a road nominated on Plan 10 – Active and Public Transport Networks in the *East Werribee Employment Precinct Structure Plan* as a potential bus route is constructed (including any partial construction where relevant) in accordance with its corresponding cross section in the *East Werribee Employment Precinct Structure Plan* and in accordance with the *Public Transport Guidelines for Land Use and Development*; and
- any roundabouts or other road management devices on potential bus routes are constructed to accommodate ultra low floor buses in accordance with the *Public Transport Guidelines for Land Use and Development*; and
- unless otherwise agreed in writing with the Director of Public Transport, prior to the issue of a Statement of Compliance for any subdivision stage, bus stops must be constructed, at full cost to the permit holder, as follows:
  - generally in the location identified by the Director of Public Transport;
  - in accordance with the *Public Transport Guidelines for Land Use and Development* with a concrete hard stand area, and in activity centres a shelter must also be constructed;
  - be compliant with the *Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002*; and
  - be provided with direct and safe pedestrian access to a pedestrian path

to the satisfaction of the Director of Public Transport.

The responsible authority may address any of the above matters through planning permit conditions.

## 2.11 Specific provisions - development plan

17/10/2013
C179

No permit is required to construct a building or to construct or carry out works in the Health and Learning Hub, Commercial Hub, Interchange Business Hub, East Werribee Town Centre, Enterprise Hub, Lakeside Community or within the Convenience Centre in the Wattle Village Community or Local Town Centre in Point Cook South West Community if the buildings or works are constructed in accordance with an approved development plan.

## 2.12 Specific provisions - Primary school

17/10/2013
C179

A permit is required to construct a building or construct or carry out works associated with a Primary School on land shown as Potential Non Government Primary School unless exempt under Clauses 62.02-1 and 62.02-2.

## 3.0 Application requirements

28/11/2024
GC206

If in the opinion of the responsible authority a requirement listed at 3.1 – 3.3 is not relevant to the assessment of an application, the responsible authority may waive or reduce the requirement.

### Conditions - a permit to subdivide land to create a lot of less than 300 square metres

A permit issued before 31 December 2026 which allows for the subdivision of land to create a lot of less than 300 square metres, must include the following condition:

- Before the plan of subdivision is certified under the *Subdivision Act 1988*, a plan must be approved and endorsed by the responsible authority, that identifies the lots to which:

– type A or type B of the *Small Lot Housing Code* (Victorian Planning Authority, 2019) applies; or

– type A, type B or type C of the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies.

to the satisfaction of the responsible authority.

A permit issued on or after 31 December 2026, other than an amendment of a permit issued before 31 December 2026 under section 72 of the Act , which allows for the subdivision of land to create a lot of less than 300 square metres, must include the following condition:

- Before the plan of subdivision is certified under the *Subdivision Act 1988*, a plan that identifies the lots to which type A, type B or type C of the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies, must be approved and endorsed by the responsible authority.

## 3.1 Subdivision – residential development in Lakeside, Wattle Village and Point Cook South West Communities

17/10/2013
C179

An application for a residential subdivision must be accompanied by:

- A table setting out the amount of land allocated to the proposed uses and expected population, dwelling and employment yields.
- A Traffic Impact Assessment Report to the satisfaction of the relevant road management authority.

## 3.2 Use or develop land for a Local Town Centre or Convenience Centre

31/03/2022
GC192

An application to use or subdivide land, construct a building or construct or carry out works for a Local Town Centre or Convenience Centre must be generally in accordance with the role and function of the centre set out in the *East Werribee Employment Precinct Structure Plan*.

An application to use or subdivide land, construct a building or construct or carry out works for a Local Town Centre or Convenience Centre must also be accompanied by following information, as appropriate, to the satisfaction of the responsible authority:

- A design response report and plans that:
  - Address the relevant town centre design requirements and guidelines contained within the *East Werribee Employment Precinct Structure Plan*;
  - Address any relevant design guidelines prepared by the Victorian Government or the Wyndham City Council;
  - Demonstrate how the proposal relates to existing or approved development in the area;
  - Demonstrate site responsive architecture and urban design;
  - Demonstrate how the proposal will contribute to the urban character of the centre;
  - Explain how the proposal responds to feedback received following consultation with relevant infrastructure agencies such as the Department of Transport;
  - Include environmental sustainability initiatives including integrated water management and energy conservation;
  - Address the relevant provisions in the planning scheme for car parking including the location and design of car parking areas and car parking rates for proposed uses within the centre;
  - Address the relevant provisions in the planning scheme for any proposed advertising signs;
  - Include arrangements for the provision of service areas and for deliveries and waste disposal including access for larger vehicles and measures to minimise the impact on the amenity of the centre and adjoining neighbourhoods; and
  - Demonstrate how opportunities for medium and higher density housing and future commercial expansion can be incorporated into the centre (including on future upper levels and through future car park redevelopments).
- An overall landscape concept/master plan for the centre including a design of the town square/ public space.

## 3.3 Public infrastructure plan

31/03/2022
GC192

An application for subdivision and/or use and development of land must be accompanied by a Public Infrastructure Plan which addresses the following:

- A stormwater management strategy that makes provision for the staging and timing of stormwater drainage works, including temporary outfall provisions, to the satisfaction of Melbourne Water;
- What land may be affected or required for the provision of infrastructure works;
- The provision, staging and timing of stormwater drainage works;
- The provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment;
- The landscaping of any land;
- What, if any, infrastructure set out in the East Werribee Employment Precinct Development Contributions Plan is sought to be provided as "works in lieu" subject to the written consent of the Collecting Agency;
- The provision of public open space and land for any community facilities;
- Any other matter relevant to the provision of public infrastructure required by the responsible authority or Collecting Agency.

## 3.4 Shell pipelines

17/10/2013
C179

Applications for use or development in the vicinity of the Shell high pressure oil pipelines must be accompanied by a response to the Shell documents: *Conditions for Works Near Shell & WAG High Pressure Pipelines In Victoria* and *Land Use Planning, Development & Subdivision Near Shell &WAG High Pressure Pipelines In Victoria*.

## 3.5 APA GasNet pipelines

17/10/2013
C179

Applications for use or development in the vicinity of the APA GasNet high pressure pipeline must be accompanied by a response to the document: *Conditions for Works Near APA Group Gas Transmission Pipelines*.

## 4.0 Development plan:

17/10/2013
C179

### Health and Learning Hub, Commercial Hub, Interchange Business Hub, East Werribee Town Centre, Enterprise Hub, Lakeside Community, Convenience Centre in the Wattle Village Community or Local Town Centre in Point Cook South West Community

A development plan for each hub or centre, or part of a hub or centre, including an amendment to a development plan, may be submitted to the responsible authority for approval and may be approved with or without conditions.

A submitted development plan must be to the satisfaction of the responsible authority, be generally in accordance with the *East Werribee Employment Precinct Structure Plan*, and must include as appropriate:

- For residential development of four or more storeys - a site analysis and design response, including the boundaries and dimensions of the site, adjoining buildings and roads, generally in accordance with the provisions of Clause 52.35.
- A detailed assessment against the Vision, objectives and requirements contained within the *East Werribee Employment Precinct Structure Plan*. The assessment must include a section explaining how the development addresses the approved Design Requirements and Guidelines for the relevant hub or centre.
- For development within a Local Town Centre or Convenience Centre, a design response report addressing the relevant matters in accordance with sub-clause 3.2 of this schedule.
- A Public Infrastructure Plan in accordance with sub-clause 3.3 of this schedule.
- For development proposals in the vicinity of the Shell high pressure oil pipelines, a report in accordance with sub-clause 3.4 of this schedule.
- For development proposals in the vicinity of the APA GasNet high pressure gas pipelines, a report in accordance with sub-clause 3.5 of this schedule.
- The location and height of all buildings and works, including the relevant ground levels and building heights to Australian Height Datum (AHD).
- Detailed elevations and sections drawn to scale including heights to Australian Height Datum (AHD).
- A coloured set of elevations and or perspectives including a samples board detailing the colours and materials to be used.
- The proposed uses for each building.
- The number and layout of all car parking spaces and access lanes.
- The number and location of all bicycle parking and associated facilities.
- The location of all loading areas and access to and from these areas.
- Detailed engineering plans of all proposed public works prior to the commencement of works.

- The location of all vehicle, bicycle and pedestrian accessways.
- The location and details of all open space, including areas available to the public.
- An operations plan including the following, as appropriate:
  - General amenity provisions.
  - Proposals for the permanent management and upkeep of public areas.
  - The maintenance of undeveloped land on the site.
  - The operation of waste collection.
  - The operation and management of car parking spaces.
  - Litter management.
- A landscape plan which includes:
  - All existing vegetation to be retained or removed.
  - The location, quantity and size at maturity of all proposed plants - as far as possible this should include indigenous species.
  - The botanical name of all new plantings.
  - Details of all proposed design features such as paths, paving and fencing.
  - Management requirements for significant vegetation during the construction phase, watering and maintenance methods for new vegetation.
  - A schedule of park furniture, public lighting and embellishments.
- A wind assessment for new developments of four storeys or more, excluding a basement.
- Details of external lighting treatment.
- The indicative location, type and design of proposed signs.

Development must be carried out in accordance with any approved development plan.

## 4.1 Consideration of development plan

17/10/2013
C179

Further information must be required within 14 days after the plan is received by the responsible authority.

The responsible authority must make a decision on the plan or amendment within 42 days of the receipt of the application, or within 42 days of the receipt of further information if further information is required.

The responsible authority must consider the views of the Wyndham City Council prior to making a decision on the plan.

## 5.0 Specific provisions - Use or develop land for a sensitive purpose – Environmental Site Assessment

11/08/2022
C248wynd

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, a Phase 2 Environmental Site Assessment, including soil and groundwater investigation as per the recommendations of the *Phase 1 Environmental Site Assessment – Werribee Employment Precinct* (22 March 2009) prepared by Compass Environmental, must be carried out to the satisfaction of the responsible authority.

Upon receipt of the Phase 2 Environmental Site Assessment the owner must comply with any further requirements made by the responsible authority after having regard to the guidance set out in the General Practice Note on Potentially Contaminated Land June 2005 (DSE). The use or construction or carrying out of buildings and works must not commence until the responsible authority is satisfied that the land is suitable for the intended use.

This requirement does not apply to land shown as 'Hoppers Crossing Town Centre Integration Area' shown on the future urban structure at Plan 1 and in the *East Werribee Employment Precinct Structure Plan*.

## 6.0 Specific provisions – Construction management plan

17/10/2013
C179

Prior to the commencement of any works, including demolition, a construction management plan must be approved by and then implemented to the satisfaction of the responsible authority. The plan must provide for any relevant matter to the satisfaction of the responsible authority and may include the following details as appropriate:

- containment of dust, dirt and mud within the site and method and frequency of clean up;
- procedures in the event of build up of matter outside the site;
- methods for management of noise and general nuisance;
- site security;
- waste and storm water treatment;
- construction program;
- preferred routes for trucks delivering to the site;
- delivery and unloading points and expected frequency;
- an emergency contact that is available for 24 hours per day for residents and the responsible authority in the event of relevant queries or problems experienced; and
- traffic management measures to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.

Any construction management plan relating to development within, crossing or in close proximity to the APA GasNet high pressure gas pipeline easement must be to the satisfaction of APA GasNet and prohibit the use of rippers or horizontal directional drills within or crossing the APA GasNet pipeline easement.

The construction management plan may be amended to the satisfaction of the responsible authority.

## 7.0 Specific provisions – Employment Design Guidelines Area

17/10/2013
C179

Except with the consent of the responsible authority, a permit or development plan must not be granted or approved to use or subdivide land, or construct a building and carry out works on land within the "*Employment Design Guidelines Area*" shown on *Plan 5 - Design Guidelines* of the *East Werribee Employment Precinct Structure Plan* until Design Requirements and Guidelines for the relevant hub, community, convenience centre, local town centre or convenience centre within which the development proposal is located, have been prepared to the satisfaction of the responsible authority.

Design Requirements and Guidelines approved under this schedule must be generally in accordance with the *East Werribee Employment Precinct Structure Plan*.

An application for use and/or development on land shown within "*Employment Design Guidelines Area*" shown on *Plan 5 - Design Guidelines* of the *East Werribee Employment Precinct Structure Plan* must be consistent with any Design Requirements and Guidelines approved under this schedule for the relevant hub, community, convenience centre, local town centre or convenience centre within which the development proposal is located.

A permit may be granted to use or subdivide land, or a permit or development plan granted to construct a building or construct and carry out works prior to the approval of Design Requirements and Guidelines if, in the opinion of the responsible authority, the permit or development plan is consistent with the requirements for the Design Requirements and Guidelines and the permit or development plan implements the objectives for the relevant hub, community, convenience centre, local town centre or convenience centre as set out in the *East Werribee Employment Precinct Structure Plan.*

The responsible authority may allow Design Requirements and Guidelines to be prepared in stages.

The Design Requirements and Guidelines may be amended to the satisfaction of the responsible authority.

## 8.0 Specific provisions – Referral of applications

31/03/2022
GC192

None specified.

## 9.0 Signs

11/08/2022
C248wynd

The following sign categories in this scheme apply by reference to Table 1 of this Schedule.

**Table 6: Signs**

| Applied zone | Sign category |
|---|---|
| **Commercial 1 Zone** | Category 1 |
| **General Residential Zone** | Category 3 |
| **Industrial 1 Zone** | Category 2 |
| **Residential Growth Zone** | Category 3 |

## 9.1 Land and home sales signs

11/08/2022
C248wynd

Despite the provisions of Clause 52.05, signs promoting the sale of commercial, industrial or residential land, or dwellings on the land (or on adjoining land in the same ownership) may be displayed without a permit provided:

- the display area for each sign does not exceed 10 square metres;
- only one sign is displayed per road frontage. Where the property has a road frontage of more than 150 metres multiple signs may be erected provided there is a minimum of 150 metres distance between each sign, with a total of not more than 4 signs per frontage;
- the sign is not an animated, scrolling, electronic or internally illuminated sign;
- the sign is not displayed longer than 21 days after the sale (not settlement) of the last lot; and
- the sign is set back a minimum of 750mm from the property boundary

11/08/2022
C248wynd

# SCHEDULE 15 TO CLAUSE 37.07 URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ15**.

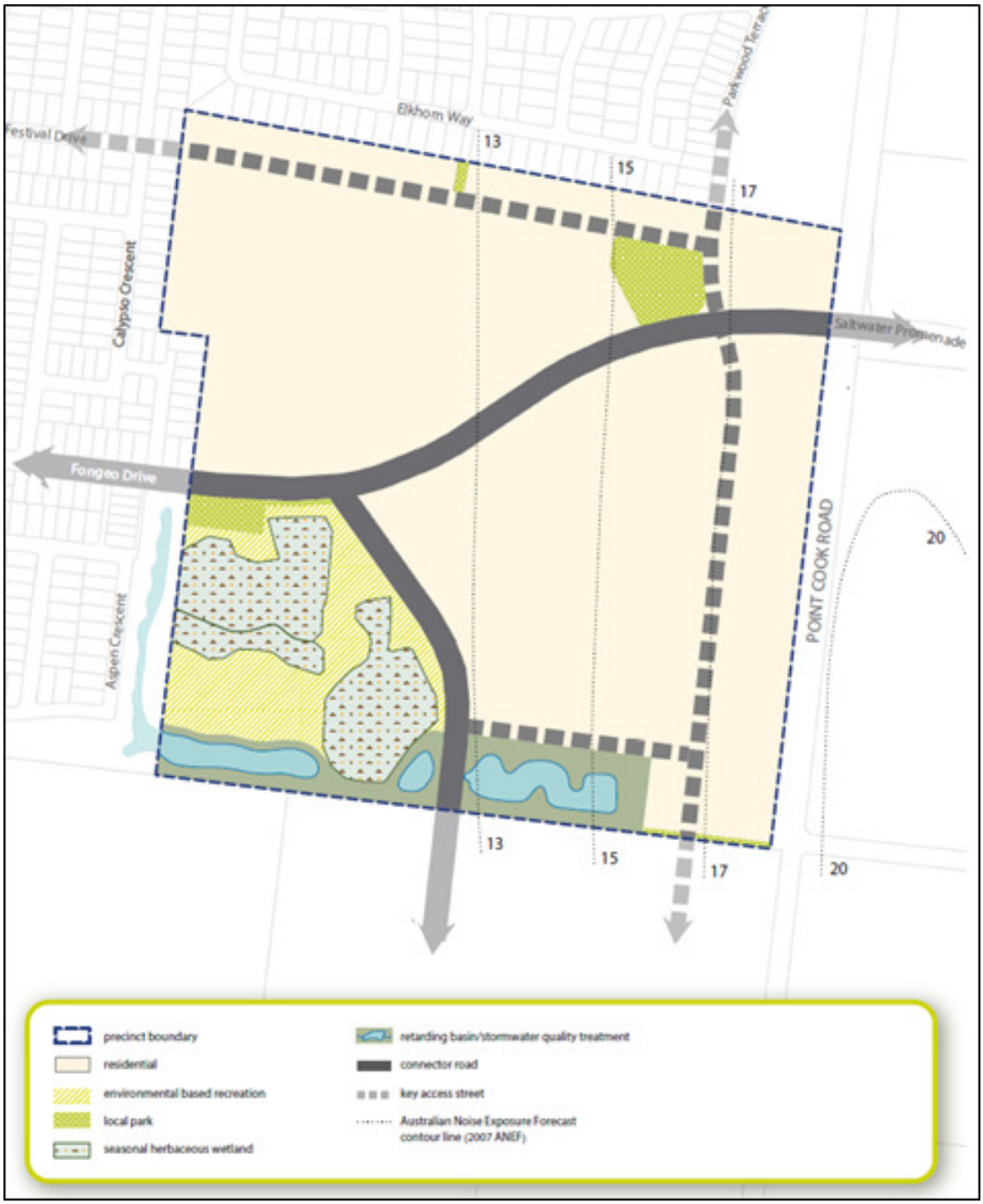
## LINCOLN HEATH SOUTH PRECINCT STRUCTURE PLAN

## 1.0 The plan

11/08/2022
C248wynd

Plan 1 shows the future urban structure proposed for the *Lincoln Heath South Precinct Structure Plan*. It is a reproduction of Plan 2 in the *Lincoln Heath South Precinct Structure Plan, September 2015.*

**Plan 1 to Schedule 15 to Clause 37.07**



## 2.0 Use and development

17/12/2015
C194

### 2.1 The land

11/08/2022
C248wynd

The use and development provisions specified in this schedule apply to the land within the 'precinct boundary' on Plan 1 and shown as UGZ15 on the planning scheme maps.

### 2.2 Applied zone provisions

11/08/2022
C248wynd

The provisions of the following zones in this scheme apply to the use and subdivision of land, the construction of a building and the construction or carrying out of works as set out in Table 1.

**Table 1: Applied zones**

| Land use/development (carried out or proposed) generally in accordance with the precinct structure plan applying to the land | Applied zone provisions |
|---|---|
| Land shown on plan 1 of this schedule<br>**Connector street (any type)** | Applied zone provisions<br>Clause 36.04 – Transport Zone 3 |
| Land shown on plan 1 of this schedule<br>**Seasonal herbaceous wetlands and environmental based recreation** | Applied zone provisions<br>Clause 36.03 – Public Conservation and Resource Zone |
| Land shown on plan 1 of this schedule<br>**All other land** | Applied zone provisions<br>Clause 32.08 – General Residential Zone |

### 2.3 Reference to a planning scheme zone is a reference to an applied zone

20/01/2022
VC205

A reference to a planning scheme zone in an applied zone must be read as if it were a reference to an applied zone under this schedule.

*Note: e.g. The General Residential Zone specifies 'Car wash' as a Section 2 Use with the condition, 'The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.' In this instance the condition should be read as, 'The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3 or an applied Transport Zone 2 or Transport Zone 3 in the Urban Growth Zone schedule applying to the land'.*

### 2.4 Specific provisions – Use and development of future public land

17/12/2015
C194

A permit is not required to use or develop land shown in the *Lincoln Heath South Precinct Structure Plan* as a local park provided the use or development is carried out generally in accordance with the *Lincoln Heath South Precinct Structure Plan* and with the prior written consent of Wyndham City Council.

### 2.5 Specific Provisions – Construction of one dwelling on a lot less than 300 square metres in area

28/11/2024
GC206

A permit is not required to construct or extend one dwelling on a lot of less than 300 square metres, if either of the following apply:

- There is a restriction registered on the plan of subdivision identifying the lot as a lot to which the *Small Lot Housing Code* (Victorian Planning Authority, November 2019) applies and the development complies with the *Small Lot Housing Code* (Victorian Planning Authority, November 2019) incorporated into this planning scheme.
- There is a restriction registered on the plan of subdivision identifying the lot as a lot to which the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies and the

development complies with the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) incorporated into this planning scheme.

## 2.6 Specific provisions – Vegetation Protection

17/12/2015
C194

A permit is required to remove, destroy or lop any vegetation identified as 'native vegetation to be retainedon Plan 3 – Native Vegetation and Open Space plan in theLincoln Heath South Precinct Structure Plan.

## 3.0 Application requirements

11/08/2022
C248wynd

If in the opinion of the responsible authority a requirement listed at 3.1 – 3.3 is not relevant to the assessment of an application, the responsible authority may waive or reduce the requirement.

## 3.1 Subdivision – residential development

17/12/2015
C194

In addition to any requirement in 56.01-2, a subdivision design response must include:

- A land budget table in the same format and methodology as those within the precinct structure plan applying to the land, setting out the amount of land allocated to the proposed uses and expected population and dwelling yields.
- A demonstration of how the property will contribute to the achievement of the residential density outcomes in the precinct structure plan applying to the land.
- A demonstration of lot size diversity by including a colour-coded lot size plan, reflecting the lot size categories outlined in Table 1 of the Lincoln Heath South PSP.
- A demonstration of how the subdivision will contribute to the delivery of a diversity of housing.
- The 13-20 ANEF (Australian Noise Exposure Forecast) contours as shown in the 2007 ANEF Contours RAAF Base Williams Point Cook Plan or any subsequent aircraft noise investigation undertaken in accordance with Australian Standard AS2021-2000 Acoustics – Aircraft noise intrusion – Building siting and construction (or later version).

## 3.2 Public Infrastructure Plan

17/12/2015
C194

An application must be accompanied by a Public Infrastructure Plan which addresses the following:

- a stormwater management strategy that makes provision for the staging and timing of stormwater drainage works, including temporary outfall provisions, to the satisfaction of Melbourne Water;
- what land may be affected or required for the provision of infrastructure works;
- the provision, staging and timing of stormwater drainage works;
- the provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment;
- the landscaping of any land;
- if any infrastructure is sought is to be provided as "works in lieu" for development contributions to be made in relation to the land under any incorporated Development Contributions Plan applying to the land or any relevant agreement with Wyndham City Council;
- the provision of public open space and land for any community facilities;
- any other matter relevant to the provision of public infrastructure required by the responsible authority.

## 3.3 Native vegetation assessment

17/12/2015
C194

An application to remove or destroy native vegetation must be accompanied by a report prepared by a qualified arborist that includes a detailed description of the location, health, structural quality and expected longevity of all native vegetation on the property.

## 4.0 Conditions and requirements for permits

17/12/2015
C194

## 4.1 Conditions for subdivision permits that allow the creation of a lot less than 300 square metres

28/11/2024
GC206

A permit issued before 31 December 2026 which allows for the subdivision of land to create a lot of less than 300 square metres, must include the following condition:

- Before the plan of subdivision is certified under the *Subdivision Act 1988*, a plan must be approved and endorsed by the responsible authority, that identifies the lots to which:

– type A or type B of the *Small Lot Housing Code* (Victorian Planning Authority, 2019) applies; or

– type A, type B or type C of the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies.

to the satisfaction of the responsible authority.

A permit issued on or after 31 December 2026, other than an amendment of a permit issued before 31 December 2026 under section 72 of the Act , which allows for the subdivision of land to create a lot of less than 300 square metres, must include the following condition:

- Before the plan of subdivision is certified under the *Subdivision Act 1988*, a plan that identifies the lots to which type A, type B or type C of the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies, must be approved and endorsed by the responsible authority.

## 4.2 Design requirements for lots in the 13-20 ANEF

17/12/2015
C194

Any permit for subdivision where land is located within the 13-20 ANEF must include the following condition:

- Prior to the Certification of the Plan of Subdivision, a Memorandum of Common Provisions must be placed on the Plan of Subdivision for all lots within the 13-20 ANEF to the satisfaction of the responsible authority. The restriction must include reference to design guidelines which address:
  - Information to future landowners that the site is located in proximity to the Point Cook RAAF air base and may be affected by associated noise;
  - All external lighting must not be directed above the horizontal plane;
  - All external roof cladding and roof material must be of low reflectance; and
  - All buildings and development must be not more than 15 metres in height above natural ground level.

## 4.3 Open Space Conditions

17/12/2015
C194

Any permit for subdivision, buildings or works permits where land is required for public open space must contain the following condition:

- Land required for public open space as a local or district park, as set out in the Lincoln Heath South Structure Plan or in any incorporated Development Contributions Plan applying to the land must be transferred to or vested in Council at no cost to Council unless the land is funded by any incorporated Development Contributions Plan applying to the land.

## 4.4 Biodiversity Conditions

17/12/2015
C194

A permit granted to subdivide land where construction works are required to carry out the subdivision, or a permit to construct a building or carry out works, where the Lincoln Heath South Precinct Structure Plan identifies the land as including a seasonal herbaceous wetlands or a patch of native vegetation must ensure that:

- Before the start of construction or carrying out works in or around a patch of native vegetation, the developer of the land must erect a vegetation protection fence that is:
  - Highly visible;
  - At least two metres in height;
  - Constructed to withstand knocks from construction vehicles;
  - Remains in place for the whole construction period;
  - Located a minimum distance of two metres from the patch of native vegetation being protected;
  - Not be erected if it presents a risk to any vegetation within seasonal herbaceous wetlands
  - Erected under the supervision of a suitable qualified ecologist.

## 4.5 Public Transport

17/12/2015
C194

Unless otherwise agreed by Public Transport Victoria, prior to the issue of the Statement of Compliance for any subdivision stage which contains any portion of a road nominated as a 'Connector Street (bus capable)' on Plan 4 – Transport and Movement ' on page 14 of the Lincoln Heath South Precinct Structure Plan, bus stop hard stands with direct and safe pedestrian access to a pedestrian path must be constructed:

- In accordance with the Department of Transport Public Transport Guidelines for Land Use and Development;
- Comply with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002; and
- At locations approved by Public Transport Victoria, at no cost to Public Transport Victoria, and to the satisfaction of Public Transport Victoria.

## 4.6 Road Network

17/12/2015
C194

Any permit for subdivision or building and works must contain the following condition:

- Land required for road widening including right of way flaring for the ultimate design of any intersection within an existing or proposed arterial road must be transferred to or vested in Council at no cost to Council unless funded by any incorporated Development Contributions Plan applying to the land.

## 4.7 Public Infrastructure Plan (PIP)

11/08/2022
C248wynd

Any permit for subdivision must contain the following condition:

- Prior to the certification of a plan of subdivision or at such other time which is agreed between Council and the owner, if required by the responsible authority or the owner, the owner must enter into an agreement or agreements under Section 173 of the *Planning and Environment Act 1987* which provides for:
  - The implementation of the Public Infrastructure Plan approved under this permit.

- The equalisation of open space having regard to the areas set aside in a plan of subdivision and the amount specified in the schedule to Clause 53.01.
- The timing of any payments to be made to a person in respect of any infrastructure project having regard to the availability of funds in the DCP or the public open space account, and with any priorities in the DCP.

## 5.0 Exemption from notice and review

11/08/2022
C248wynd

None specified.

## 6.0 Decision guidelines

None specified.

## 7.0 Signs

11/08/2022
C248wynd

The sign category for the land is the category specified in the zone applied to the land at Clause 2.2 of this schedule.

### 7.1 Land and home sales signs

Despite the provisions of Clause 52.05, signs promoting the sale of land or homes on the land (or on adjoining land in the same ownership) may be displayed without a permit provided:

- the display area for each sign does not exceed 10 square metres;
- only one sign is displayed per road frontage. Where the property has a road frontage of more than 150 metres multiple signs may be erected provided there is a minimum of 150 metres distance between each sign, with a total of not more than 4 signs per frontage;
- the sign is not animated, scrolling, electronic or internally illuminated;
- the sign is not displayed longer than 21 days after the sale (not settlement) of the last lot; and
- the sign is a minimum of 750mm from the property boundary.

A permit may be granted to display a sign promoting the sale of land or homes on the land (or on adjoining land in the same ownership) with an area greater than 10 square metres.

04/09/2020
C219wynd

# SCHEDULE 16 TO CLAUSE 37.07 URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ16**.

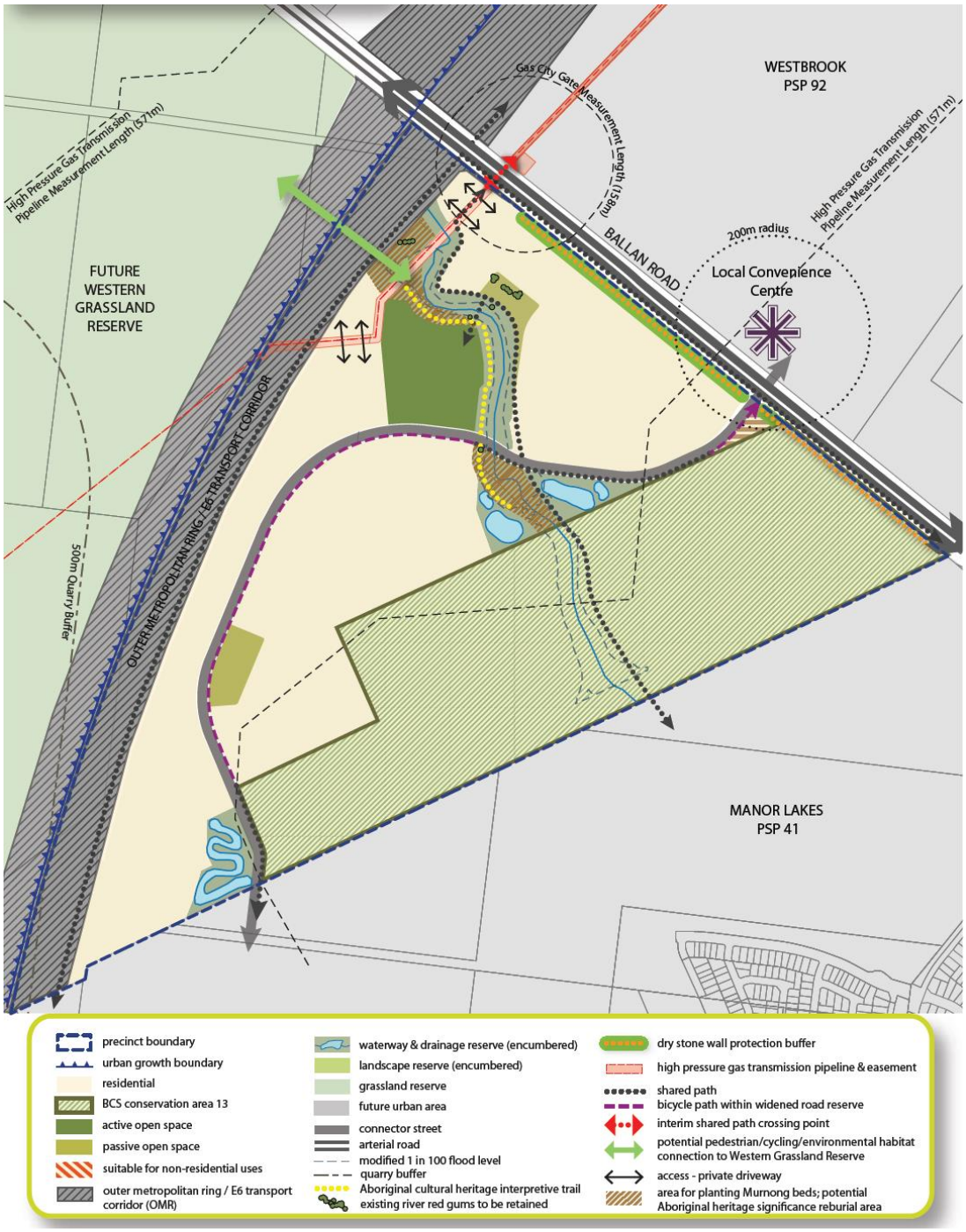
## QUANDONG PRECINCT STRUCTURE PLAN

## 1.0 The Plan

04/09/2020
C219wynd

Plan 1 shows the future urban structure proposed in the *Quandong Precinct Structure Plan, November 2018*. It is a reproduction of Plan 3 in the *Quandong Precinct Structure Plan, November 2018*.

### Plan 1 to Schedule 16 to Clause 37.07



## 2.0 Use and development

04/09/2020
C219wynd

### 2.1 The Land

04/09/2020
C219wynd

The use and development provisions specified in this schedule apply to the land as shown within the 'precinct boundary' on Plan 1 of this schedule and shown as UGZ16 on the planning scheme maps.

*Note: If land shown on Plan 1 is not zoned UGZ, the provisions in this schedule do not apply.*

### 2.2 Applied zone provisions

20/01/2022
VC205

Table 1 allocates the land use/development shown on Plan 1 of this schedule with a corresponding zone from this scheme.

Where the use/development in the left column is carried out or proposed generally in accordance with the incorporated *Quandong Precinct Structure Plan, November 2018*, the use, subdivision, construction of a building and construction and carrying out of works provisions of the corresponding zone in the right column apply.

**Table 1: Applied zone provisions**

| Land shown on Plan 1 of this schedule | Applied zone provisions |
|---|---|
| Arterial road | Clause 36.04 – Transport Zone 2 |
| Outer metropolitan ring / E6 transport corridor (OMR) | |
| **Land shown on Plan 1 of this schedule** | **Applied zone provisions** |
| Connector street | Clause 36.04 – Transport Zone 3 |
| **Land shown on Plan 1 of this schedule** | **Applied zone provisions** |
| Waterway & drainage reserve | Clause 36.03 – Public Conservation and Resource Zone |
| **Land shown on Plan 1 of this schedule** | **Applied zone provisions** |
| All other land | Clause 32.08 – General Residential Zone - Schedule 1 |

A reference to a planning scheme zone in an applied zone must be read as if it were a reference to an applied zone under this schedule.

*Note: e.g. The General Residential 1 Zone specifies 'Car wash' as a Section 2 Use with the condition, 'The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.' In this instance the condition should be read as, 'The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3 or an applied Transport Zone 2 or Transport Zone 3 in the Urban Growth Zone schedule applying to the land'.*

## 2.3 Specific provisions – Use of land

04/09/2020
C219wynd

### Table 2: Use of land

### Section 1 - Permit not required

| Use | Condition |
|---|---|
| **Accommodation (other than dwelling, dependent person's unit )** | On land outside the 'high pressure gas transmission pipeline measurement length' and/or outside the 'gas city gate measurement length', as shown on Plan 3 of the *Quandong Precinct Structure Plan, November 2018* and the applied zone is General Residential Zone - Schedule 1, and meets any applicable conditions within the General Residential Zone Schedule 1. |
| **Dependent person's unit**<br>**Dwelling** | |
| **Medical centre**<br>**Place of worship** | On land outside the 'high pressure gas transmission pipeline measurement length' and/or outside the 'gas city gate measurement length', as shown on Plan 3 of the *Quandong Precinct Structure Plan, November 2018* and the applied zone is General Residential Zone - Schedule 1, and meets any applicable conditions within the General Residential Zone Schedule 1. |
| **Any use listed in Clause 62.01** | Must meet the requirements of Clause 62.01. |

### Section 2 - Permit required

| Use | Condition |
|---|---|
| Any use not in Section 1 or 3 | |

### Section 3 – Prohibited

| Use |
|---|

## 2.4 Specific provisions - Subdivision

04/09/2020
C219wynd

None specified.

## 2.5 Specific provisions - Buildings and works

28/11/2024
GC206

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

### Dwellings on a lot less than 300 square metres

A permit is not required to construct or extend one dwelling on a lot of less than 300 square metres, if either of the following apply:

- There is a restriction registered on the plan of subdivision identifying the lot as a lot to which the *Small Lot Housing Code* (Victorian Planning Authority, November 2019) applies and the development complies with the *Small Lot Housing Code* (Victorian Planning Authority, November 2019) incorporated into this planning scheme.
- There is a restriction registered on the plan of subdivision identifying the lot as a lot to which the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies and the

development complies with the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) incorporated into this planning scheme.

#### Gas pipeline and Gas City Gate construction management plan required whether or not a permit is required

Prior to the commencement of any works, including demolition, on land within, or within 50 metres of the boundary of the high pressure gas transmission pipeline easement and/or the gas city gate on Plan 3 in the Quandong Precinct Structure Plan, November 2018, a construction management plan must be submitted to and approved by the responsible authority. The plan must:

- Prohibit the use of rippers or horizontal directional drills unless otherwise agreed by the owner/operator of the high pressure gas pipeline; and
- Be endorsed by the owner/operator of the high pressure gas transmission pipeline prior to being submitted to the responsible authority.

The construction management plan must be implemented to the satisfaction of the responsible authority.

The construction management plan may, with the prior approval of the pipeline owner and operator, be amended to the satisfaction of the responsible authority.

Note:

*A construction management plan will not be required for a dwelling on a lot created by a subdivision that has a construction management plan already in place in accordance with this provision.*

## 3.0 Application requirements

05/05/2026
VC248

The following application requirements apply to an application for a permit under Clause 37.07, in addition to those specified in Clause 37.07 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

If in the opinion of the responsible authority an application requirement listed below is not relevant to the assessment of an application, the responsible authority may waive or reduce the requirement.

#### Subdivision - Residential development

In addition to the requirements of Clause 56.01-2, a Subdivision Design Response for a residential subdivision of less than 60 lots must show the proposed use and development of each part of the land, and the staging of the development for all land in contiguous ownership with the land under application.

An application for a residential subdivision of 10 lots or more must be accompanied by:

- A written statement that sets out how the subdivision implements the *Quandong Precinct Structure Plan, November 2018*.
- A land budget table in the same format and methodology as that within the *Quandong Precinct Structure Plan, November 2018*, setting out the amount of land allocated to the proposed uses and expected population and dwelling yields.
- A demonstration of how the property will contribute to the achievement of the residential density outcomes in the precinct structure plan applying to the land.
- A demonstration of lot size diversity by including a colour-coded lot size plan, reflecting the lot size categories outlined in Table 2 of the *Quandong Precinct Structure Plan, November 2018*.
- A plan showing any lots proposed as multi-dwelling sites, labelling these lots as a‘multi-dwelling site’.

- A Traffic Impact Assessment Report to the satisfaction of the relevant road management authority.
- A hydrogeological assessment of the groundwater conditions on the site and the potential impacts on the proposed development including any measures required to mitigate the impacts of groundwater on the development and the impact of the development on groundwater.

### Traffic Impact Assessment

An application that proposes to create or change access to a six lane or four lane arterial road must be accompanied by a Traffic Impact Assessment Report (TIAR). The TIAR, including functional layout plans and a feasibility / concept road safety audit, must be to the satisfaction of the relevant road management authority (Roads Corporation or Wyndham City Council), as required.

### Bushfire Management Plan

An application for subdivision or development must be accompanied by a Bushfire Management Plan that provides for:

- Where a subdivision will abut a permanent bushfire hazard:
  - A perimeter road or defined building exclusion zone must be provided on all hazard interfaces
  - The layout and design of subdivision must include a building exclusion zone adjoining a bushfire hazard as required by Column A in Table 1 to Clause 53.02-5 or 20m bordering a conservation area and any lots that have an interface with a bushfire hazard must front the road or building exclusion zone, orientating the rear of lots away from the hazard.
- Where a subdivision will abut an interim bushfire hazard -
  - Vegetation forming the bushfire hazard must be managed in a low threat condition for the distance specified in Column A of Table 1 of Clause 53.02-5 or 20m bordering a conservation area, to ensure that the risk from bushfire is reduced.
  - Where an interim hazard becomes permanent, the requirements for a permanent hazard should apply, to ensure that upon completion of the development, that vegetation will be managed for a distance to achieve a maximum construction standard of BAL 12.5.
- Vegetation on all lots and within any area of open space must be managed to reduce bushfire risk and be done in accordance with Table 4 of Clause 53.02, except for tree canopy separation which can be reduced to 2m unless otherwise agreed by the responsible authority and CFA.
- That the layout of the road network:
  - provides multiple vehicle and pedestrian entry and exit points to the subdivision and away from the bushfire risk;
  - is designed to provide access and egress opportunities that do not require traversing roads with a permanent bushfire interface.
- Any fencing of open space must not create a bushfire risk and be constructed from non combustible materials.
- The layout and design of the subdivision should ensure that all future development within the PSP area will have a separation distance from a bushfire hazard to ensure construction levels are not required to a standard greater than BAL 12.5.
- The development should be encouraged to reduce the risk from bushfire by including built form that is constructed to the relevant construction standard and managing vegetation onsite to the relevant standards.

- The design of open space, including waterways and pedestrian trails should not create new bushfire risks and consider planting and landscape themes to reduce bushfire risks.
- The road network should provide multiple evacuation routes away from the bushfire risks and areas of bushfire hazard.

The Bushfire Management Plan must be to the satisfaction of the responsible authority and relevant fire authority.

The responsible authority and relevant fire authority may waive this requirement if a plan has been previously approved for the land.

#### Site Management Plan - Bushfire

An application for subdivision must be accompanied by a Site Management Plan that addresses bushfire risk during, and where necessary, after construction. The plan must specify, amongst other things:

- The staging of development and the likely bushfire risks at each stage.
- An area of land between the development edge and non-urban areas consistent with the separation distances specified in AS3959-2018, where bushfire risk is managed to enable the development, on completion, to achieve a BAL-12.5 rating under AS3959-2018.
- The measures to be undertaken by the developer to reduce the risk from fire within any surrounding rural or undeveloped landscape and protect residents and property from the threat of fire.
- How adequate opportunities for access and egress will be provided for early residents, construction workers and emergency vehicles.

The Site Management Plan must be to the satisfaction of the responsible authority and relevant fire authority.

## 4.0 Conditions and requirements for permits

28/11/2024
GC206

#### Conditions – Subdivision permits that allow the creation of a lot less than 300 square metres

A permit issued before 31 December 2026 which allows for the subdivision of land to create a lot of less than 300 square metres, must include the following condition:

- Before the plan of subdivision is certified under the *Subdivision Act 1988*, a plan must be approved and endorsed by the responsible authority, that identifies the lots to which:

– type A or type B of the *Small Lot Housing Code* (Victorian Planning Authority, 2019) applies; or

– type A, type B or type C of the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies.

to the satisfaction of the responsible authority.

A permit issued on or after 31 December 2026, other than an amendment of a permit issued before 31 December 2026 under section 72 of the Act , which allows for the subdivision of land to create a lot of less than 300 square metres, must include the following condition:

- Before the plan of subdivision is certified under the *Subdivision Act 1988*, a plan that identifies the lots to which type A, type B or type C of the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies, must be approved and endorsed by the responsible authority.

### Condition - Gas pipeline construction management plan required

A permit for subdivision, buildings or works on land within, or within 50 metres of, the boundary of the high pressure gas transmission pipeline easement on Plan 3 in the *Quanodong Precinct Structure Plan*, must include the following condition:

- Prior to the commencement of any works, including demolition, on land within, or within 50 metres of the boundary of the high pressure gas transmission pipeline easement on Plan 3 in the *Quanodong Precinct Structure Plan*, a construction management plan must be submitted to and approved by the responsible authority. The plan must:
  - Prohibit the use of rippers or horizontal directional drills unless otherwise agreed by the owner and operator of the high pressure gas transmission pipeline; and
  - Be endorsed by the owner and operator of the high pressure gas transmission pipeline prior to being submitted to the responsible authority.

The construction management plan must be implemented to the satisfaction of the responsible authority.

The construction management plan may, with the prior approval of the pipeline owner and operator, be amended to the satisfaction of the responsible authority.

### Conditions – Subdivision or buildings and works permits where land is required for community facilities, public open space or road widening

A permit for subdivision or buildings and works, where land is required for community facilities, public open space or road widening must include the following conditions:

- The costs associated with effecting the transfer or vesting of land required for community facilities, public open space or road widening must be borne by the permit holder.
- Land required for community facilities, public open space or road widening must be transferred to or vested in the relevant public agency with any designation (e.g. road, reserve or lot) nominated by the relevant agency.

### Conditions – Kangaroo Management

A permit for subdivision of land involving works must include the following conditions:

- Before the certification of the relevant stage of the plan of subdivision, a Kangaroo Management Plan must be approved by the Secretary to the Department of Environment, Land, Water and Planning. Once approved, the Kangaroo Management Plan will be endorsed by the responsible authority and form part of the permit.
- The endorsed Kangaroo Management Plan must be implemented to the satisfaction of the responsible authority.

### Conditions – Fencing of conservation areas

A permit granted to subdivide land where works are required to carry out the subdivision, or a permit granted to construct a building or carry out works, on land including or abutting a conservation area as shown in the *Quandong Precinct Structure Plan*, must include the following condition:

Prior to the commencement of development, a conservation area fencing plan must be submitted to and 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*) (Secretary) to ensure the conservation area is adequately protected. The fencing plan must contain the following:

- The boundaries of any conservation area, and the location of any scattered tree and the boundaries of any patch of native vegetation within the conservation area.
- The location and alignment of temporary protection fencing showing the following minimum distance from the element to be protected:

| Element | Distance |
|---|---|
| Conservation area | 0.5 metres |
| Scattered tree | 12 x diameter at a height of 1.3 metres |
| Patch of native vegetation | 2 metres |

- The timing of installation and removal of temporary protection fencing.
- The timing of installation of permanent fencing.
- Location and details of ongoing maintenance vehicle access points.
- The type of temporary and permanent fencing including materials, heights and spacing of uprights.
- Frequency of inspections and rectification works for temporary protection fencing.

Once approved the plan will form part of the permit and must be implemented to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning and the responsible authority.

Stockpiles, fill, machinery, vehicle parking, excavation and construction activity of any kind must not be bought into, or be undertaken within, the area to be fenced, except with the prior written consent from the Secretary.

#### Condition – Correct alignment of protective fencing

Buildings and works must not commence until written evidence that protection fencing has been erected in accordance with the approved Conservation Area Fencing Plan is provided by a suitably qualified land surveyor to the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*) (Secretary), and the Secretary confirms it is satisfied by the evidence.

#### Condition – Land management plan for conservation area

A permit to subdivide land containing a conservation area as shown in the *Quandong Precinct Structure Plan* must include the following condition:

Prior to the commencement of development, a land management plan for the conservation area land must be prepared by a suitably qualified consultant, submitted to, and 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*) (Secretary). The land management plan must outline how the biodiversity values for the land identified in the *Biodiversity Conservation Strategy for Melbourne's Growth Corridors* (Department of Environment and Primary Industries, 2013) will be maintained, managed and improved, including:

- How environmental weeds will be managed up until the securing of the conservation area.
- How any revegetation will be undertaken in coordination with weed management activities to prevent re-colonisation of weed species.
- How rubbish and hazards will be removed, and any contaminated material managed up until the securing of the conservation area.

Once approved the plan will form part of the permit and must be implemented to the satisfaction of the Secretary and the responsible authority.

#### Condition – Construction environmental management plan

A planning permit to subdivide land, construct a building, or construct or carry out works on or within 50 metres of land shown as a conservation area in the incorporated *Quandong Precinct Structure Plan* must include the following condition:

Before works start, a Construction Environmental Management Plan consistent with *DELWP requirements for Construction Environmental Management Plans under the Melbourne Strategic Assessment* (Department of Environment, Land, Water and Planning, November 2020) must be submitted to and 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*) and the responsible authority, demonstrating how the conservation area will be protected during works.

Once approved the plan will form part of the permit and must be implemented to the satisfaction of the Secretary and the responsible authority.

### Condition – Security of conservation land

A permit to subdivide land containing a 'conservation area' as shown in the *Quandong Precinct Structure Plan* must include the following condition:

The owner of the land must, as part of the plan of subdivision (or the first plan of subdivision submitted for registration, in the case of any staged subdivision), create the 'conservation area' as a separate lot or reserve. The boundaries of the lot or reserve on the plan of subdivision are subject to the prior satisfaction 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* (Secretary). The owner must further secure the conservation area, by causing that lot or reserve to be vested, transferred, or protected in perpetuity in one of the following ways:

- Prior to a statement of compliance being issued for the plan of subdivision (or, in the case of a staged subdivision, the plan of subdivision or masterplan which implements the first stage of the subdivision), enter into an agreement under section 173 of the *Planning and Environment Act 1987* by which the owner agrees to transfer ownership of the conservation area to, or to vest the conservation area in, the Minister responsible for section 5 of the *Crown Land (Reserves) Act 1978*, the Council or Melbourne Water. The transfer or vesting must either be for no or nominal consideration. The Secretary and the person or body to whom the land is to be transferred or vested must also be a party to the agreement. The terms of the agreement must include that the owner pays the reasonable costs of the other parties to the agreement that were incurred for the preparation, execution, and registration of the agreement. The owner must cause the agreement to be registered prior to lodgement of the plan of subdivision for registration; or
- Prior to a statement of compliance being issued for the plan of subdivision (or, in the case of a staged subdivision, the plan of subdivision or masterplan which implements the first stage of the subdivision), enter into an agreement with the Secretary under section 69 of the *Conservation, Forests and Lands Act 1987*, which provides for the conservation and management of the conservation area by or on behalf of the owner in perpetuity. The terms of the agreement must include that the owner pays the reasonable costs of the Secretary incurred for the preparation, execution, and registration of the agreement. The owner must cause the agreement to be registered prior to lodgement of the plan of subdivision for registration.

The requirement to include the above condition does not apply if the permit applicant provides the responsible authority with a statement in writing from the Secretary, as constituted under Part 2 of the Conservation, Forests and Lands Act 1987, that the condition is not required because the Secretary is satisfied that either:

- the land containing the conservation area is expected to be further subdivided and a further planning permit will be required for that subdivision (to which the above condition requirement will apply); or
- the conservation area has been or will be otherwise secured in perpetuity.

### Conditions – Public transport

Unless otherwise agreed to by Transport for Victoria, prior to the issue of a statement of compliance for any subdivision stage containing the connector street, bus stops must be constructed, at full cost to the permit holder as follows:

- Generally in the location identified by Transport for Victoria;
- In accordance with the *Public Transport Guidelines for Land Use and Development* with a concrete hard stand area, and in activity centres a shelter must also be constructed;
- Be compliant with the *Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002;* and
- Be provided with direct and safe pedestrian access to a pedestrian path.

All to the satisfaction of Public Transport Victoria and the responsible authority.

#### Condition – Environmental Audit

A permit to use, develop or subdivide land for a sensitive use (residential use, child care centre, pre-school centre or primary school) must include the following condition:

- The approved use and/or development must not commence, and/or the plan of subdivision must not be certified, until the responsible authority is satisfied that the land is suitable for the intended use.
- If a Statement of Environmental Audit was lodged with the application, all the Conditions of the Statement must be carried out to the satisfaction of the responsible authority prior to the commencement of the use and/or development, and/or prior to the certification of a Plan of Subdivision or a stage of subdivision under the *Subdivision Act 1988*. Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the responsible authority. In addition, sign off must be in accordance with any requirements in the Statement conditions regarding verification of works.
- Where there are conditions on a Statement of Environmental Audit that require significant ongoing maintenance and/or monitoring, the responsible authority may require the applicant to enter into a Section 173 Agreement under the *Planning and Environment Act 1987*. The Agreement must be executed on title prior to the commencement of the use and prior to the issue of a Statement of Compliance under the *Subdivision Act 1988*. The applicant must meet all costs associated with drafting and execution of the Agreement, including those incurred by the responsible authority.
- Any further requirements made by the responsible authority after having regard to the guidance set out in the *General Practice Note on Potentially Contaminated Land June 2005* (DSE) must also be carried out to the satisfaction of the responsible authority.

## 5.0 Exemption from notice and review

04/09/2020
C219wynd

An application for a use listed in Section 2 of the General Residential Zone or in Section 2 of Specific Provisions – Use of land of this Clause 37.07, on land where the applied zone listed at Table 1 of this schedule is the General Residential Zone, is not 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.

#### Notice to gas transmission pipeline licensee and gas city gate owner and operator

Notice must be given to the person or body listed in the Schedule to Clause 66.06 of an application to use land or construct a building or carry out works associated with any of the following uses within the ‘high pressure gas transmission pipeline measurement length’ and/or the ‘gas city gate measurement length’, shown on Plan 3 in the incorporated *Quandong Precinct Structure Plan, November 2018*:

- Accommodation (other than a dwelling, dependent person's unit)
- Education centre
- Hospital
- Medical centre

- Place of assembly
- Retail premises
- Service station

## 6.0 Decision guidelines

04/09/2020
C219wynd

None specified.

## 7.0 Signs

04/09/2020
C219wynd

Sign requirements are at Clause 52.05. All land is in the category specified in the applied zone.

### Land and home sales signs

Despite the provisions of Clause 52.05, signs promoting the sale of land or homes on the land (or on adjoining land in the same ownership) may be displayed without a permit provided:

- The advertisement area for each sign does not exceed 10 square metres;
- Only one sign is displayed per road frontage. Where the property has a road frontage of more than 150 metres multiple signs may be erected provided there is a minimum of 150 metres distance between each sign, with a total of not more than 4 signs per frontage;
- The sign is not an animated, scrolling, electronic or internally illuminated sign;
- The sign is not displayed longer than 21 days after the sale (not settlement) of the last lot; and
- The sign is setback a minimum of 750mm from the property boundary.

A permit may be granted to display a sign with an area greater than 10 square metres promoting the sale of land or homes on the land (or on adjoining land in the same ownership).

## 37.08 ACTIVITY CENTRE ZONE

31/07/2018
VC148

Shown on the planning scheme map as **ACZ** with a number.

### Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To encourage a mixture of uses and the intensive development of the activity centre:

- As a focus for business, shopping, working, housing, leisure, transport and community facilities.
- To support sustainable urban outcomes that maximise the use of infrastructure and public transport.

To deliver a diversity of housing at higher densities to make optimum use of the facilities and services.

To create through good urban design an attractive, pleasant, walkable, safe and stimulating environment.

To facilitate use and development of land in accordance with the Development Framework for the activity centre.

## 37.08-1 Operation

17/09/2009
VC59

A schedule to this zone comprises the Development Framework for the activity centre.

A schedule to this zone must contain:

- A framework plan for the activity centre.
- A statement of the activity centre land use and development objectives to be achieved.

A schedule to this zone may contain:

- Centre-wide provisions.
- Precinct provisions.

## 37.08-2 Table of uses

17/09/2009
VC59

### Section 1 - Permit not required

| Use | Condition |
|---|---|
| **Any use in Section 1 of the schedule to this zone** | Must comply with any condition in Section 1 of the schedule to this zone. |

### Section 2 - Permit required

| Use | Condition |
|---|---|
| **Any use in Section 2 of the schedule to this zone** | Must comply with any condition in Section 2 of the schedule to this zone. |

### Section 3 - Prohibited

| Use |
|---|
| **Any use in Section 3 of the schedule to this zone** |

## 37.08-3 Use of land

17/09/2009
VC59

Any requirement in the schedule to this zone must be met.

## 37.08-4 Subdivision

14/12/2023
VC253

A permit is required to subdivide land.

Any requirement in the schedule to this zone must be met.

A permit must not be granted which would allow a separate lot to be created for land containing a small second dwelling.

### VicSmart applications

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

| Class of application | Information requirements and decision guidelines |
|---|---|
| Subdivide land to realign the common boundary between 2 lots where:<br>▪ The area of either lot is reduced by less than 15 percent.<br>▪ The general direction of the common boundary does not change. | Clause 59.01 |
| Subdivide land into lots each containing an existing building or car parking space where:<br>▪ The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.<br>▪ An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision. | Clause 59.02 |
| Subdivide land into 2 lots if:<br>▪ The construction of a building or the construction or carrying out of works on the land:<br>– Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.<br>– Has started lawfully.<br>▪ The subdivision does not create a vacant lot. | Clause 59.02 |

## 37.08-5 Buildings and works

20/04/2026
VC307

A permit is required to construct a building or construct or carry out works unless the schedule to this zone specifies otherwise.

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.

| Class of application | Information requirements and decision guidelines |
|---|---|
| Construct a building or construct or carry out works with an estimated cost of up to $700,000 and the land is not:<br>▪ Within 30 metres of land (not a road) which is in a residential zone.<br>▪ Used for a purpose listed in the table to Clause 53.10. | Clause 59.04 |

### 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.

## 37.08-6 Design and development

17/09/2009
VC59

A schedule to this zone may include requirements relating to:

- Building setbacks.
- Building height.
- Building materials.
- Access.
- Landscaping.
- Public realm.
- Any other requirements or guidelines 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 is not in accordance with any design and development requirement in the schedule to this zone unless the schedule to this zone specifies otherwise.

## 37.08-7 Application requirements

14/01/2025
VC237

### Use

An application to use land must be accompanied by the following information, as appropriate:

- A description of the proposed use and the types of activities which will be carried out and any proposed staging of use and activities on the land.
- Plans drawn to scale and dimensioned which show:
  - The siting and use of buildings.
  - Areas not required for immediate use.
  - Adjacent buildings and uses.
- 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, glare, air-borne emissions and emissions to land and water.
- If an industry or warehouse:
  - The type and quantity of goods to be stored, processed or produced.

  - Whether a Development Licence, Operating Licence, Permit or Registration 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 2022 is exceeded.
- Any other information specified in the schedule to this zone.

### Subdivision

An application to subdivide land must be accompanied by the following information, as appropriate:

- Plans drawn to scale and dimensioned which show:
  - Site shape, size, dimensions and orientation.
  - The pattern of subdivision of the surrounding area.
  - Easements.
  - Location of drainage and other utilities.
  - Street frontage features such as poles, street trees and kerb crossovers.
  - Access points.
  - Any natural features.
- Any other information specified in the schedule to this zone.

### Buildings and works

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

- Plans drawn to scale and dimensioned which show:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - The location, height and use of buildings and works on adjoining land.
  - Levels of the site and the difference in levels between the site and surrounding properties to a defined point at the site boundaries or to Australian Height Datum (AHD).
  - Any contaminated soils and filled areas, where known.
  - The layout of existing and proposed buildings and works.
  - The internal layout and use of the proposed development.
  - All access and pedestrian areas.
  - All driveway, car parking and loading areas.
  - Existing vegetation and proposed landscape areas.
  - All external storage and waste treatment areas.
  - The location of easements and services.
- Elevation plans drawn to scale and dimensioned which show:
  - The building form and scale.

  - Setbacks to property boundaries.
  - Finished floor levels and building heights to a defined point at the site boundaries or to Australian Height Datum (AHD).
- Shadow diagrams based on the equinox shown for existing conditions and the proposed development.
- A schedule of finishes for the proposed development detailing materials and colours of external surfaces including walls, roofs and fences.
- A written statement providing an assessment of the proposal against the relevant sections of the Planning Policy Framework, Activity Centre Zone and any relevant overlays.
- An assessment of the characteristics of the area including:
  - Any environmental features such as vegetation, topography and significant views.
  - Street design and landscape.
  - The pattern of development.
  - Building form, scale and rhythm.
  - Architectural style, building details and materials.
  - Connection to the public realm.
  - Any significant noise, odour, fume and vibration sources to and/or from the development.
- A landscape plan 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.
- Construction details of all drainage works, driveways, vehicle parking and loading areas.
- An urban context report and design response as required in Clause 58.01 for an application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development.
- Any other information specified in the schedule to this zone.

## 37.08-8 Exemption from notice and review

31/07/2018
VC148

An application under Clauses 37.08-2, 37.08-4, 37.08-5 or 37.08-6 is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act unless the schedule to this zone specifies otherwise.

A schedule to this zone may specify an application in respect of land in an Activity Centre Zone under any other specified provision of this scheme is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

## 37.08-9 Decision guidelines

08/09/2025
VC282

Before deciding on an application, 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 development framework plan set out in the schedule to this zone.
- The land use and development objectives set out in the schedule to this zone.

- The extent that the layout and design of the new use or development minimises the potential for off-site impacts, including from noise, fumes, odour or vibrations, ensuring that:
  - existing uses are not compromised by a new development, or
  - a new development is designed to address amenity impacts from existing uses.
- Any requirements set out in the schedule to this zone.
- Any other decision guidelines specified in the schedule to this zone.

### Access

- Movements systems through and around the site including the movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking, loading of vehicles and access to parking spaces and loading bays.

### 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.

### 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.

### Design and built form

- The design, scale, height, setback, appearance and material of the proposed buildings and works.
- The provision for solar access to the building and on the public realm.
- The design of the public realm.
- The relationship between the proposed building and the public realm.
- The streetscape, including the conservation of buildings, the design of verandas, access from the street front, provision of active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- The interface with adjoining zones, especially the relationship with residential zones.
- The objectives, standards and decision guidelines of Clause 54. Clause 55 and Clause 57. This does not apply to an apartment development.
- For an apartment development, the objectives, standards and decision guidelines of Clause 58.
- The storage of rubbish and materials for recycling.

### Transitional provisions

The objectives, standards and decision guidelines of Clause 55 of this scheme, as in force immediately before the approval date of Amendment VC136, continues to apply to:

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

Clauses 55 and 58 of this scheme, as in force immediately before the approval date of Amendment VC174, 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.

Clause 55 of this planning scheme, as in force immediately before the approval date of Amendment VC267, 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 54 of this planning scheme, as in force immediately before the commencement of Amendment VC282, 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.

## 37.08-10 Signs

31/07/2018
VC148

Sign requirements are at Clause 52.05. This zone is in Category 1 unless a schedule to this zone specifies a different category.

## 37.08-11 Other provisions of the scheme

17/09/2009
VC59

The schedule to this zone may specify that other provisions of the scheme do not apply.

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C248wynd

# SCHEDULE 1 TO CLAUSE 37.08 ACTIVITY CENTRE ZONE

Shown on the planning scheme map as **ACZ1.**

## WERRIBEE PRINCIPAL ACTIVITY CENTRE

## 1.0 Werribee City Centre Framework Plan

11/08/2022
C248wynd

## 2.0 Land use and development objectives to be achieved

11/08/2022
C248wynd

- To facilitate the growth of the Werribee City Centre as a key regional commercial, retail, recreational and cultural focal point for Melbourne's west, and as a location for higher density residential development.
- To integrate the Werribee City Centre with its central river and park environs.
- To integrate the Werribee City Centre with the East Werribee Employment Precinct.
- To achieve the objectives of the Werribee City Centre Structure Plan (2011).
- To intensify land use in the Werribee City Centre and encourage a diverse range of land uses and attractions, including accommodation, office, retail, food and drink, transport, civic and community uses.
- To intensify street level activity by:
  - Encouraging a mixture of land uses that generate high levels of activity to locate at ground level along street frontages,

- Encouraging residential, commercial and other land uses that generate low levels of pedestrian activity to locate either above ground level or behind street-facing active land uses, and
- Integrating public and private land uses.

### Built Form objectives

- To encourage exemplary architecture and innovative building design.
- To achieve engaging, high quality, accessible and environmentally sustainable development.
- To achieve a built form and urban fabric which features 'fine-grained' elements, such as narrow ground level shop-fronts, articulated facades, and regular openings/entrances to the street.
- To create a comfortable, accessible, attractive, human-scale built environment at street level.
- To provide a generous and continuous overhead cover to footpaths along active street frontages.
- To ensure that new development provides passive surveillance from upper levels, and addresses public spaces including the Werribee River and Wyndham Park.
- To encourage tall buildings on key/gateway sites to improve legibility of the urban form, and ensure that new built form on these sites is of a high architectural standard.
- To encourage higher density development.
- To achieve an appropriate built-form transition to any adjoining residential zoned areas through the height, setback, scale, massing and detail of new development.

### Movement and Access objectives

- To achieve a high level of accessibility to and within the Werribee City Centre, for people of all abilities, and ensure that all new development complies with access and mobility design standards.
- To provide easy to follow, interconnected and coordinated walking and cycling routes to and within the Werribee City Centre.
- To prioritise pedestrian movement through the street network, and encourage and support it with a continuous path of travel, pedestrian crossings, way-finding signage, directional aids, public seating and public lighting.
- To capitalise upon the Werribee City Centre's public transport infrastructure and provide facilities which improve access to public transport.
- To create a high quality public transport interchange that integrates with the centre and reinforces Werribee Station as a major multi-modal transport node.
- To provide well located and accessible parking spaces throughout the Werribee City Centre, and consolidate off-street public car parking into large, well located, easily accessible and locatable facilities.
- To protect opportunities for future grade separation of the Cherry Street and Werribee Street railway crossings.

### Open Space & Natural Features objectives

- To enhance the Werribee River and Wyndham Park as the green heart of the Werribee City Centre, and improve connections to and increase activity in and around these central features.
- To extend the native vegetation themes of the Werribee River and Wyndham Park throughout the Werribee City Centre.
- To incorporate CPTED (Crime Prevention Through Environmental Design) principles into the design of open spaces.
- To foster activity, events, performances and art within the streets and public spaces.

- To minimise the overshadowing of significant public spaces by adjacent built form.
- Maintain flood conveyance and storage capacity of the Werribee River floodplain.
- Minimise flood risks to life, health and property.

**Environmentally Sustainable Design (ESD)**

- To achieve best practice environmentally sustainable design (ESD) within new developments.
- To minimise stormwater run-off and its impact upon the Werribee River.

## 3.0 Table of uses

01/12/2023
VC217

### Section 1 - Permit not required

| Use | Condition |
|---|---|
| **Accommodation (other than Camping and caravan park, Caretaker's house, Corrective institution and Host farm)** | Other than in Sub-precinct 4C or 6B, must not be located at ground floor level along street frontages, except for entry foyers. |
| **Art and craft centre**<br>**Art gallery** | |
| **Automated collection point** | Must meet the requirements of Clause 52.13-3 and 52.13-5.<br>The gross floor area of all buildings must not exceed 50 square metres. |
| **Caretaker's house** | Other than in Sub-precinct 4C or 6B, must not be located at ground floor level along street frontages, except for entry foyers. |
| **Child care centre** | Access must not be shared with a dwelling. |
| **Cinema** | Must be in Precinct 1, 3 or Sub-precinct 4A.<br>Must not be located at ground floor level along street frontages, except for entry foyers. |
| **Cinema based entertainment facility** | Must be in Precinct 1, 3 or Sub-precinct 4A.<br>Cinemas must not be located at ground floor level along street frontages, except for entry foyers. |
| **Dry cleaner** | Must not be located in Sub-precinct 4C or 6B. |
| **Education centre** | |
| **Food and drink premises (other than Hotel and Tavern)** | Must not be located in Sub-precinct 4C or 6B. |
| **Home based business** | |
| **Indoor recreation facility** | Must not be located at ground floor level along street frontages, other than in Sub-precinct 4C or 6B. |
| **Informal outdoor recreation** | |
| **Laundromat** | Must not be located in Sub-precinct 4C or 6B. |

| Use | Condition |
|---|---|
| **Market** | |
| **Office** | Must not be located at ground floor level along street frontages, except for entry foyers and customer service areas accessible to the public, other than in Sub-precinct 4C or 6B. |
| **Postal agency**<br>**Railway** | |
| **Research and development centre** | Must not be located at ground floor level along street frontages, except for entry foyers and customer service areas accessible to the public, other than in Sub-precinct 4C or 6B. |
| **Restricted recreation facility** | Must not be located at ground floor level along street frontages other than in Sub-precinct 4C or 6B. |
| **Shop (other than Adult sex product shop)** | Must not be located in Sub-precinct 4C or 6B. |
| **Tramway** | |
| **Any use listed in Clause 62.01** | Must meet requirements of Clause 62.01. |

### Section 2 - Permit required

| Use | Condition |
|---|---|
| **Adult sex product shop** | Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone, primary school or secondary school. |
| **Amusement parlour** | Must not be located in Sub-precinct 4C or 6B. |
| **Animal keeping** | |
| **Car park** | |
| **Commercial display area** | |
| **Gambling premises** | Must not be located in Sub-precinct 4C or 6B. |
| **Hotel** | Must not be located in Sub-precinct 4C or 6B. |
| **Nightclub** | Must not be located in Sub-precinct 4C or 6B.<br>Must not be located at ground floor level along street frontages, except for entry foyers. |
| **Place of assembly (other than Amusement parlour, Art gallery, Carnival, Cinema, Circus, Nightclub and Restricted place of assembly)** | |
| **Restricted place of assembly** | Must not be located at ground floor level along street frontages, except for entry foyers. |

| Use | Condition |
|---|---|
| **Retail premises (other than Food and drink premises, Gambling premises, Market, Postal agency and Shop)** | Must not be located in Sub-precinct 4C or 6B |
| **Service station** | The site must adjoin, or have access to, a road in a Road Zone. |
| **Tavern** | Must not be located in Sub-precinct 4C or 6B. |
| **Any other use not in Section 1 or 3** | |

### Section 3 – Prohibited

| Use |
|---|
| **Agriculture (other than Apiculture)** |
| **Camping and caravan park** |
| **Cemetery** |
| **Corrective institution** |
| **Crematorium** |
| **Freeway service centre** |
| **Host farm** |
| **Industry (other than Automated collection point, Dry cleaner, Laundromat and Research and development centre)** |
| **Major sports and recreation facility** |
| **Motor Racing Track** |
| **Saleyard** |
| **Warehouse (other than Commercial display area)** |

## 4.0 Centre-wide provisions

11/08/2022 C248wynd

### 4.1 Use of land

11/08/2022 C248wynd

A permit is not required to use land for public purposes providing the use is carried out by, or on behalf of, the public land manager.

### 4.2 Subdivision

11/08/2022 C248wynd

Applications for the subdivision of land that are not associated with a development proposal that supports the objectives promoted by this Schedule are discouraged.

Consolidation of land to facilitate the creation of viable development sites is encouraged.

### 4.3 Buildings and works

11/08/2022 C248wynd

No permit is required to construct a building or construct or carry out works for the following:

- 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 security shutter or screen,
  - At least 80 per cent of the building façade at ground floor level is maintained as an entry or window with clear glazing.
- An awning that projects over a road if it is authorised by the relevant public land manager.

## 4.4 Design and development

11/08/2022
C248wynd

The following design and development requirements apply to an application to construct a building or construct or carry out works:

### Building design

New buildings and works should meet the following design criteria:

- Buildings should be designed to a high architectural standard.
- Buildings should be designed to respond to their solar orientation.
- Buildings should be designed to address street frontages and respond to their urban context.
- Buildings with ground-level frontages to streets, pedestrian areas and/or passive open spaces should contribute to the appearance and function of these areas by providing:
  - At least 60 percent of the street frontage as transparent entries or display windows.
  - Clear glazing (tinted, or obscured glazing should not be used) with any security screens open in design and located behind glass in windows.
  - Generous and continuous overhead cover to footpaths (extending approximately 2.5 metres from the building façade) unless it is demonstrated that the particular circumstances do not require it.
  - Direct access from the footpath to ground level premises with minimal change of level; (doorways should be automatically opening and not require steps to be traversed).
  - Floor to ceiling heights at ground level of a minimum of 3.5 metres to accommodate changes of use over time.
- Buildings adjacent to the Werribee River and Wyndham Park should be designed to address and overlook these natural features.
- Buildings should incorporate appropriate noise attenuation measures to protect surrounding public and private spaces.
- Provision for external services including electricity, gas, fire, water and telecommunications should be incorporated into the building design, with service connections provided below ground.
- Service equipment including air-conditioning systems, plant rooms, lift overruns and bins, should be screened or visually incorporated into buildings.
- Connections to services including electricity, gas, water and telecommunications should be provided for below ground level.
- Half-basement or ground floor level car parks should be located behind other active uses at street frontages; otherwise car parks should be located above ground level active uses or below ground level.
- Additional crossovers to provide vehicle access to sites are discouraged, particularly where they would reduce the number of existing on-street car parks or length of existing ground level shop frontages.

- Crossovers providing vehicle access to sites should be designed to minimise their impact on ground level street frontages and pedestrian movement.
- New developments should include paving between the frontage and the street kerb to the specifications of the responsible authority where such paving does not already exist.

### Environmentally Sustainable Design (ESD)

New development should incorporate best practice environmentally sustainable design (ESD), including initiatives relating to thermal performance, energy efficiency, water efficiency, stormwater management, materials selection and healthy buildings.

### Building Height

Multistorey development is encouraged, in line with the objective for growth and intensification of the Werribee City Centre. Preferred building heights for new development are specified for each precinct in Clause 5 of this Schedule. These building heights are measured from ground level and reflect a typical height of 4.5 metres between ground floor level and first floor level, and 3.5 metres between upper floor levels.

Applications exceeding the preferred building height may be considered by the responsible authority where it can be clearly demonstrated that the proposed development achieves the centre wide objectives and provisions of this Schedule as well as the objectives and guidelines for the relevant precinct, as demonstrated in an Urban Context Report and Design Response.

Under-development of sites should be avoided. One storey development is not preferred, particularly for properties 10 metres or more in width.

### Building Setbacks

Preferred front and side setbacks for new development are specified for each precinct in Clause 5 of this Schedule.

Building setback guidelines for new development adjacent to residential zoned land in Precincts 5, 6 or 7 are specified in the relevant precinct provisions at Clause 5 of this Schedule.

### Overshadowing and overlooking

All buildings and works should be designed to minimise casting shadows on significant public spaces, in particular:

- The Werribee River Reserve,
- Wyndham Park, and
- Kelly Park.

All buildings and works should be designed to minimise casting significant shadows on residential land outside the Activity Centre Boundary.

Overshadowing guidelines for new development adjacent to residential zoned land are specified in the relevant precinct provisions at Clause 5 of this Schedule.

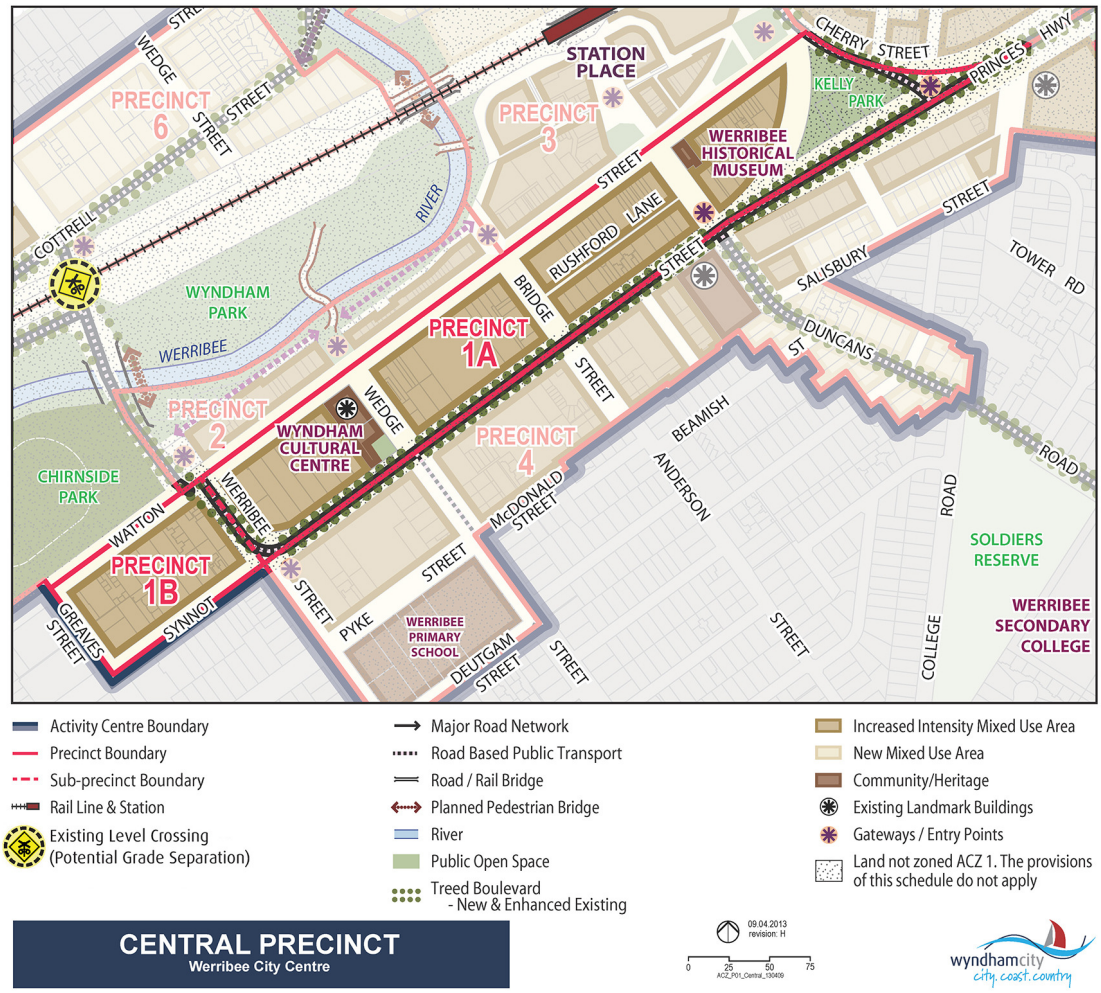
All buildings should be designed to address roads and public spaces for passive surveillance benefits, and minimise overlooking of private spaces.

# 5.0 Precinct provisions

11/08/2022
C248wynd

## 5.1 Precinct 1 – Central Precinct

### 5.1-1 Precinct map




### 5.1-2 Precinct objectives

To strengthen the Central Precinct as the commercial, retail and residential core of the Werribee City Centre.

To encourage and facilitate higher density and high activity mixed use development, featuring active shopfronts at ground level along street frontages and a mixture of residences and offices above.

To enhance Watton Street as a vibrant mainstreet and pedestrian-prioritised thoroughfare.

To improve pedestrian amenity and the mix of uses along Synnot Street.

To strengthen pedestrian links and connections between Watton Street and Synnot Street, and to surrounding precincts.

To activate Rushford Lane as a pedestrian-friendly retail laneway.

### 5.1-3 Precinct requirements

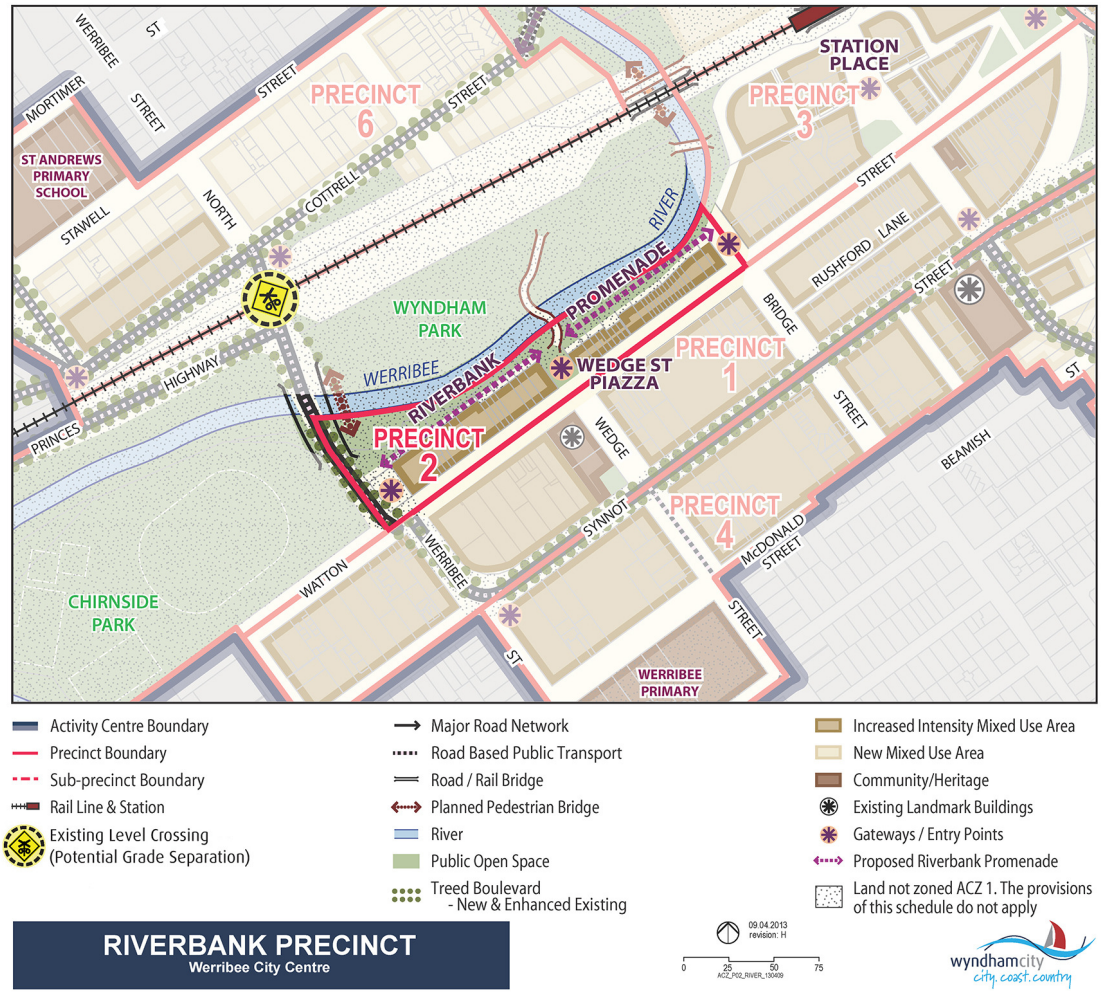
| Precinct | Preferred building height | Preferred building setbacks |
|---|---|---|
| 1A | 8 metres to 36 metres | 0 metre front and side setbacks to a height of 8 metres at street frontages, excluding Rushford Lane.<br>1 metre front setback to a height of 8 metres and 0 metre side setback to a height of 8 metres at Rushford Lane frontage. |
| 1B | 8 metres to 25.5 metres | 0 metre front and side setbacks to a height of 8 metres at street frontages. |

### 5.1-4 Precinct guidelines

- Car park entries along Watton Street should be avoided where possible.
- Opportunities for pedestrian connections between Watton Street and Synnot Street should be maximised.

## 5.2 Precinct 2 to Riverbank Precinct

### 5.2-1 Precinct map




### 5.2-2 Precinct objectives

To establish the Precinct as an iconic destination.

To enhance the interface between the Werribee City Centre's urban core and its River and Park Precinct.

To create new public spaces connected to adjacent privately-owned buildings, to encourage increased activity and improve connection with the Werribee River and Wyndham Park.

To generate high levels of activity through a mixture of uses.

To incorporate commercial and residential uses at upper levels of development overlooking Watton Street, the Werribee River and Wyndham Park.

To encourage new pedestrian and visual connections between Watton Street, the Werribee River and Wyndham Park.

To enhance the ground level area beside the river as passive open space and increase its utilisation for recreation.

### 5.2-3 Precinct requirements

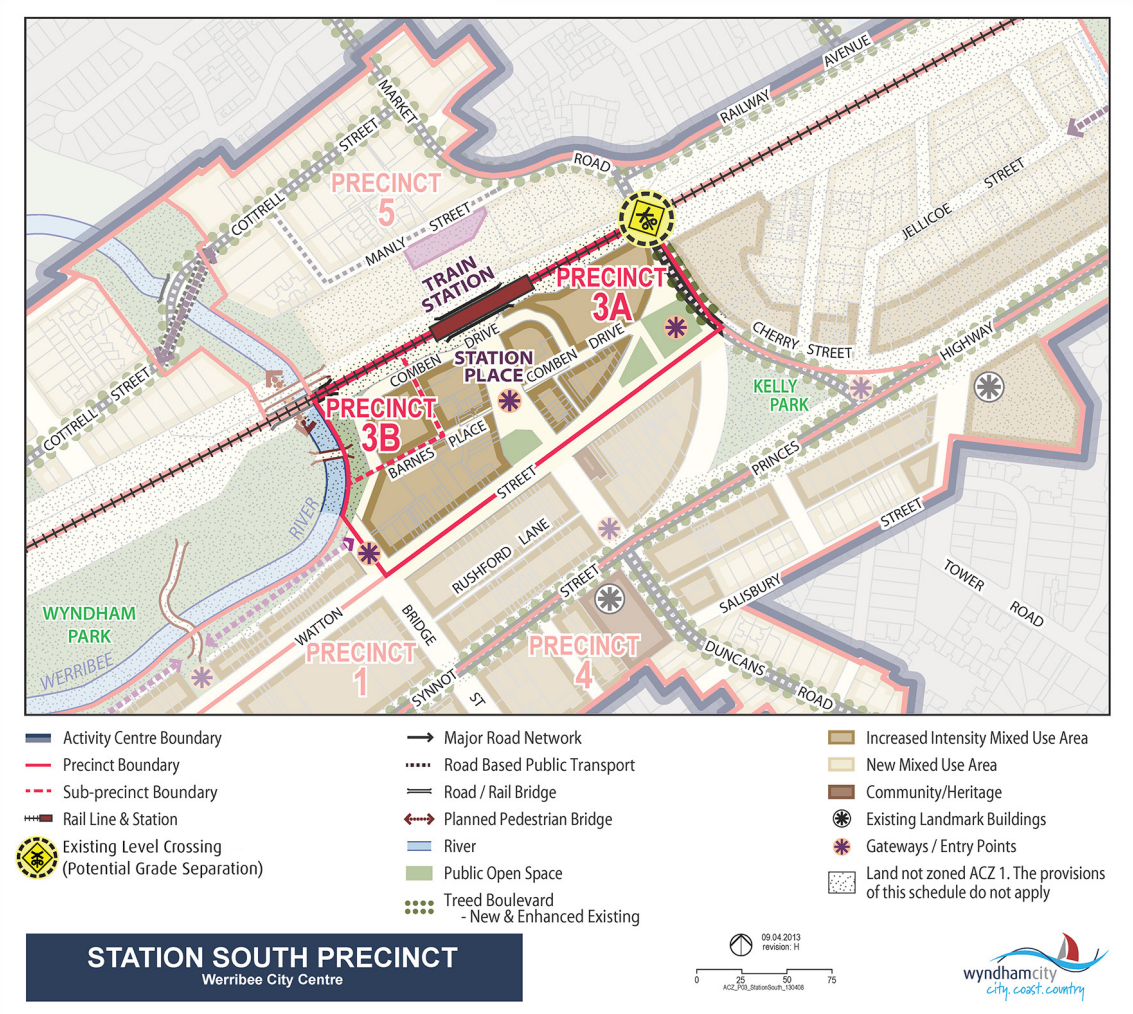
| Precinct | Preferred building height | Preferred Building setbacks |
|---|---|---|
| 2 | 8 metres to 18.5 metres | 0 metre front and side setbacks to a height of 8 metres at street frontages. |

### 5.2-4 Precinct guidelines

- New development on privately-owned sites should address both Watton Street and the Werribee River.
- Built form at ground floor level should have a transparent quality which provides sight lines from Watton Street through to the Werribee River and Wyndham Park.
- Opportunities for pedestrian connections between Watton Street and the proposed Riverbank Promenade should be maximised.
- Overshadowing of Watton Street should be minimised.
- Light spill into the Werribee River Reserve should be minimised.
- Buildings and works within the Werribee floodplain should be designed to minimise flood risks to life, health and property.

## 5.3 Precinct 3 - Station South Precinct

### 5.3-1 Precinct map




### 5.3-2 Precinct objectives

To enhance the Station South Precinct as the traditional central node of the Werribee City Centre.

To encourage higher density development and a high level of activity around the Werribee Train Station and overlooking the Werribee River and Wyndham Park.

To encourage an integrated mix of retail, office and residential uses to make the most of the precinct's transport and natural assets, and to introduce a night-time population into the precinct.

To encourage new development addressing and activating the open spaces and natural features within and adjacent to the precinct, including the Werribee River, Troup Park and Station Place.

To establish Sub-precinct 3B, located on the river bend, as the visual centre-point of the City Centre through large-scale redevelopment of the land.

To create a vibrant retail laneway network through the middle of the Precinct centred on Barnes Place and Comben Drive, to connect the planned Riverbank Promenade with Station Place, the Werribee Train Station, Watton Street and Cherry Street.

### 5.3-3 Precinct requirements

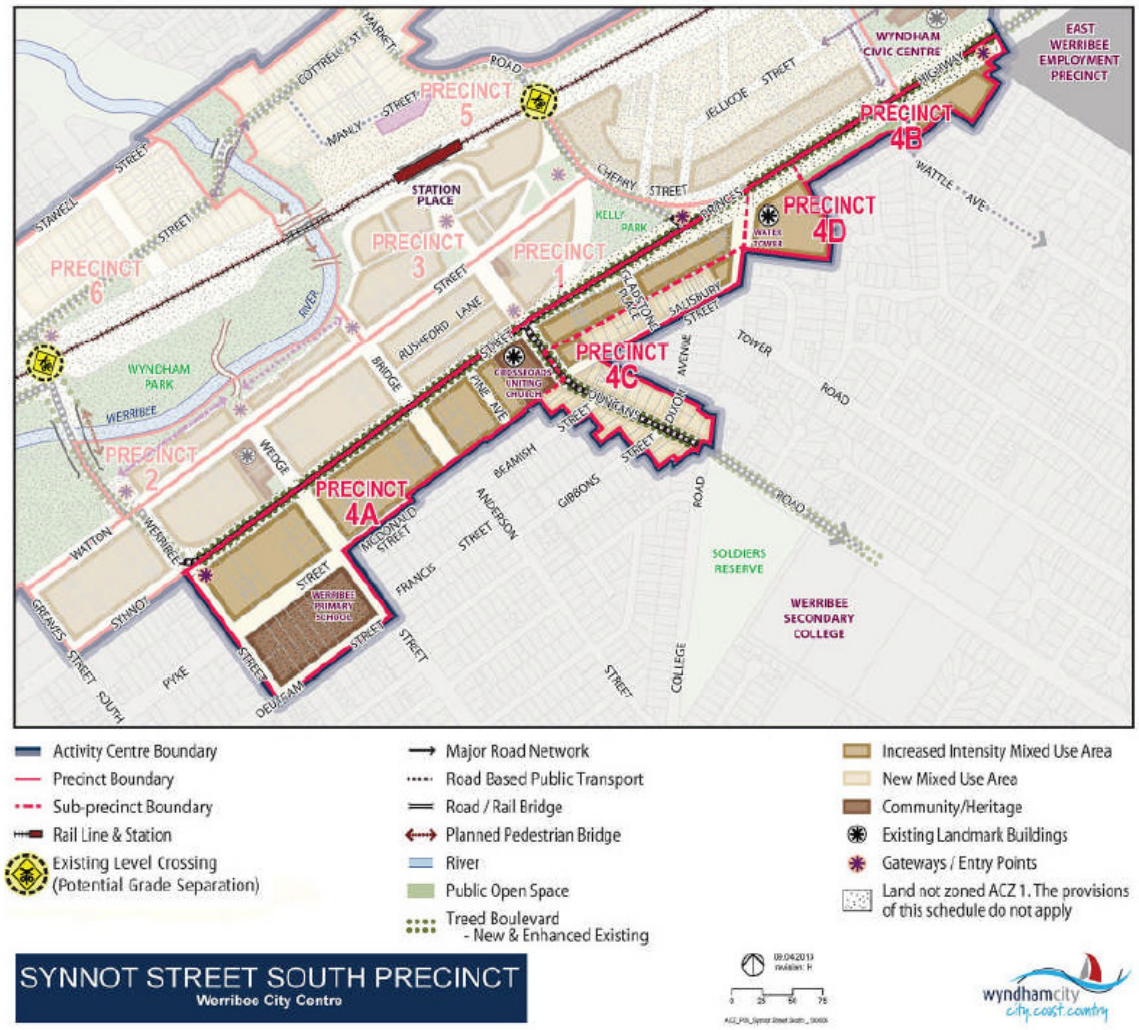
| Sub-precinct | Preferred building height | Preferred building setbacks |
|---|---|---|
| 3A | 8 metres to 18.5 metres | 0 metre front and side setbacks to a height of 8 metres at street frontages. |
| 3B | 8 metres to 71 metres | 0 metre front and side setbacks to height of 8 metres at street frontages. |

### 5.3-4 Precinct guidelines

- Redevelopment within Sub-precinct 3B should maximise the potential for river and park views and create a visual centre-point for the Werribee City Centre, by featuring a tall multistorey building.
- Opportunities for new or enhanced pedestrian connections between the Riverbank Promenade, Station Place, the Werribee Train Station, Watton Street and Cherry Street should be maximised.
- Redevelopment of the existing ground level car parks within the precinct is encouraged.
- Car park entries along Watton Street and Station Place should be avoided.
- Light spill into the Werribee River Reserve should be minimised.
- New development should not compromise existing or future rail operations within the railway corridor, including the potential for future grade separation of the Cherry Street railway crossing.

## 5.4 Precinct 4- Synnot Street South Precinct

### 5.4-1 Precinct map




### 5.4-2 Precinct objectives

To develop Synnot Street/Princes Highway as the principal commercial boulevard within the Werribee City Centre.

To facilitate the expansion of the Werribee City Centre south of Synnot Street.

To strengthen connections to the Central Precinct and the East Werribee Employment Precinct.

To encourage further intensification and diversification of the retail, commercial and residential mix along Synnot Street.

To improve pedestrian amenity along Synnot Street.

To strengthen and enhance Duncan's Road as a boulevard and gateway to the Werribee City Centre from the south.

To encourage the further development of the specialist professional services sector and other commercial and residential uses in the streets south of Synnot Street, as a transition to adjoining residential land.

### 5.4-3 Precinct requirements

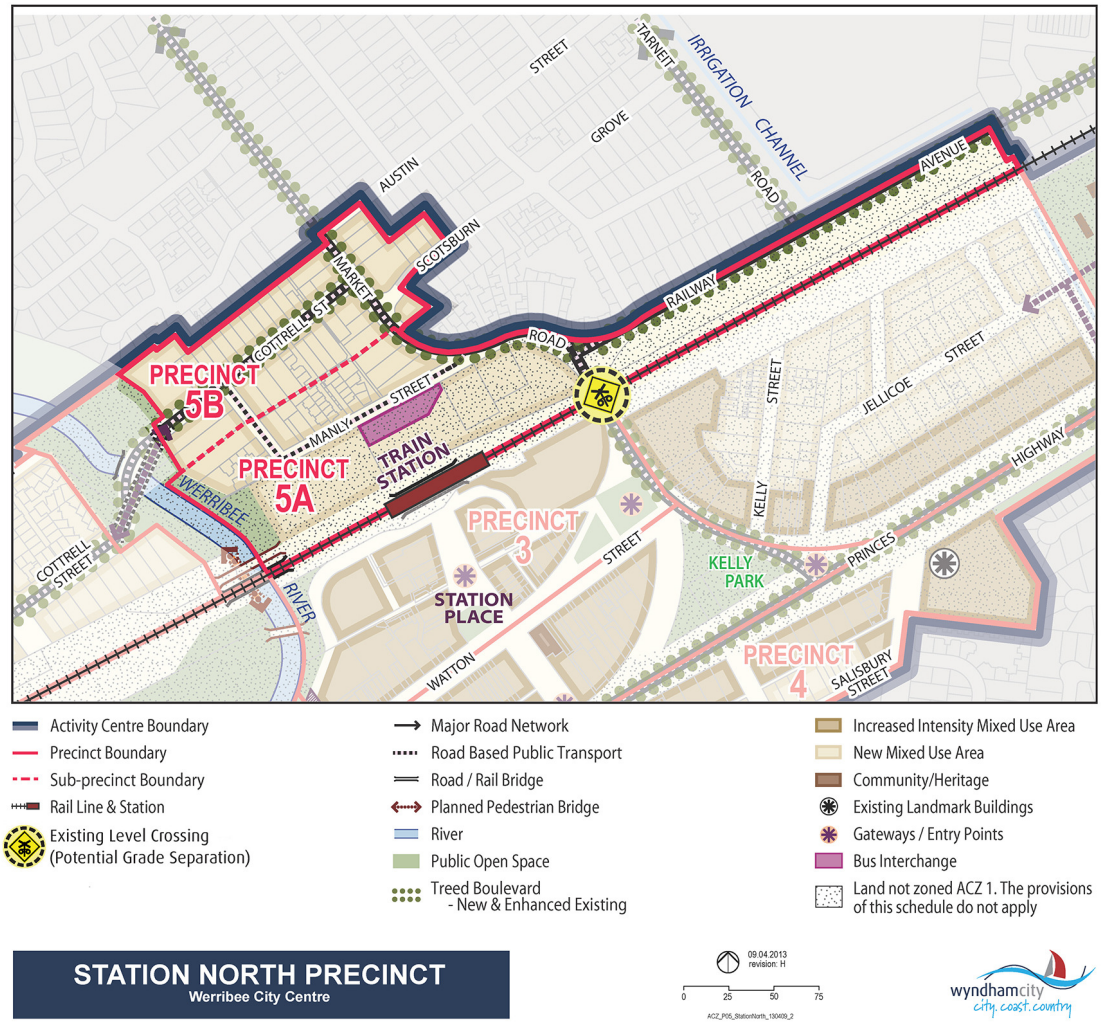
| Sub-precinct | Preferred building height | Preferred building setbacks |
|---|---|---|
| 4A | 8 metres to 25.5 metres | 0 metre front and side setbacks to a height of 8 metres at street frontages. |
| 4B | 8 metres to 18.5 metres | 0 metre front and side setbacks to a height of 8 metres at street frontages.<br>Where land adjoins residential zoned land, the standards for side and rear setbacks specified in Clause 55.04 – 1 are to be met. |
| 4C | 8 metres to 18.5 metres | 0 metres front and side setbacks to a height of 8 metres at street frontages.<br>Where land adjoins residential zoned land, the standards for side and rear setbacks specified in Clause 55.04 – 1 are to be met. |
| 4D | 8 metres to 13.5 metres for land at 1<br>Tower Road | 0 metre front and side setbacks to a height of 8 metres at street frontages.<br>Where land adjoins residential zoned land, the standards for side and rear setbacks specified in Clause 55.04-1 and the standards of Clauses 55.04-2, 55.04-3, 55.04-4, 55.04-5, 55.04-6 and 55.04-8 are to be met.<br>Development at 1 Tower Road should be set back to protect the existing Peppercorn trees at the site's northern boundary with Princes Highway. |

### 5.4-4 Precinct guidelines

- Ground level active frontages to Synnot Street should be maximised.
- Opportunities for pedestrian and vehicle connections through to Synnot Street from the street south of Synnot Street should be maximised.
- Where possible, car park entries should be from the streets located south of Synnot Street rather than directly from Synnot Street.
- New development within 30 metres of residential zoned land should provide an appropriate built-form transition to adjoining residential zoned areas through the height, setback, scale, massing and detail of new development, as demonstrated by an Urban Context Report and Design Response.
- New development with a boundary adjoining residential zoned land should meet the standards for side and rear setbacks in Clause 55.04 – 1 and the standards for overshadowing in Clause 55.04 – 9.
- New development at 1 Tower Road is to be sensitively designed to ensure the prominence of the historic water tower.

## 5.5 Precinct 5-Station North Precinct

### 5.5-1 Precinct map




### 5.5-2 Precinct objectives

To facilitate the expansion of the Werribee City Centre north of the railway line and establish a new higher density mixed use residential, commercial and community service area next to the Werribee Train Station and the Werribee River.

To increase the number of residential, commercial and community services opportunities located close to the Werribee Train Station.

To encourage higher density mixed use development and activity within the train station car park site (incorporating commuter car parking) and along Manly Street in Sub-precinct 5A, and along Cottrell Street in Sub-precinct 5B.

To strengthen links and improve access to the train station, bus interchange and through the precinct for public transport, pedestrians, cyclists and users with limited mobility.

To improve access and connections across the railway line and river.

### 5.5-3 Precinct requirements

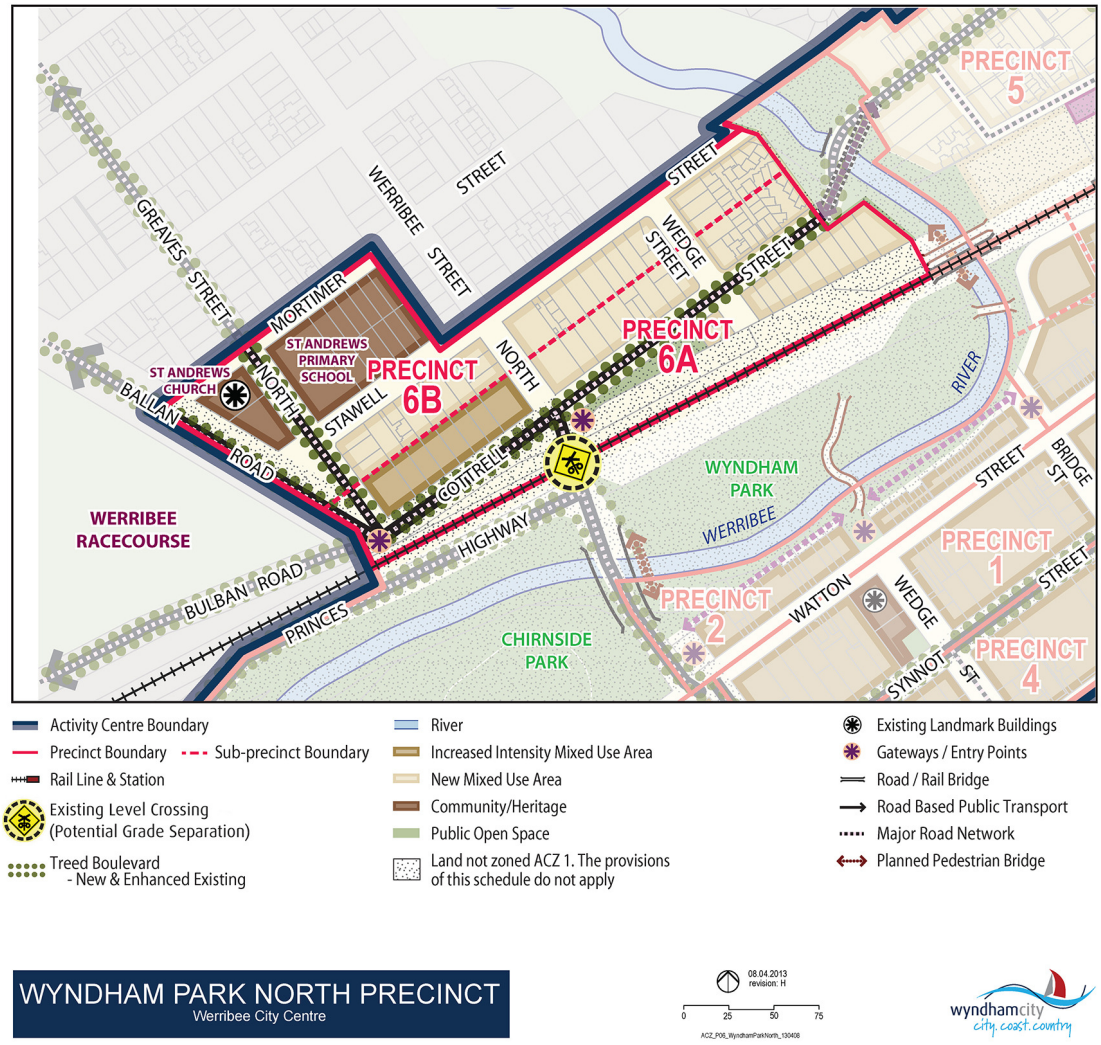
| Sub-precinct | Preferred building height | Preferred building setbacks |
|---|---|---|
| 5A | 8 metres to 25.5 metres | 0 metre front and side setbacks to a height of 8 metres at street frontages. |
| 5B | 8 metres to 18.5 metres | 0 metre front and side setbacks to a height of 8 metres at street frontages.<br>Where land adjoins residential zoned land, the standards for side and rear setbacks specified in Clause 55.04 – 1 are to be met. |

### 5.5-4 Precinct guidelines

- Opportunities for overlooking of Wyndham Park and the Werribee River from new developments should be maximised.
- Light spill into the Werribee River Reserve should be minimised.
- Buildings and works within the Werribee floodplain should be designed to minimise flood risks to life, health and property.
- Opportunities for pedestrian connections to the train station and river within the precinct should be maximised.
- New development within 30 metres of residential zoned land should provide an appropriate built-form transition to adjoining residential zoned areas through the height, setback, scale, massing and detail of new development, as demonstrated by an Urban Context Report and Design Response.
- New development with a boundary adjoining residential zoned land should meet the standards for side and rear setbacks in Clause 55.04 – 1 and the standards for overshadowing in Clause 55.04 – 9.
- New development should not compromise existing or future rail operations within the railway corridor, including the potential for future grade separation of the Cherry Street railway crossing.

## 5.6 Precicnt 6 - Wyndham Park North Precinct

### 5.6-1 Precinct map




### 5.6-2 Precinct objectives

To facilitate the expansion of the Werribee City Centre north of Wyndham Park and the railway line.

To contribute to the repositioning of Wyndham Park and the Werribee River as the central features of the Werribee City Centre, surrounded and overlooked by buildings.

To establish a new higher density, high activity mixed use area centred on Cottrell Street, incorporating residential, commercial, recreational and community uses.

To establish Cottrell Street as a high amenity, higher density, mixed use, tree-lined boulevard.

To encourage within Sub-precinct 6B a mix of medium density commercial and residential uses as a transition to the residential interface with Stawell Street.

### 5.6-3 Precinct requirements

| Sub-precinct | Preferred building height | Preferred building setbacks |
|---|---|---|
| 6A | 8 metres to 25.5 metres | 0 metre front and side setbacks to a height of 8 metres at street frontages. |
| 6B | 8 metres to 18.5 metres | 0 metres front and side setbacks to a height of 8 metres at street frontages. |

### 5.6-4 Precinct guidelines

- The opportunity for overlooking of Wyndham Park and the Werribee River from new developments along Cottrell Street should be maximised.
- New development within 30 metres of residential zoned land should provide an appropriate built-form transition to adjoining residential zoned areas through the height, setback, scale, massing and detail of new development, as demonstrated by an Urban Context Report and Design Response.
- Light spill into the Werribee River Reserve should be minimised.
- Buildings and works within the Werribee floodplain should be designed to minimise flood risks to life, health and property.
- New development should not compromise existing or future rail operations within the railway corridor, including the potential for future grade separation of the Werribee Street railway crossing.

## 6.0 Application requirements

11/08/2022
C248wynd

In addition to the application requirements set out at Clause 37.08-7 an application to construct a building or carry out works should be accompanied by the following information, as appropriate, to the satisfaction of the responsible authority:

- Illustrations of sight-lines from balcony edges.
- Sections of the proposed building at appropriate intervals.
- A three-dimensional coloured artist's impression showing the proposed development in the context of surrounding development.
- A Waste Management Plan.
- A Construction Management Plan which sets out the principal construction issues and how the anticipated process will be managed. The Construction Management Plan should address local amenity issues and make provision for:
  - Measures to protect the amenity of surrounding areas through the construction period against dust, noise, stormwater control and security lighting.
  - The management of construction worker vehicles.
  - The delivery and storage of materials on the site.
  - A schedule of hours of work during the working week.
  - A procedure to seek out of hours work for special construction requirements.
  - Construction access to the site.
- An Environmentally Sustainable Design Report which outlines the ESD initiatives included within the proposal and addresses the ESD provisions in Clause 4.4.

- An application which exceeds any of the Preferred Building Heights or Preferred Building Setbacks outlined in the relevant precinct requirements must be accompanied by a Design Response and Urban Context Report, and an Environmentally Sustainable Design Report.
- An application for a development in Precincts 4, 5 or 6 within 30 metres of residential zoned land must be accompanied by an Urban Context Report and Design Response which demonstrate an appropriate built-form transition to the adjoining residential zoned land through the height, setback, massing and detail of the development.
- An application for development in Precincts 3, 5 or 6 within 50 metres of Public Use Zone 4 land must be accompanied by an Adverse Amenity Impacts Report, which considers the impacts of airborne noise and vibration emissions from the operation of the railway and station on the amenity of sensitive land uses and specifies the proposed mitigation measures after seeking the views of Public Transport Victoria.
- An application for a permit on public land 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, or
  - To the application for permit being made and to the proposed use or development.

The responsible authority may waive or reduce any of the application requirements detailed above, for works that are minor in nature or of a specific type where the requirements are not considered relevant or appropriate.

## 7.0 Notice and review

11/08/2022 C248wynd

An application to construct a building or carry out works is not exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act if it exceeds the preferred building heights or does not meet other precinct requirements contained within Clause 5 of this schedule.

## 8.0 Decision guidelines

11/08/2022 C248wynd

Before deciding on an application, in addition to the decision guidelines in Clause 65 and Clause 37.08-9, the responsible authority must consider the views of Public Transport Victoria for all applications for use, subdivision and buildings and works within 50 metres of Public Use Zone 4 land.

## 9.0 Signs

11/08/2022 C248wynd

None specified.

## 10.0 Other provisions of the scheme

11/08/2022 C248wynd

None specified.

## 11.0 Background documents

11/08/2022 C248wynd

Werribee City Centre Structure Plan 2013 (Wyndham City Council) as amended from time to time.

Werribee City Centre Parking Precinct Plan 2013 (Wyndham City Council) as amended from time to time.

# 40 OVERLAYS

19/01/2006
VC37

This section sets out the overlays which apply in this scheme.

## 41 [NO CONTENT]

31/07/2018
VC148

# 42 ENVIRONMENTAL AND LANDSCAPE OVERLAYS

19/01/2006
VC37

## 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

31/07/2018
VC148

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.

## 42.01-1 Environmental significance and objectives

31/07/2018
VC148

A schedule to this overlay must contain:

- A statement of environmental significance.
- The environmental objectives to be achieved.

## 42.01-2 Permit requirement

16/10/2025
VC288

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.

| Class of application | Provision |
|---|---|
| Subdivide land to realign the common boundary between two lots where:<br>▪ The area of either lot is reduced by less than 15 percent.<br>▪ The general direction of the common boundary does not change. | Clause 59.01 |
| Subdivide land into lots each containing an existing building or car parking space where:<br>▪ The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.<br>▪ An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within five years prior to the application for a permit for subdivision. | Clause 59.02 |

| Class of application | Provision |
|---|---|
| Subdivide land into two lots if:<br>▪ The construction of a building or the construction or carrying out of works on the land:<br>– Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.<br>– Has started lawfully.<br>▪ The subdivision does not create a vacant lot. | Clause 59.02 |
| Subdivide land into two lots if:<br>▪ A permit has been issued under a provision of a residential zone to construct up to two dwellings on the land and the permit has not expired.<br>▪ Each lot will contain either:<br>– one existing dwelling; or<br>– one dwelling permitted to be constructed in accordance with the permit. | Clause 59.02 |
| Construct a fence. | Clause 59.05 |
| Remove, destroy or lop one tree provided:<br>▪ A permit has not been granted for a VicSmart application to remove, destroy or lop a tree on the same land within the last 12 months.<br>▪ There is no other current VicSmart application to remove, destroy or lop a tree on the same land. | Clause 59.06 |
| Construct a building or construct or carry out works for:<br>▪ A carport, garage, pergola, verandah, deck, shed or similar structure.<br>▪ A rainwater tank.<br>The buildings and works must be associated with a dwelling or a small second dwelling. | Clause 59.05 |

## 42.01-3 Table of exemptions

16/08/2024
VC262

| The requirement to obtain a permit does not apply to: | |
|---|---|
| **Emergency works** | Vegetation that is to be removed, destroyed or lopped:<br>▪ 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<br>▪ where it presents an immediate risk of personal injury or damage to property. Only that part of the vegetation that presents the immediate risk may be removed, destroyed or lopped under this exemption. |
| **Extractive industry** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of extractive industry in accordance with a work plan approved under the *Mineral Resources (Sustainable Development) Act 1990* and authorised by a work authority granted under that Act. |
| **Fire protection** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of any of the following fire protection activities:<br>▪ fire fighting;<br>▪ planned burning; |

| The requirement to obtain a permit does not apply to: | |
|---|---|
| | ▪ 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;<br>▪ 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*);<br>▪ is ground fuel within 30 metres of a building and is vegetation other than native vegetation;<br>▪ in accordance with a fire prevention notice issued under either:<br>– section 87 of the *Fire Rescue Victoria Act 1958*;<br>– section 65 of the *Forests Act 1958*; or<br>– section 41 of the *Country Fire Authority Act 1958*.<br>▪ 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*;<br>▪ 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*.<br>*Note: Additional permit exemptions for bushfire protection are provided at Clause 52.12.* |
| **Geothermal energy exploration and extraction** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the *Geothermal Energy Resources Act 2005*. |
| **Greenhouse gas sequestration and exploration** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the *Greenhouse Gas Geological Sequestration Act 2008*. |
| **Land management or directions notice** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land management notice or directions notice served under the *Catchment and Land Protection Act 1994*. |
| **Land use conditions** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land use condition served under the *Catchment and Land Protection Act 1994*. |
| **Mineral exploration and mining** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by the holder of an exploration, mining, prospecting, or retention licence issued under the *Mineral Resources (Sustainable Development) Act 1990*:<br>▪ that is low impact exploration within the meaning of Schedule 4A of the *Mineral Resources (Sustainable Development) Act 1990*; or<br>▪ in accordance with a work plan approved under Part 3 of the *Mineral Resources (Sustainable Development) Act 1990*.<br>*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.<br>In the case of native vegetation the written agreement of an officer of the department responsible for administering the *Flora and Fauna Guarantee Act 1988* is required before the vegetation can be removed, destroyed or lopped. |

| The requirement to obtain a permit does not apply to: | |
|---|---|
| **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:<br>▪ bracken (Pteridium esculentum); or<br>▪ 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.<br>This exemption does not apply to land on which vegetation has been destroyed or otherwise damaged as a result of flood, fire or other natural disaster. |
| **Road safety** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of a public authority or municipal council to maintain the safe and efficient function of an existing public road in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*). |
| **Stone exploration** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone exploration.<br>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:<br>▪ 1 hectare of vegetation which does not include a tree.<br>▪ 15 trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.<br>▪ 5 trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.<br>This exemption does not apply to costeaning and bulk sampling activities. |
| **Surveying** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by, or on behalf of, a licenced surveyor (within the meaning of section 3 of the *Surveying Act 2004*) using hand-held tools to establish a sightline for the measurement of land. |
| **Traditional owners** | Vegetation that is to be removed, destroyed or lopped by a person acting under, and in accordance with:<br>▪ a natural resources agreement under Part 6 of the *Traditional Owners Settlement Act 2010*; or<br>▪ 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). |
| **Tram stops** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of the Head, Transport for Victoria to construct a tram stop, including a tram stop shelter. |
| **Transport land** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of the Head, Transport for Victoria on land in a Transport Zone, or in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority, to construct or maintain transport system infrastructure. |

## 42.01-4 Application requirements

31/07/2018
VC148

An application must be accompanied by any information specified in a schedule to this overlay.

## 42.01-5 Decision guidelines

31/07/2018
VC148

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 Planning Policy Framework.
- 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.

11/08/2022
C248wynd

# SCHEDULE 1 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as **ESO1**.

## WATERWAY CORRIDORS

## 1.0 Statement of environmental significance

11/08/2022
C248wynd

The major waterways in Wyndham were identified in the Wyndham Waterways Strategy Plan as being, from east to west, Skeleton Creek including the Dry Creek tributary, Werribee River including the Davis Creek tributary, Lollypop Creek and Little River. These are major ecosystems that include permanent and intermittent watercourses and their banks, riparian lands and wetlands associated with the floodplain, escarpments and other geological or topographical features, and connected creeks and tributaries.

The "waterways" within Wyndham support a multitude of habitats and species, some of which are threatened or endangered. The waterways provide:

- a break in the subtle, undulating landscape of the Western Plains;
- obvious visual benefits;
- an environment for flora and fauna to thrive in;
- linear open space reserves and other public lands which are a major contributor to the open space system;
- irrigation water (from the Werribee River) which is used extensively in Werribee South;
- places of abundant food sources and likely camping locations for Aboriginal communities; and places that supported the settlement of post-contact farmers and graziers;
- part of Wyndham's image and identity.

The "waterways corridor" refers to the aquatic and riparian land containing the core environmental values of the waterway area such as floodplain function, in-stream habitat, riparian vegetation, flora and fauna species and habitats, ephemeral and permanent wetlands, grassy swamps adjoining the waterway, native grasslands adjoining the riparian corridor, the natural valley form and escarpments and includes the natural valley form, escarpments, associated wetlands and floodplain areas up to the 1:100 ARI floodline.

"Environmental buffers" beyond the waterway corridor refers to an area providing protection between identified environmental values (including flora and fauna values, habitat values and cultural values) and the development site.

Impacts of changing land use and development and poor land management practices affect waterway environments and their beneficial values. With increased awareness, the waterways within Wyndham will become a self-sufficient attraction for many generations to come.

## 2.0 Environmental objective to be achieved

11/08/2022
C248wynd

To preserve Werribee River, Skeleton Creek, Lollypop Creek, Little River and their tributaries by regulating the type, intensity and impacts of development adjacent to those waterways.

To recognise the varied nature of Werribee River, Skeleton Creek, Lollypop Creek, Little River and their reaches and ensure future planning and development responds to these characteristics.

To enhance and re-instate the ecological health of Werribee River, Skeleton Creek, Lollypop Creek and Little River, including revegetation and regeneration of disturbed areas.

To provide for integrated, ongoing protection and management of Werribee River, Skeleton Creek, Lollypop Creek and Little River as cohesive systems, having regard to their ecological, geomorphological, habitat, landscape character, cultural heritage, recreation, education, social and economic values.

To protect and enhance all aspects of the waterway corridor including cultural and social sites of significance.

To protect escarpments and natural waterway valleys from changes that will adversely affect the environmental, social and cultural values of the waterways and their tributaries.

To ensure development is sufficiently set back from the Werribee River, Skeleton Creek, Lollypop Creek and Little River.

To ensure that both the quality and volume of stormwater proposed to enter Skeleton Creek has no negative impacts on Cheetham Wetlands.

To prevent an increase in stormwater run-off into the waterways as a result of proposed activities or development such as stormwater discharge into the Cheetham wetlands from new housing developments.

To encourage the use of sustainable agricultural practices and replanting of riparian vegetation in rural areas to improve the natural values of waterways.

To minimise the impact of rural activities on the environmental values of waterways

To ensure that the volume of stormwater runoff into waterways is not increased and the quality of runoff improves or remains at established levels where altered land use or development adjacent to waterways occurs.

To ensure there is an adequate capacity for natural floodplain functions in future urban growth areas including ensuring the 1:100 year flows remain at a level to encourage the sustainability of riparian land and wetlands dependent on these flows.

To discourage development within the waterways corridor except for passive recreation, pedestrian / cycling trails, stormwater infrastructure and development that does not impact on identified environmental values on the basis of environmental assessment. To allow natural changes to watercourses and stream morphology to occur over time.

To allow for the enhancement or rehabilitation of environmental values that have been identified on or in the vicinity of the development site.

To protect Aboriginal and post-contact cultural heritage sites associated with waterways.

To identify an environmental protection buffer between identified environmental values (including flora & fauna and habitat values and cultural values) and the development based on the Environmental Assessment.

To protect escarpments and stream banks from erosion caused by increased access, use and flows.

To minimise the impacts of development in waterways corridors.

To ensure developers contribute to integrated and ongoing environmental protection and management of the Waterways Corridors.

To ensure that in established residential areas, the construction of outbuildings and dwelling additions ensures that there is no loss or encroachment into the environmental, cultural or landscape value of waterways.

## 3.0 Permit requirement

11/08/2022
C248wynd

A permit is not required to:

- Undertake re-instatement and revegetation works within the waterway corridor required to implement:
  - An adopted catchment management plan of the Port Phillip Catchment and Land Protection Board or a Catchment Management Authority.
  - An adopted waterway management plan or waterway master plan of Melbourne Water, Council or other waterway management authority.

  - A landcare plan prepared by an approved Landcare group.
  - An endorsed Waterway Mitigation Plan in accordance with Clause 43.04.
- Undertake minor works associated with natural resource, cultural heritage, surveying, engineering and similar assessments required in preparing strategies and plans, concept plans, development plans and applications for rezoning, change of use, subdivision and development.
- Construct a building or construct or carry out works required for ongoing management and operation of effluent treatment and farming activities carried out by Melbourne Water and for environmental protection and enhancement at the Western Treatment Plant.
- Construct or carry out works by a public authority required to regulate the flow of water in a watercourse or provide committed water supply.
- Construct or carry out works on public land required for environmental protection and enhancement.
- Construct or carry out works on public land required to regulate or mitigate flooding.

## 4.0 Application requirements

11/08/2022
C248wynd

An application must be accompanied by the following reports prepared by an appropriately qualified consultant to the satisfaction of the Responsible Authority and as appropriate:

- An Environmental Assessment which identifies the environmental values of the land and demonstrates how these values will be protected from potential impacts of the proposed development including by use of environmental buffers.
- An Environmental Management Plan
- An Archaeological Survey in accordance with the requirements of Aboriginal Affairs Victoria.
- A Landscape and Viewshed Analysis that identifies and protects important views associated with the waterway, including views within, to and from the waterways.
- A description of stormwater infrastructure facilities subject to them being appropriately located in terms of the environmental values that are to be protected at the site and within the waterway corridor, inclusive of the views of Melbourne Water.
- A plan of passive recreation facilities (such as shared paths, seating, signage etc) with an assessment of the appropriateness of their location in terms of the environmental values that are to be protected at the site and within the waterway corridor, inclusive of the views of Melbourne Water.
- These reports must demonstrate that the proposed development does not have negative impacts on the identified values of the waterways, or the potential for the rehabilitation of these values.
- The provision of passive recreation facilities (such as shared paths, seating, signage etc) is in addition to the 5% open space contribution to Council.

## 5.0 Decision guidelines

11/08/2022
C248wynd

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The extent to which the proposed development meets and encourages the aims and objectives of the Environmental Significance Overlay and whether alternatives are available that would better achieve these outcomes.
- The current and proposed future use of land adjacent to the waterways corridors and the effects on existing and proposed infrastructure.

- The Wyndham Waterways Strategy Plan and any relevant waterway management or waterway master plan.
- Whether new developments within residential areas have muted tones and are constructed from non-reflective materials.
- Whether proposed developments or buildings and works are set back in line with any existing dwelling or structure and are not greater in height than the existing dwelling or structure.
- Whether proposed developments will adversely affect adjoining or surrounding neighbours by means of hindering the landscape value of the waterways or overshadowing recreational space abutting a waterways corridor.

## 6.0 Background Documents

- Werribee Corridor Landscape Study, Green Dale & Wright, 1989;
- Sites of Significance for Nature Conservation in the Werribee Corridor, T.J. Barlow, 1989;
- Sites of Botanical Significance in the Western Region of Melbourne, K. McDougall, 1987;
- Sites of Geological and Geomorphological Significance in the Western Region of Melbourne, N.J. Rosengren, 1986;
- Werribee River Policy and Management Manual, Wyndham City Council, 1995;
- Skeleton Creek Waterways and Environs Strategy, Melbourne Water Corporation, 1996;
- Wyndham Stormwater Management Plan, WBM Oceanics Australia, 2000;
- Wyndham Waterways Strategy Plan, Thompson Berrill Landscape Design and Environment & Land Management, 2002.

11/08/2022
C248wynd

# SCHEDULE 2 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as **ESO2**.

## RURAL CONSERVATION AREA

## 1.0 Statement of environmental significance

11/08/2022
C248wynd

The development of Melbourne has caused significant impacts to the environment. Melbourne's footprint has resulted in the removal of most native vegetation, and retained habitat areas only support flora and fauna that can survive in a highly fragmented and urbanised landscape. The overall biodiversity of Melbourne is a fraction of what it was prior to European settlement.

As part of the delivery of Melbourne's Newest Sustainable Communities Program, the Victorian Government established a process to identify, permanently protect and manage biodiversity assets that are important within the greater Melbourne region.

This process has determined the location of significant biodiversity assets and identified areas where these can be retained and where urban development is not appropriate and to which this overlay has been applied.

The areas covered by this overlay include some existing conservation reserves, areas of significant remnant native vegetation and a number of areas that provide habitat for threatened flora and fauna.

The areas include but are not limited to:

- Important grasslands.
- Grassy eucalypt woodlands.
- Waterways and riparian areas.
- Other important habitat for threatened flora and fauna.

It is important that these areas are retained and managed to ensure that their biodiversity values and any habitat links are protected and enhanced.

## 2.0 Environmental objective to be achieved

11/08/2022
C248wynd

To protect and improve the viability of habitats, ecological communities, flora and fauna and genetic diversity.

To enhance the environmental and landscape values of the area.

To ensure that any use, development or management of land within and adjacent to areas of biological significance are compatible with their long-term maintenance and conservation and will not have detrimental impacts on biodiversity values.

To encourage ecological restoration, regeneration and revegetation with indigenous species within the site.

To maintain and enhance habitat connectivity for listed threatened species.

To prevent a decline in the extent and quality of native vegetation and native fauna habitat.

To ensure that the siting and design of any buildings and works maintains the environmental integrity of the land.

To maintain and enhance the integrity of sites of environmental significance.

To provide for the long term preservation of the flora and fauna and associated habitat of environmentally significant areas.

## 3.0 Permit requirement

11/08/2022
C248wynd

A permit is not required to:

- Construct a building or construct or carry out works or to remove, destroy or lop vegetation (including dead vegetation) in accordance with an agreement under Section 69 of the Conservation, Forests and Lands Act 1987.
- Construct or carry out works or to remove, destroy or lop vegetation (including dead vegetation) by or on behalf of a public authority or public land manager involving revegetation, or preparatory works associated with revegetation.
- Extend or alter an existing dwelling provided that the gross floor area of that extension or alteration does not exceed 50 square metres and the extension or alteration is more than 5 metres from any existing native vegetation.
- Remove, destroy or lop any vegetation, including dead vegetation:
  - Where the vegetation is non native.
  - Where the vegetation is a plant proclaimed as a weed under the Catchment and Land Protection Act 1994.
  - In order to enable the use and maintenance of a building constructed or approved by a planning permit granted under this planning scheme or by a building permit granted under the Building Act 1993, before 6 August 2010. This exemption does not apply to vegetation located more than 10 metres from a building.
  - Where the vegetation has been planted or grown for aesthetic or amenity purposes, including agroforestry (the simultaneous and substantial production of forest and other agricultural products from the same land unit), shelter belts, woodlots, street trees, gardens or the like. This exemption does not apply if public funding was provided to assist in planting or managing the vegetation for conservation purposes and the terms of the funding did not anticipate removal or harvesting of the vegetation.
  - For the purpose of maintenance, where no more than one third of the foliage is removed from any individual plant. This exemption does not apply to the pruning or lopping of the trunk of a tree or shrub or to native vegetation within a road or railway reservation.
  - To mow or slash grass in a lawn, garden or other planted area for maintenance only.
  - To maintain an existing fence where the removal of vegetation is within a combined maximum width of 4 metres either side of the fence.

## 4.0 Application requirements

11/08/2022
C248wynd

The following application requirements apply to an application for a permit under Clause 42.01, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A description of any proposed disturbance of surface soil or rocks associated with the proposal.
- The total extent of vegetation on the property and the extent of native vegetation proposed to be cleared.
- A description of the steps that have been taken to avoid and minimise the removal of native vegetation including the practicality of alternative options which do not require removal of the native vegetation.

An application must also be accompanied by, as appropriate:

- A flora and fauna assessment of the land prepared by a suitably qualified and experienced person to the satisfaction of the responsible authority. The assessment must include:
  - A flora and fauna survey.
  - A habitat hectare assessment.

  - Identification of the vegetation and habitat significance of the property.
  - A description of the effect of the proposed development in relation to other areas of native vegetation or native fauna habitat, including any proposed reserves, strategic reserves, conservation reserves, streams and waterways.
- A land and environmental management plan prepared by a suitably qualified person identifying, as appropriate:
  - Any proposals for revegetation, including proposed species, and ground stabilisation.
  - How any vegetation removal will be offset (an offset plan), in accordance with Victoria's Native Vegetation Management: A Framework For Action (Department of Natural Resources and Environment 2002).
  - Weed management, including species to be targeted and proposed management techniques.
  - Pest animal management, including species to be targeted and proposed management techniques.

If in the opinion of the responsible authority a flora and fauna assessment of the land or a land and environmental management plan is not relevant to the assessment of an application, the responsible authority may waive or reduce the requirement.

## 5.0 Decision guidelines

11/08/2022
C248wynd

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The conservation significance of any vegetation to be removed and its habitat value for native fauna.
- The reason for removing any vegetation and the practicality of any alternative options.
- Measures to protect and enhance native vegetation and native fauna habitat including the retention of land form, surface soils and rocks.
- Measures to maintain contiguous areas of native vegetation or native fauna habitat.
- Measures to encourage ecological restoration, regeneration and revegetation with indigenous species.
- Any park management plan, including the potential impact of management activities, such as burning, on any proposed development.
- The impact of the development on any proposed or existing conservation reserves, streams and waterways, including the potential impacts of nutrient and water run-off, increased weed and pest invasion or recreational impacts.
- The impact on the integrity of the site from the proposed development, disturbance and removal of rock, indiscriminate weed control, habitat fragmentation and isolation and disturbance and destruction of habitat of threatened species.
- The proposed management practices for the land including:
  - The linking and enlarging of areas of significant flora and fauna habitats.
  - Effective and targeted weed control.
  - Programs to control or eliminate introduced predatory and pest animal species, in particular foxes, rabbits and hares.

  - Rehabilitation of degraded areas through fencing, revegetation with appropriate native species and ongoing management.
  - Collection of seed and other plant propagules for rehabilitation projects on and off site.
- The results of any flora and fauna survey and assessment of the land.
- Any Native Vegetation Precinct Plan, Conservation Management Plan, Precinct Structure Plan or other management plan approved for the area by the Minister for Planning or Minister for Environment and Climate Change.

## 6.0 Referral of applications

In accordance with Section 55 of the Act, an application must be referred to the relevant referral authority specified in the schedule to Clause 66.04.

## 7.0 Background Documents

- Delivering Melbourne's Newest Sustainable Communities: Strategic Impact Assessment Report for the *Environment Protection and Biodiversity Conservation Act 1999* (Department of Sustainability and Environment 2009)
- Delivering Melbourne's Newest Sustainable Communities: Report for Public Consultation, Urban Growth Boundary Review (Department of Planning and Community Development 2009)
- Delivering Melbourne's Newest Sustainable Communities: Background Technical Report 2a: Biodiversity Assessment of Melbourne's Western Investigation Area (Biosis Research 2009)

11/08/2022
C248wynd

# SCHEDULE 3 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as **ESO3**.

## TRUGANINA CEMETERY GRASSLANDS

## 1.0 Statement of environmental significance

11/08/2022
C248wynd

Truganina Cemetery was created in 1866 and is currently an operational cemetery as well as being the interment site of the early settlers of the Truganina district.

The cemetery supports a small remnant area of plains grassland comprising nationally significant and endangered vegetation and vulnerable fauna including:

- Button Wrinklewort (*Rutidosis leptorrhynchoides*) - listed as critically endangered under the EPBC Act.
- Spiny Rice-flower (*Pimelea spinescens subsp.spinescens*) – listed as critically endangered under the EPBC Act.
- Doublejointed Speargrass (*Austrostipa bigeniculata*).
- Kangaroo Grass (*Themeda triandra*).
- Striped Legless Lizard (*Delmar impar*) – listed as vulnerable under the EPBC Act and Flora and Fauna Guarantee Act.

Button Wrinklewort (*Rutiodosis Leplorrhyncoides*) is an endangered species (EPBC Act) that exists in few locations in Australia. The cemetery also supports one of the best remaining examples of the original Kangaroo Grass (*Themeda Triandra*). The central section of the cemetery has been reserved for the preservation of these species. The area is managed by burning once in three years during winter when the Button Wrinklewort is dormant.

Spiny Rice-flower (*Pimelea spinescens subsp.spinescens*) is a stunted shrub, 5-50 centimetres in height. *(Pimelea spinescens subsp. Spinescens*) is listed as critically endangered under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. Truganina Cemetery contains less than 300 plants and is an intact small native grassland within an active cemetery. The Spiny Rice-flower is significantly prone to future threats which are likely to result in extinction. Populations are threatened by residential and industrial development, construction and maintenance activities on road and rail reserves which may affect drainage and fire regimes, cattle grazing and trampling, ploughing, and weed invasion. The species is very rare in terms of abundance and distribution.

Other nationally listed plants occur within the grassland. A Public Authority Management Agreement exists between the Cemetery Trust and the Department of Sustainability and Environment.

## 2.0 Environmental objective to be achieved

11/08/2022
C248wynd

To protect the Truganina Cemetery grassland.

To protect significant landscape and habitat areas of threatened species.

To ensure that development does not impact on the environmental significance of the land.

To ensure that any use, development or management of land within and adjacent to areas of biological significance are compatible with their long-term maintenance and conservation and will not have detrimental impacts on biodiversity values.

To prevent environmental degradation of sites of conservation significance.

To enable areas of conservation significance and habitat values to be identified.

To protect and improve the viability of habitats, ecological communities, flora and fauna and genetic diversity of the Truganina Cemetery grasslands in the long term.

To maintain and enhance the environmental significance of the Truganina Cemetery grasslands through protection from:

- Inappropriate activities and development.
- Disturbance and removal of rock.
- Indiscriminate weed control.
- Habitat fragmentation and isolation.
- Impacts of pest and weed species.
- Disturbance and destruction of habitat of threatened species.

To ensure that development does not impact on significant habitats.

To ensure that the siting and design of any buildings and works, including the location of sites of interment, protects the areas of environmental significance on the land.

To encourage ecological restoration, regeneration and revegetation with indigenous species within the site and in adjoining areas.

To manage buffers around areas of environmental significance on the Truganina Cemetery land.

To provide for the long term preservation of the flora and fauna of environmentally significant areas. Management practices for the land aim to achieve:

- Linking and enlarging of remnant parcels of significant flora and fauna habitats.
- Effective and targeted weed control.
- Programs to control or eliminate introduced predatory and pest animal species, in particular foxes, rabbits and hares.
- Rehabilitation of degraded areas through fencing, replanting and ongoing management.
- Collection of seed and other plant propagules for rehabilitation projects on and off site.

## 3.0 Permit requirement

11/08/2022
C248wynd

A permit is not required to:

- Construct or carry out works undertaken by or on behalf of a public authority or public land manager involving revegetation, or preparatory works associated with revegetation.
- Construct or carry out works for the purpose of interment where the disturbance of surface soils and native vegetation is to the 'burial zone' as identified in the Truganina Cemetery Environmental Management Plan for Wyndham City Council (Native Vegetation Management Services, November 2004).

## 4.0 Application requirements

11/08/2022
C248wynd

The following application requirements apply to an application for a permit under Clause 42.01, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A description of how the proposed works are consistent with the Truganina Cemetery Environmental Management Plan for Wyndham City Council (ibid).

An application must also be accompanied by, as appropriate:

- A flora and fauna assessment of the land prepared by a suitably qualified and experienced person to the satisfaction of the responsible authority. The assessment must include:
  - A flora and fauna survey.
  - Identification of the vegetation and habitat significance of the property.

- The total extent of vegetation on the property and the extent of native vegetation proposed to be cleared.
- A description of any proposed disturbance of surface soil or rocks associated with the proposal.
- A description of the steps that have been taken to avoid and minimise the removal of native vegetation including the practicality of alternative options which do not require removal of the native vegetation.
- A description of the effect of the proposed development in relation to other areas of native vegetation or native fauna habitat, including any proposed reserves, strategic reserves, conservation reserves, streams and waterways.

If in the opinion of the responsible authority a flora and fauna assessment of the land is not relevant to the assessment of an application, the responsible authority may waive or reduce the requirement.

## 5.0 Decision guidelines

11/08/2022
C248wynd

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The conservation significance of any vegetation to be removed and its habitat value for native fauna.
- The need to adopt a precautionary approach in the absence of scientific certainty.
- The effect of any proposed building or works on the environmental values of the area.
- The reason for removing any vegetation and the practicality of any alternative options.
- The importance of the natural environment including any important landscape or conservation characteristics of the area and the suitability of the proposed development.
- The control of noxious and environmental weeds and pest animals, including the need to minimise the spread of weeds and soil pathogens.
- The results of any flora and fauna survey and assessment of the area.
- Delivering Melbourne's Newest Sustainable Communities: Strategic Impact Assessment Report for *Environment Protection and Biodiversity Conservation Act 1999.*
- Any Growth Area Framework Plans, Biodiversity Conservation Strategies, Sub-Regional Species Strategies, Native Vegetation Precinct Plan, Conservation Management Plan, Precinct Structure Plan or other management plan approved for the area by the Minister for Planning or Minister for Environment and Climate Change
- Any relevant park management plan or interim management plan.
- Any action statement, significant impact guidelines or prescriptions for listed species or habitat of listed species occurring or likely to occur in the area.
- A Public Authority management agreement affecting the land made under Section 25 of the *Flora and Fauna Guarantee Act 1988.*
- The Truganina Cemetery Environmental Management Plan for Wyndham City Council (Native Vegetation Management Services, November 2004).

## 6.0 Referral of applications

In accordance with Section 55 of the Act, an application must be referred to the relevant referral authority specified in the schedule to Clause 66.04.

## 7.0 Background Documents

- Delivering Melbourne's Newest Sustainable Communities: Strategic Impact Assessment Report for the *Environment Protection and Biodiversity Conservation Act 1999* (Department of Sustainability and Environment 2009)
- Delivering Melbourne's Newest Sustainable Communities: Report for Public Consultation, Urban Growth Boundary Review (Department of Planning and Community Development 2009)
- Delivering Melbourne's Newest Sustainable Communities: Background Technical Report 2a: Biodiversity Assessment of Melbourne's Western Investigation Area (Biosis Research 2009)
- Truganina Cemetery Environmental Management Plan for Wyndham City Council (Native Vegetation Management Services 2004)

11/08/2022
C248wynd

# SCHEDULE 4 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as **ESO4**.

## WESTERN GRASSLAND RESERVES

## 1.0 Statement of environmental significance

11/08/2022
C248wynd

These areas have been identified for protection through the creation of grassland reserves. The establishment of the reserves will create large consolidated areas of permanently protected native grassland outside the Urban Growth Boundary in Melbourne's west. These areas are to be managed to improve their quality and offset losses from clearing associated with urban development and transport infrastructure associated with changes to the Urban Growth Boundary and the implementation of the Delivering Melbourne's Newest Sustainable Communities Program.

The Western Grassland Reserves will contain the largest consolidated area of Natural Temperate Grassland remaining on the Victorian Volcanic Plain, and support several nationally threatened plant and animal species and provide potential habitat for a range of other nationally threatened species. They also include a range of other habitat types including wetlands, riparian habitats and scattered open grassy woodlands. Parts of these reserves will be made available as offsets for clearing of grasslands within the Urban Growth Boundary.

Conservation reserves account for only 2 per cent of the current extent of natural temperate grassland and the addition of this proposed 15,000 hectares reserve will increase the level of reservation of natural temperate grassland to 20 per cent. Approximately 19 per cent of the native grasslands within the proposed reserves are High quality (habitat score greater than 0.6) and a further 80 per cent are Medium quality (habitat score between 0.31–0.6). The grassland reserves will secure at least 5290 habitat hectares of existing grasslands.

The proposed grassland reserves support several nationally threatened species: Golden Sun Moth (critically endangered), Striped Legless lizard (vulnerable), Spiny Rice-flower (critically endangered), Large-headed Fireweed (vulnerable), Clover Glycine (vulnerable). They also contain Werribee Blue Box which is likely to be listed under the Environment Protection and Biodiversity Conservation Act 1999 in the near future. They include the most likely suitable habitat on the Volcanic Plains for Plains Wanderer (vulnerable) and potential habitat for a range of other specialist grassland species such as Button Wrinklewort (endangered) and the Grassland Earless-dragon (endangered).

The reserves take in a range of other habitats, including Buloke Grassy Woodlands, and a variety of wetland types including Plains Grassy Wetland of the Victorian Volcanic Plain. These wetlands provide habitat for existing populations of Growling Grass frog (vulnerable) and several migratory bird species.

The proposed grassland reserves have been designed to maximise the area of habitat available to resident plant and animal species, in particular threatened species, and to enable management activities critical to the long term survival of species and vegetation to be undertaken. As a result, not all areas within the reserves support high quality native vegetation and some areas are degraded. Management works will be targeted to these areas.

## 2.0 Environmental objective to be achieved

11/08/2022
C248wynd

To facilitate the establishment of a reservation for at least 15,000 hectares of grassland (nature conservation reserve or National Park) outside the Urban Growth Boundary in Melbourne's west.

To provide interim management of the western grassland reserves before they are acquired, achieved by assisting landholders to manage threats and strengthening regulation to prevent degradation.

To introduce a management regime to ensure that the grassland areas are not degraded in the period prior to acquisition of the land for the grassland reserves.

To manage the areas as a conservation reserve or National Park for a range of particular vegetation and species requirements.

To protect and enhance significant landscape and habitat areas of threatened species.

To ensure that any development does not impact on the environmental significance of the land or the ability of the land to be managed as a contiguous conservation reserve or National Park in the future.

To ensure that any use, development or management of land within and adjacent to areas of environmental significance are compatible with their long-term maintenance, conservation and management (e.g. ecological burning) and will not have detrimental impacts on biodiversity values.

To prevent degradation of sites of environmental significance.

To protect and improve the viability of habitats, ecological communities, flora and fauna and genetic diversity in areas of environmental significance in the long term.

To maintain and enhance the integrity of sites of environmental significance.

To maintain and enhance habitat connectivity for National and State listed threatened species.

To encourage ecological restoration, regeneration and revegetation of areas of degraded habitat and areas which currently have no habitat value due to historical or current land management practices.

To manage buffer areas to reduce the impact of land uses adjoining the Western Grassland Reserves and to ensure appropriate management of the reserve does not adversely impact on surrounding land uses.

To provide for the long term preservation of the flora and fauna of environmentally significant areas.

## 3.0 Permit requirement

11/08/2022
C248wynd

A permit is not required to:

- Construct a building or construct or carry out works or to remove, destroy or lop vegetation (including dead vegetation) in accordance with an agreement under Section 69 of the *Conservation, Forests and Lands Act 1987*.
- Construct or carry out works or to remove, destroy or lop vegetation (including dead vegetation) by or on behalf of a public authority or public land manager involving revegetation, or preparatory works associated with revegetation.

## 4.0 Application requirements

11/08/2022
C248wynd

The following application requirements apply to an application for a permit under Clause 42.01, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A flora and fauna assessment of the land prepared by a suitably qualified and experienced person to the satisfaction of the responsible authority. The assessment must include:
  - A flora and fauna survey.
  - A habitat hectare assessment.
  - Identification of the vegetation and habitat significance of the property.
  - The total extent of vegetation on the property and the extent of native vegetation proposed to be removed, lopped or destroyed.
  - A description of any proposed disturbance or surface soil or rocks, associated with the proposed development.

  - A description of the steps that have been taken to avoid and minimise the removal of native vegetation including the practicality of alternative options which do not require removal of the native vegetation.
  - The effect of the proposed removal of native vegetation on the habitat value and long term viability of remnant grasslands in the vicinity.
- A land and environmental management plan prepared by a suitably qualified person identifying:
  - Any proposals for revegetation, including proposed species, and ground stabilisation.
  - How any vegetation removal will be offset (an offset plan), in accordance with Victoria's Native Vegetation Management: A Framework For Action (Department of Natural Resources and Environment, 2002).
  - Weed management, including species to be targeted and proposed management techniques.
  - Pest animal management, including species to be targeted and proposed management techniques.

## 5.0 Decision guidelines

11/08/2022
C248wynd

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The conservation significance of any vegetation to be removed and its habitat value for native fauna.
- The effect of any proposed building or works on the environmental values of the land and the integrity of the future reserve.
- The reason for removing any vegetation and the practicality of any alternative options.
- The importance of the natural environment including any important landscape or conservation characteristics of the area and the suitability of the proposed development.
- The control of noxious and environmental weeds and pest animals, including the need to minimise the spread of weeds and soil pathogens.
- The impact on the integrity of the site from the proposed development, disturbance and removal of rock, indiscriminate weed control, habitat fragmentation and isolation and disturbance and destruction of habitat of threatened species.
- The proposed management practices for the land including:
  - The linking and enlarging of areas of significant flora and fauna habitats.
  - Effective and targeted weed control.
  - Programs to control or eliminate introduced predatory and pest animal species, in particular foxes, rabbits and hares.
  - Rehabilitation of degraded areas through fencing, revegetation with appropriate native species and ongoing management.
  - Collection of seed and other plant propagules for rehabilitation projects on and off site.
- The results of any flora and fauna survey and assessment of the land.
- Delivering Melbourne's Newest Sustainable Communities: Strategic Impact Assessment Report for *Environment Protection and Biodiversity Conservation Act 1999*.
- Any Growth Area Framework Plans, Biodiversity Conservation Strategies, Sub-Regional Species Strategies, Native Vegetation Precinct Plan, Conservation Management Plan, Precinct

Structure Plan or other management plan approved for the area by the Minister for Planning or Minister for Environment and Climate Change.

- Any relevant park management plan or interim management plan.
- Any action statement prepared under the *Flora and Fauna Guarantee Act 1988* and any significant impact guidelines or prescriptions prepared under the *Environmental Protection and Biodiversity Conservation Act 1999* (Cth) for species or habitat listed under either of these Acts that occur or are likely to occur on the land.

## 6.0 Referral of applications

In accordance with Section 55 of the Act, an application must be referred to the relevant referral authority specified in the schedule to Clause 66.04.

## 7.0 Background Documents

- Delivering Melbourne's Newest Sustainable Communities: Report for Public Consultation, Urban Growth Boundary Review (Department of Planning and Community Development June 2009)
- Delivering Melbourne's Newest Sustainable Communities: Strategic Impact Assessment Report for the Environment Protection and Biodiversity Conservation Act 1999 (Department of Sustainability and Environment June 2009)
- Delivering Melbourne's Newest Sustainable Communities: Background Technical Report 2a: Biodiversity Assessment of Melbourne's Western Investigation Area (Biosis Research June 2009)

11/08/2022
C248wynd

# SCHEDULE 5 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as **ESO5**.

## GRASSLANDS WITHIN THE WERRIBEE PLAINS HINTERLAND

## 1.0 Statement of environmental significance

11/08/2022
C248wynd

The areas included within this overlay form part of the Victorian Volcanic Plain Bioregion. The native vegetation of the Victorian Volcanic Plain bioregion is one of the most depleted in the State. Only 4.5 per cent of the State still has a cover of native vegetation, and less than 1.2 per cent is in formal reserves.

The Werribee Plains hinterland consists of undulating volcanic plains, a scoria cone and steep gorges formed by the Little and Werribee Rivers. Many elements of the flora reflect the low rainfall of this area, which formerly supported extensive areas of Plains Grassland. Although the native vegetation has been extensively cleared and altered for agricultural, urban and industrial use, there are some large areas of predominantly native vegetation as well as some high quality wetlands, which are important for many threatened fauna species. There are a number of communities and species in this area that do not occur elsewhere in the bioregion. Important species in this area include, for flora, the Button Wrinklewort, Large-fruit Fireweed, Small Golden Moths, Small Milkwort, Small Scurf-pea, Spiny Rice-flower, and the only remaining wild population of Sunshine Diuris; and, for fauna, the Grassland Earless Dragon, Orange-bellied Parrot, Plains-wanderer, Red-chested Button-quail, Striped Legless Lizard and Swift Parrot.

The landscape consists of undulating volcanic plains with red duplex soils. The Werribee and Little Rivers have incised steep and sometimes spectacular gorges into the basalt plain. The scoria cone of Mount Anakie is a significant landscape feature. A band of Tertiary sediments is located along the western edge of this area.

It has a unique and relatively early history of European settlement due partly to the ease of access of the open grassland plains. Because of this the landscape has been radically altered.

The dry plains of the Werribee plains hinterland formerly supported extensive areas of Plains Grassland. These grasslands integrated with Riverina Plains Grassy Woodland (dominated by Grey Box, Buloke and Drooping Sheoak) to the west and south of Melton, and Plains Grassy Woodland in and around the You Yangs and east of the Brisbane Ranges. Riparian areas supported Floodplain Riparian Woodland and Creekline Grassy Woodland with Escarpment Shrubland on steeper escarpments. A variety of wetland communities formerly occurred throughout including Plains Grassy Wetland, Plains Sedgy Wetland, Canegrass Wetland, Lignum Wetland and Aquatic Herbfield. Scoria Cone Woodland was associated with Mount Anakie and other volcanoes. Areas of Coastal Saltmarsh were found along the shores of Port Phillip Bay. Many elements of the flora reflect the low rainfall including White Cypress-pine and Fragrant Saltbush found along the steep escarpments of the Werribee River, and Woolly Buttons at Little River. The native vegetation has been extensively cleared and altered for agriculture and (increasingly) for urban and industrial use. However, there are large areas of predominantly native vegetation including woodlands, wetlands and grasslands.

The major issue for biodiversity conservation in the Werribee plains hinterland is loss of native vegetation and habitat through clearing for urban development, cropping and infrastructure. The compounding effects of such clearing are the loss of floristic and habitat diversity and increasing fragmentation of habitats and isolation of remnants. Similarly, changes to management of remnant vegetation and increased urbanisation contribute to the proliferation of weeds and feral animals. Degradation of drainage lines and riparian vegetation through erosion, pollution and uncontrolled grazing, depletion of wetlands and changes to the hydrology of wetlands and streams are also serious threats to biodiversity in the region. However, a range of conservation assets are present and significant opportunities do exist to establish relatively large areas and networks of areas that

are managed sympathetically for conservation. Such networks could include a range of vegetation types and land tenures and relatively large and intact areas of open grassland, grassy woodland and wetland communities.

## 2.0 Environmental objective to be achieved

11/08/2022
C248wynd

To prevent a decline in the extent and quality of native vegetation and native fauna habitat of the Victorian Volcanic Plain.

To enhance the environmental and landscape values of the area.

To avoid the fragmentation of contiguous areas of native vegetation or native fauna habitat.

To ensure that any use, development or management of the land is compatible with the long-term conservation, maintenance and enhancement of the grasslands.

To avoid the destruction of habitat for native fauna resulting from the modification of land form and disturbance of surface soils and rocks.

To enable areas of environmental significance, due to their native vegetation or habitat values, to be identified.

## 3.0 Permit requirement

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A permit is not required to:

- Construct a building or construct or carry out works or to remove, destroy or lop vegetation (including dead vegetation) in accordance with an agreement under Section 69 of the *Conservation, Forests and Lands Act 1987*.
- Construct or carry out works or to remove, destroy or lop vegetation (including dead vegetation) by or on behalf of a public authority or public land manager involving revegetation, or preparatory works associated with revegetation.
- Construct a building or construct or carry out works for an extension or alteration of an existing dwelling (other than the erection of an outbuilding normal to a dwelling) provided that the gross floor area of that extension or alteration does not exceed 50 square metres and the extension or alteration is more than 5 metres from any existing native vegetation.
- Remove, destroy or lop any vegetation, including dead vegetation:
  - Where the vegetation is non native.
  - Where the vegetation is a plant proclaimed as a weed under the Catchment and Land Protection Act 1994.
  - In order to enable the use and maintenance of a building constructed or approved by a planning permit granted under this planning scheme or by a building permit granted under the Building Act 1993, before 6 August 2010. This exemption does not apply to vegetation located more than 10 metres from a building.
  - Where the vegetation has been planted or grown for aesthetic or amenity purposes, including agroforestry (the simultaneous and substantial production of forest and other agricultural products from the same land unit), shelter belts, woodlots, street trees, gardens or the like. This exemption does not apply if public funding was provided to assist in planting or managing the vegetation for conservation purposes and the terms of the funding did not anticipate removal or harvesting of the vegetation.
  - For the purpose of maintenance, where no more than one third of the foliage is removed from any individual plant. This exemption does not apply to the pruning or lopping of the trunk of a tree or shrub or to native vegetation within a road or railway reservation.

- To mow or slash grass in a lawn, garden or other planted area for maintenance only.
- To maintain an existing fence where the removal of vegetation is within a combined maximum width of 4 metres either side of the fence.

## 4.0 Application requirements

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The following application requirements apply to an application for a permit under Clause 42.01, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A description of any proposed disturbance of surface soil or rocks associated with the proposal.
- The total extent of vegetation on the property and the extent of native vegetation proposed to be removed, lopped or destroyed.
- A description of the steps that have been taken to avoid and minimise the removal of native vegetation including the practicality of alternative options which do not require removal of the native vegetation.

An application must also be accompanied by, as appropriate:

- A flora and fauna assessment of the land prepared by a suitably qualified and experienced person to the satisfaction of the responsible authority. The assessment must include:
  - A flora and fauna survey.
  - A habitat hectare assessment.
  - Identification of the vegetation and habitat significance of the property.
  - A description of the effect of the proposed development in relation to other areas of native vegetation or native fauna habitat, including any proposed conservation reserves, streams and waterways.
- A land and environmental management plan prepared by a suitably qualified person identifying, as appropriate:
  - Any proposals for revegetation, including proposed species, and ground stabilisation.
  - How any vegetation removal will be offset (an offset plan), in accordance with Victoria's Native Vegetation Management: A Framework For Action (Department of Natural Resources and Environment 2002).
  - Weed management, including species to be targeted and proposed management techniques.
  - Pest animal management, including species to be targeted and proposed management techniques.

If in the opinion of the responsible authority a flora and fauna assessment of the land or a land and environmental management plan is not relevant to the assessment of an application, the responsible authority may waive or reduce the requirement.

## 5.0 Decision guidelines

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The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The conservation significance of any vegetation to be removed and its habitat value for native fauna.
- Measures to protect and enhance native vegetation and native fauna habitat of the Victorian Volcanic Plain, including the retention of land form, surface soils and rocks.

- Measures to maintain contiguous areas of native vegetation or native fauna habitat.
- Any relevant strategic grasslands management plan, particularly the potential impact of management activities, such as burning, on any proposed new use or development.
- The impact of any use, development or management of land on the grasslands including the potential impacts of nutrient and water run-off, increased weed and pest invasion or recreational impacts.
- Measures to encourage ecological restoration, regeneration and revegetation with indigenous species.
- The need to adopt a precautionary approach in the absence of scientific certainty.
- The reason for removing any vegetation and the practicality of any alternative options.
- The impact on the integrity of the site from the proposed development, disturbance and removal of rock, indiscriminate weed control, habitat fragmentation and isolation and disturbance and destruction of habitat of threatened species.
- The proposed management practices for the land including:
  - The linking and enlarging of areas of significant flora and fauna habitats.
  - Effective and targeted weed control.
  - Programs to control or eliminate introduced predatory and pest animal species, in particular foxes, rabbits and hares.
  - Rehabilitation of degraded areas through fencing, revegetation with appropriate native species and ongoing management.
  - Collection of seed and other plant propagules for rehabilitation projects on and off site.
- The results of any flora and fauna survey and assessment of the land.
- Any Native Vegetation Precinct Plan, Conservation Management Plan, Precinct Structure Plan or other management plan approved for the area by the Minister for Planning or Minister for Environment and Climate Change.
- Any action statement, significant impact guidelines or prescriptions for listed species or habitat of listed species occurring or likely to occur on the land.

## 6.0 Referral of applications

In accordance with Section 55 of the Act, an application must be referred to the relevant referral authority specified in the schedule to Clause 66.04.

## 7.0 Background Documents

- Delivering Melbourne’s Newest Sustainable Communities: Strategic Impact Assessment Report for the *Environment Protection and Biodiversity Conservation Act 1999* (Department of Sustainability and Environment 2009)
- Delivering Melbourne’s Newest Sustainable Communities: Report for Public Consultation, Urban Growth Boundary Review (Department of Planning and Community Development 2009)
- Delivering Melbourne’s Newest Sustainable Communities: Background Technical Report 2a: Biodiversity Assessment of Melbourne's Western Investigation Area (Biosis Research 2009)

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# SCHEDULE 6 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as **ESO6**.

## KOROROIT CREEK CORRIDOR PROTECTION

## 1.0 Statement of environmental significance

11/08/2022
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Kororoit Creek is a major environmental and recreational asset within Melbourne's western region winding its way from its headwaters at Mount Aitken, Deverall Hill and Beattie Hill to enter Port Phillip Bay at Altona 81 kilometres downstream.

Kororoit Creek is significant for its geomorphological, landscape, biodiversity and recreational values, particularly within the 50 metre habitat corridor along the waterway.

Kororoit Creek is part of the extensive western basalt plains, which formed by volcanic activity at least two million years ago. The natural escarpments and deep pools of Kororoit Creek are a distinguished characteristic and make the Creek a significant waterway within Melbourne's west and north. Kororoit Creek is an outstanding example of a Victorian basalt plains stream. In an urban Melbourne context it is one of the most valuable streams in Melbourne, with its natural pools and escarpments rivalling and surpassing most others.

Kororoit Creek passes through a diverse range of landscapes and land-uses. The characteristics of the Creek alter from flat, open rural land to established and developing urban suburbs industrial land with significantly altered Creek profiles and into flood plains passing through rich mangrove and saltmarsh habitats.

The Creek corridor provides a habitat for endangered species such as the Growling Grass Frog and the Striped Legless Lizard, as well as internationally recognised migratory birds at the saltmarshes of the Creek mouth. The Creek also features significant remnant native vegetation, including the River Red Gum and White Mangroves. In addition, the Creek banks and land at the top of the banks, while somewhat degraded, contain a number of sites supporting remnant vegetation, providing valuable habitat.

Kororoit Creek corridor is regarded as an important and valuable asset by local communities of the western suburbs and visitors. The Creek is used extensively for walking, cycling, open space, recreation and picnics.

As such, the protection and restoration of sites and features of geomorphological, landscape, biodiversity and recreational values are of a high importance.

### Local Context

### Wyndham

The Kororoit Creek traverses through the industrial area of Laverton North, beginning at Boundary Road and running through to the Princes Highway. This reach of the Creek contains remnant indigenous vegetation close to the waterway edge, extensive revegetation planting and natural rock formations, and provides habitat to numerous faunal species. Although it is presently lined by industrial properties, this reach of the Creek benefits from excellent public access including a shared path along the entire stretch that links to the Federation Trail. Further revegetation is encouraged to help restore and enhance the natural creek corridor and provide a continuous publicly managed and accessible waterway.

## 2.0 Environmental objective to be achieved

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### 2.1 Ecological Systems

**Objective 1**

To protect and improve waterway health and biodiversity values of Kororoit Creek and its environs, including native vegetation, fauna habitat, and flora and fauna species.

***Guidelines***

- Minimise degradation of environmental value by avoiding the removal or damage to existing native vegetation and habitat areas.
- Landscape design, groundwater/stormwater design and earthworks should prevent any adverse impacts on water run-off, weed invasion, exotic species introduction and land erosion.
- Limit public access to areas identified as high value biodiversity areas with appropriate fencing, access ways and signage.
- Protect or enhance water quality in the Creek, including the use of water sensitive urban design and the construction of stormwater treatment ponds adjacent to the Creek corridor.
- Locate passive and active recreational open spaces to minimise disruption to environmentally significant areas, with appropriate fencing, screening and/or landscape buffer areas.

## 2.2 Landscape character

**Objective 2**

To protect and enhance the natural geological form of the Creek, particularly rock escarpments and associated pools of the Kororoit Creek.

***Guidelines***

- Encourage rehabilitation works to return the Creek banks to a natural state, particularly where it has been significantly altered or channeled.
- Protect natural river profile, geomorphology and geological formations by avoiding major earthworks, minimising cut and fill of embankments and managing access.

**Objective 3**

To improve the landscape character of the Creek corridor.

***Guidelines***

- Ensure that elements of the original landscape are retained particularly through the planting of indigenous vegetation.
- New landscaping and vegetation should be located and designed to reinforce the legibility of the local waterway landform and re-establish the Creek's original natural setting.

## 2.3 Open space and access objectives

**Objective 4**

To create and maintain a continuous open space corridor and access trail with links to an open space network of local parks, linear green spaces, regional parks and trail connections.

***Guidelines***

- Maintain opportunities for integration/connection of the Kororoit Creek trails and pathways with other existing and proposed trails.
- Retain existing connections and protect potential connections from the Creek corridor to community facilities, other open space trails and the regional open space network.

- Construct access paths / trails in accordance with the AustRoads Trail Standards and the Melbourne Water Shared Pathways Guidelines (January 2009).
- Locate passive and active recreational open spaces to minimise disruption to environmentally significant areas, with appropriate fencing, screening and/or landscape buffer areas.

## 2.4 Views and visual features

**Objective 5**

To protect and enhance the natural and visually attractive Creek corridor and landscape views along the Creek corridor.

***Guidelines***

- Development and works (buildings, fences or other structures) should be designed and located so as not to be visually prominent or intrusive when viewed from the Creek corridor and pathways/trails.
- Landscape enhancement and revegetation works should seek to restore the natural environment and reduce the visual prominence of urban forms, for example landscape screening with indigenous vegetation to obscure the visibility of the built form.
- Ensure works adjoining the Creek are sensitively placed and designed to minimise the visual impact on the Creek corridor.

## 2.5 Built form objectives

**Objective 6**

To avoid or minimise impacts of buildings and works on the Creek corridor.

***Guidelines***

- Ensure careful and responsive subdivision and building design reflects the landform and geomorphology of the Creek valley.
- Ensure that the earthworks, built form and fencing retain and enhance the local natural landform and bank profile of the Creek corridor, through appropriate setback and landscaping.
- Ensure development and works are sensitively placed and designed to provide a positive interface to the Creek corridor.
- Locate and design new buildings to not be visually prominent or intrusive when viewed from the Creek corridor or pathways/trails.
- Ensure development provide opportunities for passive surveillance of the Creek corridor.
- Minimise hard paving surfaces on lots adjacent to the Creek.
- Encourage the provision of a continuous publicly accessible open space corridor adjacent to the waterway.
- Fence transparency must be a minimum of 50%. Fence design, materials and transparency should be appropriate to the landscape setting of the Creek and provide opportunities for visual interaction along the Creek corridor.
- Built form should not be visually obtrusive within the Creek corridor. Visual bulk should be avoided through building form, materials, articulation, setbacks and with landscape screening where no design alternative exists.
- Building facades should be highly articulated in response to the landscape context, avoiding large, stark expanses of wall materials. External wall and roof materials should be appropriate to the natural, landscape setting of the Creek corridor. Highly reflective or metallic materials should be avoided.

- Ensure the use of consistent built landscape elements, such as signage, pathways and furniture.
- Ensure development and works protect Aboriginal and post-contact cultural heritage sites associated with waterways.
- Ensure development and works protect and enhance all aspects of the waterway corridor including cultural and social sites of significance.

## 3.0 Permit requirement

11/08/2022
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In addition to the permit requirements of Clause 42.01-2, a permit is required to:

- Construct a building or fence.

A permit is not required to:

- Undertake re-instatement and revegetation works within the waterway corridor required to implement:
  - An adopted catchment management plan of the Port Phillip Catchment and Land Protection Board or a Catchment Management Authority.
  - An adopted waterway management plan or waterway master plan of Melbourne Water, Council or other waterway management authority.
  - A landcare plan prepared by an approved Landcare group.
  - An endorsed Waterway Mitigation Plan in accordance with Clause 43.04.
- Undertake minor works associated with natural resource, cultural heritage, surveying, engineering and similar assessments required in preparing strategies and plans, concept plans, development plans and applications for rezoning, change of use, subdivision and development.
- Construct a building or construct or carry out works required for ongoing management and operation of effluent treatment carried out by Melbourne Water.
- Construct or carry out works by or on behalf of a public authority or waterway management authority required to regulate the flow of water in a watercourse or provide committed water supply.
- Construct or carry out works by or on behalf of a public authority or waterway management authority on public land required for environmental protection and enhancement.
- Construct or carry out works by or on behalf of a public authority or waterway management authority on public land required to regulate or mitigate flooding.
- Construct or carry out works by or on behalf of a public authority or waterway management authority for the ongoing management, operation and maintenance of a minor utility.
- The requirement for a permit to remove, destroy, prune or lop vegetation does not apply to:
  - Pruning or lopping of vegetation to maintain access to open space and pedestrian trails/paths, public safety or to maintain a plant's horticultural health.
  - The removal of non-indigenous plants in the preparation for revegetation or native vegetation management works by / on behalf of a municipal council or public authority or waterway management authority.

## 4.0 Application requirements

11/08/2022
C248wynd

The following application requirements apply to an application for a permit under Clause 42.01, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A site plan to scale showing lot boundaries, setbacks of existing and proposed buildings and works, driveways and vehicle parking and loading areas, external storage and site service areas, proposed landscape areas and the location of any easements, native and exotic vegetation and the vegetation to be removed.
- An application for buildings and works should include an Environmental Construction Management Plan that will provide, but not be limited to the following information:
  - The location, species and value of existing native vegetation on site.
  - How buildings or works will not compromise remnant native vegetation.
  - How buildings or works will not compromise the Creek corridor landscape or natural landform.
  - How the development will protect the existing ecological values of the Creek corridor.
  - How buildings or works will not threaten stream processes or water quality.
  - Proposed measures to minimise the extent of stream bank disturbance and runoff.
  - The need to stabilise disturbed areas by engineering works or vegetation.
  - Construction vehicle access.
  - An Archaeological Survey in accordance with the requirements of Aboriginal Affairs Victoria
  - Building elevations drawn to scale.
  - Existing and proposed finished site levels.
  - The gradient and location of the top and toe of all cut and fill batters.
  - The location, height and materials of construction of existing and proposed retaining walls.
  - Floor plan layouts and finished floor levels.
  - A landscape plan showing existing and new vegetation, retaining walls and fencing.
  - The proposed external building materials, finishes and colours.
  - Details of the location of the proposed method of sewage, stormwater, sullage and effluent disposal.
  - The location of fuel tanks, water storage or other storage facilities so as to not inhibit the ability to carry out ecological burning of adjacent vegetation.
  - The gradient and location of all hardstand areas to direct surface water away from native vegetation and into approved drainage points.
- An application to remove, destroy or lop vegetation must be accompanied by the following information:
  - A description of the vegetation to be removed, including the extent and type of vegetation and the number and size of any vegetation to be removed.
  - A written explanation justifying the removal of the vegetation.

## 5.0 Decision guidelines

11/08/2022
C248wynd

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The guidelines for each objective.
- The Municipal Planning Strategy and Planning Policy Framework.

- The *Kororoit Creek Regional Strategy 2005-2030* and any relevant adopted waterway management plan or waterway master plan.
- Applications must be referred in accordance with Section 55 of the Act to the referral authority specified in Clause 66.04 or a schedule to that clause.

### Background documents

- Kororoit Creek Regional Strategy 2005-2030
- Kororoit Creek Masterplan 2006
- Melbourne Water Shared Pathways Guidelines (January 2009)
- Port Phillip and Westernport Regional River Health Strategy (June 2007)
- Wyndham Waterway Strategy Plan 2002

## 42.02 VEGETATION PROTECTION OVERLAY

31/07/2018
VC148

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.

## 42.02-1 Vegetation significance and objectives

31/07/2018
VC148

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.

## 42.02-2 Permit requirement

28/10/2022
VC224

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.

| Class of application | Information requirements and decision guidelines |
|---|---|
| Remove, destroy or lop one tree provided:<br>▪ A permit has not been granted for a VicSmart application to remove, destroy or lop a tree on the same land within the last 12 months.<br>▪ There is no other current VicSmart application to remove, destroy or lop a tree on the same land. | Clause 59.06 |

## 42.02-3 Table of exemptions

16/08/2024
VC262

| The requirement to obtain a permit does not apply to: | |
|---|---|
| **Emergency works** | Vegetation that is to be removed, destroyed or lopped: |

| The requirement to obtain a permit does not apply to: | |
|---|---|
| | ▪ 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<br>▪ where it presents an immediate risk of personal injury or damage to property. Only that part of the vegetation that presents the immediate risk may be removed, destroyed or lopped under this exemption. |
| **Extractive industry** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of extractive industry in accordance with a work plan approved under the *Mineral Resources (Sustainable Development) Act 1990* and authorised by a work authority granted under that Act. |
| **Fire protection** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of any of the following fire protection activities:<br>▪ fire fighting;<br>▪ planned burning;<br>▪ 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;<br>▪ 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*);<br>▪ is ground fuel within 30 metres of a building and is vegetation other than native vegetation;<br>▪ in accordance with a fire prevention notice issued under either:<br>– section 87 of the *Fire Rescue Victoria Act 1958*;<br>– section 65 of the *Forests Act 1958*; or<br>– section 41 of the *Country Fire Authority Act 1958*.<br>▪ 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*;<br>▪ 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*.<br>*Note: Additional permit exemptions for bushfire protection are provided at Clause 52.12.* |
| **Geothermal energy exploration and extraction** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the *Geothermal Energy Resources Act 2005*. |
| **Greenhouse gas sequestration and exploration** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the *Greenhouse Gas Geological Sequestration Act 2008*. |
| **Land management and directions notice** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land management notice or directions notice served under the *Catchment and Land Protection Act 1994*. |
| **Land use conditions** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land use condition served under the *Catchment and Land Protection Act 1994*. |
| **Mineral exploration and extraction** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by the holder of an exploration, mining, prospecting, or retention licence issued under the *Mineral Resources (Sustainable Development) Act* 1990: |

| The requirement to obtain a permit does not apply to: | |
|---|---|
| | ▪ that is low impact exploration within the meaning of Schedule 4A of the *Mineral Resources (Sustainable Development) Act 1990*; or<br>▪ in accordance with a work plan approved under Part 3 of the *Mineral Resources (Sustainable Development) Act 1990*.<br>*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.<br>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:<br>▪ bracken (*Pteridium esculentum*); or<br>▪ 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.<br>This exemption does not apply to land on which vegetation has been destroyed or otherwise damaged as a result of flood, fire or other natural disaster. |
| **Road safety** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by and on behalf of a public authority or municipal council to maintain the safe and efficient function of an existing public road in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*). |
| **Stone exploration** | Vegetation is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone exploration.<br>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:<br>▪ 1 hectare of vegetation which does not include a tree.<br>▪ 15 trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.<br>▪ 5 trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.<br>This exemption does not apply to costeaning and bulk sampling activities. |
| **Surveying** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by, or on behalf of, a licenced surveyor (within the meaning of section 3 of the *Surveying Act 2004*) using hand-held tools to establish a sightline for the measurement of land. |
| **Traditional owners** | Vegetation that is to be removed, destroyed or lopped by a person acting under, and in accordance with: |

| The requirement to obtain a permit does not apply to: | |
|---|---|
| | ▪ a natural resources agreement under Part 6 of the *Traditional Owners Settlement Act 2010*; or<br>▪ 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). |
| **Tram stops** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of the Head, Transport for Victoria to construct a tram stop, including a tram stop shelter. |
| **Transport land** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of the Head, Transport for Victoria on land in a Transport Zone, or in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority, to construct or maintain transport system infrastructure. |

## 42.02-4 Application requirements

31/07/2018
VC148

An application must be accompanied by any information specified in a schedule to this overlay.

## 42.02-5 Decision guidelines

31/07/2018
VC148

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- The statement of the nature and significance of the vegetation to be protected and the vegetation protection objective contained in a schedule to this overlay.
- The effect of the proposed use, building, works or subdivision on the nature and type of vegetation to be protected.
- The role of native vegetation in conserving flora and fauna.
- The need to retain native or other vegetation if it is rare, supports rare species of flora or fauna or forms part of a wildlife corridor.
- The need to retain vegetation which prevents or limits adverse effects on ground water recharge.
- The need to retain vegetation:
  - Where ground slopes exceed 20 percent.
  - Within 30 metres of a waterway or wetland.
  - On land where the soil or subsoil may become unstable if cleared.
  - On land subject to or which may contribute to soil erosion, slippage or salinisation.
  - In areas where the removal, destruction or lopping of vegetation could adversely affect the integrity or long term preservation of an identified site of scientific, nature conservation or cultural significance.
  - Which is of heritage or cultural significance.
- The need to remove, destroy or lop vegetation to create a defendable space to reduce the risk of bushfire to life and property.
- Any relevant permit to remove, destroy or lop vegetation in accordance with a land management plan or works program.
- Whether the application includes a land management plan or works program.

- Whether provision is made or is to be made to establish and maintain vegetation elsewhere on the land.
- Any other matters specified in a schedule to this overlay.

11/08/2022
C248wynd

## SCHEDULE 1 TO CLAUSE 42.02 VEGETATION PROTECTION OVERLAY

Shown on the planning scheme map as **VPO1**.

### TRUGANINA CEMETERY

### 1.0 Statement of nature and significance of vegetation to be protected

11/08/2022
C248wynd

A small remnant area of plains grassland dominated by Stipa bigeniculata and Themeda triandra but also supporting a variety of native grasses and containing a large and viable population of the Nationally endangered Button Wrinklewort (*Rutidosis leptorrhynchoides*), once common in south-eastern Australia. The vulnerable Striped Legless Lizard (*Delmar impar*) has been recorded in the Cemetery.

Background documents: *Remnant Native Grasslands and Grassy Woodlands of the Melbourne Area, Department of Conservation and Environment, 1990; Sites of Significance for Nature Conservation in the Werribee Corridor, T.J. Barlow, 1989; Sites of Botanical Significance in the Western Region of Melbourne, K. McDougall, 1987.*

### 2.0 Vegetation protection objectives to be achieved

11/08/2022
C248wynd

To ensure the long term protection of native grasses, the nationally endangered Button Wrinklewort (*Rutidosis leptorrhynchoides*) and associated fauna.

To prevent inappropriate development that is likely to prejudice the long term protection of native grasses, the nationally endangered Button Wrinklewort (*Rutidosis leptorrhynchoides*) and associated fauna.

### 3.0 Permit requirement

11/08/2022
C248wynd

A permit is not required to remove, destroy or lop any native vegetation undertaken:

- to dig or maintain a grave.
- by or on behalf of the land manager intended to maintain or improve the Cemetery's significance as a flora and fauna conservation site.

### 4.0 Application requirements

11/08/2022
C248wynd

None specified.

### 5.0 Decision guidelines

11/08/2022
C248wynd

None specified.

11/08/2022
C248wynd

# SCHEDULE 2 TO CLAUSE 42.02 VEGETATION PROTECTION OVERLAY

Shown on the planning scheme map as **VPO2**.

## ANGLISS ESTATE GRASSLAND RESERVE

## 1.0 Statement of nature and significance of vegetation to be protected

11/08/2022
C248wynd

A large area of remnant plains grassland, dominated by *Themeda triandra*. The reserve contains a diverse range of species with depressions containing significant swamp species. The reserve is seen as an adjunct to the Nationally significant Derrimut Grassland Reserve to the north-east.

Background documents: *Remnant Native Grasslands and Grassy Woodlands of the Melbourne Area, Department of Conservation and Environment, 1990; Sites of Significance for Nature Conservation in the Werribee Corridor, T.J. Barlow, 1989; Sites of Botanical Significance in the Western Region of Melbourne, K. McDougall, 1987.*

## 2.0 Vegetation protection objectives to be achieved

11/08/2022
C248wynd

To ensure the long term protection of remnant plains grassland and swamp species.

To prevent inappropriate development that is likely to prejudice the long term protection of remnant plains grassland and swamp species.

## 3.0 Permit requirement

11/08/2022
C248wynd

A permit is not required to remove, destroy or lop any native vegetation undertaken by or on behalf of the land manager intended to maintain or improve the significance of the area as a flora and fauna conservation site.

## 4.0 Application requirements

11/08/2022
C248wynd

None specified.

## 5.0 Decision guidelines

11/08/2022
C248wynd

None specified.

## 42.03 SIGNIFICANT LANDSCAPE OVERLAY

31/07/2018
VC148

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.

## 42.03-1 Landscape character and objectives

31/07/2018
VC148

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.

## 42.03-2 Permit requirement

14/12/2023
VC253

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.

| Class of application | Information requirements and decision guidelines |
|---|---|
| Construct a fence. | Clause 59.05 |
| Remove, destroy or lop one tree provided:<br>▪ A permit has not been granted for a VicSmart application to remove, destroy or lop a tree on the same land within the last 12 months.<br>▪ There is no other current VicSmart application to remove, destroy or lop a tree on the same land. | Clause 59.06 |
| Construct a building or construct or carry out works for:<br>▪ A carport, garage, pergola, verandah, deck, shed or similar structure.<br>▪ A rainwater tank. | Clause 59.05 |

| Class of application | Information requirements and decision guidelines |
|---|---|
| The buildings and works must be associated with a dwelling. | |
| Construct a building or construct or carry out works for a small second dwelling. | Clause 59.05 |

## 42.03-3 Table of exemptions

16/08/2024
VC262

| The requirement to obtain a permit does not apply to: | |
|---|---|
| **Emergency works** | Vegetation that is to be removed, destroyed or lopped:<br>▪ 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<br>▪ where it presents an immediate risk of personal injury or damage to property. Only that part of the vegetation that presents the immediate risk may be removed, destroyed or lopped under this exemption. |
| **Extractive industry** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of extractive industry in accordance with a work plan approved under the *Mineral Resources (Sustainable Development) Act 1990* and authorised by a work authority granted under that Act. |
| **Fire protection** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of any of the following fire protection activities:<br>▪ fire fighting;<br>▪ planned burning;<br>▪ 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;<br>▪ 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*);<br>▪ is ground fuel within 30 metres of a building and is vegetation other than native vegetation;<br>▪ in accordance with a fire prevention notice issued under either:<br>– section 87 of the *Fire Rescue Victoria Act 1958*;<br>– section 65 of the *Forests Act 1958*; or<br>– section 41 of the *Country Fire Authority Act 1958*.<br>▪ 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*;<br>▪ 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*.<br>*Note: Additional permit exemptions for bushfire protection are provided at Clause 52.12.* |
| **Geothermal energy exploration and extraction** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with operation plan approved under the *Geothermal Energy Resources Act 2005*. |

| The requirement to obtain a permit does not apply to: | |
|---|---|
| **Greenhouse gas sequestration and exploration** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the *Greenhouse Gas Geological Sequestration Act 2008*. |
| **Land management or directions notice** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land management notice or directions notice served under the *Catchment and Land Protection Act 1994*. |
| **Land use conditions** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land use condition served under the *Catchment and Land Protection Act 1994*. |
| **Mineral exploration and extraction** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by the holder of an exploration, mining, prospecting, or retention licence issued under the *Mineral Resources (Sustainable Development) Act 1990*:<br>▪ that is low impact exploration within the meaning of Schedule 4A of the *Mineral Resources (Sustainable Development) Act 1990*; or<br>▪ in accordance with a work plan approved under Part 3 of the *Mineral Resources (Sustainable Development) Act 1990*.<br>*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.<br>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<br>▪ bracken (*Pteridium esculentum*); or<br>▪ 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.<br>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.<br>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:<br>▪ 1 hectare of vegetation which does not include a tree. |

| The requirement to obtain a permit does not apply to: | |
|---|---|
| | ▪ 15 trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.<br>▪ 5 trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.<br>This exemption does not apply to costeaning and bulk sampling activities. |
| **Surveying** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by, or on behalf of, a licenced surveyor (within the meaning of section 3 of the *Surveying Act 2004*) using hand-held tools to establish a sightline for the measurement of land. |
| **Traditional owners** | Vegetation that is to be removed, destroyed or lopped by a person acting under, and in accordance with:<br>▪ a natural resources agreement under Part 6 of the *Traditional Owners Settlement Act 2010*; or<br>▪ 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). |
| **Tram stops** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of the Head, Transport for Victoria to construct a tram stop, including a tram stop shelter. |
| **Transport land** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of the Head, Transport for Victoria on land in a Transport Zone, or in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority, to construct or maintain transport system infrastructure. |

## 42.03-4 Application requirements

31/07/2018
VC148

An application must be accompanied by any information specified in a schedule to this overlay.

## 42.03-5 Decision guidelines

31/07/2018
VC148

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- The statement of the nature and 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.

20/01/2026
VC278

# SCHEDULE 1 TO CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as **SLO1**.

## WATERWAYS OF THE WEST: WERRIBEE RIVER (WIRRIBI YALUK) CORRIDOR ENVIRONS

## WERRIBEE RIVER REACH 1 – BACCHUS MARSH WEST TO URBAN GROWTH BOUNDARY, WYNDHAM VALE

## 1.0 Statement of nature and key elements of landscape

20/01/2026
VC278

The Werribee River (Wirribi Yaluk) forms part of the connected system of rivers, wetlands and creeks within the Werribee catchment and supports a range of cultural, ecological and recreational values. The Werribee River and its landscape hold deeply embedded cultural significance for Traditional Owners and are recognised as a living and integrated natural entity. The Werribee River intersects the boundary of three Registered Aboriginal Parties representing the Wadawurrung to the west, Wurundjeri Woi-wurrung to the east and Bunurong to the south.

Rising north of Ballan in Wombat State Forest, the Werribee River flows southeast for 142 kilometres through rural and urban areas to Port Phillip Bay. The river's highly varied landscape character has been formed by its geology of expansive basalt plains with volcanic outcrops, bedrock and gorges, including Werribee Gorge. While much of the river corridor vegetation has been cleared for agriculture and urban development, it is a highly significant natural system and ecological link through western Melbourne.

Reach 1 extends from the undulating rural landscape east of Werribee Gorge State Park to the Urban Growth Boundary. Within Reach 1 the waterway meanders through open agricultural land which transitions to residential and township interfaces adjacent to existing settlements at Bacchus Marsh, Hopetoun Park and Melton South. The character of the waterway corridor in this reach is defined by its incision into the landscape of varying depths and its mostly sparse vegetation of native trees and understory.

The Bacchus Marsh irrigation district is a distinctive part of the waterway character in this reach, featuring orchards and market gardens on the rich alluvial soils of the river flats.

Further east, the river corridor widens due to the damming of the waterway at Exford to create the Melton Reservoir which is a popular recreational location. This is also fed by the Lerderderg River, Parwan Creek, Arnolds Creek, Djerriwarrh Creek and other smaller tributaries, the confluences of which are all significant locations.

Other places where the river environment can be accessed and experienced are the Werribee River Streamside Reserve and Cobbledicks Streamside Reserve.

Important native species in this reach include the Button Wrinklewort and the Spiny Rice-Flower.

Parts of the corridor are within and adjoin a Bushfire Prone Area. The management of bushfire hazard is an important part of waterway management.

## 2.0 Landscape character objectives to be achieved

20/01/2026
VC278

To enhance the role of the waterway as an integrated and continuous landscape corridor, protecting the environmental, cultural and landscape values of the waterway system.

To retain indigenous riparian vegetation and canopy trees or existing grasslands as the dominant landscape feature and enhance the revegetation and ecological improvement of the waterway corridor while managing the introduction of potential bushfire hazards.

To ensure the visual impact of buildings and works, including the storage of goods, is minimised when viewed from the waterway corridor.

To ensure that earthworks are minimised and do not affect the natural drainage function and landscape character of the waterway.

To ensure that fencing interfacing the waterway corridor is designed and located to be visually transparent and recessive in the landscape.

## 3.0 Permit requirement

29/01/2026
GC282

A permit is not required to:

- Construct a building or construct or carry out works in a Housing Choice and Transport Zone, Activity Centre Zone and Precinct Zone or on land subject to the Built Form Overlay if the following requirements are met:
  - the building is constructed using muted, natural and low-reflective colours and materials;
  - the ground level does not change by more than 600mm, as reinstated; and
  - the buildings and works are sited more than 50 metres from the top of bank of the waterway.
- Construct a building or construct or carry out works in a Precinct Zone if a masterplan has been approved under Clause 37.10-3.
- Construct a building or construct or carry out works in a zone other than a Housing Choice and Transport Zone, Activity Centre Zone and Precinct Zone or on land not subject to the Built Form Overlay if the following requirements are met:
  - the building is less than 6 metres in height above ground level;
  - the building provides no more than 50 square metres in additional gross floor area;
  - the building is constructed using muted, natural and low-reflective colours and materials;
  - the ground level does not change by more than 600mm; and
  - the buildings and works are sited more than 50 metres from the top of bank of the waterway.
- Construct a building or construct or carry works out by, or on behalf of, a public land manager to:
  - sustain the form and stability of stream beds and banks, regulate or control the flow of water in a watercourse; or
  - construct stream habitat works; or
  - maintain the landscape quality, health or bank stability of areas that have been restored or revegetated; or
  - maintain or repair existing assets; or
  - maintain or repair a pathway or trail.

A permit is required to remove, destroy or lop vegetation unless the vegetation:

- Has a height of less than 6 metres above ground level, a trunk diameter of less than 0.4 metres measured at 1.4 metres above ground level, and a canopy diameter of less than 4 metres; or
- Has been planted as part of a windbreak, plantation, orchard or horticulture; or
- Is identified as a weed species in the Advisory List of Environmental Weeds in Victoria; or
- Is removed, destroyed or lopped to the minimum extent necessary by or on behalf of the Head, Transport for Victoria, a public authority or municipal council to construct or maintain the transport system; or
- Is being removed, destroyed or lopped as part of maintenance works carried out by, or on behalf of, a public land manager that:
  - has the capacity to adversely affect stream flow; or

- improves biodiversity and habitat restoration; or
- forms part of an approved management plan.

A permit is required to construct a fence, unless the fence:

- Is constructed by or on behalf of the Head, Transport for Victoria; or
- Is erected for a period of not more than 60 days and is being used for stock management or agricultural activities; or
- Is sited more than 50 metres from the top of bank of the waterway, and:
  - is a metal post and wire, timber or metal post and railing, wire mesh, chainmesh or similar open rural style fence up to 1.4 metres in height; or
  - is at least 50 percent transparent when viewed perpendicular to the fence line and is less than 1.8 metres in height.

## 4.0 Application requirements

29/01/2026
GC282

The following application requirements apply to an application for a permit under Clause 42.03, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- To remove, destroy or lop vegetation:
  - An assessment and justification of the proposed removal of the vegetation against the landscape character objectives of this schedule prepared by a suitably qualified person.
  - A description and accurate site plan denoting the position, height, number, trunk circumference, branch spread, slope of land and species of any vegetation to be removed.
  - A plan detailing the location of any new and replacement planting.
  - For land within a Bushfire Prone Area, an assessment of the risk of any new or replacement planting that may result in additional bushfire hazard.
- For any other application:
  - A site survey plan certified by a qualified surveyor clearly showing the location and the distance of all buildings and works from the top of bank of the waterway.
  - A site context plan and elevations showing:
    - Building and fencing heights using Australian Height Datum measured from ground level.
    - Areas and volume of cut and fill.
    - Site coverage and permeability.
    - Location and proposed material for fences.
    - A schedule of materials and finishes.
    - The existing landscape including topography and vegetation.
    - A visual impact assessment of proposed buildings and works from public viewing points along the waterway.
  - A landscape plan which includes:
    - The type, location, quantity, height at maturity and botanical names of any proposed plants and details of any proposed tree protection zones.
    - Species that are sourced from the relevant municipal council's local planting guidelines where appropriate.

    - A maintenance/weed/erosion control plan for all proposed revegetated areas immediately adjacent to the banks of the waterway.
    - Measures for the protection of natural landforms, including appropriate approaches to vegetation retention and planting, ground preparation and the minimisation of ground disturbance.
    - Measures to control and filter pollutants in stormwater leaving the property.
    - In a Bushfire Prone Area, measures that appropriately manage the potential introduction of bushfire hazards.
  - An assessment of the identified values and threats for the reach and the proposal's impact on the waterway corridor.

## 5.0 Decision guidelines

29/01/2026
GC282

The following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 42.03 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the scale, form, siting and design of buildings and works:
  - Present new buildings that are sensitively integrated with the natural landscape setting of the waterway corridor, including vegetation.
  - Provide suitable heights, avoid visual bulk, are stepped back from the frontage of the waterway corridor and adjacent public open space and use materials, colours and finishes that are sensitively integrated with the natural landscape setting of the waterway corridor.
  - Manage and limit new light spill and overshadowing on the waterway, adjacent public open space, and pedestrian and bicycle paths.
  - Result in soil disturbance that impacts the banks of the waterway or water quality.
- Whether the buildings or works will create an adverse visual impact:
  - From prominent locations such as ridgelines, hill faces, escarpments and landscape features.
  - Within waterway corridors.
  - From parks and reserves along the waterway corridor.
  - Within the vegetation canopy along the waterway corridor.
- Whether the spacing between buildings allows for:
  - the planting of appropriate vegetation and canopy trees to filter views of the development; and
  - the maintenance of views to the waterway corridor.
- Whether the development results in the loss of public access to the waterway and its parklands or creates inappropriate access to the waterway and its parklands.
- Whether proposed vegetation species are compatible with the local plant communities.
- The justification for the proposed removal of the vegetation and whether there are alternative options.
- The effect of removing vegetation on the landscape setting and biodiversity values of the waterway and whether the loss of vegetation can be managed onsite through rehabilitation or replaced with vegetation that will grow to a similar size within a reasonable timeframe.
- The scale of excavation associated with any works and its impact on existing vegetation and cultural values along the waterway.

- Whether any proposed earthworks and changes in the topography of the waterway corridor will detrimentally impact its local natural landscape character and environmental values.
- Whether the proposed fencing allows for the free movement of wildlife, minimises visual intrusion and limits impact on the natural flood and watercourse characteristics.
- Within a Bushfire Prone Area, whether landscaping and revegetation considers potential bushfire hazards.

20/01/2026
VC278

# SCHEDULE 2 TO CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as **SLO2**.

## WATERWAYS OF THE WEST: WERRIBEE RIVER (WIRRIBI YALUK) CORRIDOR ENVIRONS

## WERRIBEE RIVER REACH 2 – URBAN GROWTH BOUNDARY TO PRESIDENTS PARK, WYNDHAM VALE

## 1.0 Statement of nature and key elements of landscape

20/01/2026
VC278

The Werribee River (Wirribi Yaluk) forms part of the connected system of rivers, wetlands and creeks within the Werribee catchment and supports a range of cultural, ecological and values. The Werribee River and its landscape hold deeply embedded cultural significance for Traditional Owners and are recognised as a living and integrated natural entity. The Werribee River intersects the boundary of three Registered Aboriginal Parties representing the Wadawurrung to the west, Wurundjeri Woi-wurrung to the east and Bunurong to the south.

Rising north of Ballan in Wombat State Forest, the Werribee River flows southeast for 142 kilometres through rural and urban areas to Port Phillip Bay. The river's highly varied landscape character has been formed by its geology of expansive basalt plains with volcanic outcrops, bedrock and gorges, including Werribee Gorge. While much of the river corridor vegetation has been cleared for agriculture and urban development, it is a highly significant natural system and ecological link through western Melbourne.

Reach 2 of the river extends from the Urban Growth Boundary to Presidents Park, Wyndham Vale. Within this reach the river is moderately incised, creating a relatively narrow channel within the flat surrounding landscape. The current landscape character in Reach 2 is open and sparsely vegetated rural land, however, this is likely to change as the area transitions to urban growth.

The river forms a linear green spine through the landscape characterised by moderate canopy cover including native and exotic vegetation located along the riverbanks. The important biodiversity and landscape values of the waterway provide an opportunity for the creation of additional linear parks, reserves and pathway connections to the existing urban extent of Werribee. As the area grows, the river will play a vital role as a habitat connection through the landscape.

Parts of the corridor are within and adjoin a Bushfire Prone Area. The management of bushfire hazard is an important part of waterway management.

## 2.0 Landscape character objectives to be achieved

20/01/2026
VC278

To enhance the role of the waterway as an integrated and continuous landscape corridor, protecting the environmental, cultural and landscape values of the waterway system.

To retain indigenous riparian vegetation and canopy trees or existing grasslands as the dominant landscape feature and enhance the revegetation and ecological improvement of the waterway corridor while managing the introduction of potential bushfire hazards.

To ensure the visual impact of buildings and works, including the storage of goods, is minimised when viewed from the waterway corridor.

To ensure that earthworks are minimised and do not affect the natural drainage function and landscape character of the waterway.

To ensure that fencing interfacing the waterway corridor is designed and located to be visually transparent and recessive in the landscape.

## 3.0 Permit requirement

29/01/2026
GC282

A permit is not required to:

- Construct a building or construct or carry out works in a Housing Choice and Transport Zone, Activity Centre Zone and Precinct Zone or on land subject to the Built Form Overlay if the following requirements are met:
  - the building is constructed using muted, natural and low-reflective colours and materials;
  - the ground level does not change by more than 600mm, as reinstated; and
  - the buildings and works are sited more than 50 metres from the top of bank of the waterway.
- Construct a building or construct or carry out works in a Precinct Zone if a masterplan has been approved under Clause 37.10-3.
- Construct a building or construct or carry out works in a zone other than a Housing Choice and Transport Zone, Activity Centre Zone and Precinct Zone or on land not subject to the Built Form Overlay if the following requirements are met:
  - the building is less than 6 metres in height above ground level;
  - the building provides no more than 50 square metres in additional gross floor area;
  - the building is constructed using muted, natural and low-reflective colours and materials;
  - the ground level does not change by more than 600mm; and
  - the buildings and works are sited more than 50 metres from the top of bank of the waterway.
- Construct a building or construct or carry works out by, or on behalf of, a public land manager to:
  - sustain the form and stability of stream beds and banks, regulate or control the flow of water in a watercourse; or
  - construct stream habitat works; or
  - maintain the landscape quality, health or bank stability of areas that have been restored or revegetated; or
  - maintain or repair existing assets; or
  - maintain or repair a pathway or trail.

A permit is required to remove, destroy or lop vegetation unless the vegetation:

- Has a height of less than 6 metres above ground level, a trunk diameter of less than 0.4 metres measured at 1.4 metres above ground level, and a canopy diameter of less than 4 metres; or
- Has been planted as part of a windbreak, plantation, orchard or horticulture; or
- Is identified as a weed species in the Advisory List of Environmental Weeds in Victoria; or
- Is removed, destroyed or lopped to the minimum extent necessary by or on behalf of the Head, Transport for Victoria, a public authority or municipal council to construct or maintain the transport system; or
- Is being removed, destroyed or lopped as part of maintenance works carried out by, or on behalf of, a public land manager that:
  - has the capacity to adversely affect stream flow; or
  - improves biodiversity and habitat restoration; or
  - forms part of an approved management plan.

A permit is required to construct a fence, unless the fence:

- Is constructed by or on behalf of the Head, Transport for Victoria; or

- Is erected for a period of not more than 60 days and is being used for stock management or agricultural activities; or
- Is sited more than 50 metres from the top of bank of the waterway, and:
  - is a metal post and wire, timber or metal post and railing, wire mesh, chainmesh or similar open rural style fence up to 1.4 metres in height; or
  - is at least 50 percent transparent when viewed perpendicular to the fence line and is less than 1.8 metres in height.

## 4.0 Application requirements

29/01/2026
GC282

The following application requirements apply to an application for a permit under Clause 42.03, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- To remove, destroy or lop vegetation:
  - An assessment and justification of the proposed removal of the vegetation against the landscape character objectives of this schedule prepared by a suitably qualified person.
  - A description and accurate site plan denoting the position, height, number, trunk circumference, branch spread, slope of land and species of any vegetation to be removed.
  - A plan detailing the location of any new and replacement planting.
  - For land within a Bushfire Prone Area, an assessment of the risk of any new or replacement planting that may result in additional bushfire hazard.
- For any other application:
  - A site survey plan certified by a qualified surveyor clearly showing the location and the distance of all buildings and works from the top of bank of the waterway.
  - A site context plan and elevations showing:
    - Building and fencing heights using Australian Height Datum measured from ground level.
    - Areas and volume of cut and fill.
    - Site coverage and permeability.
    - Location and proposed material for fences.
    - A schedule of materials and finishes.
    - The existing landscape including topography and vegetation.
    - A visual impact assessment of proposed buildings and works from public viewing points along the waterway.
  - A landscape plan which includes:
    - The type, location, quantity, height at maturity and botanical names of any proposed plants and details of any proposed tree protection zones.
    - Species that are sourced from the relevant municipal council's local planting guidelines where appropriate.
    - A maintenance/weed/erosion control plan for all proposed revegetated areas immediately adjacent to the banks of the waterway.
    - Measures for the protection of natural landforms, including appropriate approaches to vegetation retention and planting, ground preparation and the minimisation of ground disturbance.

    - Measures to control and filter pollutants in stormwater leaving the property.
    - In a Bushfire Prone Area, measures that appropriately manage the potential introduction of bushfire hazards.
  - An assessment of the identified values and threats for the reach and the proposal's impact on the waterway corridor.

## 5.0 Decision guidelines

29/01/2026
GC282

The following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 42.03 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the scale, form, siting and design of buildings and works:
  - Present new buildings that are sensitively integrated with the natural landscape setting of the waterway corridor, including vegetation.
  - Provide suitable heights, avoid visual bulk, are stepped back from the frontage of the waterway corridor and adjacent public open space and use materials, colours and finishes that are sensitively integrated with the natural landscape setting of the waterway corridor.
  - Manage and limit new light spill and overshadowing on the waterway, adjacent public open space, and pedestrian and bicycle paths.
  - Result in soil disturbance that impacts the banks of the waterway or water quality.
- Whether the buildings or works will create an adverse visual impact:
  - From prominent locations such as ridgelines, hill faces, escarpments and landscape features.
  - Within waterway corridors.
  - From parks and reserves along the waterway corridor.
  - Within the vegetation canopy along the waterway corridor.
- Whether the spacing between buildings allows for:
  - the planting of appropriate vegetation and canopy trees to filter views of the development; and
  - the maintenance of views to the waterway corridor.
- Whether the development results in the loss of public access to the waterway and its parklands or creates inappropriate access to the waterway and its parklands.
- Whether proposed vegetation species are compatible with the local plant communities.
- The justification for the proposed removal of the vegetation and whether there are alternative options.
- The effect of removing vegetation on the landscape setting and biodiversity values of the waterway and whether the loss of vegetation can be managed onsite through rehabilitation or replaced with vegetation that will grow to a similar size within a reasonable timeframe.
- The scale of excavation associated with any works and its impact on existing vegetation and cultural values along the waterway.
- Whether any proposed earthworks and changes in the topography of the waterway corridor will detrimentally impact its local natural landscape character and environmental values.

- Whether the proposed fencing allows for the free movement of wildlife, minimises visual intrusion and limits impact on the natural flood and watercourse characteristics.
- Within a Bushfire Prone Area, whether landscaping and revegetation considers potential bushfire hazards.

20/01/2026
VC278

# SCHEDULE 3 TO CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as **SLO3**.

## WATERWAYS OF THE WEST: WERRIBEE RIVER (WIRRIBI YALUK) CORRIDOR ENVIRONS

## WERRIBEE RIVER REACH 3 – PRESIDENTS PARK, WYNDHAM VALE TO PRINCESS FWY, WERRIBEE

## 1.0 Statement of nature and key elements of landscape

20/01/2026
VC278

The Werribee River (Wirribi Yaluk) forms part of the connected system of rivers, wetlands and creeks within the Werribee catchment and supports a range of cultural, ecological and recreational values. The river and its landscape hold deeply embedded cultural significance for Traditional Owners and are recognised as a living and integrated natural entity. The Werribee River intersects the boundary of three Registered Aboriginal Parties representing the Wadawurrung to the west, Wurundjeri Woi-wurrung to the east and Bunurong to the south.

Rising north of Ballan in Wombat State Forest, the Werribee River flows southeast for 142 kilometres through rural and urban areas to Port Phillip Bay. The river's highly varied landscape character has been formed by its geology of expansive basalt plains with volcanic outcrops, bedrock and gorges, including Werribee Gorge. While much of the river corridor vegetation has been cleared for agriculture and urban development, it is a highly significant natural system and ecological link through western Melbourne.

Reach 3 extends from Presidents Park, Wyndham Vale, to the Princess Freeway in Werribee. In this reach the river is deeply incised into the volcanic plains, characterised by steeply rising riverbanks with flat plateaus above creating a wider waterway corridor overall, particularly at Presidents Park.

Development along the waterway corridor comprises a mixture of land uses and associated built form including industrial, residential, commercial (Werribee town centre) and public reserves. Residential interfaces within Reach 3 are mixed and include solid rear fencing or roads and dwellings facing the waterway corridor. Residential development predominantly consists of one to two storey dwellings on large allotments.

The character changes notably at Presidents Park, where the eastern side of the waterway corridor widens substantially into an open and sparsely vegetated parkland and accommodates open spaces for recreational use.

Large canopy trees and dense riparian vegetation along Reach 3 provide a dominant landscape feature and green spine through the landscape that connects to grassland areas to the north east. This riparian vegetation is critical to ecological and hydrological systems providing habitat for threatened species including platypus.

The Werribee River Trail provides a shared pedestrian and cyclist path along the length of the waterway corridor within Reach 3, connecting a series of small reserves and parklands located along the waterway including Chirnside Park, Wyndham Park, Werribee River Linear Reserve and Presidents Park.

Parts of the corridor are within and adjoin a Bushfire Prone Area. The management of bushfire hazard is an important part of waterway management.

## 2.0 Landscape character objectives to be achieved

20/01/2026
VC278

To enhance the role of the waterway as an integrated and continuous landscape corridor, protecting the environmental, cultural and landscape values of the waterway system.

To retain indigenous riparian vegetation and canopy trees or existing grasslands as the dominant landscape feature and enhance the revegetation and ecological improvement of the waterway corridor while managing the introduction of potential bushfire hazards.

To ensure the visual impact of buildings and works, including the storage of goods, is minimised when viewed from the waterway corridor.

To ensure that earthworks are minimised and do not affect the natural drainage function and landscape character of the waterway.

To ensure that fencing interfacing the waterway corridor is designed and located to be visually transparent and recessive in the landscape.

## 3.0 Permit requirement

29/01/2026
GC282

A permit is not required to:

- Construct a building or construct or carry out works in a Housing Choice and Transport Zone, Activity Centre Zone and Precinct Zone or on land subject to the Built Form Overlay if the following requirements are met:
  - the building is constructed using muted, natural and low-reflective colours and materials;
  - the ground level does not change by more than 600mm, as reinstated; and
  - the buildings and works are sited more than 50 metres from the top of bank of the waterway.
- Construct a building or construct or carry out works in a Precinct Zone if a masterplan has been approved under Clause 37.10-3.
- Construct a building or construct or carry out works in a zone other than a Housing Choice and Transport Zone, Activity Centre Zone and Precinct Zone or on land not subject to the Built Form Overlay if the following requirements are met:
  - the building is less than 6 metres in height above ground level;
  - the building provides no more than 50 square metres in additional gross floor area;
  - the building is constructed using muted, natural and low-reflective colours and materials;
  - the ground level does not change by more than 600mm; and
  - the buildings and works are sited more than 50 metres from the top of bank of the waterway.
- Construct a building or construct or carry works out by, or on behalf of, a public land manager to:
  - sustain the form and stability of stream beds and banks, regulate or control the flow of water in a watercourse; or
  - construct stream habitat works; or
  - maintain the landscape quality, health or bank stability of areas that have been restored or revegetated; or
  - maintain or repair existing assets; or
  - maintain or repair a pathway or trail.

A permit is required to remove, destroy or lop vegetation unless the vegetation:

- Has a height of less than 6 metres above ground level, a trunk diameter of less than 0.4 metres measured at 1.4 metres above ground level, and a canopy diameter of less than 4 metres; or
- Has been planted as part of a windbreak, plantation, orchard or horticulture; or
- Is identified as a weed species in the Advisory List of Environmental Weeds in Victoria; or

- Is removed, destroyed or lopped to the minimum extent necessary by or on behalf of the Head, Transport for Victoria, a public authority or municipal council to construct or maintain the transport system; or
- Is being removed, destroyed or lopped as part of maintenance works carried out by, or on behalf of, a public land manager that:
  - has the capacity to adversely affect stream flow; or
  - improves biodiversity and habitat restoration; or
  - forms part of an approved management plan.

A permit is required to construct a fence, unless the fence:

- Is constructed by or on behalf of the Head, Transport for Victoria; or
- Is erected for a period of not more than 60 days and is being used for stock management or agricultural activities; or
- Is sited more than 50 metres from the top of bank of the waterway, and:
  - is a metal post and wire, timber or metal post and railing, wire mesh, chainmesh or similar open rural style fence up to 1.4 metres in height; or
  - is at least 50 percent transparent when viewed perpendicular to the fence line and is less than 1.8 metres in height.

## 4.0 Application requirements

29/01/2026
GC282

The following application requirements apply to an application for a permit under Clause 42.03, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- To remove, destroy or lop vegetation:
  - An assessment and justification of the proposed removal of the vegetation against the landscape character objectives of this schedule prepared by a suitably qualified person.
  - A description and accurate site plan denoting the position, height, number, trunk circumference, branch spread, slope of land and species of any vegetation to be removed.
  - A plan detailing the location of any new and replacement planting.
  - For land within a Bushfire Prone Area, an assessment of the risk of any new or replacement planting that may result in additional bushfire hazard.
- For any other application:
  - A site survey plan certified by a qualified surveyor clearly showing the location and the distance of all buildings and works from the top of bank of the waterway.
  - A site context plan and elevations showing:
    - Building and fencing heights using Australian Height Datum measured from ground level.
    - Areas and volume of cut and fill.
    - Site coverage and permeability.
    - Location and proposed material for fences.
    - A schedule of materials and finishes.

    - The existing landscape including topography and vegetation.
    - A visual impact assessment of proposed buildings and works from public viewing points along the waterway.
  - A landscape plan which includes:
    - The type, location, quantity, height at maturity and botanical names of any proposed plants and details of any proposed tree protection zones.
    - Species that are sourced from the relevant municipal council's local planting guidelines where appropriate.
    - A maintenance/weed/erosion control plan for all proposed revegetated areas immediately adjacent to the banks of the waterway.
    - Measures for the protection of natural landforms, including appropriate approaches to vegetation retention and planting, ground preparation and the minimisation of ground disturbance.
    - Measures to control and filter pollutants in stormwater leaving the property.
    - In a Bushfire Prone Area, measures that appropriately manage the potential introduction of bushfire hazards.
  - An assessment of the identified values and threats for the reach and the proposal's impact on the waterway corridor.

## 5.0 Decision guidelines

29/01/2026
GC282

The following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 42.03 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the scale, form, siting and design of buildings and works:
  - Present new buildings that are sensitively integrated with the natural landscape setting of the waterway corridor, including vegetation.
  - Provide suitable heights, avoid visual bulk, are stepped back from the frontage of the waterway corridor and adjacent public open space and use materials, colours and finishes that are sensitively integrated with the natural landscape setting of the waterway corridor.
  - Manage and limit new light spill and overshadowing on the waterway, adjacent public open space, and pedestrian and bicycle paths.
  - Result in soil disturbance that impacts the banks of the waterway or water quality.
- Whether the buildings or works will create an adverse visual impact:
  - From prominent locations such as ridgelines, hill faces, escarpments and landscape features.
  - Within waterway corridors.
  - From parks and reserves along the waterway corridor.
  - Within the vegetation canopy along the waterway corridor.
- Whether the spacing between buildings allows for:
  - the planting of appropriate vegetation and canopy trees to filter views of the development; and
  - the maintenance of views to the waterway corridor.

- Whether the development results in the loss of public access to the waterway and its parklands or creates inappropriate access to the waterway and its parklands.
- Whether proposed vegetation species are compatible with the local plant communities.
- The justification for the proposed removal of the vegetation and whether there are alternative options.
- The effect of removing vegetation on the landscape setting and biodiversity values of the waterway and whether the loss of vegetation can be managed onsite through rehabilitation or replaced with vegetation that will grow to a similar size within a reasonable timeframe.
- The scale of excavation associated with any works and its impact on existing vegetation and cultural values along the waterway.
- Whether any proposed earthworks and changes in the topography of the waterway corridor will detrimentally impact its local natural landscape character and environmental values.
- Whether the proposed fencing allows for the free movement of wildlife, minimises visual intrusion and limits impact on the natural flood and watercourse characteristics.
- Within a Bushfire Prone Area, whether landscaping and revegetation considers potential bushfire hazards.

20/01/2026
VC278

# SCHEDULE 4 TO CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as **SLO4**.

## WATERWAYS OF THE WEST: WERRIBEE RIVER (WIRRIBI YALUK) CORRIDOR ENVIRONS

## WERRIBEE RIVER REACH 4 – PRINCESS FWY TO PORT PHILLIP BAY, WERRIBEE

## 1.0 Statement of nature and key elements of landscape

20/01/2026
VC278

The Werribee River (Wirribi Yaluk) forms part of the connected system of rivers, wetlands and creeks within the Werribee catchment and supports a range of cultural, ecological and recreational values. The Werribee River and its landscape hold deeply embedded cultural significance for Traditional Owners and are recognised as a living and integrated natural entity. The Werribee River intersects the boundary of three Registered Aboriginal Parties representing the Wadawurrung to the west, Wurundjeri Woi-wurrung to the east and Bunurong to the south.

Rising north of Ballan, in Wombat State Forest, the Werribee River flows southeast for 142 kilometres through rural and urban areas to Port Phillip Bay. The river's highly varied landscape character has been formed by its geology of expansive basalt plains with volcanic outcrops, bedrock and gorges, including Werribee Gorge. While much of the river corridor vegetation has been cleared for agriculture and urban development, it is a highly significant natural system and ecological link through western Melbourne.

Reach 4 extends from a densely vegetated area south of the Princes Freeway in Werribee to Port Phillip Bay. On the eastern bank of the river in this reach are the Werribee Open Range Zoo and Werribee Park Mansion. On the western bank the Werribee River Regional Park follows the river to Port Phillip Bay.

The southern end of this reach comprises flat and open, rural landscapes. East of the river are irrigated agricultural and rural residential areas. The red cliffs at K Road Cliffs form a dramatic escarpment, which transition down to salt marshes further south. On the western side of the river, the expansive Western Treatment Plant is a Ramsar listed wetland and internationally significant location for migratory birds. Graham's Wetlands Reserve and JD Belling Reserve at the mouth of the river are also known for birdlife. There are views to the You Yangs from the estuary.

This reach is home to the Button Wrinklewort and the Spiny Rice-Flower, and is part of the range of the Orange-bellied Parrot and the Swift Parrot.

Parts of the corridor are within and adjoin a Bushfire Prone Area. The management of bushfire hazard is an important part of waterway management.

## 2.0 Landscape character objectives to be achieved

20/01/2026
VC278

To enhance the role of the waterway as an integrated and continuous landscape corridor, protecting the environmental, cultural and landscape values of the waterway system.

To retain indigenous riparian vegetation and canopy trees or existing grasslands as the dominant landscape feature and enhance the revegetation and ecological improvement of the waterway corridor while managing the introduction of potential bushfire hazards.

To ensure the visual impact of buildings and works, including the storage of goods, is minimised when viewed from the waterway corridor.

To ensure that earthworks are minimised and do not affect the natural drainage function and landscape character of the waterway.

To ensure that fencing interfacing the waterway corridor is designed and located to be visually transparent and recessive in the landscape.

## 3.0 Permit requirement

29/01/2026
GC282

A permit is not required to:

- Construct a building or construct or carry out works in a Housing Choice and Transport Zone, Activity Centre Zone and Precinct Zone or on land subject to the Built Form Overlay if the following requirements are met:
  - the building is constructed using muted, natural and low-reflective colours and materials;
  - the ground level does not change by more than 600mm, as reinstated; and
  - the buildings and works are sited more than 50 metres from the top of bank of the waterway.
- Construct a building or construct or carry out works in a Precinct Zone if a masterplan has been approved under Clause 37.10-3.
- Construct a building or construct or carry out works in a zone other than a Housing Choice and Transport Zone, Activity Centre Zone and Precinct Zone or on land not subject to the Built Form Overlay if the following requirements are met:
  - the building is less than 6 metres in height above ground level;
  - the building provides no more than 50 square metres in additional gross floor area;
  - the building is constructed using muted, natural and low-reflective colours and materials;
  - the ground level does not change by more than 600mm; and
  - the buildings and works are sited more than 50 metres from the top of bank of the waterway.
- Construct a building or construct or carry works out by, or on behalf of, a public land manager to:
  - sustain the form and stability of stream beds and banks, regulate or control the flow of water in a watercourse; or
  - construct stream habitat works; or
  - maintain the landscape quality, health or bank stability of areas that have been restored or revegetated; or
  - maintain or repair existing assets; or
  - maintain or repair a pathway or trail.

A permit is required to remove, destroy or lop vegetation unless the vegetation:

- Has a height of less than 6 metres above ground level, a trunk diameter of less than 0.4 metres measured at 1.4 metres above ground level, and a canopy diameter of less than 4 metres; or
- Has been planted as part of a windbreak, plantation, orchard or horticulture; or
- Is identified as a weed species in the Advisory List of Environmental Weeds in Victoria; or
- Is removed, destroyed or lopped to the minimum extent necessary by or on behalf of the Head, Transport for Victoria, a public authority or municipal council to construct or maintain the transport system; or
- Is being removed, destroyed or lopped as part of maintenance works carried out by, or on behalf of, a public land manager that:
  - has the capacity to adversely affect stream flow; or
  - improves biodiversity and habitat restoration; or
  - forms part of an approved management plan.

A permit is required to construct a fence, unless the fence:

- Is constructed by or on behalf of the Head, Transport for Victoria; or
- Is erected for a period of not more than 60 days and is being used for stock management or agricultural activities; or
- Is sited more than 50 metres from the top of bank of the waterway, and:
  - is a metal post and wire, timber or metal post and railing, wire mesh, chainmesh or similar open rural style fence up to 1.4 metres in height; or
  - is at least 50 percent transparent when viewed perpendicular to the fence line and is less than 1.8 metres in height.

## 4.0 Application requirements

29/01/2026
GC282

The following application requirements apply to an application for a permit under Clause 42.03, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- To remove, destroy or lop vegetation:
  - An assessment and justification of the proposed removal of the vegetation against the landscape character objectives of this schedule prepared by a suitably qualified person.
  - A description and accurate site plan denoting the position, height, number, trunk circumference, branch spread, slope of land and species of any vegetation to be removed.
  - A plan detailing the location of any new and replacement planting.
  - For land within a Bushfire Prone Area, an assessment of the risk of any new or replacement planting that may result in additional bushfire hazard.
- For any other application:
  - A site survey plan certified by a qualified surveyor clearly showing the location and the distance of all buildings and works from the top of bank of the waterway.
  - A site context plan and elevations showing:
    - Building and fencing heights using Australian Height Datum measured from ground level.
    - Areas and volume of cut and fill.
    - Site coverage and permeability.
    - Location and proposed material for fences.
    - A schedule of materials and finishes.
    - The existing landscape including topography and vegetation.
    - A visual impact assessment of proposed buildings and works from public viewing points along the waterway.
  - A landscape plan which includes:
    - The type, location, quantity, height at maturity and botanical names of any proposed plants and details of any proposed tree protection zones.
    - Species that are sourced from the relevant municipal council's local planting guidelines where appropriate.
    - A maintenance/weed/erosion control plan for all proposed revegetated areas immediately adjacent to the banks of the waterway.

    - Measures for the protection of natural landforms, including appropriate approaches to vegetation retention and planting, ground preparation and the minimisation of ground disturbance.
    - Measures to control and filter pollutants in stormwater leaving the property.
    - In a Bushfire Prone Area, measures that appropriately manage the potential introduction of bushfire hazards.
  - An assessment of the identified values and threats for the reach and the proposal's impact on the waterway corridor.

## 5.0 Decision guidelines

29/01/2026
GC282

The following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 42.03 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the scale, form, siting and design of buildings and works:
  - Present new buildings that are sensitively integrated with the natural landscape setting of the waterway corridor, including vegetation.
  - Provide suitable heights, avoid visual bulk, are stepped back from the frontage of the waterway corridor and adjacent public open space and use materials, colours and finishes that are sensitively integrated with the natural landscape setting of the waterway corridor.
  - Manage and limit new light spill and overshadowing on the waterway, adjacent public open space, and pedestrian and bicycle paths.
  - Result in soil disturbance that impacts the banks of the waterway or water quality.
- Whether the buildings or works will create an adverse visual impact:
  - From prominent locations such as ridgelines, hill faces, escarpments and landscape features.
  - Within waterway corridors.
  - From parks and reserves along the waterway corridor.
  - Within the vegetation canopy along the waterway corridor.
- Whether the spacing between buildings allows for:
  - the planting of appropriate vegetation and canopy trees to filter views of the development; and
  - the maintenance of views to the waterway corridor.
- Whether the development results in the loss of public access to the waterway and its parklands or creates inappropriate access to the waterway and its parklands.
- Whether proposed vegetation species are compatible with the local plant communities.
- The justification for the proposed removal of the vegetation and whether there are alternative options.
- The effect of removing vegetation on the landscape setting and biodiversity values of the waterway and whether the loss of vegetation can be managed onsite through rehabilitation or replaced with vegetation that will grow to a similar size within a reasonable timeframe.
- The scale of excavation associated with any works and its impact on existing vegetation and cultural values along the waterway.
- Whether any proposed earthworks and changes in the topography of the waterway corridor will detrimentally impact its local natural landscape character and environmental values.

- Whether the proposed fencing allows for the free movement of wildlife, minimises visual intrusion and limits impact on the natural flood and watercourse characteristics.
- Within a Bushfire Prone Area, whether landscaping and revegetation considers potential bushfire hazards.

20/01/2026
VC278

# SCHEDULE 5 TO CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as **SLO5**.

## SKELETON CREEK

## 1.0 Statement of nature and key elements of landscape

20/01/2026
VC278

Skeleton Creek forms part of a connected system of rivers, wetlands and creeks. Flowing through Bunurong Country, Skeleton Creek has intrinsic spiritual connections and living cultural heritage significance for Traditional Owners and is of high natural and landscape value.

Skeleton Creek rises near Tarneit and flows approximately 20 kilometres southward until it reaches Port Phillip Bay, passing through Melbourne's western suburbs of Truganina, Altona Meadows and Point Cook.

The landscape of Skeleton Creek comprises relatively flat volcanic plains descending from Mt Atkinson to the north. Along its course, the waterway character transitions from rural landscapes to established industrial and suburban areas, highlighting a mix of natural and urban environments.

Skeleton Creek displays a natural meandering alignment, often with sparse vegetation and minimal canopy tree cover. However, the creek corridor provides habitat for threatened species including the Growling Grass Frog and Golden Sun Moth. Plant communities include the endangered Western Plains Grassland.

The waterway corridor is generally narrow, widening out in targeted areas where it flows through linear reserves and parklands. A network of trails follows much of the waterway.

Newer residential development takes advantage of the waterway as a visual and physical asset, with subdivisions aligning roads and dwellings to face onto the riparian corridor. Earlier residential areas around Hoppers Crossing, Seabrook, Altona Meadows and Point Cook frequently feature rear boundaries of residential properties facing the waterway and parklands.

At its estuary, Skeleton Creek flows into the Cheetham Wetlands, which have been created in the former Cheetham saltworks. Now included within the Point Cook Coastal Park, the Skeleton Creek estuary is part of the Ramsar listed wetland of Port Phillip Bay and an important habitat for migratory waterbirds.

There are significant opportunities to work with Traditional Owners and the community to revegetate or naturalise the corridor and re-establish it as an ecological, landscape and recreational link through Melbourne's inner western suburbs.

Parts of the corridor are within and adjoin a Bushfire Prone Area. The management of bushfire hazard is an important part of waterway management.

## 2.0 Landscape character objectives to be achieved

20/01/2026
VC278

To enhance the role of the waterway as an integrated and continuous landscape corridor, protecting the environmental, cultural and landscape values of the waterway system.

To retain indigenous riparian vegetation and canopy trees or existing grasslands as the dominant landscape feature and enhance the revegetation and ecological improvement of the waterway corridor while managing the introduction of potential bushfire hazards.

To ensure the visual impact of buildings and works, including the storage of goods, is minimised when viewed from the waterway corridor.

To ensure that earthworks are minimised and do not affect the natural drainage function and landscape character of the waterway.

To ensure that fencing interfacing the waterway corridor is designed and located to be visually transparent and recessive in the landscape.

## 3.0 Permit requirement

29/01/2026
GC282

A permit is not required to:

- Construct a building or construct or carry out works in a Housing Choice and Transport Zone, Activity Centre Zone and Precinct Zone or on land subject to the Built Form Overlay if the following requirements are met:
  - the building is constructed using muted, natural and low-reflective colours and materials;
  - the ground level does not change by more than 600mm, as reinstated; and
  - the buildings and works are sited more than 50 metres from the top of bank of the waterway.
- Construct a building or construct or carry out works in a Precinct Zone if a masterplan has been approved under Clause 37.10-3.
- Construct a building or construct or carry out works in a zone other than a Housing Choice and Transport Zone, Activity Centre Zone and Precinct Zone or on land not subject to the Built Form Overlay if the following requirements are met:
  - the building is less than 6 metres in height above ground level;
  - the building provides no more than 50 square metres in additional gross floor area;
  - the building is constructed using muted, natural and low-reflective colours and materials;
  - the ground level does not change by more than 600mm; and
  - the buildings and works are sited more than 50 metres from the top of bank of the waterway.
- Construct a building or construct or carry works out by, or on behalf of, a public land manager to:
  - sustain the form and stability of stream beds and banks, regulate or control the flow of water in a watercourse; or
  - construct stream habitat works; or
  - maintain the landscape quality, health or bank stability of areas that have been restored or revegetated; or
  - maintain or repair existing assets; or
  - maintain or repair a pathway or trail.

A permit is required to remove, destroy or lop vegetation unless the vegetation:

- Has a height of less than 6 metres above ground level, a trunk diameter of less than 0.4 metres measured at 1.4 metres above ground level, and a canopy diameter of less than 4 metres; or
- Has been planted as part of a windbreak, plantation, orchard or horticulture; or
- Is identified as a weed species in the Advisory List of Environmental Weeds in Victoria; or
- Is removed, destroyed or lopped to the minimum extent necessary by or on behalf of the Head, Transport for Victoria, a public authority or municipal council to construct or maintain the transport system; or
- Is being removed, destroyed or lopped as part of maintenance works carried out by, or on behalf of, a public land manager that:
  - has the capacity to adversely affect stream flow; or
  - improves biodiversity and habitat restoration; or
  - forms part of an approved management plan.

A permit is required to construct a fence, unless the fence:

- Is constructed by or on behalf of the Head, Transport for Victoria; or
- Is erected for a period of not more than 60 days and is being used for stock management or agricultural activities; or
- Is sited more than 50 metres from the top of bank of the waterway, and:
  - is a metal post and wire, timber or metal post and railing, wire mesh, chainmesh or similar open rural style fence up to 1.4 metres in height; or
  - is at least 50 percent transparent when viewed perpendicular to the fence line and is less than 1.8 metres in height.

## 4.0 Application requirements

29/01/2026
GC282

The following application requirements apply to an application for a permit under Clause 42.03, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- To remove, destroy or lop vegetation:
  - An assessment and justification of the proposed removal of the vegetation against the landscape character objectives of this schedule prepared by a suitably qualified person.
  - A description and accurate site plan denoting the position, height, number, trunk circumference, branch spread, slope of land and species of any vegetation to be removed.
  - A plan detailing the location of any new and replacement planting.
  - For land within a Bushfire Prone Area, an assessment of the risk of any new or replacement planting that may result in additional bushfire hazard.
- For any other application:
  - A site survey plan certified by a qualified surveyor clearly showing the location and the distance of all buildings and works from the top of bank of the waterway.
  - A site context plan and elevations showing:
    - Building and fencing heights using Australian Height Datum measured from ground level.
    - Areas and volume of cut and fill.
    - Site coverage and permeability.
    - Location and proposed material for fences.
    - A schedule of materials and finishes.
    - The existing landscape including topography and vegetation.
    - A visual impact assessment of proposed buildings and works from public viewing points along the waterway.
  - A landscape plan which includes:
    - The type, location, quantity, height at maturity and botanical names of any proposed plants and details of any proposed tree protection zones.
    - Species that are sourced from the relevant municipal council's local planting guidelines where appropriate.
    - A maintenance/weed/erosion control plan for all proposed revegetated areas immediately adjacent to the banks of the waterway.

    - Measures for the protection of natural landforms, including appropriate approaches to vegetation retention and planting, ground preparation and the minimisation of ground disturbance.
    - Measures to control and filter pollutants in stormwater leaving the property.
    - In a Bushfire Prone Area, measures that appropriately manage the potential introduction of bushfire hazards.
  - An assessment of the identified values and threats for the reach and the proposal's impact on the waterway corridor.

## 5.0 Decision guidelines

29/01/2026
GC282

The following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 42.03 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the scale, form, siting and design of buildings and works:
  - Present new buildings that are sensitively integrated with the natural landscape setting of the waterway corridor, including vegetation.
  - Provide suitable heights, avoid visual bulk, are stepped back from the frontage of the waterway corridor and adjacent public open space and use materials, colours and finishes that are sensitively integrated with the natural landscape setting of the waterway corridor.
  - Manage and limit new light spill and overshadowing on the waterway, adjacent public open space, and pedestrian and bicycle paths.
  - Result in soil disturbance that impacts the banks of the waterway or water quality.
- Whether the buildings or works will create an adverse visual impact:
  - From prominent locations such as ridgelines, hill faces, escarpments and landscape features.
  - Within waterway corridors.
  - From parks and reserves along the waterway corridor.
  - Within the vegetation canopy along the waterway corridor.
- Whether the spacing between buildings allows for:
  - the planting of appropriate vegetation and canopy trees to filter views of the development; and
  - the maintenance of views to the waterway corridor.
- Whether the development results in the loss of public access to the waterway and its parklands or creates inappropriate access to the waterway and its parklands.
- Whether proposed vegetation species are compatible with the local plant communities.
- The justification for the proposed removal of the vegetation and whether there are alternative options.
- The effect of removing vegetation on the landscape setting and biodiversity values of the waterway and whether the loss of vegetation can be managed onsite through rehabilitation or replaced with vegetation that will grow to a similar size within a reasonable timeframe.
- The scale of excavation associated with any works and its impact on existing vegetation and cultural values along the waterway.
- Whether any proposed earthworks and changes in the topography of the waterway corridor will detrimentally impact its local natural landscape character and environmental values.

- Whether the proposed fencing allows for the free movement of wildlife, minimises visual intrusion and limits impact on the natural flood and watercourse characteristics.
- Within a Bushfire Prone Area, whether landscaping and revegetation considers potential bushfire hazards.

20/01/2026
VC278

# SCHEDULE 6 TO CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as **SLO6**.

## CHERRY CREEK

## 1.0 Statement of nature and key elements of landscape

20/01/2026
VC278

Cherry Creek forms part of a connected system of rivers, wetlands and creeks. Flowing through Bunurong and Wurundjeri Woi-wurrung Registered Aboriginal Party boundaries, Cherry Creek and its landscape hold deeply embedded cultural and spiritual significance for the Traditional Owners, and are recognised as a living and integrated natural entity.

Cherry Creek rises north-west of Derrimut and travels southeast 12 kilometres through established industrial and residential areas before forming Cherry Lake in Altona and then flowing into Port Phillip Bay.

Along much of its length Cherry Creek has been realigned to enable industrial development and is mostly inaccessible to the public. South of the Princes Freeway there are large sections where the creek corridor is confined to a narrow grass culvert or concrete channel. In some sections there is vegetation along the edge of the waterway which contributes to the creation of a green spine through the industrial landscape, with opportunities for future rehabilitation work.

Industrial development generally presents its back to the waterway. Residential development to the south of the creek also backs onto the creek.

Modifications to the creek have significantly reduced riparian vegetation, although some native grassland remains in the catchment. Derrimut Grassland Nature Conservation Reserve has significant biodiversity values and supports various species of grasses which provide important habitat for endangered and vulnerable fauna species. There are also twenty listed water-dependent vegetation species currently within the creek corridor, three of which are endangered.

Cherry Lake forms part of the coastal wetlands of Altona, having been established in the 1960s as a flood retention basin. Today, Cherry Lake is part of a large precinct of connected parklands and recreational facilities. Grasslands and wetlands around Cherry Lake support a variety of birds, including three Egrets (Eastern, Intermediate and Little), and the endangered Altona Skipper butterfly.

There are significant opportunities to work with Traditional Owners and the community to revegetate or naturalise the corridor and re-establish it as an ecological, landscape and recreational link through Melbourne's inner western suburbs.

Parts of the corridor are within and adjoin a Bushfire Prone Area. The management of bushfire hazards is an important part of waterway management.

## 2.0 Landscape character objectives to be achieved

20/01/2026
VC278

To enhance the role of the waterway as an integrated and continuous landscape corridor, protecting the environmental, cultural and landscape values of the waterway system.

To retain indigenous riparian vegetation and canopy trees or existing grasslands as the dominant landscape feature and enhance the revegetation and ecological improvement of the waterway corridor while managing the introduction of potential bushfire hazards.

To ensure the visual impact of buildings and works, including the storage of goods, is minimised when viewed from the waterway corridor.

To ensure that earthworks are minimised and do not affect the natural drainage function and landscape character of the waterway.

To ensure that fencing interfacing the waterway corridor is designed and located to be visually transparent and recessive in the landscape.

## 3.0 Permit requirement

29/01/2026
GC282

A permit is not required to:

- Construct a building or construct or carry out works in a Housing Choice and Transport Zone, Activity Centre Zone and Precinct Zone or on land subject to the Built Form Overlay if the following requirements are met:
  - the building is constructed using muted, natural and low-reflective colours and materials;
  - the ground level does not change by more than 600mm, as reinstated; and
  - the buildings and works are sited more than 50 metres from the top of bank of the waterway.
- Construct a building or construct or carry out works in a Precinct Zone if a masterplan has been approved under Clause 37.10-3.
- Construct a building or construct or carry out works in a zone other than a Housing Choice and Transport Zone, Activity Centre Zone and Precinct Zone or on land not subject to the Built Form Overlay if the following requirements are met:
  - the building is less than 6 metres in height above ground level;
  - the building provides no more than 50 square metres in additional gross floor area;
  - the building is constructed using muted, natural and low-reflective colours and materials;
  - the ground level does not change by more than 600mm; and
  - the buildings and works are sited more than 50 metres from the top of bank of the waterway.
- Construct a building or construct or carry works out by, or on behalf of, a public land manager to:
  - sustain the form and stability of stream beds and banks, regulate or control the flow of water in a watercourse; or
  - construct stream habitat works; or
  - maintain the landscape quality, health or bank stability of areas that have been restored or revegetated; or
  - maintain or repair existing assets; or
  - maintain or repair a pathway or trail.

A permit is required to remove, destroy or lop vegetation unless the vegetation:

- Has a height of less than 6 metres above ground level, a trunk diameter of less than 0.4 metres measured at 1.4 metres above ground level, and a canopy diameter of less than 4 metres; or
- Has been planted as part of a windbreak, plantation, orchard or horticulture; or
- Is identified as a weed species in the Advisory List of Environmental Weeds in Victoria; or
- Is removed, destroyed or lopped to the minimum extent necessary by or on behalf of the Head, Transport for Victoria, a public authority or municipal council to construct or maintain the transport system; or
- Is being removed, destroyed or lopped as part of maintenance works carried out by, or on behalf of, a public land manager that:
  - has the capacity to adversely affect stream flow; or
  - improves biodiversity and habitat restoration; or
  - forms part of an approved management plan.

A permit is required to construct a fence, unless the fence:

- Is constructed by or on behalf of the Head, Transport for Victoria; or
- Is erected for a period of not more than 60 days and is being used for stock management or agricultural activities; or
- Is sited more than 50 metres from the top of bank of the waterway, and:
  - is a metal post and wire, timber or metal post and railing, wire mesh, chainmesh or similar open rural style fence up to 1.4 metres in height; or
  - is at least 50 percent transparent when viewed perpendicular to the fence line and is less than 1.8 metres in height.

## 4.0 Application requirements

29/01/2026
GC282

The following application requirements apply to an application for a permit under Clause 42.03, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- To remove, destroy or lop vegetation:
  - An assessment and justification of the proposed removal of the vegetation against the landscape character objectives of this schedule prepared by a suitably qualified person.
  - A description and accurate site plan denoting the position, height, number, trunk circumference, branch spread, slope of land and species of any vegetation to be removed.
  - A plan detailing the location of any new and replacement planting.
  - For land within a Bushfire Prone Area, an assessment of the risk of any new or replacement planting that may result in additional bushfire hazard.
- For any other application:
  - A site survey plan certified by a qualified surveyor clearly showing the location and the distance of all buildings and works from the top of bank of the waterway.
  - A site context plan and elevations showing:
    - Building and fencing heights using Australian Height Datum measured from ground level.
    - Areas and volume of cut and fill.
    - Site coverage and permeability.
    - Location and proposed material for fences.
    - A schedule of materials and finishes.
    - The existing landscape including topography and vegetation.
    - A visual impact assessment of proposed buildings and works from public viewing points along the waterway.
  - A landscape plan which includes:
    - The type, location, quantity, height at maturity and botanical names of any proposed plants and details of any proposed tree protection zones.
    - Species that are sourced from the relevant municipal council's local planting guidelines where appropriate.
    - A maintenance/weed/erosion control plan for all proposed revegetated areas immediately adjacent to the banks of the waterway.

    - Measures for the protection of natural landforms, including appropriate approaches to vegetation retention and planting, ground preparation and the minimisation of ground disturbance.
    - Measures to control and filter pollutants in stormwater leaving the property.
    - In a Bushfire Prone Area, measures that appropriately manage the potential introduction of bushfire hazards.
  - An assessment of the identified values and threats for the reach and the proposal's impact on the waterway corridor.

## 5.0 Decision guidelines

29/01/2026
GC282

The following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 42.03 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the scale, form, siting and design of buildings and works:
  - Present new buildings that are sensitively integrated with the natural landscape setting of the waterway corridor, including vegetation.
  - Provide suitable heights, avoid visual bulk, are stepped back from the frontage of the waterway corridor and adjacent public open space and use materials, colours and finishes that are sensitively integrated with the natural landscape setting of the waterway corridor.
  - Manage and limit new light spill and overshadowing on the waterway, adjacent public open space, and pedestrian and bicycle paths.
  - Result in soil disturbance that impacts the banks of the waterway or water quality.
- Whether the buildings or works will create an adverse visual impact:
  - From prominent locations such as ridgelines, hill faces, escarpments and landscape features.
  - Within waterway corridors.
  - From parks and reserves along the waterway corridor.
  - Within the vegetation canopy along the waterway corridor.
- Whether the spacing between buildings allows for:
  - the planting of appropriate vegetation and canopy trees to filter views of the development; and
  - the maintenance of views to the waterway corridor.
- Whether the development results in the loss of public access to the waterway and its parklands or creates inappropriate access to the waterway and its parklands.
- Whether proposed vegetation species are compatible with the local plant communities.
- The justification for the proposed removal of the vegetation and whether there are alternative options.
- The effect of removing vegetation on the landscape setting and biodiversity values of the waterway and whether the loss of vegetation can be managed onsite through rehabilitation or replaced with vegetation that will grow to a similar size within a reasonable timeframe.
- The scale of excavation associated with any works and its impact on existing vegetation and cultural values along the waterway.
- Whether any proposed earthworks and changes in the topography of the waterway corridor will detrimentally impact its local natural landscape character and environmental values.

- Whether the proposed fencing allows for the free movement of wildlife, minimises visual intrusion and limits impact on the natural flood and watercourse characteristics.
- Within a Bushfire Prone Area, whether landscaping and revegetation considers potential bushfire hazards.

20/01/2026
VC278

# SCHEDULE 7 TO CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as **SLO7**.

## KOROROIT CREEK REACH 4 – GLENGALA DRAIN, SUNSHINE WEST TO PORT PHILLIP BAY

## 1.0 Statement of nature and key elements of landscape

20/01/2026
VC278

Kororoit Creek is part of a connected system of rivers, wetlands and creeks. Rising west of Mt Kororoit near Diggers Rest, Kororoit Creek travels 57 kilometres southeast through rural, residential and industrial areas to Port Phillip Bay at Altona.

Flowing through Wurundjeri Woi-wurrung and Bunurong Registered Aboriginal Party boundaries, Kororoit Creek and its landscape hold deeply embedded cultural and spiritual significance for the Traditional Owners and are recognised as a living and integrated natural entity.

Kororoit Creek has been formed across the volcanic plains of western Melbourne with the waterway incised to varying depths along its course. The landscape includes open, grazing land at its source, new and established residential areas extending from Aintree to Deer Park, and industrial and commercial areas around Sunshine and Altona. Linear open space along the waterway as well as significant flora and fauna reserves help to enhance ecological connections in the riparian landscape.

Kororoit Creek has significant biodiversity including species such as River Red Gums, White Butterfly, Striped Legless Lizard, Growling Grass Frog, Bibron's Toadlet, Rakali, Powerful Owls, and Shorebird Egrets. There are twenty-nine listed water-dependent flora species within the waterway corridor, and four Ecological Vegetation Classes (EVCs) with an endangered status.

Reach 4 of Kororoit Creek extends from the Glengala Drain in Sunshine West to Port Phillip Bay. This reach is characterised by a transition between residential and industrial interfaces.

In many locations, adjacent industrial development presents poorly to the waterway corridor and there are instances of significant alteration to the creek profile, notably near landfill sites. The large industrial complexes around Altona North, including the imposing Mobil Oil refinery, are distinctive features of the waterway in this reach.

As it reaches its estuary at Port Phillip Bay, Kororoit Creek widens into a broad floodplain. Significant remains of saltmarsh and white mangroves are protected within the Altona Coastal Park and Jawbone Conservation Reserve.

There are significant opportunities to work with Traditional Owners and the community to revegetate or naturalise the corridor and re-establish it as an ecological, landscape and recreational link through Melbourne's inner western suburbs.

Parts of the corridor are within and adjoin a Bushfire Prone Area. The management of bushfire hazards is an important part of waterway management.

## 2.0 Landscape character objectives to be achieved

20/01/2026
VC278

To enhance the role of the waterway as an integrated and continuous landscape corridor, protecting the environmental, cultural and landscape values of the waterway system.

To retain indigenous riparian vegetation and canopy trees or existing grasslands as the dominant landscape feature and enhance the revegetation and ecological improvement of the waterway corridor while managing the introduction of potential bushfire hazards.

To ensure the visual impact of buildings and works, including the storage of goods, is minimised when viewed from the waterway corridor.

To ensure that earthworks are minimised and do not affect the natural drainage function and landscape character of the waterway.

To ensure that fencing interfacing the waterway corridor is designed and located to be visually transparent and recessive in the landscape.

## 3.0 Permit requirement

29/01/2026
GC282

A permit is not required to:

- Construct a building or construct or carry out works in a Housing Choice and Transport Zone, Activity Centre Zone and Precinct Zone or on land subject to the Built Form Overlay if the following requirements are met:
  - the building is constructed using muted, natural and low-reflective colours and materials;
  - the ground level does not change by more than 600mm, as reinstated; and
  - the buildings and works are sited more than 50 metres from the top of bank of the waterway.
- Construct a building or construct or carry out works in a Precinct Zone if a masterplan has been approved under Clause 37.10-3.
- Construct a building or construct or carry out works in a zone other than a Housing Choice and Transport Zone, Activity Centre Zone and Precinct Zone or on land not subject to the Built Form Overlay if the following requirements are met:
  - the building is less than 6 metres in height above ground level;
  - the building provides no more than 50 square metres in additional gross floor area;
  - the building is constructed using muted, natural and low-reflective colours and materials;
  - the ground level does not change by more than 600mm; and
  - the buildings and works are sited more than 50 metres from the top of bank of the waterway.
- Construct a building or construct or carry works out by, or on behalf of, a public land manager to:
  - sustain the form and stability of stream beds and banks, regulate or control the flow of water in a watercourse; or
  - construct stream habitat works; or
  - maintain the landscape quality, health or bank stability of areas that have been restored or revegetated; or
  - maintain or repair existing assets; or
  - maintain or repair a pathway or trail.

A permit is required to remove, destroy or lop vegetation unless the vegetation:

- Has a height of less than 6 metres above ground level, a trunk diameter of less than 0.4 metres measured at 1.4 metres above ground level, and a canopy diameter of less than 4 metres; or
- Has been planted as part of a windbreak, plantation, orchard or horticulture; or
- Is identified as a weed species in the Advisory List of Environmental Weeds in Victoria; or
- Is removed, destroyed or lopped to the minimum extent necessary by or on behalf of the Head, Transport for Victoria, a public authority or municipal council to construct or maintain the transport system; or
- Is being removed, destroyed or lopped as part of maintenance works carried out by, or on behalf of, a public land manager that:
  - has the capacity to adversely affect stream flow; or

- improves biodiversity and habitat restoration; or
- forms part of an approved management plan.

A permit is required to construct a fence, unless the fence:

- Is constructed by or on behalf of the Head, Transport for Victoria; or
- Is erected for a period of not more than 60 days and is being used for stock management or agricultural activities; or
- Is sited more than 50 metres from the top of bank of the waterway, and:
  - is a metal post and wire, timber or metal post and railing, wire mesh, chainmesh or similar open rural style fence up to 1.4 metres in height; or
  - is at least 50 percent transparent when viewed perpendicular to the fence line and is less than 1.8 metres in height.

## 4.0 Application requirements

29/01/2026
GC282

The following application requirements apply to an application for a permit under Clause 42.03, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- To remove, destroy or lop vegetation:
  - An assessment and justification of the proposed removal of the vegetation against the landscape character objectives of this schedule prepared by a suitably qualified person.
  - A description and accurate site plan denoting the position, height, number, trunk circumference, branch spread, slope of land and species of any vegetation to be removed.
  - A plan detailing the location of any new and replacement planting.
  - For land within a Bushfire Prone Area, an assessment of the risk of any new or replacement planting that may result in additional bushfire hazard.
- For any other application:
  - A site survey plan certified by a qualified surveyor clearly showing the location and the distance of all buildings and works from the top of bank of the waterway.
  - A site context plan and elevations showing:
    - Building and fencing heights using Australian Height Datum measured from ground level.
    - Areas and volume of cut and fill.
    - Site coverage and permeability.
    - Location and proposed material for fences.
    - A schedule of materials and finishes.
    - The existing landscape including topography and vegetation.
    - A visual impact assessment of proposed buildings and works from public viewing points along the waterway.
  - A landscape plan which includes:
    - The type, location, quantity, height at maturity and botanical names of any proposed plants and details of any proposed tree protection zones.
    - Species that are sourced from the relevant municipal council's local planting guidelines where appropriate.

    - A maintenance/weed/erosion control plan for all proposed revegetated areas immediately adjacent to the banks of the waterway.
    - Measures for the protection of natural landforms, including appropriate approaches to vegetation retention and planting, ground preparation and the minimisation of ground disturbance.
    - Measures to control and filter pollutants in stormwater leaving the property.
    - In a Bushfire Prone Area, measures that appropriately manage the potential introduction of bushfire hazards.
  - An assessment of the identified values and threats for the reach and the proposal's impact on the waterway corridor.

## 5.0 Decision guidelines

29/01/2026
GC282

The following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 42.03 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the scale, form, siting and design of buildings and works:
  - Present new buildings that are sensitively integrated with the natural landscape setting of the waterway corridor, including vegetation.
  - Provide suitable heights, avoid visual bulk, are stepped back from the frontage of the waterway corridor and adjacent public open space and use materials, colours and finishes that are sensitively integrated with the natural landscape setting of the waterway corridor.
  - Manage and limit new light spill and overshadowing on the waterway, adjacent public open space, and pedestrian and bicycle paths.
  - Result in soil disturbance that impacts the banks of the waterway or water quality.
- Whether the buildings or works will create an adverse visual impact:
  - From prominent locations such as ridgelines, hill faces, escarpments and landscape features.
  - Within waterway corridors.
  - From parks and reserves along the waterway corridor.
  - Within the vegetation canopy along the waterway corridor.
- Whether the spacing between buildings allows for:
  - the planting of appropriate vegetation and canopy trees to filter views of the development; and
  - the maintenance of views to the waterway corridor.
- Whether the development results in the loss of public access to the waterway and its parklands or creates inappropriate access to the waterway and its parklands.
- Whether proposed vegetation species are compatible with the local plant communities.
- The justification for the proposed removal of the vegetation and whether there are alternative options.
- The effect of removing vegetation on the landscape setting and biodiversity values of the waterway and whether the loss of vegetation can be managed onsite through rehabilitation or replaced with vegetation that will grow to a similar size within a reasonable timeframe.
- The scale of excavation associated with any works and its impact on existing vegetation and cultural values along the waterway.

- Whether any proposed earthworks and changes in the topography of the waterway corridor will detrimentally impact its local natural landscape character and environmental values.
- Whether the proposed fencing allows for the free movement of wildlife, minimises visual intrusion and limits impact on the natural flood and watercourse characteristics.
- Within a Bushfire Prone Area, whether landscaping and revegetation considers potential bushfire hazards.

# 43 HERITAGE AND BUILT FORM OVERLAYS

19/01/2006
VC37

## 43.01 HERITAGE OVERLAY

31/07/2018
VC148

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

### Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To conserve and enhance heritage places of natural or cultural significance.

To conserve and enhance those elements which contribute to the significance of heritage places.

To ensure that development does not adversely affect the significance of heritage places.

To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

### Scope

The requirements of this overlay apply to heritage places specified in the schedule to this overlay. A heritage place includes both the listed heritage item and its associated land. Heritage places may also be shown on the planning scheme map.

## 43.01-1 Permit requirement

16/10/2025
VC288

A permit is required to:

- Subdivide land.
- Demolish or remove a building.
- Construct a building or construct or carry out works, including:
  - Domestic services normal to a dwelling if the services are visible from a street (other than a lane) or public park.
  - A solar energy system attached to a building that primarily services the land on which it is situated if the system is visible from a street (other than a lane) or public park and if the schedule to this overlay specifies the heritage place as one where solar energy system controls apply.
  - 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.
  - Buildings or works associated with a railway, railway station or tramway constructed or carried out by or on behalf of the Head, Transport for Victoria.
  - Street furniture other than:
    - Traffic signals, traffic signs, bus shelters, 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 or small second 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.

| Class of application | Provision |
|---|---|
| ▪ Subdivide land to realign the common boundary between two 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. | Clause 59.07 |
| ▪ Subdivide land into lots each containing an existing building or car parking space where:<br>– The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.<br>– An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within five years prior to the application for a permit for subdivision. | |
| ▪ Subdivide land into two lots if: | |

| Class of application | Provision |
|---|---|
| – 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.<br>– The construction or carrying out of the approved building or works on the land has started lawfully.<br>– The subdivision does not create a vacant lot.<br>▪ 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.<br>▪ Demolish or remove a fence unless the fence is specified in the schedule to the Heritage Overlay.<br>▪ Externally alter a non-contributory building.<br>▪ External painting.<br>▪ Construct a fence.<br>▪ Construct a carport, garage, pergola, verandah, deck, shed or similar structure.<br>▪ Construct and install domestic services normal to a dwelling.<br>▪ Construct and install a non-domestic disabled access ramp.<br>▪ Construct a vehicle crossover.<br>▪ Construct a domestic swimming pool or spa and associated mechanical equipment and safety fencing.<br>▪ Construct a rainwater tank.<br>▪ Construct or display a sign.<br>▪ Lop a tree.<br>▪ Construct or install a solar energy system attached to a dwelling or small second dwelling.<br>▪ Construct and install an electric vehicle charging station.<br>▪ Construct and install services normal to a building other than a dwelling or small second dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar. | |
| Subdivide land into two lots if:<br>▪ A permit has been issued under a provision of a residential zone to construct up to two dwellings on the land and the permit has not expired.<br>▪ Each lot will contain either:<br>– one existing dwelling; or<br>– one dwelling permitted to be constructed in accordance with the permit. | Clause 59.07 |

## 43.01-2 Places in the Victorian Heritage Register

21/11/2017
VC141

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.

## 43.01-3 No permit required

14/12/2023
VC253

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.
- To construct a building or construct or carry out works for a small second dwelling if all the following requirements are met:
  - The building height must not exceed 5 metres.
  - The building must be finished using muted tones and colours.

## 43.01-4 Exemption from notice and review

14/01/2025
VC237

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 crossover.
- 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 or a small second dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar.

## 43.01-5 Statements of significance

24/01/2020
VC160

The schedule to this overlay must specify a statement of significance for each heritage place included in the schedule after the commencement of Amendment VC148. This does not apply to:

- A heritage place included in the schedule to this overlay by an amendment prepared or authorised by the Minister under section 8(1)(b) or section 8A(4) of the Act before or within three months after the commencement of Amendment VC148.
- A registered heritage place included in the Victorian Heritage Register established under Part 3 of the *Heritage Act 2017*.
- A heritage place included in the schedule to this overlay on an interim basis.

## 43.01-6 Heritage design guidelines

31/07/2018
VC148

The schedule to this overlay may specify heritage design guidelines for any heritage place included in the schedule. A heritage design guideline must not contain any mandatory requirements.

## 43.01-7 Application requirements

31/07/2018
VC148

An application must be accompanied by any information specified in the schedule to this overlay.

## 43.01-8 Decision guidelines

24/01/2020
VC160

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.
- Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.
- Any applicable heritage design guideline specified in the schedule to this overlay.
- Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.
- Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.
- Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.

- Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.
- Whether the proposed subdivision will adversely affect the significance of the heritage place.
- Whether the proposed subdivision may result in development which will adversely affect the significance, character or appearance of the heritage place.
- Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.
- Whether the lopping or development will adversely affect the health, appearance or significance of the tree.
- Whether the location, style, size, colour and materials of the proposed solar energy system will adversely affect the significance, character or appearance of the heritage place.

## 43.01-9 Use of a heritage place

31/07/2018
VC148

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

31/07/2018
VC148

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*.

16/02/2017
C209(Part 1)

# SCHEDULE TO CLAUSE 43.01 HERITAGE OVERLAY

## 1.0 Application requirements

10/02/2022
C258wynd

The following application requirements apply to an application under Clause 43.01, in addition to those specified elsewhere in the planning scheme, and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

### Heritage places:

- A conservation analysis and management plan in accordance with the principles of *The Burra Charter - the Australian ICOMOS Charter for Places of Cultural Significance* (International Council on Monuments and Sites, 2013).

### Demolition:

- A report that demonstrates there is sufficient justification for not retaining the building or heritage site.

### Dry stone walls:

A dry stone wall management plan that includes the following (but not limited to):

A report explaining:

- The justification for the proposed alteration, removal or demolition of the wall.
- How the proposal seeks to manage the conservation of the drystone wall, consistent with the management recommendations set out in the *Wyndham Dry Stone Walls Study* (Gary Vines, 2015).
- The proposed process for the repair/reconstruction of wall ends or reinstatement of wall sections, including original fencing materials.
- The method of adaptation and integration of walls into new urban spaces.
- Options for the conservation and management of drystone walls, and the mitigation of impacts where these cannot be avoided.

Plans and elevations (A3 size) including (but not limited to):

- A feature survey of all dry stone walls on the land showing the width, length and height of the walls and a record of any openings, crossovers, structures, fencing, driveways or distinguishing features of the walls.
- The extent of alteration, addition or demolition required and the details of the alignment of any additions or alterations.
- Proposed materials of construction and size of any proposed new fence.
- Representative photographs of the affected section of the wall.

## 2.0 Heritage places

20/09/2024
C274wynd

The requirements of this overlay apply to both the heritage place and its associated land.

| PS map ref | Heritage place | External paint controls apply? | Internal alteration controls apply? | Tree controls apply? | Solar energy system controls apply? | Outbuildings or fences not exempt under Clause 43.01-4 | Included on the Victorian Heritage Register under the Heritage Act 2017? | Prohibited uses permitted? | Aboriginal heritage place? |
|---|---|---|---|---|---|---|---|---|---|
| HO1 | Ford<br>Werribee River, Werribee | No | No | No | Yes | No | No | No | No |
| HO2 | Main Outfall Sewer, Hoppers Crossing, Laverton North, Truganina, Werribee, and Williams Landing. | - | - | - | - | - | Yes Ref No H1932 | No | - |
| HO3 | Werribee System - Diversion Weir.<br>The heritage place is the diversion weir. | - | - | Yes | Yes | No | No | No | No |
| HO5 | House<br>949 Aviation Road, Werribee South<br>The heritage place is the house and concrete farm building. | No | No | No | Yes | No | No | No | No |
| HO6 | Carramar House and Farm<br>Lot 1 LP205808, 1055 Aviation Road, Werribee South<br>The heritage place is the house, garden and outbuildings. | No | No | Yes | Yes | No | No | No | No |
| HO7 | Hegarty's House<br>24 Ballan Road, Werribee<br>The heritage place is the house and front garden (to the extent that early layout and features remain). | No | No | Yes | Yes | No | No | No | No |

| PS map ref | Heritage place | External paint controls apply? | Internal alteration controls apply? | Tree controls apply? | Solar energy system controls apply? | Outbuildings or fences not exempt under Clause 43.01-4 | Included on the Victorian Heritage Register under the Heritage Act 2017? | Prohibited uses permitted? | Aboriginal heritage place? |
|---|---|---|---|---|---|---|---|---|---|
| HO8 | Campbells House and Store<br>85 Edgars Road, Little River<br>The heritage place is the building only. | - | - | No | Yes | No | No | No | No |
| HO9 | The Peppercorns<br>1625 Boundary Road, Mt Cottrell<br>The heritage place is the house, bluestone ruin and stone walls. | No | No | No | Yes | Yes | No | No | No |
| HO10 | Volant House (now Arva)<br>1645 Boundary Road, Mt Cottrell<br>The heritage place is the house and associated features including dry stone walls around the main paddocks, including the boundary walls, paddock walls and stone enclosure. | No | No | No | Yes | Yes | No | No | No |
| HO11 | Evans House (former)<br>725 Boundary Road, Truganina<br>The heritage place is the house and immediate setting. | No | No | No | Yes | No | No | No | No |
| HO12 | Werribee Racecourse<br>Bulban Road, Werribee<br>The heritage place is the whole of the racecourse. | No | No | No | Yes | No | No | No | No |
| HO13 | Devine House (ruins) | No | No | No | Yes | No | No | No | No |

| PS map ref | Heritage place | External paint controls apply? | Internal alteration controls apply? | Tree controls apply? | Solar energy system controls apply? | Outbuildings or fences not exempt under Clause 43.01-4 | Included on the Victorian Heritage Register under the Heritage Act 2017? | Prohibited uses permitted? | Aboriginal heritage place? |
|---|---|---|---|---|---|---|---|---|---|
| | Lot CA 34 Psh Bulban, Bulban Road, Mambourin<br>The heritage place is the house ruin and immediate setting. | | | | | | | | |
| HO14 | House<br>780 Bulban Road, Werribee<br>The heritage place is the house, stone walls and mature plantings along driveway. | No | No | Yes | Yes | No | No | No | No |
| HO15 | Werribee Park Primary School<br>10 Cayleys Road, Werribee South<br>The heritage place is the original school buildings. | No | No | No | Yes | No | No | No | No |
| HO16 | Kelly Park<br>Cherry Street, Werribee<br>The heritage place is the whole of park. Recent buildings do not contribute to the significance of the park and are not protected, however redevelopment of, or changes to these buildings should consider the significance of the place. | No | No | Yes | Yes | No | No | No | No |
| HO17 | Chirnside (Corpus Christi) Gates<br>Chirnside Ave (cnr Russell Street), Werribee<br>The heritage place is the gate structure, fixings and remnant railing. | - | - | No | Yes | No | No | No | No |

| PS map ref | Heritage place | External paint controls apply? | Internal alteration controls apply? | Tree controls apply? | Solar energy system controls apply? | Outbuildings or fences not exempt under Clause 43.01-4 | Included on the Victorian Heritage Register under the Heritage Act 2017? | Prohibited uses permitted? | Aboriginal heritage place? |
|---|---|---|---|---|---|---|---|---|---|
| HO18 | Cobbledicks Ford and Reserve<br>Cobbledicks Ford Road, Mt Cottrell<br>The heritage place also includes the dry stone walls around the reserve, along the west side of Dukelows Road and north and west side of Cobbledicks Ford Road. | No | No | Yes | Yes | Yes | No | No | No |
| HO19 | Water Tank<br>Western Treatment Plant, Cocoroc Road, Cocoroc and<br>Former Metropolitan Farm, Farm Road, Cocoroc | - | - | - | - | - | Yes Ref No<br>H1416<br>and<br>Yes Ref No H2400 | No | - |
| HO20 | Werribee Guides Hall<br>Soldiers Reserve, College Road, Werribee<br>The heritage place is the building. | No | No | No | Yes | No | No | No | No |
| HO21 | Carter's Housing Estate, Bounded by College Road and Anderson Street and comprises properties in Mary Avenue and Carter Crescent.<br>The heritage place is all of the estate including public spaces, roadways and larger street trees. | - | - | Yes | Yes | No | No | No | No |
| HO22 | Werribee Railway Station, Comben Street, Werribee | - | - | - | - | - | Yes Ref No<br>H1309 | No | - |

| PS map ref | Heritage place | External paint controls apply? | Internal alteration controls apply? | Tree controls apply? | Solar energy system controls apply? | Outbuildings or fences not exempt under Clause 43.01-4 | Included on the Victorian Heritage Register under the Heritage Act 2017? | Prohibited uses permitted? | Aboriginal heritage place? |
|---|---|---|---|---|---|---|---|---|---|
| HO23 | Cottrell Street Sports and Physio Centre<br>90 Cottrell Street, Werribee<br>The heritage place is the house, especially street façade. | No | No | No | Yes | No | No | No | No |
| HO24 | Racecourse Hotel<br>78-80 Cottrell Street, Werribee<br>The heritage place is the 1930s and earlier sections of the building. | No | No | No | Yes | No | No | No | No |
| HO26 | Cunningham House<br>51 Cunninghams Road, Werribee South<br>The heritage place is the house and the irrigation channel. | No | No | No | Yes | No | No | No | No |
| HO28 | Robertson Farm Complex<br>CA G Sec 22 Psh Tarneit, Derrimut Road, Tarneit<br>The heritage place is the whole of site enclosed by stone wall. | No | No | No | Yes | Yes | No | No | No |
| HO30 | Wine Cellars<br>Lot 2 LP208740 Derrimut Road, Tarneit<br>The heritage place includes the Vineyard Estate, wine cellar, ruins, dry stone walls, mulberry trees and other archaeological features located on the west side of Skeleton Creek north of Leakes Road. | No | No | Yes | Yes | Yes | No | No | No |

| PS map ref | Heritage place | External paint controls apply? | Internal alteration controls apply? | Tree controls apply? | Solar energy system controls apply? | Outbuildings or fences not exempt under Clause 43.01-4 | Included on the Victorian Heritage Register under the Heritage Act 2017? | Prohibited uses permitted? | Aboriginal heritage place? |
|---|---|---|---|---|---|---|---|---|---|
| HO31 | Werribee Primary School<br>2 Deutgam Street, Werribee<br>The heritage place is the extent of the 1919, 1922 and 1938 buildings and their setting. | No | No | No | Yes | No | No | No | No |
| HO32 | Villa Franca, 35-39 Deutgam Street, Werribee. | - | - | Yes | Yes | No | No | No | No |
| HO33 | Diggers Road Soldiers Memorial Hall<br>450 Diggers Road, Werribee South<br>The heritage place is the hall. | No | No | No | Yes | No | No | No | No |
| HO34 | Portelli House and Shop<br>650 Diggers Road, Werribee South<br>The heritage place is the shop/house building and shopfront including petrol bowser. | No | No | No | Yes | No | No | No | No |
| HO35 | Dam<br>CA B Sec 18 Psh Tarneit, Dohertys Road, Mt Cottrell<br>The heritage place is the dam and immediate surrounds. | No | No | No | Yes | Yes | No | No | No |
| HO36 | Doherty House<br>Lot 1 LP97350, 1103 Dohertys Road, Truganina | No | No | No | Yes | Yes | No | No | No |

| PS map ref | Heritage place | External paint controls apply? | Internal alteration controls apply? | Tree controls apply? | Solar energy system controls apply? | Outbuildings or fences not exempt under Clause 43.01-4 | Included on the Victorian Heritage Register under the Heritage Act 2017? | Prohibited uses permitted? | Aboriginal heritage place? |
|---|---|---|---|---|---|---|---|---|---|
| | The heritage place is the house and stone walls and their immediate setting. | | | | | | | | |
| HO37 | Eynesbury (part) also known as Eynesbury Station,<br>Springhill Road, Eynesbury | - | - | - | - | - | Yes Ref No<br>H362 | No | - |
| HO38 | Missen House (site)<br>CA C Sec 22 Psh Tarneit, Dohertys Road, Truganina<br>The heritage place is the house, stone walls and plantings. | No | No | Yes | Yes | Yes | No | No | No |
| HO39 | Truganina Cemetery<br>Woods Road, Truganina<br>The heritage place is the cemetery. | No | No | Yes | Yes | No | No | No | No |
| HO41 | Bambra Park<br>2 Dukelows Road, Mt Cottrell<br>The heritage place is the house and garden. | No | No | No | Yes | Yes | No | No | No |
| HO42 | Cobbledicks House (Ruin)<br>2 Dukelows Road, Wyndham Vale<br>The heritage place is the bluestone ruin and immediate surrounds. | - | - | No | Yes | Yes | No | No | No |
| HO43 | Dukelow house<br>215 Dukelows Road, Tarneit | No | No | No | Yes | No | No | No | No |

| PS map ref | Heritage place | External paint controls apply? | Internal alteration controls apply? | Tree controls apply? | Solar energy system controls apply? | Outbuildings or fences not exempt under Clause 43.01-4 | Included on the Victorian Heritage Register under the Heritage Act 2017? | Prohibited uses permitted? | Aboriginal heritage place? |
|---|---|---|---|---|---|---|---|---|---|
| | The heritage place is the house. | | | | | | | | |
| HO44 | Kurrajong Trees<br>Duncans Road, Werribee | No | No | Yes | Yes | No | No | No | No |
| HO45 | Braemor<br>630 Duncans Road, Werribee South | No | No | No | Yes | No | No | No | No |
| HO46 | Building and Water Tower<br>818 Duncans Road, Werribee South<br>The heritage place is the tower and small building. | No | No | No | Yes | No | No | No | No |
| HO47 | Deveney House<br>835 Duncans Road, Werribee South<br>The heritage place is the house and garden. | No | No | Yes | Yes | No | No | No | No |
| HO48 | Former Werribee Estate School and School Teachers House<br>849 Duncans Road, Werribee South<br>The heritage place is the house, fenced area, timber shelter shed, trees, and irrigation channel and rear and sides. | No | No | Yes | Yes | No | No | No | No |
| HO49 | Fowlers House and Silo<br>885 Duncans Road, Werribee South<br>The heritage place is the concrete house, silo, dam and remains of cheese factory. | - | - | No | Yes | No | No | No | No |

| PS map ref | Heritage place | External paint controls apply? | Internal alteration controls apply? | Tree controls apply? | Solar energy system controls apply? | Outbuildings or fences not exempt under Clause 43.01-4 | Included on the Victorian Heritage Register under the Heritage Act 2017? | Prohibited uses permitted? | Aboriginal heritage place? |
|---|---|---|---|---|---|---|---|---|---|
| HO50 | Grahams Dairy<br>1107 Duncans Road, Werribee South<br>The heritage place is the concrete building. | No | No | No | Yes | No | No | No | No |
| HO52 | Little River Uniting Church<br>NE Corner Edgars Road and Boadles Lane, Little River. | - | - | Yes | Yes | No | No | No | No |
| HO53 | Mouyong<br>Lots 1 & 2 PS609745 Edgars Road, Little River.<br>The heritage place is the bluestone shearing shed and the dry stone walls to the south of the shed paddock and north of Mouyong Road, bluestone building and their immediate surrounds. | No | No | No | Yes | Yes | No | No | No |
| HO54 | Shaw House<br>115 Edgars Road, Little River<br>The heritage place is the house and immediate garden setting, and dry stone wall. | No | No | Yes | Yes | Yes | No | No | No |
| HO55 | Richmond and McNaughton Properties<br>230 Edgars Road, Little River<br>The heritage place is the ruins, bluestone stores, two timber houses, bluestone wells, bluestone and dry stone walls, and the immediate setting of each building. | No | No | No | Yes | Yes | No | No | No |

| PS map ref | Heritage place | External paint controls apply? | Internal alteration controls apply? | Tree controls apply? | Solar energy system controls apply? | Outbuildings or fences not exempt under Clause 43.01-4 | Included on the Victorian Heritage Register under the Heritage Act 2017? | Prohibited uses permitted? | Aboriginal heritage place? |
|---|---|---|---|---|---|---|---|---|---|
| HO56 | Old Little River Hotel<br>16 Flinders Street, Little River | - | - | Yes | Yes | No | No | No | No |
| HO57 | Powell Shops and Service Station<br>5 & 7 Glen Street, Werribee<br>The heritage place is the shops and service station. | No | No | No | Yes | No | No | No | No |
| HO58 | Houses<br>63-65 Greaves Street, Werribee<br>The heritage place is two dwellings, especially those elements visible from the street, and including the fence and hedge on the southern house “Osterley”. | No | No | Yes | Yes | No | No | No | No |
| HO59 | St Andrews Catholic Church<br>101-105 Greaves Street, Werribee<br>The heritage place is the church reserve, including all buildings and setting. | No | No | No | Yes | No | No | No | No |
| HO60 | Anderson Homestead Site<br>Lot B PS708632, South of Lollypop Creek, Greens Road, Wyndham Vale<br>The heritage place is the bluestone ruins. | No | No | No | Yes | No | No | No | No |
| HO61 | Chaffey Irrigation Scheme<br>Riverbend Historical Park, Heaths Road, Werribee | No | No | Yes | Yes | No | No | No | No |

| PS map ref | Heritage place | External paint controls apply? | Internal alteration controls apply? | Tree controls apply? | Solar energy system controls apply? | Outbuildings or fences not exempt under Clause 43.01-4 | Included on the Victorian Heritage Register under the Heritage Act 2017? | Prohibited uses permitted? | Aboriginal heritage place? |
|---|---|---|---|---|---|---|---|---|---|
| | The heritage place is the house site, trees, well, and the plough and dray. | | | | | | | | |
| HO62 | Hogan House<br>Lot 3 Hogans Road, Tarneit<br>The heritage place is the extent of the ruined building and immediate surrounds. | No | No | No | Yes | No | No | No | No |
| HO64 | Werribee Park<br>320 K Road, Werribee South<br>The heritage place includes<br>graves, headstones, the bluestone wall at Werribee Park Golf Course, and the Dry Stone Ha ha Wall. | - | - | - | - | - | Yes Ref No<br>H1613 | No | - |
| HO66 | House<br>22-26 Little River Road, Little River<br>The heritage place is the original one room blue stone cottage. | No | No | No | Yes | No | No | No | No |
| HO67 | Ball House<br>135-173 Little River Road, Little River<br>The heritage place is the house, shed/barn and immediate setting including dry stone walls. | No | No | No | Yes | Yes | No | No | No |
| HO68 | Euneane's Poultry Farm<br>3-19 Lock Ave, Werribee | No | No | No | Yes | No | No | No | No |

| PS map ref | Heritage place | External paint controls apply? | Internal alteration controls apply? | Tree controls apply? | Solar energy system controls apply? | Outbuildings or fences not exempt under Clause 43.01-4 | Included on the Victorian Heritage Register under the Heritage Act 2017? | Prohibited uses permitted? | Aboriginal heritage place? |
|---|---|---|---|---|---|---|---|---|---|
| | The heritage place is the existing brick warehouse building. | | | | | | | | |
| HO69 | Jack Carter's Poultry Farm<br>60-68 Lock Ave, Werribee<br>The heritage place is the main building (nos. 60-62, 64-66), red brick building (no. 68) and the silos. | No | No | No | Yes | No | No | No | No |
| HO70 | Adapted Railway Carriage<br>500 O'Connors Road, Werribee South<br>The heritage place is the railway carriage/building. | No | No | No | Yes | No | No | No | No |
| HO71 | Tardrew House<br>510 (518) O'Connors Road, Werribee South<br>The heritage place is the house and garden. | No | No | Yes | Yes | No | No | No | No |
| HO72 | Rothwell Bridge over the Little River<br>Old Melbourne Road, Little River | - | - | - | - | - | Yes Ref No H1454 | No | - |
| HO73 | Tarcombe<br>2-54 Old Melbourne Road, Little River<br>The heritage place is the house, former shearing shed/stables and mature trees. | - | - | Yes | Yes | No | No | No | No |

| PS map ref | Heritage place | External paint controls apply? | Internal alteration controls apply? | Tree controls apply? | Solar energy system controls apply? | Outbuildings or fences not exempt under Clause 43.01-4 | Included on the Victorian Heritage Register under the Heritage Act 2017? | Prohibited uses permitted? | Aboriginal heritage place? |
|---|---|---|---|---|---|---|---|---|---|
| HO74 | Point Cook Homestead & Stables,<br>Point Cook Homestead Road, Point Cook. | - | - | - | - | - | Yes Ref No<br>H1509 | No | - |
| HO75 | State Research Farm,<br>600 Sneydes Road and 4 Research Close, Werribee. | - | - | - | - | - | Yes Ref No<br>H1961 | No | - |
| HO76 | Werribee Satellite Aerodrome, Princes Highway (Geelong Road) corner Farm Road, Werribee | - | - | - | - | - | Yes Ref No H1884 | Yes | - |
| HO77 | Werribee Cemetery<br>Railway Ave, Werribee<br>The heritage place is the whole of cemetery except for lawn cemetery area. | No | No | No | Yes | No | No | No | No |
| HO78 | Geodetic Survey Baseline<br>South Base Stone, Railway Reserve (rear of 301 Princes Highway, Werribee).<br>North Base Stone, 1245 Sayers Road, Tarneit.<br>Green Hill Extension Marker, off Springhill Road, Eynesbury. | - | - | - | - | - | Yes Ref No<br>H1957 | No | - |
| HO79 | House (Former police paddocks area)<br>1-3 Rainsford Street, Werribee<br>The heritage place is the house. | No | No | No | Yes | No | No | No | No |
| HO80 | Bull House | No | No | No | Yes | No | No | No | No |

| PS map ref | Heritage place | External paint controls apply? | Internal alteration controls apply? | Tree controls apply? | Solar energy system controls apply? | Outbuildings or fences not exempt under Clause 43.01-4 | Included on the Victorian Heritage Register under the Heritage Act 2017? | Prohibited uses permitted? | Aboriginal heritage place? |
|---|---|---|---|---|---|---|---|---|---|
| | 35 River Street, Little River<br>The heritage place is the house and oil shed. | | | | | | | | |
| HO82 | Bulban Reserve<br>Rothwell Road, Little River<br>The heritage place is the extent of the reserve and its landscape features. | No | No | Yes | Yes | No | No | No | No |
| HO83 | Little River Mechanics Institute<br>8 Rothwell Road, Little River<br>The heritage place is the building and lamp. | No | No | No | Yes | No | No | No | No |
| HO84 | Christ Church<br>48-50 Rothwell Road, Little River<br>The heritage place is the church building. Later fence and gate and the bluestone gutter along Rothwell Road are contributory. | No | No | No | Yes | No | No | No | No |
| HO86 | Barrie House (former)<br>1-3 Rothwell Street, Little River<br>The heritage place is the entire site. | No | No | No | Yes | No | No | No | No |
| HO87 | Former Grooms House<br>8 Rothwell Street, Little River<br>The heritage place is the house. | No | No | No | Yes | No | No | No | No |

| PS map ref | Heritage place | External paint controls apply? | Internal alteration controls apply? | Tree controls apply? | Solar energy system controls apply? | Outbuildings or fences not exempt under Clause 43.01-4 | Included on the Victorian Heritage Register under the Heritage Act 2017? | Prohibited uses permitted? | Aboriginal heritage place? |
|---|---|---|---|---|---|---|---|---|---|
| HO88 | Bates House<br>13 Rothwell Street, Little River<br>The heritage place is the house. | No | No | No | Yes | No | No | No | No |
| HO89 | Roland Carter House<br>51-59 Russell Street, Werribee | No | No | Yes | Yes | No | No | No | No |
| HO91 | Little River Railway Station and Goods Yard<br>19-27 River Street, Little River | - | - | - | - | - | Yes Ref No<br>H1572 | No | - |
| HO93 | Wattle Park<br>85-87 Sewells Road, Werribee<br>The heritage place is the ruined bluestone house and the Edwardian weatherboard house. | No | No | No | Yes | No | No | No | No |
| HO94 | Former Picture Palais<br>15-19 Station Place, Werribee<br>The heritage place is the main façade. | No | No | No | Yes | No | No | No | No |
| HO95 | Crossroads Uniting Church (Former St Thomas's Presbyterian Church),<br>33A Synnot Street, Werribee | - | - | - | - | - | Yes Ref No H628 | No | - |
| HO97 | Muswell<br>9-11 Synnot St, Werribee | - | - | Yes | Yes | No | No | Yes | No |
| HO98 | St Thomas Church of England | No | No | No | Yes | No | No | No | No |

| PS map ref | Heritage place | External paint controls apply? | Internal alteration controls apply? | Tree controls apply? | Solar energy system controls apply? | Outbuildings or fences not exempt under Clause 43.01-4 | Included on the Victorian Heritage Register under the Heritage Act 2017? | Prohibited uses permitted? | Aboriginal heritage place? |
|---|---|---|---|---|---|---|---|---|---|
| | 119-121Synnot Street, Werribee<br>The heritage place is the 1900 church, 1859 church, 1940s-50s hall and the front fence on Synnot Street. Modern brick extension to 1900 church is excluded. | | | | | | | | |
| HO99 | Police House (former)<br>129 Synnot Street, Werribee | No | No | No | Yes | No | No | No | No |
| HO100 | Water Tower & Office<br>1 Tower Road, Werribee | - | - | Yes | Yes | No | No | No | No |
| HO101 | Sumiya<br>6 Wattamolla Ave, Werribee<br>The heritage place is the house and garden. | No | No | Yes | Yes | No | No | No | No |
| HO102 | The Manor (remnants)<br>Wattamolla Ave, Werribee<br>The heritage place is the large trees and stone wall remnants of the Manor (V 9639 F 090 L RES1 LP 200184 Mambourin Parish);<br>**Statement of significance:**<br>Manor Estate, Werribee | No | No | Yes<br>Pine Tree, Moreton Bay Fig (CA 2063 Deutgam Parish &CA 2004 Mambourin Parish)<br>Peppercorn tree (1 Guyra Ct, Werribee) | Yes | No | No | No | No |

| PS map ref | Heritage place | External paint controls apply? | Internal alteration controls apply? | Tree controls apply? | Solar energy system controls apply? | Outbuildings or fences not exempt under Clause 43.01-4 | Included on the Victorian Heritage Register under the Heritage Act 2017? | Prohibited uses permitted? | Aboriginal heritage place? |
|---|---|---|---|---|---|---|---|---|---|
| | | | | Elm Trees (23 & 25 Quarbing Street, Werribee, 178 Werribee Street North, Werribee)<br>Elm Tree (16 & 18 Wattamolla Drive, Werribee) | | | | | |
| HO103 | Little House<br>56-58 Wattle Ave, Reserve on Bowery Court and 77, 85 & 87 Wattle Ave, Werribee<br>The heritage place is the house, mature trees within the property grounds, the mature trees in the reserve to the north, and olive trees on eastern side of road at 77, 85 & 87 Wattle Ave. | No | No | Yes | Yes | No | No | No | No |
| HO104 | Chirnside Park<br>Pt CA 3 Sec 5A Psh Deutgam<br>Watton Street, Werribee | No | No | Yes | Yes | No | No | No | No |

| PS map ref | Heritage place | External paint controls apply? | Internal alteration controls apply? | Tree controls apply? | Solar energy system controls apply? | Outbuildings or fences not exempt under Clause 43.01-4 | Included on the Victorian Heritage Register under the Heritage Act 2017? | Prohibited uses permitted? | Aboriginal heritage place? |
|---|---|---|---|---|---|---|---|---|---|
| | The heritage place is the whole of the park, including mature trees and remnant vegetation along the river, the grandstand and kiosk, entry gates, Hume and Hovell memorial, earlier swimming pool (in the river). The recent building and facilities are not included. | | | | | | | | |
| HO105 | Troup Park and Weighbridge<br>Watton Street, Werribee<br>The heritage place is the reserve, weighbridge building and apparatus. | - | - | Yes | Yes | No | No | No | No |
| HO106 | War Memorial<br>Cnr Watton Street and Station Place, Werribee<br>The heritage place is the war memorial and immediate setting. | - | - | No | Yes | No | No | No | No |
| HO107 | Deney's Clock<br>Cnr Watton Street and Station Place, Werribee<br>The heritage place is the clock. | - | - | - | Yes | - | No | No | No |
| HO109 | Callanan's Chemist<br>47 Watton Street, Werribee | - | - | - | - | - | Yes Ref No<br>H1956 | No | - |
| HO110 | Former Shire Hall<br>49 Watton Street, Werribee | No | No | No | Yes | No | No | No | No |

| PS map ref | Heritage place | External paint controls apply? | Internal alteration controls apply? | Tree controls apply? | Solar energy system controls apply? | Outbuildings or fences not exempt under Clause 43.01-4 | Included on the Victorian Heritage Register under the Heritage Act 2017? | Prohibited uses permitted? | Aboriginal heritage place? |
|---|---|---|---|---|---|---|---|---|---|
| | The heritage place is the whole building excluding recent additions to the rear. | | | | | | | | |
| HO111 | Milk Bar and Bolero Cards and Gifts<br>63-65 Watton Street, Werribee<br>The heritage place is the shop plus some internal features, in particular the strong room at 63 Watton Street. | No | Yes | No | Yes | No | No | No | No |
| HO112 | Commercial Hotel<br>101-111 Watton Street, Werribee<br>The heritage place is the hotel. | No | No | No | Yes | No | No | No | No |
| HO113 | Bridge Hotel<br>197-199 Watton Street, Werribee<br>The heritage place is the 1926 hotel, excluding the drive in bottle shop and other recent additions. | No | No | No | Yes | No | No | No | No |
| HO114 | Silver Birches, 211 Watton Street, Werribee.<br>Tree controls apply to Norfolk Pines. | - | - | Yes | Yes | No | No | No | No |
| HO115 | Masonic Centre, 223 Watton Street, Werribee. | - | - | Yes | Yes | No | No | No | No |
| HO116 | House<br>23-25 Wedge Street South, Werribee<br>The heritage place is the house. | No | No | No | Yes | No | No | No | No |

| PS map ref | Heritage place | External paint controls apply? | Internal alteration controls apply? | Tree controls apply? | Solar energy system controls apply? | Outbuildings or fences not exempt under Clause 43.01-4 | Included on the Victorian Heritage Register under the Heritage Act 2017? | Prohibited uses permitted? | Aboriginal heritage place? |
|---|---|---|---|---|---|---|---|---|---|
| HO117 | House<br>36 Wedge Street, Werribee<br>The heritage place is the house and fence. | No | No | No | Yes | No | No | No | No |
| HO118 | Rockleigh<br>111 Werribee Street, Werribee<br>The heritage place is the house only. | No | No | No | Yes | No | No | No | No |
| HO119 | Skeleton Creek Water Reserve and Water Holes<br>Pt CA 3 Sec 15 Psh Truganina<br>Woods Road, Truganina<br>The heritage place is the water reserve as shown on the Parish of Truganina plan, the waterholes just downstream of the confluence of Dry Creek and Skeleton Creek and the dry stone walls and the remnants of the bluestone building. | No | No | No | Yes | Yes | No | No | No |
| HO121 | McNaughton Reserve<br>95-109 You Yangs Road, Little River<br>The heritage place is the extent of the reserve and its landscape features. | No | No | Yes | Yes | No | No | No | No |
| HO122 | Grant Bridge<br>You Yangs Road, Little River<br>The heritage place is the bridge. | Yes | No | No | Yes | No | No | No | No |
| HO123 | St Michael's Catholic Church | No | No | Yes | Yes | No | No | No | No |

| PS map ref | Heritage place | External paint controls apply? | Internal alteration controls apply? | Tree controls apply? | Solar energy system controls apply? | Outbuildings or fences not exempt under Clause 43.01-4 | Included on the Victorian Heritage Register under the Heritage Act 2017? | Prohibited uses permitted? | Aboriginal heritage place? |
|---|---|---|---|---|---|---|---|---|---|
| | 1-3 You Yangs Road, Little River<br>The heritage place is the church building, three large sugar gums along road way forming part of the setting for the church, and visual links between the church, the former Methodist church and railway station complex. | | | | | | | | |
| HO124 | Little River Recreation Reserve<br>15-31 You Yangs Road, Little River<br>The heritage place is the reserve, including memorial entrance gates and concrete pavilion. | No | No | Yes | Yes | No | No | No | No |
| HO125 | Truganina ARP Hall<br>Woods Road, Truganina<br>The heritage place is the ARP Hall and immediate surrounds, including playground equipment. | No | No | No | Yes | No | No | No | No |
| HO126 | Truganina Settlement Oak Tree<br>Cnr Dohertys & Woods Roads, Truganina<br>The heritage place is the oak tree. | No | No | Yes | Yes | No | No | No | No |
| HO127 | St Andrews Primary School<br>110-112 Greaves Street, Werribee<br>The heritage place is the original red brick building on the corner of Greaves and Stawell Streets. | No | No | No | Yes | No | No | No | No |

| PS map ref | Heritage place | External paint controls apply? | Internal alteration controls apply? | Tree controls apply? | Solar energy system controls apply? | Outbuildings or fences not exempt under Clause 43.01-4 | Included on the Victorian Heritage Register under the Heritage Act 2017? | Prohibited uses permitted? | Aboriginal heritage place? |
|---|---|---|---|---|---|---|---|---|---|
| HO128 | Former Convent of St Joseph of the Sacred Heart<br>31-39 Mortimer Street, Werribee<br>The heritage place is the large single storey brick complex and surrounds. | No | No | No | Yes | No | No | Yes | No |
| HO129 | Carroll House (Toowoomba)<br>32 River Street, Little River<br>The heritage place is the entire site excluding the recent lean to addition to the dwelling. | No | No | No | Yes | No | No | No | No |
| HO130 | Little River Farmers Common Stone Walls<br>The heritage place is the dry stone walls either side of Edgars Road, Little River, and walls extending perpendicular for 100 metres either side and along Narraburra Road, McPhersons Road and Bulban Road. | No | No | No | Yes | Yes | No | No | No |
| HO131 | Wesleyan Chapel Site<br>West of 865 Boundary Road, Tarneit/Truganina (Lot 1 TP23043)<br>The heritage place includes the dry stone walls around the former Wesleyan chapel site and the encompassed land, including archaeological remains and garden walls from the chapel site, along Skeleton Creek and on the eastern boundary of the chapel reserve. | No | No | No | Yes | Yes | No | No | No |

| PS map ref | Heritage place | External paint controls apply? | Internal alteration controls apply? | Tree controls apply? | Solar energy system controls apply? | Outbuildings or fences not exempt under Clause 43.01-4 | Included on the Victorian Heritage Register under the Heritage Act 2017? | Prohibited uses permitted? | Aboriginal heritage place? |
|---|---|---|---|---|---|---|---|---|---|
| HO132 | Ballan Road Walls, Werribee | No | No | No | Yes | Yes | No | No | No |
| HO133 | Old Melbourne Road Walls<br>Little River Road, Little River between Old Melbourne Road and the Princes Freeway<br>The heritage place is the dry stone walls along both sides of Little River Road/Old Melbourne Road. | No | No | No | Yes | Yes | No | No | No |
| HO134 | A and B ranked dry stone walls | No | No | No | Yes | Yes | No | No | No |
| HO135 | Little River Farmers Common South<br>The heritage place is dry stone walls on Flinders Street, Rothwell Road and McLeans Road in the Little River township, to the south of the Melbourne-Geelong railway line | No | No | No | Yes | Yes | No | No | No |
| HO136 | Carter Avenue Precinct, Werribee<br>The heritage place is the dwellings, brick garages, and low height brick fences at 22-41 Carter Avenue, Werribee<br>**Statement of significance:**<br>Carter Avenue Precinct, Werribee<br>**Heritage design guidelines:**<br>Carter Avenue Precinct, Werribee - Heritage design guidelines | Yes | No | No | Yes | Yes - Front fences: 22, 24, 25, 26, 28, 32, 35, 39 Carter Avenue<br>Garages - 26, 28, 35, 37, 39 Carter Avenue | No | No | No |

## 43.02 DESIGN AND DEVELOPMENT OVERLAY

31/07/2018
VC148

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.

## 43.02-1 Design objectives

19/01/2006
VC37

A schedule to this overlay must contain a statement of the design objectives to be achieved for the area affected by the schedule.

## 43.02-2 Buildings and works

20/04/2026
VC307

### 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.
  - To the construction of a building or construction or carrying out of works for a small second dwelling if all the following requirements are met:
    - The building height must not exceed 5 metres.
    - The building must be finished using muted tones and colours.
- 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.

| Class of application | Provision |
|---|---|
| Construct a fence. | Clause 59.05 |
| Construct a building or construct or carry out works for: | Clause 59.05 |

| Class of application | Provision |
|---|---|
| ▪ A carport, garage, pergola, verandah, deck, shed or similar structure.<br>▪ An outdoor swimming pool.<br>The buildings and works must be associated with a dwelling. | |
| Construct a building or construct or carry out works with an estimated cost of up to $1,400,000 where the land is in an industrial zone. | Clause 59.05 |
| Construct a building or construct or carry out works with an estimated cost of up to $700,000 where the land is in a commercial zone or a Special Use Zone, Comprehensive Development Zone, Capital City Zone, Docklands Zone, Priority Development Zone, Activity Centre Zone or Precinct Zone. | Clause 59.05 |

### 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.

## 43.02-3 Subdivision

16/10/2025
VC288

### Permit requirement

A permit is required to subdivide land.

This does not apply if a schedule to this overlay specifically states that a permit is not required.

Subdivision must occur in accordance with any lot size or other requirement specified in a schedule to this overlay.

A permit may be granted to subdivide land which is not in accordance with any lot size or other requirement in a schedule to this overlay, unless the schedule specifies otherwise.

### VicSmart applications

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

| Class of application | Provision |
|---|---|
| Subdivide land to realign the common boundary between two lots where:<br>▪ The area of either lot is reduced by less than 15 percent.<br>▪ The general direction of the common boundary does not change. | Clause 59.01 |
| Subdivide land into lots each containing an existing building or car parking space where:<br>▪ The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.<br>▪ An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within five years prior to the application for a permit for subdivision. | Clause 59.02 |
| Subdivide land into two lots if:<br>▪ The construction of a building or the construction or carrying out of works on the land: | Clause 59.02 |

| Class of application | Provision |
|---|---|
| – Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.<br>– Has started lawfully.<br>▪ The subdivision does not create a vacant lot. | |
| Subdivide land into two lots if:<br>▪ A permit has been issued under a provision of a residential zone to construct up to two dwellings on the land and the permit has not expired.<br>▪ Each lot will contain either:<br>– one existing dwelling; or<br>– one dwelling permitted to be constructed in accordance with the permit. | Clause 59.02 |

### 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 Signs

31/07/2018
VC148

Sign requirements are at Clause 52.05 unless otherwise specified in a schedule to this overlay.

## 43.02-5 Application requirements

31/07/2018
VC148

An application must be accompanied by any information specified in a schedule to this overlay.

## 43.02-6 Decision guidelines

31/07/2018
VC148

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- The 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.

11/08/2022
C248wynd

## SCHEDULE 1 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO1**.

### PRINCES HIGHWAY CORRIDOR

### 1.0 Design objectives

11/08/2022
C248wynd

To maintain and enhance the existing Princes Highway streetscape, particularly the boulevard character by the:

- Provision of gateway treatments to Morris Road, Hoppers Lane and Derrimut Road;
- Setting of design standards for new development;
- Protection of vegetation on both public and private property;
- Requirement of enhanced planting on both public and private land;
- Provision of minimum setbacks for new development;
- Construction of service roads to the Princes Highway; and
- Minimisation of access point to the Princes Highway.

### 2.0 Buildings and works

11/08/2022
C248wynd

A permit is required to remove, destroy or lop any vegetation, and to construct a fence over one (1) metre high. The permit requirements of this overlay do not apply to the development of land for a single detached dwelling in the General Residential Zone.

All buildings and works that require a permit under this overlay should comply with the following standards unless it can be demonstrated that an alternative approach achieves the design objectives of this control:

- All façades of all buildings visible from the Princes Highway should be constructed of timber, glass, brick or concrete. Any buildings or works as described above should be painted and treated to the satisfaction of the Responsible Authority.
- For land on the southern side of the Princes Highway, buildings should be setback a minimum of 30 metres from the road reserve boundary.
- All driveways and car parking areas should be constructed of an impervious all weather seal coat such as concrete or bitumen;
- Open storage areas and garbage receptacles should not be visible from the Princes Highway.
- Any removal, destruction or lopping of vegetation should not destroy the integrity of the boulevard visual effect and should not adversely affect the amenity of the area. Tree planting on the road reserve and on private land should be consistent with the Princes Highway, Werribee Urban Design and Landscaping Protection Plan (June 1998).
- New buildings and works on the southern side of the Princes Highway, and to the east of Wattle Avenue should be constructed such that there is no direct access onto the Princes Highway. Any new development should make provision for service road access onto the Princes Highway.
- Any construction of a building or carrying out of works, including fencing over one (1) metre high should be consistent with the objectives and recommendations of the *Princes Highway, Werribee Urban Design and Landscaping Protection Plan (June 1998)* to the satisfaction of the Responsible Authority.

### 3.0 Subdivision

11/08/2022
C248wynd

None specified.

## 4.0 Signs

11/08/2022
C248wynd

None specified.

## 5.0 Application requirements

11/08/2022
C248wynd

None specified.

## 6.0 Decision guidelines

11/08/2022
C248wynd

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The design objectives of the schedule to the overlay.
- The impact of the development on the existing amenity and streetscape of the Princes Highway being a major gateway.
- The existing character of the Princes Highway corridor.
- The appearance of the proposed development.
- The design and layout of the proposed development including setbacks from property boundaries.
- The type and colour of building materials to be used and the proposed landscape treatment.
- The purpose of any vegetation removal and methods to replace removed vegetation.
- The objectives and recommendations of the *Princes Highway, Werribee Urban Design and Landscaping Protection Plan (June 1998)*.
- The need to retain vegetation which contributes to the boulevard character of the Princes Highway.
- The need to apply conditions requiring the developer to contribute to the construction of a service road.
- The need to apply conditions requiring the developer to provide for the enhancement of landscaping on the road reserve.
- The effect of advertising on the character of the Princes Highway.

11/08/2022
C248wynd

# SCHEDULE 2 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO1**.

## WESTERN GARDENS LIGHT INDUSTRIAL AREA

## 1.0 Design objectives

11/08/2022
C248wynd

To ensure that the standard of development in the Western Gardens Light Industrial Area is of a high quality given its strategic location and high exposure in relation to the Princes Freeway and Skeleton Creek. This area is also located at the entrance to Wyndham from the east.

## 2.0 Buildings and works

11/08/2022
C248wynd

No permit is required for works associated with a road within the Residential 1 Zone, Urban Floodway Zone, and Industrial 3 Zone, and Public Acquisition Overlay required for the Palmers Road extension between Dunnings Road and the Melbourne to Geelong Railway line, in Point Cook.

All buildings and works must comply with the following standards, unless it can be demonstrated that an alternative approach achieves the design objective of this overlay control.

- The facade of all buildings facing the Princes Freeway must be constructed of brick or concrete. All other facades must be constructed with brick or concrete to a minimum height of 2 metres above ground level. Concrete tilt slab buildings must be painted or treated to the satisfaction of the responsible authority.
- Open storage areas and garbage receptacles must not be visible from any road, reserve or other public land.
- In the case of lots facing the Princes Freeway all buildings must be set back at least 10 metres from the frontage. For all other lots buildings must be set back at least 5 metres from the frontage. For corner lots buildings must be set back at least 3 metres from the side street boundary.
- In the case of lots facing the Princes Freeway a landscaping strip of at least 10 metres wide must be provided along and within the frontage. For all other lots a 5 metre wide landscaping strip must be provided along and within the frontage. For all corner lots a landscaping strip of at least 3 metres wide must be provided along and within the side street boundary.
- In respect of lots backing onto the Skeleton Creek reserve all buildings shall be setback at least 3 metres from the creek reserve boundary and this setback shall be fully landscaped.
- All driveways and car parking areas must be constructed of an impervious all-weather seal coat such as concrete or bitumen.
- Site coverage must not exceed 60 percent of the overall site area.

All development must be designed and sited to the satisfaction of the responsible authority and must provide a high level of design quality and visual amenity.

## 3.0 Subdivision

11/08/2022
C248wynd

None specified.

## 4.0 Signs

11/08/2022
C248wynd

None specified.

## 5.0 Application requirements

11/08/2022
C248wynd

None specified.

## 6.0 Decision guidelines

11/08/2022
C248wynd

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The impact of the development on the amenity and streetscape of the area particularly having regard to the proximity of the Princes Freeway and Skeleton Creek.
- The appearance of the proposed development.
- The design and layout of the proposed development including setbacks from property boundaries.
- The type and colour of building materials to be used and the proposed landscape treatment.

11/08/2022
C248wynd

# SCHEDULE 3 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO3**.

## OLD GEELONG ROAD INDUSTRIAL AREA

## 1.0 Design objectives

11/08/2022
C248wynd

To improve and enhance the Old Geelong Road streetscape by encouraging appropriate development adjacent to the road including the standard of fencing, landscaping, building setbacks and building facades.

## 2.0 Buildings and works

11/08/2022
C248wynd

All buildings and works fronting Old Geelong Road must comply with the following standards, unless it can be demonstrated that an alternative approach achieves the design objective of this overlay control.

- The facade of all buildings facing Old Geelong Road must be constructed of brick or concrete. Concrete tilt slab buildings must be painted or treated to the satisfaction of the responsible authority.
- Open storage areas and garbage receptacles must not be visible from Old Geelong Road.
- All buildings must be set back at least 15 metres from the frontage and at least 3 metres from a side street boundary.
- A landscaping strip of at least 5 metres wide must be provided along and within the frontage and at least 3 metres wide along and within a side street boundary.
- All driveways and car parking areas must be constructed of an impervious all-weather seal coat such as concrete or bitumen.

All development must be designed and sited to the satisfaction of the responsible authority and must provide a high level of design quality and visual amenity.

## 3.0 Subdivision

11/08/2022
C248wynd

None specified.

## 4.0 Signs

11/08/2022
C248wynd

None specified.

## 5.0 Application requirements

11/08/2022
C248wynd

None specified.

## 6.0 Decision guidelines

11/08/2022
C248wynd

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The impact of the development on the amenity and streetscape of Old Geelong Road being a major gateway into Hoppers Crossing.
- The appearance of the proposed development.
- The design and layout of the proposed development including setbacks from property boundaries.
- The type and colour of building materials to be used and the proposed landscape treatment.

11/08/2022
C248wynd

# SCHEDULE 4 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO4**.

## EYNESBURY STATION RURAL AREA

## 1.0 Design objectives

11/08/2022
C248wynd

To ensure that the rural areas of Eynesbury Station are managed and developed to maintain and enhance agricultural productivity.

To ensure any subdivision or dwelling approval only occurs where a demonstrated need is established in relation to an agricultural purpose and activity.

## 2.0 Buildings and works

11/08/2022
C248wynd

Permission is not required to construct a building or construct or carry out works except for a dwelling.

Buildings and works for a dwelling may only be approved where a need is demonstrated that it is required to facilitate the agricultural use and development of the land.

A dwelling must be sited and designed and include appropriate landscape treatments to minimise its impact on the visual amenity of the area.

Buildings and works for a dwelling is exempt from the notice requirements of Section 52(1)(a), 9b) and (d), the decision requirements of Section 60(1), (2) and (3) and the appeal rights of Section 82(1) of the Act.

## 3.0 Subdivision

11/08/2022
C248wynd

Any proposed subdivision must be in association with an agricultural or related rural purpose.

## 4.0 Signs

11/08/2022
C248wynd

None specified.

## 5.0 Application requirements

11/08/2022
C248wynd

None specified.

## 6.0 Decision guidelines

11/08/2022
C248wynd

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The objectives and relevant details of the Eynesbury Station Incorporated Plan, September 2001.
- The desire to enhance and diversify agricultural productivity in the area.
- The need to protect areas of environmental significance and undertake appropriate weed, pest and related management programs.
- Minimising the visual impact of development within the rural landscape.

11/08/2022
C248wynd

# SCHEDULE 5 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO5**.

## TARNEIT WEST NEIGHBOURHOOD ACTIVITY CENTRE

## 1.0 Design objectives

11/08/2022
C248wynd

The objectives of this Schedule are to ensure that the development:

- has regard to the amenity of nearby residential areas
- contributes to a high quality streetscape and neighbourhood character
- facilitates a range of public access opportunities for the site

## 2.0 Buildings and works

11/08/2022
C248wynd

All buildings and works should:

- have regard to the different interface constraints adjoining the site;
- activate the frontages of buildings addressing adjoining streets or roads where appropriate;
- include landscaping, pedestrian/cycle pathways to building entrances, and water sensitive urban design features within carparking areas;
- include weather protection at appropriate locations across the frontages to the building. These areas should include appropriate items of public amenity such as seating, bicycle hoops, rubbish bins, and plantings;
- activate public entrances to buildings. Design strategies might include widened pavement around entry points, location of shops near entries points, and appropriate aesthetic treatments;
- provide for acoustic fencing along residential boundaries.

## 3.0 Subdivision

11/08/2022
C248wynd

None specified.

## 4.0 Signs

11/08/2022
C248wynd

None specified.

## 5.0 Application requirements

11/08/2022
C248wynd

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- an Integrated Transport Plan which shows various forms of access to and from the site, and into the site. This should provide not only for private vehicles, but also for access via public transport, walking and cycling.
- a streetscape/viewshed analysis that addresses height, building scale, integration of built form, carparking and landscaping.

## 6.0 Decision guidelines

11/08/2022
C248wynd

In addition to the above, the following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Activity Centre Design Guidelines (Department of Sustainability and Environment 2005)
- Safer Design Guidelines (Department of Sustainability and Environment 2005)

11/08/2022
C248wynd

# SCHEDULE 6 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO6**.

## ALAMANDA MIXED USE PRECINCT

This Schedule applies to land within the Alamanda Estate on the south side of Sneydes Road, Point Cook

## 1.0 Design objectives

11/08/2022
C248wynd

This Schedule aims to ensure that development:

- incorporates an integrated, mixed use format
- has regard to and complements the existing and planned adjoining land uses
- has regard to the amenity of nearby residential areas
- contributes to a high quality streetscape and neighbourhood character
- facilitates a range of public access opportunities
- properly considers and integrates provision for the public and private realms

## 2.0 Buildings and works

11/08/2022
C248wynd

All Buildings and Works should:

- Utilise design strategies that encourage an appropriate integration of uses;
- Appropriately balance amenity between public and private spaces;
- Have regard to specific interface constraints and opportunities;
- Activate frontages where buildings address adjoining streets or roads;
- Provide landscaping and legible access treatments around building entrances;
- Provide water sensitive urban design features where appropriate.

In addition to the above, Non-Residential Development should:

- Be designed to allow for active public entrances to buildings. This might include appropriate entrance orientation, size and treatment of pavement around entry points, and aesthetic treatments;
- Provide for acoustic treatments to reduce noise levels where a development abuts a residential use;
- Include weather protection at the frontage to buildings. These areas might include items of public amenity such as seating, bicycle hoops, rubbish bins, and plantings;
- Screening of waste collection and open storage areas from residential areas, public streets and reserves.

In addition to the above, Residential Development should:

- provide medium density housing types;
- provide passive surveillance to adjoining streets or reserves;
- articulate facades towards adjoining streets or reserves;
- provide visitor parking within appropriate access to dwellings.

## 3.0 Subdivision

11/08/2022
C248wynd

None specified.

## 4.0 Signs

11/08/2022
C248wynd

None specified.

## 5.0 Application requirements

11/08/2022
C248wynd

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A Streetscape/Viewshed Analysis that addresses height, building scale, and the integration of built form, carparking and landscaping;
- Context Plans that consider relationships between adjoining uses and developments and proposed developments;
- A Traffic Management Plan that addresses traffic movements, traffic management measures, and parking requirements and provisions;
- A Landscape Plan;
- A Schedule of external materials.

## 6.0 Decision guidelines

11/08/2022
C248wynd

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Activity Centre Design Guidelines (Department of Sustainability and Environment 2005)
- Safer Design Guidelines (Department of Sustainability and Environment 2005)

11/08/2022
C248wynd

# SCHEDULE 7 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO7**.

## FEATHERBROOK NEIGHBOURHOOD ACTIVITY CENTRE

## 1.0 Design objectives

11/08/2022
C248wynd

This Schedule aims to ensure that development:

- Is internally integrated, with a well planned relationship between business premises;
- Has regard to and complements the existing and planned adjoining land uses;
- Has regard to the amenity of nearby residential areas;
- Contributes to a high quality streetscape and neighbourhood character;
- Facilitates safe public access; and
- Ensures that the Neighbourhood Activity Centre functions as a key component of the Featherbrook Village Precinct.

## 2.0 Buildings and works

11/08/2022
C248wynd

All buildings and works should:

- Appropriately balance amenity between public and private spaces;
- Have regard to specific interface constraints and opportunities;
- Provide activate frontages where buildings address car parking areas, main roads and, subject to neighbourhood amenity considerations, also to adjoining roads;
- Include landscaping;
- Provide legible access treatments around building entrances and to existing pedestrian and bicycle networks and public transport stops in accordance with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002, including weather protection at the frontage to buildings as appropriate;
- Provide seating, bicycle hoops and rubbish bins as appropriate;
- Provide for acoustic treatments to reduce noise levels, supplemented by screen planting to reduce visual impacts of acoustic treatments, where a development abuts a residential use;
- Screen waste collection and open storage areas from residential areas, public streets and/or reserves;
- Provide water sensitive urban design features where appropriate;
- Provide an appropriate interface with an affected residential use;
- Manage light glare from proposed buildings; and
- Provide for baffled lighting throughout the development.

## 3.0 Subdivision

11/08/2022
C248wynd

None specified.

## 4.0 Signs

11/08/2022
C248wynd

None specified.

## 5.0 Application requirements

11/08/2022
C248wynd

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A Streetscape/Viewshed Analysis that addresses height, building scale, and the integration of built form, car parking and landscaping;
- Context plans that have regard to, and complement, the relationship between adjoining uses and developments and proposed developments;
- A Traffic Management Report that addresses traffic movements, traffic management measures, and parking requirements and provisions, proposed bicycle parking provisions and any potential impact on public transport operations including proposals to relocate bus stops and change in road design;
- A Car Park Management Plan detailing management of trolleys, hours of operation and internal management of carpark areas;
- A Loading and Waste Collection Management Plan which details compliance with relevant EPA Guidelines and the hours for deliveries and collections;
- An Integrated Landscape Plan for the overall commercial centre;
- An Acoustic Report demonstrating compliance with SEPP-N1, relevant EPA Guidelines, detailing acoustic barriers and other measures to protect residential amenity;
- An integrated signage plan for the centre, for the indicative size and location of signage;
- A schedule of external materials and finishes.

## 6.0 Decision guidelines

11/08/2022
C248wynd

In addition to the above, the following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Activity Centre Design Guidelines (Department of Sustainability and Environment 2005).
- Safer Design Guidelines (Department of Sustainability and Environment 2005).
- The views of Public Transport Victoria on any applications for subdivision and/or buildings and works that propose any changes to:
  - Road design and intersection treatments;
  - The location of vehicle access and egress from Sneydes Road and Boardwalk Boulevard; and
  - Bus infrastructure including the location of bus stops.

11/08/2022
C248wynd

# SCHEDULE 8 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO8**.

## CNR SAYERS AND FORSYTH ROADS, WILLIAMS LANDING

## 1.0 Design objectives

11/08/2022
C248wynd

That all new development:

- Has regard to and complements the existing and planned adjoining land uses.
- Has regard to the amenity of nearby residential areas.
- Provides complementary landscaping and contributes to a high quality streetscape and neighbourhood character.
- Is of a high standard of architectural and urban design.
- Restricts direct access from Forsyth Road.

## 2.0 Buildings and works

11/08/2022
C248wynd

A planning permit is required to construct a fence.

All buildings and works should:

- Use strong architectural treatments to facades along Forsyth Road and Gadwell Crescent, including some glazing elements.
- Include weather protection at appropriate locations and encourage the appropriate items of public amenity such as seating, bicycle hoops, rubbish bins and plantings.
- Avoid blank walls along the street frontages.
- Demonstrate the use of graffiti prevention measures in the design.
- Include landscape setbacks on Sayers Road and Gadwell Crescent to match and complement the adjoining and adjacent commercial development.
- Include a minimum 3 metre landscaped setback from Forsyth Road.
- Encourage vehicle access via the existing carriageway easement from the eastern adjoining land and restrict access direct from Forsyth Road.
- Minimise extensive areas of hard stand areas for the car park by providing landscaping and the provision of screen trees throughout.
- Ensure that loading bays and waste collection points are screened from public view, and integrated into the development having regard to residential and arterial interfaces.
- Nominate areas on the facade for business identification signage to each premises to create a consistent theme.
- Provide water sensitive urban design features where appropriate.

## 3.0 Subdivision

11/08/2022
C248wynd

None specified.

## 4.0 Signs

11/08/2022
C248wynd

None specified.

## 5.0 Application requirements

11/08/2022
C248wynd

None specified.

## 6.0 Decision guidelines

11/08/2022
C248wynd

None specified.

11/08/2022
C248wynd

# SCHEDULE 10 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO10**.

## REGIONAL RAIL LINK SECTION 2 RAIL NOISE ATTENUATION

## 1.0 Design objectives

11/08/2022
C248wynd

To reasonably protect bedrooms from the impacts of noise generated by the operation of trains on land designated as the project area for Regional Rail Link Section 2 under Part 4 of the *Major Transport Projects Facilitation Act 2009.*

## 2.0 Buildings and works

11/08/2022
C248wynd

**Permits**

A permit is not required to construct a building or construct or carry out works other than for:

- Accommodation, a child care centre, a display home, a hospital, a hotel or a tavern.
- An acoustic wall or other acoustic structure that is not part of a building.

A permit is not required to construct a building or construct or carry out works for accommodation, a child care centre, a display home, a hospital, a hotel or a tavern if there is a restriction on the title to the land requiring compliance with the requirement described below.

**Requirement**

If a building includes a bedroom, the building (and associated works) must be constructed in such a way as to ensure internal bedroom noise levels will not exceed 65 dB $L_{Amax}$ and 40 dB $L_{Aeq,8h}$ for the night period from 10pm to 6am.

A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement.

**Exemption from notice and review**

An application to 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 if the noise attenuation measures are proposed as part of the affected building.

## 3.0 Subdivision

11/08/2022
C248wynd

**Requirement**

A permit to subdivide land must require a restriction on titles requiring buildings (and associated works) for accommodation, a child care centre, a display home, a hospital, a hotel or a tavern to be constructed in such a way as to ensure internal bedroom noise levels will not exceed 65 dB $L_{Amax}$ and 40 dB $L_{Aeq,8h}$ for the night period from 10pm to 6am. The restriction may include specific construction requirements to the satisfaction of the responsible authority.

A permit may not be granted to subdivide land which is not in accordance with this requirement.

**Exemption from notice and review**

An application to subdivide land is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

## 4.0 Signs

11/08/2022
C248wynd

None specified.

## 5.0 Application requirements

11/08/2022
C248wynd

An application to subdivide land or to construct a building or construct or carry out works must be accompanied by an acoustic assessment prepared by a qualified acoustic engineer or other suitably skilled person to the satisfaction of the responsible authority. The acoustic assessment must:

- Provide an assessment of noise levels on the land taking into account the likely noise levels associated with the ongoing operation of the Regional Rail Link.
- Include recommendations for noise attenuation measures designed to achieve the internal bedroom noise limits specified in the requirements in this schedule.

An application to subdivide land must also be accompanied by a design response that addresses the recommendations of the acoustic assessment and minimises the number of buildings requiring architectural noise attenuation treatments.

An application to construct, or carry out works for, an acoustic wall or other acoustic structure that is not part of a building must also be accompanied by a plan, elevations and other suitable material prepared to the satisfaction of the responsible authority showing:

- A visually engaging design avoiding the use of a sheer wall on either side of the structure.
- Landscaping along the interface area of the structure to soften its visual impact.

## 6.0 Decision guidelines

11/08/2022
C248wynd

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Any protection from noise offered by existing and planned built form.
- The degree of noise sensitivity of the proposed use in the building.
- Whether the proposed noise attenuation measures are likely to be effectively maintained over the lifetime of the building or structure.
- The impact of any non-building acoustic structure on the amenity of the area.
- The impact of the subdivision on the amenity and functionality of the area.

*Notes: The extent of the Design and Development Overlay represents land likely to be affected by rail noise of at least 80 dB $L_{Amax}$.*

*Reference in this schedule to:*

- *A bedroom means a room likely to accommodate a sleeping person on a regular basis including a children's rest area in a child care centre, a hotel room and a hospital ward.*
- *dB means decibels.*
- *$L_{Amax}$ means the maximum A-weighted sound pressure level and is the 95 percentile of the highest value of the A-weighted sound pressure level reached within the day or night.*
- *$L_{Aeq}$ means the equivalent continuous A-weighted sound pressure level and is the value of the A-weighted sound pressure level of a continuous steady sound that has the same acoustic energy as a given time-varying A-weighted sound pressure level when determined over the same measurement time interval.*

Background document: Passenger Rail Infrastructure Noise Policy (Department of Transport, Planning and Local Infrastructure, April 2013)

11/08/2022
C248wynd

# SCHEDULE 11 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO11**.

## BOUNDARY ROAD OFFICE & INDUSTRIAL PRECINCT

## 1.0 Design objectives

11/08/2022
C248wynd

To ensure that the Boundary Road Office and Industrial Precinct will be a high quality precinct with industries that share a desire to conduct business in a community with high functionality and urban design standards.

To enhance the visual and landscaping image of industrial and business areas, gateways and transport routes.

To ensure that the visual impact of carparking and loading facilities is minimised on main roads, prominent corner sites and lots facing residential areas and creeks.

To encourage finer grain development around the Kenning Road Town Centre.

To minimise land use conflicts and protect amenity between commercial and industrial land, and sensitive creek and residential interfaces.

To respect residential interfaces and ensure that development has regard to the amenity of nearby residential areas.

## 2.0 Buildings and works

11/08/2022
C248wynd

A permit is required to construct a fence.

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

### Siting

New development should be sited to:

- Clearly address the front street boundary (or boundaries).
- Be consistent and reinforce a cohesive and defined streetscape presentation.
- Provide an active interface or edge to the creek corridor.
- Provide main pedestrian entrances to buildings directly accessible from the street, and clearly visible.
- Provide zero metre setback from Tarneit Road.

### Building height

New development should provide a transition in building height from main roads to lower heights at sensitive interfaces. Recommended building height ranges:

- Boundary Road / major road frontages: 12–18 metres.
- Collector / local road frontages: 9–12 metres.
- Residential interfaces: 9 metres.
- Creek interfaces: 9 metres.

Architectural features/plant and equipment may exceed the height limits above.

### Design

- New development should be contemporary in expression and should utilise a mix of materials and colours particularly within the visible facades, to provide articulation to the buildings and visual interest to the street.

- Buildings at key gateway sites (intersections where viewlines along streets terminate) should create a focal point and use high quality architecture and incorporate elements of the landscape where possible.
- The design and layout of the development should maximise access, safety and amenity for pedestrians on site and from the public realm.

### Landscaping

- Landscaping should be hardy, have low water requirements, be low maintenance, and use indigenous vegetation (which are not known to be environmental weeds or invasive species).
- Development should be designed to incorporate the following recommended landscape setbacks (ground floor level):
  - Boundary Road / major road frontages: 6-10 metres;
  - Collector / local road frontages: 3-6 metres; and
  - Side setbacks (to adjoining lots): 2-4 metres.
- Where industrial or business sites share a boundary with residential properties, provide a minimum landscape setback of 6 metres from the adjoining boundary to vehicle movement or parking areas.
- Encourage the integration of small, communal or publicly accessible outdoor spaces on development sites and adjacent to the existing creek, and designed and located to encourage informal, passive recreational use.
- Large sites or multiple-building developments should incorporate pedestrian pathways and linkages, including along waterway and drainage reserves, to other parts of the development area, focussing on key destinations such as the town centre and public open spaces.

### Fencing

Fencing should be designed to:

- Maintain clear views of the building entranceto allow for passive surveillance of public spaces.
- Be semi-transparent and low scale and black poly-coated.

### Interfaces

- Uses that are likely to have a visual, acoustic or other amenity impact on residential areas or uses that occur after working hours (i.e. night time operations) should provide satisfactory visual or acoustic screening within the property boundary where required.

### Services

- An area on the subject land should be set aside for the purpose of a waste disposal/collection bin(s).
- Waste collection/utilities/plant/infrastructure should not be visible from the public realm.
- Mechanical ventilation systems should be located behind the building line and incorporated into the building where possible.

### Car parking, vehicle access and loading

A new development should be planned to achieve the following:

- Car parking and loading facilities to the side or rear of any buildings, with limited visitor parking incorporated in frontage areas.
- Encourage shared parking areas for large developments.
- Include trees spaced evenly throughout the car park at a ratio of 1 every 6 bays.

- Clear pedestrian paths that are separated from main vehicle access ways.
- Minimisation of vehicle crossovers.
- Loading and servicing should generally be located away/out of view from street, residential interface or creek/public realm interface.

### Environmentally Sustainable Design

Infrastructure design and delivery and new development should encapsulate best practice sustainability principles, with consideration and integration of:

- passive solar design
- rainwater harvesting
- on-site and/or precinct-wide energy generation systems, and
- Water Sensitive Urban Design components.

For the purposes of this guideline 'best practice' is defined as a combination of commercially proven techniques, methodologies and systems, appropriate to the scale of development and site specific opportunities and constraints, which are demonstrated and locally available and have already led to optimum ESD outcomes. Best practice in the built environment encompasses the full life of the build.

### Lighting

- Subtle lighting of buildings from outside is encouraged, to enhance visual effects, access and legibility at night.
- Lighting is to be designed to avoid light spill onto neighbouring properties and landscapes.

### Signage

- Signage panels should be incorporated into the building façade at design stage.
- Co-location of signage of multiple occupancies is encouraged in order to reduce clutter.
- Signage should not be located on fences.

## 3.0 Subdivision

11/08/2022 C248wynd

None specified.

## 4.0 Signs

11/08/2022 C248wynd

A permit is required to display a sign, except for directional signs.

## 5.0 Application requirements

11/08/2022 C248wynd

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A Streetscape/Viewshed analysis that addresses height, building scale, and the integration of built form, car parking and landscaping.
- Context plans that have regard to the relationship between adjoining uses and developments and proposed developments.
- A Traffic Management Report that addresses traffic movements, traffic management measures and parking requirements and provisions, bicycle parking provisions and pedestrian and vehicle circulation.

- A Loading and Waste Collection Management Plan which details compliance with relevant EPA Guidelines and the hours for deliveries and collections.
- An Acoustic Report demonstrating compliance with SEPP-N1, relevant EPA Guidelines, detailing acoustic barriers and other measures to protect residential amenity.
- An integrated Signage Plan including the indicative size and location of signage.
- A schedule of external materials and finishes.
- A Sustainable Design Assessment and Management Plan.
- A Lighting Plan, which provides location and details of external lighting.

## 6.0 Decision guidelines

11/08/2022
C248wynd

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the subdivision will allow for future infrastructure provision, particularly the construction of a service lane for vehicle access.
- The impacts of the proposed development on the road network.
- Safer Design Guidelines (Department of Sustainability and Environment 2005).

## 43.03 INCORPORATED PLAN OVERLAY

31/07/2018
VC148

Shown on the planning scheme map as **IPO** with a number.

### Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify areas which require:

- The form and conditions of future use and development to be shown on an incorporated plan before a permit can be granted to use or develop the land.
- A planning scheme amendment before the incorporated plan can be changed.

To exempt an application from notice and review if it is generally in accordance with an incorporated plan.

### 43.03-1 Requirement before a permit is granted

19/01/2006
VC37

A permit must not be granted to use or subdivide land, construct a building or construct or carry out works until an incorporated plan has been incorporated into this scheme.

This does not apply if a schedule to this overlay specifically states that a permit may be granted before an incorporated plan has been incorporated into this scheme.

A permit granted must:

- Be generally in accordance with the incorporated plan, unless a schedule to this overlay specifies otherwise.
- Include any conditions or requirements specified in a schedule to this overlay.

### 43.03-2 Exemption from notice and review

31/07/2018
VC148

An application under any provision of this planning scheme which is generally in accordance with the 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.

### 43.03-3 Decision guidelines

31/07/2018
VC148

Before deciding on an application under any provision of this scheme which is not generally in accordance with the incorporated plan, in addition to the decision guidelines in Clause 65, the responsible authority must consider:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The incorporated plan.
- Any other matters specified in a schedule to this overlay.

### 43.03-4 Preparation of the incorporated plan

25/02/2025
VC257

The incorporated plan may consist of plans or other documents and may, with the agreement of the planning authority, be prepared and implemented in stages.

An incorporated plan that provides for residential subdivision in the Neighbourhood Residential Zone, General Residential Zone, Housing Choice and Transport Zone, Residential Growth Zone, Mixed Use Zone, Township Zone, Comprehensive Development Zone and Priority Development Zone must meet the requirements of Clause 56 as specified in the zone.

The incorporated plan must describe:

- The land to which the plan applies.

- The proposed use and development of each part of the land.
- Any other requirements specified for the plan in a schedule to this overlay.

11/08/2022
C248wynd

## SCHEDULE 1 TO CLAUSE 43.03 INCORPORATED PLAN OVERLAY

Shown on the planning scheme map as **IPO1.**

### EYNESBURY STATION

### 1.0 Requirement before a permit is granted

19/01/2006
VC37

Prior to the commencement of development in accordance with the Eynesbury Station Incorporated Plan:

- Consolidation of Eynesbury Station into three key holdings:
  - the Eynesbury Station Township Precinct;
  - the Eynesbury Station Grey Box Forest Area; and
  - all other land within Eynesbury Station except for the Eynesbury Station Township Precinct and the Eynesbury Station Grey Box Forest Area.
- Creation of an unlimited body corporate established under the *Subdivision Act 1988* to include land covered by the relevant Incorporated Plan Overlay in both the Melton and Wyndham Planning Schemes.
- Preparation of Environmental Management Strategies as required by the *Eynesbury Station Incorporated Plan, September 2001* to the satisfaction of the Responsible Authority. The Environmental Management Strategies for Flora and fauna protection and enhancement; and Control of pest plants and animals must also be to the satisfaction of the Department of Natural Resources and Environment.
- Preparation of legal strategies as required by the *Eynesbury Station Incorporated Plan, September 2001* to the satisfaction of the Responsible Authority.

### 2.0 Permits not generally in accordance with the Incorporated Plan

19/01/2006
VC37

A permit may be granted for the following uses and developments that are not generally in accordance with the Incorporated Plan:

- Agriculture and any buildings or works in association with the use of the land for agricultural purposes.
- A fence.
- Extensions, additions or modifications to any existing use or development.

### 3.0 Conditions and requirements for permits

11/08/2022
C248wynd

None specified.

### 4.0 Decision Guidelines

11/08/2022
C248wynd

The following decision guidelines apply to an application for a permit under Clause 43.03 which is not generally in accordance with the incorporated plan, in addition to those specified in Clause 43.03 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Linkages between urban/recreation development and the farming/agricultural improvements.
- On-going environmental management of Eynesbury Station.
- Any subdivision of land in the Rural Zone must demonstrate agricultural and environmental benefits.

## 5.0 Preparation of the incorporated plan

11/08/2022
C248wynd

Any Incorporated Plan for the whole or part of Eynesbury Station shall address the following:

- The integrated environmental management of Eynesbury Station.
- The continued use of the bulk of Eynesbury Station for productive agriculture.
- The use and reuse of water from Surbiton Park Treatment Plant.
- The maintenance and improvement of water quality of Werribee River.
- The protection and enhancement of the environmental and heritage assets of Eynesbury Station.

14/07/2022
VC213

# SCHEDULE 2 TO CLAUSE 43.03 INCORPORATED PLAN OVERLAY

Shown on the planning scheme map as **IPO2**.

## BLACK FOREST ROAD SOUTH PRECINCT STRUCTURE PLAN

### Purpose

To conserve parts of Lollypop Creek and Black Swamp for functioning, sustainable populations of Growling Grass Frog.

To facilitate development of recreation and infrastructure associated with adjoining urban land uses.

To implement the Black Forest Road South Precinct Structure Plan.

## 1.0 Requirement before a permit is granted

14/07/2022
VC213

A permit granted must be generally in accordance with the *Black Forest Road South Precinct Structure Plan* unless otherwise agreed in writing by the Department of Environment and Primary Industries (DEPI).

An application which includes construction of a road or pedestrian bridge within the area on Plan 2 – Future Urban Structure within the *Black Forest Road South Precinct Structure Plan* as 'Encumbered Land for Conservation' must be accompanied by an Environmental Assessment Plan which addresses the following:

- A detailed environmental assessment to inform the alignment of any proposed road or pedestrian crossing of the Growling Grass Frog Category 1 habitat. The Environmental Assessment must show the location of all bridge footings and impacts of the siting and construction works to the satisfaction of the DEPI.
  - A planning permit application on land containing or abutting the Lollypop Creek Corridor or its tributaries and environs must be accompanied by a plan that shows:
- Natural features including trees and other significant vegetation, habitat for protected species, drainage lines, water courses, wetlands, ridgelines, hill tops and features of geomorphic significance.
- Recreation facilities to be provided within public open space.
- Stormwater facilities that are compliant with the relevant approved drainage strategy.
- The retention and removal of vegetation and any revegetation.
  - This requirement may be waived by the responsible authority.

## 2.0 Permits not generally in accordance with incorporated plan

14/07/2022
VC213

None specified.

## 3.0 Conditions and requirements for permits

14/07/2022
VC213

The conditions below must be applied to a permit for subdivision or buildings and works on land within the conservation area shown in the incorporated document unless the DEPI has confirmed in writing that the conditions have previously been met.

### Condition - Security of conservation land

A permit to subdivide land containing a 'conservation area' as shown in the *Black Forest Road Precinct Structure Plan* must include the following condition:

The owner of the land must, as part of the plan of subdivision (or the first plan of subdivision submitted for registration, in the case of any staged subdivision), create the 'conservation area' as a separate lot or reserve. The boundaries of the lot or reserve on the plan of subdivision are subject to the prior satisfaction 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* (Secretary). The owner must further secure the conservation area, by causing that lot or reserve to be vested, transferred, or protected in perpetuity in one of the following ways:

- Prior to a statement of compliance being issued for the plan of subdivision (or, in the case of a staged subdivision, the plan of subdivision or masterplan which implements the first stage of the subdivision), enter into an agreement under section 173 of the *Planning and Environment Act 1987* by which the owner agrees to transfer ownership of the conservation area to, or to vest the conservation area in, the Minister responsible for section 5 of the *Crown Land (Reserves) Act 1978*, the Council or Melbourne Water. The transfer or vesting must either be for no or nominal consideration. The Secretary and the person or body to whom the land is to be transferred or vested must also be a party to the agreement. The terms of the agreement must include that the owner pays the reasonable costs of the other parties to the agreement that were incurred for the preparation, execution, and registration of the agreement. The owner must cause the agreement to be registered prior to lodgement of the plan of subdivision for registration; or
- Prior to a statement of compliance being issued for the plan of subdivision (or, in the case of a staged subdivision, the plan of subdivision or masterplan which implements the first stage of the subdivision), enter into an agreement with the Secretary under section 69 of the *Conservation, Forests and Lands Act 1987*, which provides for the conservation and management of the conservation area by or on behalf of the owner in perpetuity. The terms of the agreement must include that the owner pays the reasonable costs of the Secretary incurred for the preparation, execution, and registration of the agreement. The owner must cause the agreement to be registered prior to lodgement of the plan of subdivision for registration.

The requirement to include the above condition does not apply if the permit applicant provides the responsible authority with a statement in writing from the Secretary, as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*, that the condition is not required because the Secretary is satisfied that either:

- the land containing the conservation area is expected to be further subdivided and a further planning permit will be required for that subdivision (to which the above condition requirement will apply); or
- the conservation area has been or will be otherwise secured in perpetuity.

### Condition - Fencing of conservation areas

A permit granted to subdivide land where works are required to carry out the subdivision, or a permit granted to construct a building or carry out works, on land including or abutting a conservation area as shown in the *Black Forest Road Precinct Structure Plan*, must include the following condition:

Prior to the commencement of development, a conservation area fencing plan must be submitted to and 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*) (Secretary) to ensure the conservation area is adequately protected. The fencing plan must contain the following:

- The boundaries of any conservation area, and the location of any scattered tree and the boundaries of any patch of native vegetation within the conservation area.
- The location and alignment of temporary protection fencing showing the following minimum distance from the element to be protected:

| Element | Distance |
|---|---|
| Conservation area | 0.5 metres |
| Scattered tree | 12 x diameter at a height of 1.3 metres |
| Patch of mative vegetation | 2 metres |

- The timing of installation and removal of temporary protection fencing.
- The timing of installation of permanent fencing.
- Location and details of ongoing maintenance vehicle access points.
- The type of temporary and permanent fencing including materials, heights and spacing of uprights.
- Frequency of inspections and rectification works for temporary protection fencing.

Once approved the plan will form part of the permit and must be implemented to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning and the responsible authority.

Stockpiles, fill, machinery, vehicle parking, excavation and construction activity of any kind must not be bought into, or be undertaken within, the area to be fenced, except with the prior written consent from the Secretary.

**Condition - Correct alignment of protective fencing**

Buildings and works must not commence until written evidence that protection fencing has been erected in accordance with the approved Conservation Area Fencing Plan is provided by a suitably qualified land surveyor to the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*) (Secretary), and the Secretary confirms it is satisfied by the evidence.

**Condition - Land management plan for conservation area**

A planning permit to subdivide land, construct a building, or construct or carry out works on or within 50 metres of land shown as a conservation area in the incorporated *Black Forest Road Precinct Structure Plan*must include the following condition:

Before works start, a Construction Environmental Management Plan consistent with *DELWP requirements for Construction Environmental Management Plans under the Melbourne Strategic Assessment* (Department of Environment, Land, Water and Planning, November 2020) must be submitted to and 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) and the responsible authority, demonstrating how the conservation area will be protected during works.

Once approved the plan will form part of the permit and must be implemented to the satisfaction of the Secretary and the responsible authority.

**Condition - Construction environment management plans**

A planning permit to subdivide land, construct a building, or construct or carry out works on or within 50 metres of land shown as a conservation area in the incorporated *Black Forest Road Precinct Structure Plan* must include the following condition:

Before works start, a Construction Environmental Management Plan consistent with *DELWP requirements for Construction Environmental Management Plans under the Melbourne Strategic Assessment* (Department of Environment, Land, Water and Planning, November 2020) must be submitted to and 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) and the responsible authority, demonstrating how the conservation area will be protected during works.

Once approved the plan will form part of the permit and must be implemented to the satisfaction of the Secretary and the responsible authority.

## 4.0 Decision guidelines

14/07/2022
VC213

Before deciding on an application the responsible authority must consider as appropriate:

- The consistency of the use or development with:
  - The *Biodiversity Conservation Strategy for Melbourne's Growth Corridors* (Department of Environment and Primary Industries, 2013).
  - The incorporated *Black Forest Road South Precinct Structure Plan*, April 2013.
  - Any relevant approval under Part 10 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).
  - Any management plan applying to the land under an agreement under section 69 of the *Conservation Forest and Lands Act 1987*.
- *Delivering Melbourne's Newest Sustainable Communities: Program Report* (Victorian Government, 2009).
- Whether use or development protects and enhances the biodiversity and other environmental values of the site and its surrounds.
- Any impacts from the construction or operation of the use or development on biodiversity and other environmental values and the ability for the land to be revegetated or rehabilitated.

## 5.0 Preparation of the incorporated plan

14/07/2022
VC213

None specified.

11/08/2022
C248wynd

## SCHEDULE 3 TO CLAUSE 43.03 INCORPORATED PLAN OVERLAY

Shown on the planning scheme map as **IPO3**.

### BALLAN ROAD PRECINCT STRUCTURE PLAN, WESTBROOK PRECINCT STRUCTURE PLAN & RIVERDALE PRECINCT STRUCTURE PLAN

#### Purpose

To conserve parts of the Werribee River and Davis Creek for functioning, sustainable populations of Growling Grass Frog.

To facilitate development of recreation and infrastructure associated with adjoining urban land uses.

### 1.0 Requirement before a permit is granted

11/08/2022
C248wynd

None specified.

### 2.0 General accordance with incorporated plans

11/08/2022
C248wynd

A permit granted must be generally in accordance with the incorporated plans as they apply to the land unless otherwise agreed in writing by the Department of Environment and Primary Industries.

### 3.0 Conditions and requirements for permits

11/08/2022
C248wynd

The conditions and requirements of the incorporated plans must be included in a permit.

### 4.0 Decision guidelines

11/08/2022
C248wynd

The following decision guidelines apply to an application for a permit under Clause 43.03 which is not generally in accordance with the incorporated plan, in addition to those specified in Clause 43.03 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Any endorsed program report applying to the land under Part 10 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

### 5.0 Preparation of the incorporated plan

11/08/2022
C248wynd

None specified.

11/08/2022
C248wynd

## SCHEDULE 4 TO CLAUSE 43.03 INCORPORATED PLAN OVERLAY

Shown on the planning scheme map as **IPO4**.

### TRUGANINA PRECINCT STRUCTURE PLAN & RIVERDALE PRECINCT STRUCTURE PLAN

#### Purpose

To conserve land for matters of national environmental significance.

To facilitate development of recreation and infrastructure associated with adjoining urban land uses

### 1.0 Requirement before a permit is granted

11/08/2022
C248wynd

None specified.

### 2.0 General accordance with incorporated plans

11/08/2022
C248wynd

A permit granted must be generally in accordance with the incorporated plan applying to the land unless otherwise agreed in writing by the Department of Environment and Primary Industries.

### 3.0 Conditions and requirements for permits

11/08/2022
C248wynd

The conditions and requirements of the incorporated plan applying to the land must be included in a permit.

### 4.0 Decision guidelines

11/08/2022
C248wynd

The following decision guidelines apply to an application for a permit under Clause 43.03 which is not generally in accordance with the incorporated plan, in addition to those specified in Clause 43.03 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Any endorsed program report applying to the land under Part 10 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

### 5.0 Preparation of the incorporated plan

11/08/2022
C248wynd

None specified.

04/09/2020
C219wynd

## SCHEDULE 5 TO CLAUSE 43.03 INCORPORATED PLAN OVERLAY

Shown on the planning scheme map as **IPO5**.

### QUANDONG PRECINCT STRUCTURE PLAN

## 1.0 Requirement before a permit is granted

04/09/2020
C219wynd

#### Use, development or subdivision of land – Environmental Site Assessment

An application to use, develop or subdivide land must be accompanied by an Environmental Site Assessment of the land by a suitably qualified environmental professional to the satisfaction of the responsible authority which takes account of '*Preliminary Site Investigation: Quandong Park PSP, Wyndham Vale, Vic.*' (Atma Environmental, 9 December 2014) and provides information including:

- Whether an Environmental Audit of all, or part, of the land is recommended having regard to the *Potentially Contaminated Land General Practice Note June 2005, DSE.*

Where the Environmental Site Assessment determines that an Environmental Audit is required, an application to use, develop or subdivide land must be accompanied by:

- A Certificate of Environmental Audit in accordance with Part IXD of the *Environment Protection Act 1970*; or
- A Statement of Environmental Audit in accordance with Part IXD of the *Environment Protection Act 1970*. A Statement must state that the site is suitable for the use and development allowed by this permit.

The responsible authority may waive this application requirement if:

- An Environmental Site Assessment for the subject land has been previously lodged with and approved by the responsible authority, and found that an environmental audit is not required; or
- A Certificate or Statement of Environmental Audit has previously been lodged with the responsible authority for the subject land.

## 2.0 Permits not generally in accordance with incorporated plan

04/09/2020
C219wynd

A permit granted must be generally in accordance with the incorporated plans as they apply to the land unless otherwise agreed in writing by the Secretary to the Department of Environment, Land Water and Planning and the responsible authority is satisfied that the development will not prejudice the orderly planning of the area having regard to the objectives of the Quandong Precinct Structure Plan.

## 3.0 Conditions and requirements for permits

14/07/2022
VC213

The requirements of the incorporated *Quandong Precinct Structure Plan, November 2018* must be included in a permit.

The following conditions and/or requirements also apply to permits:

#### Condition – Environmental Audit

A permit to use, develop or subdivide land must include the following condition if an Environmental Site Assessment has confirmed that an environmental audit is required:

- The approved use and/or development must not commence, and/or the plan of subdivision must not be certified, until the responsible authority is satisfied that the land is suitable for the intended use.

- If a Statement of Environmental Audit was lodged with the application, all the Conditions of the Statement must be carried out to the satisfaction of the responsible authority prior to the commencement of the use and/or development, and/or prior to the certification of a Plan of Subdivision or a stage of subdivision under the *Subdivision Act 1988*. Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the responsible authority. In addition, sign off must be in accordance with any requirements in the Statement conditions regarding verification of works.
- Where there are conditions on a Statement of Environmental Audit that require significant ongoing maintenance and/or monitoring, the responsible authority may require the applicant to enter into a Section 173 Agreement under the *Planning and Environment Act 1987*. The Agreement must be executed on title prior to the commencement of the use and prior to the issue of a Statement of Compliance under the *Subdivision Act 1988*. The applicant must meet all costs associated with drafting and execution of the Agreement, including those incurred by the responsible authority.
- Any further requirements made by the responsible authority after having regard to the guidance set out in the *General Practice Note on Potentially Contaminated Land June 2005* (DSE) must also be carried out to the satisfaction of the responsible authority.

### Condition – Construction Environmental Management Plan

A planning permit to subdivide land, construct a building, or construct or carry out works on or within 50 metres of land shown as a conservation area in the incorporated *Quandong Precinct Structure Plan* must include the following condition:

Before works start, a Construction Environmental Management Plan consistent with *DELWP requirements for Construction Environmental Management Plans under the Melbourne Strategic Assessment* (Department of Environment, Land, Water and Planning, November 2020) must be submitted to and 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*) and the responsible authority, demonstrating how the conservation area will be protected during works.

Once approved the plan will form part of the permit and must be implemented to the satisfaction of the Secretary and the responsible authority.

### Condition – Fencing of conservation areas

A permit granted to subdivide land where works are required to carry out the subdivision, or a permit granted to construct a building or carry out works, on land including or abutting a conservation area as shown in the *Quandong Precinct Structure Plan*, must include the following condition:

Prior to the commencement of development, a conservation area fencing plan must be submitted to and 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*) (Secretary) to ensure the conservation area is adequately protected. The fencing plan must contain the following:

- The boundaries of any conservation area, and the location of any scattered tree and the boundaries of any patch of native vegetation within the conservation area.
- The location and alignment of temporary protection fencing showing the following minimum distance from the element to be protected:

| Element | Distance |
|---|---|
| Conservation area | 0.5 metres |
| Scattered tree | 12 x diameter at a height of 1.3 metres |
| Patch of native vegetation | 2 metres |

- The timing of installation and removal of temporary protection fencing.
- The timing of installation of permanent fencing.
- Location and details of ongoing maintenance vehicle access points.
- The type of temporary and permanent fencing including materials, heights and spacing of uprights.
- Frequency of inspections and rectification works for temporary protection fencing.

Once approved the plan will form part of the permit and must be implemented to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning and the responsible authority.

Stockpiles, fill, machinery, vehicle parking, excavation and construction activity of any kind must not be bought into, or be undertaken within, the area to be fenced, except with the prior written consent from the Secretary.

**Condition – Correct alignment of protective fencing**

Buildings and works must not commence until written evidence that protection fencing has been erected in accordance with the approved Conservation Area Fencing Plan is provided by a suitably qualified land surveyor to the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*) (Secretary), and the Secretary confirms it is satisfied by the evidence.

**Condition – Land management plan for conservation area**

**A permit to subdivide land containing a conservation area as shown in the *Quandong Precinct Structure Plan* must include the following condition:**

**Prior to the commencement of development, a land management plan for the conservation area land must be prepared by a suitably qualified consultant, submitted to, and 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*) (Secretary). The land management plan must outline how the biodiversity values for the land identified in the *Biodiversity Conservation Strategy for Melbourne's Growth Corridors* (Department of Environment and Primary Industries, 2013) will be maintained, managed and improved, including:**

- How environmental weeds will be managed up until the securing of the conservation area.
- How any revegetation will be undertaken in coordination with weed management activities to prevent re-colonisation of weed species.
- How rubbish and hazards will be removed, and any contaminated material managed up until the securing of the conservation area.

**Once approved the plan will form part of the permit and must be implemented to the satisfaction of the Secretary and the responsible authority.**

**Conditions – Security of conservation land**

A permit to subdivide land containing a 'conservation area' as shown in the *Quandong Precinct Structure Plan* must include the following condition:

The owner of the land must, as part of the plan of subdivision (or the first plan of subdivision submitted for registration, in the case of any staged subdivision), create the 'conservation area' as a separate lot or reserve. The boundaries of the lot or reserve on the plan of subdivision are subject to the prior satisfaction 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* (Secretary). The owner must further secure the conservation area, by causing that lot or reserve to be vested, transferred, or protected in perpetuity in one of the following ways:

• Prior to a statement of compliance being issued for the plan of subdivision (or, in the case of a staged subdivision, the plan of subdivision or masterplan which implements the first stage of the subdivision), enter into an agreement under section 173 of the *Planning and Environment Act 1987* by which the owner agrees to transfer ownership of the conservation area to, or to vest the conservation area in, the Minister responsible for section 5 of the *Crown Land (Reserves) Act 1978*, the Council or Melbourne Water. The transfer or vesting must either be for no or nominal consideration. The Secretary and the person or body to whom the land is to be transferred or vested must also be a party to the agreement. The terms of the agreement must include that the owner pays the reasonable costs of the other parties to the agreement that were incurred for the preparation, execution, and registration of the agreement. The owner must cause the agreement to be registered prior to lodgement of the plan of subdivision for registration; or

• Prior to a statement of compliance being issued for the plan of subdivision (or, in the case of a staged subdivision, the plan of subdivision or masterplan which implements the first stage of the subdivision), enter into an agreement with the Secretary under section 69 of the *Conservation, Forests and Lands Act 1987*, which provides for the conservation and management of the conservation area by or on behalf of the owner in perpetuity. The terms of the agreement must include that the owner pays the reasonable costs of the Secretary incurred for the preparation, execution, and registration of the agreement. The owner must cause the agreement to be registered prior to lodgement of the plan of subdivision for registration.

The requirement to include the above condition does not apply if the permit applicant provides the responsible authority with a statement in writing from the Secretary, as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*, that the condition is not required because the Secretary is satisfied that either:

• the land containing the conservation area is expected to be further subdivided and a further planning permit will be required for that subdivision (to which the above condition requirement will apply); or

• the conservation area has been or will be otherwise secured in perpetuity.

All to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning.

## 4.0 Decision guidelines

14/07/2022
VC213

Before deciding on an application the responsible authority must consider as appropriate:

- The consistency of the use or development with:
  - The *Biodiversity Conservation Strategy for Melbourne's Growth Corridors* (Department of Environment and Primary Industries, 2013).
  - The incorporated *Quandong Precinct Structure Plan*, November 2018.
  - Any relevant approval under Part 10 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).
  - Any management plan applying to the land under an agreement under section 69 of the *Conservation Forest and Lands Act 1987*.
- *Delivering Melbourne's Newest Sustainable Communities: Program Report* (Victorian Government, 2009).
- Whether use or development protects and enhances the biodiversity and other environmental values of the site and its surrounds.
- Any impacts from the construction or operation of the use or development on biodiversity and other environmental values and the ability for the land to be revegetated or rehabilitated.

## 5.0 Preparation of the incorporated plan

04/09/2020
C219wynd

None specified.

## 43.04 DEVELOPMENT PLAN OVERLAY

31/07/2018
VC148

Shown on the planning scheme map as **DPO** with a number.

### Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.

To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.

## 43.04-1 Objectives

31/07/2018
VC148

A schedule to this overlay may specify objectives to be achieved for the area affected by the overlay.

## 43.04-2 Requirement before a permit is granted

31/07/2018
VC148

A permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority.

This does not apply if a schedule to this overlay specifically states that a permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority.

A permit granted must:

- Be generally in accordance with the development plan.
- Include any conditions or requirements specified in a schedule to this overlay.

## 43.04-3 Exemption from notice and review

31/07/2018
VC148

If a development plan has been prepared to the satisfaction of the responsible authority, an application under any provision of this planning scheme is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

## 43.04-4 Preparation of the development plan

25/02/2025
VC257

The development plan may consist of plans or other documents and may, with the agreement of the responsible authority, be prepared and implemented in stages.

A development plan that provides for residential subdivision in the Neighbourhood Residential Zone, General Residential Zone, Housing Choice and Transport Zone, Residential Growth Zone, Mixed Use Zone, Township Zone, Comprehensive Development Zone and Priority Development Zone must meet the requirements of Clause 56 as specified in the zone.

The development plan must describe:

- The land to which the plan applies.
- The proposed use and development of each part of the land.
- Any other requirements specified for the plan in a schedule to this overlay.

The development plan may be amended to the satisfaction of the responsible authority.

11/08/2022
C248wynd

## SCHEDULE 1 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO1**.

**TRUGANINA DEVELOPMENT PLAN**

### 1.0 Objectives

11/08/2022
C248wynd

None specified.

### 2.0 Requirement before a permit is granted

11/08/2022
C248wynd

None specified.

### 3.0 Conditions and requirements for permits

11/08/2022
C248wynd

Prior to the grant of a permit for any use or development the responsible authority must consider whether the proposed use or development is appropriate having regard to the type and extent of services likely to be required for the use or development, the load which may be imposed on infrastructure and the availability and capacity of infrastructure services available or proposed.

### 4.0 Requirements for development plan

11/08/2022
C248wynd

The development plan must be consistent with the Truganina Transitional Area Concept Plan and the Truganina Transitional Area Policy and show:

- The subdivision and development of land in stages including:
  - Stage 1 Initial Development Plan
  - initial lot layout
  - road reservation acquisitions
  - open space and required landscape buffers
  - other matters necessary to support the development
  - the lot layout must demonstrate an ability to be further subdivided in accordance with a detailed development plan for future development;
  - Stage 2 Detailed Development Plan
  - details of infrastructure including road reservations and notional future landuse intended for the ultimate subdivision of the land;
- Proposed road layout pattern having regard to the need to provide a movement network which provides safe and efficient internal and external access for vehicular traffic;
- Proposed lot layout having regard to the types of uses which are proposed or likely to develop, staging of subdivision and options for resubdivision;
- Provision for local service facilities;
- Provision of landscape setbacks to protect the function and amenity of main roads;
- Proposed uses of parts of the land;
- Existing and proposed vegetation and landscaping;
- Capacity and availability of water supply, sewerage, drainage, electricity and telecommunication services.

An initial development plan for the whole of the land may provide less detail than that for a part of the land having regard to the staging of development and the areas of the land proposed to be subdivided and developed.

Subdivision of the land must be in accordance with the development plan.

Any development plan may, from time to time, be amended or modified to the satisfaction of the responsible authority.

## 5.0 Exemptions

An application for the use and development of land for a cemetery 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 appeal 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, Business 5 zone, or land used or reserved for a hospital or school.

11/08/2022
C248wynd

# SCHEDULE 2 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO2**.

## FUTURE URBAN DEVELOPMENT AREAS

## 1.0 Objectives

11/08/2022
C248wynd

None specified.

## 2.0 Requirement before a permit is granted

11/08/2022
C248wynd

A Development Plan is required for each development cell as identified in the relevant Concept Plan.

Any Development Plan prepared under the provisions of this overlay must be prepared to the satisfaction of the responsible authority and must show:

- A clear indication of the location of all proposed land uses within the plan area.
- The proposed road layout pattern which:
  - Provides convenient internal and external access for residents;
  - Allows for the provision of public transport; and
  - Provides road links to surrounding areas.
- Proposed subdivision layout which:
  - Avoids lots backing onto waterways and public open space.
  - Provides convenient and safe pedestrian and bicycle networks including connections with designated public access along, within or adjoining waterway corridors.
  - Shows proposed lot layout, sizes and density which provide for a variety of housing types and for other compatible land uses.
  - Provides for lots oriented toward roads, public open space reserves and other public access areas.
  - Provides for adequate land for landscaping in road and public open space reserves.
  - Takes into account the topography of the land, particularly with regard to the provision of useable open space.
  - Provides well distributed local open space which is clearly visible and accessible to residents within the development area, and which is:
  - Located adjacent to a waterway corridor and any natural features which may exist on the site, including existing established vegetation, sites of flora and fauna/habitat value, or
  - Located on adjoining open space areas, and located with other features which may exist or be planned on the subject land including stormwater treatments, ornamental lakes, and significant archaeological or historical sites; or
  - Located within a waterway corridor subject to such a proposal being accompanied by an assessment which demonstrates that the open space will not compromise the environmental values of the waterway corridor.
  - Not within land set aside for the protection of identified environmental values of a site.
- Where relevant, the provision for local shops and community facilities and any non residential land use.
- The location of any major infrastructure easements that exist.

- Where appropriate, the provision of buffers from land used for industrial purposes.
- Sites of conservation, heritage and archaeological significance.
- Where appropriate, recognition of the impact of any aircraft noise impacts and identification of appropriate land uses within affected areas.

Where land contains or abuts a waterway, the following requirements also apply to Development Plans:

- Provision of an appropriate buffer to protect the identified values of a waterway corridor from negative impacts of urban development if such buffer has been determined based on the recommendations of the Environmental Assessment and Environmental Management Plan.
- Land abutting any identified buffer is to be used for construction of a road, landscaping, shared trail if required, public open space areas, estate entries and other similar public purposes.

Any approved Development Plan may be amended to the satisfaction of the responsible authority.

## 3.0 Conditions and requirements for permits

11/08/2022
C248wynd

A permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority for the following:

- One dwelling on an existing lot, including outbuildings, provided it is the only dwelling on the lot.
- Agriculture and any buildings or works in association with the use of the land for agricultural purposes.
- A fence.
- Minor extensions, additions or modifications to any existing use or development.

## 4.0 Requirements for development plan

11/08/2022
C248wynd

A Development Plan must be accompanied by and must address the recommendations of reports which identify the environmental, ecological, landscape, viewshed, archaeological, historical and cultural values and features of the site, including:'

- A Traffic Management Plan prepared by an appropriately qualified expert addressing: the impact of the development on the arterial and local road network; mitigation works required on the road network; funding responsibilities; connections to adjoining land; road hierarchy; cross sections; proposed traffic management devices; bicycle network; public transport routes and pedestrian links.
- An Environmental Assessment of the land, including:
  - a flora and fauna survey, which identifies existing vegetation or habitat of international, national, state, regional or local significance required to be protected and enhanced in adjacent waterways or the subject site; and
  - an assessment of the need for an additional buffer to the waterway corridor between the environmental values identified and the development line to protect any environmental values found.
- An Environmental Management Plan to the satisfaction of the Department of Sustainability and Environment and the Responsible Authority, indicating the measures to be adopted to protect, enhance and manage any identified environmental values. Environmental Assessments and Management Plans are to be prepared by a qualified consultant. Where species and habitats are covered by the Flora and Fauna Guarantee Act 1988 (Vic) or the Environment Protection and Biodiversity Conservation Act 199 (Cwth), Environmental Assessments are to be referred to the relevant Minister.

- An Archaeological Survey, to the satisfaction of Aboriginal Affairs Victoria and the Responsible Authority which will locate, record and assess Aboriginal sites and post-settlement places and objects of cultural and historical significance on the subject land, with representation from the local Aboriginal community. The recommendations of the survey will guide the subdivision design to ensure any significant features are preserved, protected and enhanced by the subdivision layout and design and the findings of the assessment are implemented. Any heritage sites as identified in any applicable heritage overlay, heritage study, conservation policy and/or conservation plan.
- An Overall Drainage Management Plan for the whole of the site including any external catchments.
- A Stormwater Management Plan detailing how stormwater will be collected and treated within the development, with particular emphasis on maintenance of pre-development (rural) flows and the removal of sediment, litter and other urban wastes from stormwater prior to its discharge to local watercourses. Stormwater treatments such as constructed wetlands are to be located on drainage lines outside the waterway corridor and away from natural wetlands. The Plan should demonstrate that the use of stormwater control structures (eg wetlands) will not adversely influence groundwater levels.
- A Landscape and Viewshed Analysis that identifies and protects important views associated with the waterway, including views within, to and from the waterways.
- The need for development abutting a waterway to incorporate appropriate design features such as the provision of appropriate setbacks, limiting height of buildings and the use of 50 percent transparent fencing along open space or waterway corridors.
- A Landscaping Concept Plan (for areas outside the waterway corridor to be transferred to public ownership) including:
  - street trees, understorey and ground planting, estate entries and plantings in other public areas to soften built form and enable a transition between riparian and other indigenous areas to exotic or groomed landscapes. The Plan should not use weed species known to colonise aquatic, wetland, riparian and farmland or rural ecosystems. The Plan should have regard to identified flora and fauna/habitat, archaeological, historical and cultural values within the subject site, and show how public open space is to be developed and managed.
  - planned passive recreation facilities (such as shared paths, seating, signage etc) with an assessment of the appropriateness of their location in terms of the environmental values that are to be protected at the site and within the waterway corridor, inclusive of the views of Melbourne Water.
- A Construction Management and an Environmental Impact Mitigation Plan to control impacts during development on environmental values including habitat, water quality, sites of biological and cultural significance and vegetation to be retained on the site. The Plan should include requirements to minimise generation of sediment on site and minimise the transport of sediment onto public roads and into drains and waterways.
- A preliminary soil assessment demonstrating the extent of any contaminated soils that may exist on the subject land, and if detected, a more detailed assessment outlining the location of the contaminated soil, the types of contaminants detected, strategies and procedures required to be undertaken to de-contaminate affected areas; and the identification of the extent of hazardous areas due to salinity.
- A site analysis and design response for the development plan demonstrating a response to site opportunities and constraints, with particular regard to:
  - The recommendations of any Traffic Management Plan, Environmental Assessment, Environmental Management Plan, Archaeological Survey, Construction Management and Waterway Mitigation Plan, Stormwater Management Plan, Landscape and Viewshed Analysis, Landscape Concept Plan, and Overall Drainage Management Plan;

- Identified heritage assets;
- The physical constraints of the site;
- Creation of a setback from a waterway corridor for construction of public access areas;
- Public open space requirements;
- Any policy or code for residential development and subdivision;
- The interface with adjoining uses and developments.

12/11/2020
C228wynd

## SCHEDULE 3 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO3**.

### 315 BOARDWALK BOULEVARD, POINT COOK

### 1.0 Objectives

12/11/2020
C228wynd

To facilitate the residential subdivision of the land consistent with the surrounding residential area.

### 2.0 Requirement before a permit is granted

12/11/2020
C228wynd

A permit may be granted to use or subdivide land, construct a building or carry out works before a development plan has been prepared to the satisfaction of the responsible authority provided it does not prejudice the orderly and proper planning of the area and the future development of the site.

### 3.0 Conditions and requirements for permits

05/05/2026
VC248

"The following conditions and/or requirements apply to permits:

- Except for a permit issued under Clause 2.0, a permit must contain conditions or requirements which give effect to the provisions and requirements of the approved Development Plan.
- Any planning permit issued for subdivision of the land must include the following conditions:
  - Prior to the issue of a Statement of Compliance, all aesthetically objectionable material, including but not limited to treated pine sleepers, concrete and polystyrene must be removed to the satisfaction of the Responsible Authority.
  - Prior to the issue of a Statement of Compliance, an environmental report prepared by a suitably qualified person must be prepared to confirm that all soils imported onto the site are assessed in accordance with EPA Industrial Waste Resource Guidelines (621 and 702) or any guidelines that supersede them.
- Any planning permit issued for building or works must include the following conditions, unless the Responsible Authority is satisfied that they have been previously complied with:
  - Prior to the construction of the building or carrying out of works, all aesthetically objectionable material, including but not limited to treated pine sleepers, concrete and polystyrene must be removed to the satisfaction of the Responsible Authority.

    Prior to the construction of the building or carrying out of works, an environmental report prepared by a suitably qualified person must be prepared to confirm that all soils imported onto the site are assessed in accordance with Environmental Protection Agency Industrial Waste Resource Guidelines (621 and 702) or any guidelines that supersede them.
- Any planning permit issued for subdivision of land located within the Bushfire Prone Area must include the following condition:
  - Prior to the date the Plan of Subdivision is certified 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 and must make application to the Registrar of Titles to have the agreement registered on the title to the land within the "Defendable space – BAL 12.5" area as identified in Figure 2 of the 315 Boardwalk Boulevard, Point Cook: Bushfire Management Statement (Brett Lane & Associates, June 2009) under Section 181 of the Planning and Environment Act 1987.

    The restriction must provide that:

Any dwellings constructed on the land must adhere to the minimum construction standards for BAL 12.5 rating under AS3959-2018 Construction of Buildings in Bushfire-prone Area (Standards Australia, 2018).

Defendable space is provided at distance of 21 metres and managed in accordance with the requirements of Table 4 of Clause 53.02 of the Wyndham Planning Scheme.

No residential lots are to be provided within the defendable space area.

The owner must pay the costs (including the Council's costs) of the preparation, drafting, finalisation, signing and recording of the agreement.

A copy of Title showing the Dealing number as issued by the Office of Titles must be provided to the Responsible Authority.

## 4.0 Requirements for development plan

05/05/2026
VC248

A development plan must include the following requirements:

- The development plan must be accompanied by a site analysis and design response for the site demonstrating a response to the site's opportunities and constraints with particular regard to the recommendations contained in the following reports:
  - A Landscape Concept Plan for roads, open space and the public realm. The plan should not use weed species known to the area. The landscape plan should enhance and complement the site, provide a high-quality landscape outcome and be sustainable;
  - A Stormwater Strategy;
  - A Preliminary Environmental Site Inspection and Hydrogeological Assessment;
  - A Cultural Heritage Management Plan;
  - An Engineering Servicing Report
  - A Transport Impact Assessment;
  - A Social and High-Level Economic Impact Assessment;
  - A Biodiversity Assessment;
  - *315 Boardwalk Boulevard, Point Cook: Bushfire Management Statement* (Brett Lane & Associates, June 2019).
- Provision of a design response for the site that responds to the requirements of this schedule, including the technical reports.
- Provision of a suitable design response to interfaces with adjoining land uses on all boundaries of the plan area.
- Provision of an indication of the location of all proposed land uses within the plan area and their interrelationship with the proposed lot layout of the subject land, to ensure a functional layout.
- Identification of the location of main pedestrian/cycle paths along corridors, which are to the residential lots through the environmental buffers.
- Identification of and response to environmental buffers to the Point Cook Creek and surrounding wetland.
- Identification of and response to any areas of remnant native vegetation and/or habitat present on the land.
- Identification of location of wetlands and open space required to manage stormwater within the plan area.
- Provision of a medium density residential area, designed to be integrated with the adjoining public open space.

- Provision of neighbourhood parks within 400 metres of at least 95% of dwellings, but at least 400 metres apart and at least 100 metres from the main sub-arterial road.
- Provide details of the proposed road layout pattern which:
  - Provides convenient internal and external access for residents.
  - Demonstrates an appropriate interface between residential properties and public open space reserves and roads.
  - Provides road links to surrounding areas.
  - Minimises the length of any bus route that is to be provided off the main sub-arterial road.
  - Meets emergency vehicle weight requirements and applicable vehicle access design and construction requirements (for length of access greater than 30 metres) in accordance with the requirements of Table 3 of Clause 53.02 of the Wyndham Planning Scheme.
  - Meets the water supply requirements of Table 2 and any other applicable fire authority requirements of Clause 53.02 of the Wyndham Planning Scheme.
  - Provides signage to restrict vehicle parking to one side of the road (if the road is less than 7.3m wide)
- Provide details of the general location and distribution of lots and details relating to:
  - Variety of lot sizes and densities to encourage a range of housing types and for other compatible land uses.
  - Consideration of the topography of the land particularly with regard to the provision of useable open space.
  - Achievement of the Principles contained in Plan Melbourne 2017-2050.
  - Sensitive interface onto adjoining residential land.
  - Stages of the development and the timing and provision of infrastructure and other key facilities associated with it.
  - Provision of well-distributed local open space which is not flood effected or constrained and is clearly visible and accessible to residents within the development area.
  - The location of any major existing infrastructure easements

**Background Documents**

- *315 Boardwalk Boulevard, Point Cook: Bushfire Management Statement* (Brett Lane & Associates, June 2019)
- *Site Contamination Assessment: 315 Boardwalk Boulevard, Point Cook, Victoria* (Prensa Pty Ltd, September 2019)

11/08/2022
C248wynd

## SCHEDULE 6 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO6**.

### DESIGNATED RESIDENTIAL GROWTH AREAS

## 1.0 Objectives

11/08/2022
C248wynd

None specified.

## 2.0 Requirement before a permit is granted

11/08/2022
C248wynd

A Development Plan prepared under the provisions of this overlay must be prepared to the satisfaction of the responsible authority.

A Development Plan must show:

- A clear indication of the location of all proposed land uses within the plan area.
- The proposed layout pattern which:
  - Provides a convenient and safe internal road network;
  - Provides a convenient and safe pedestrian network;
  - Provides for public transport and encourages the use of public transport;
  - Provides convenient and safe pedestrian and road linkages to surrounding areas;
  - Provides for a variety of lot sizes and housing types, incorporating energy efficient design elements that maximise energy efficiency and minimise greenhouse gases.
  - Provides for other compatible land uses;
  - Does not provide lots backing onto public open space reserves and roads;
  - Provides a sensitive residential interface with adjoining residential land;
  - Provides for local shops and community facilities and any non residential land use where appropriate;
  - Provides for adequate land for landscaping in road and public open space reserves.
  - Takes into account the topography of the land, particularly with regard to the provision of useable open space.
  - Identifies the location of any major infrastructure easements that exist;
  - Provides well distributed useable public open space (where required) which is:-
  - Clearly visible and accessible to residents within the subject site and from surrounding areas, providing a safe and convenient area to serve the recreational needs of future residents; and
  - located adjacent to a waterway corridor and any natural features which may exist on the site, including existing established vegetation, sites of flora and fauna/habitat value; or
  - located adjoining open space areas, and located with other features which may exist or be planned on the subject land including stormwater treatments, ornamental lakes and archaeological or historical sites; or
  - located within a waterway corridor subject to such a proposal being accompanied by an assessment which demonstrates that the open space will not compromise the environmental values of the waterway corridor.
  - not land set aside for the protection of identified environmental values of the site.
- The stages (if any) by which the development of the land is to proceed;

Where land contains or abuts a waterway, the following requirements also apply to Development Plans:

- Provision of an appropriate buffer to protect the identified values of the waterway corridor from negative impacts of urban development if such buffer has been determined based on the recommendations of the Environmental Assessment and Environmental Management Plan.
- Land abutting the waterway corridor or any identified buffer is to be used for construction of a road, landscaping, shared trail if required, public open space areas, estate entries and other similar public purposes.

Any approved Development Plan may be amended to the satisfaction of the responsible authority.

## 3.0 Conditions and requirements for permits

11/08/2022
C248wynd

A permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority for the following:

- One dwelling on an existing lot, including outbuildings, provided it is the only dwelling on the lot.
- Agriculture and any buildings or works in association with the use of the land for agricultural purposes.
- A fence.
- Minor extensions, additions or modifications to any existing use or development.

## 4.0 Requirements for development plan

11/08/2022
C248wynd

A Development Plan must be accompanied by and must address the recommendations of reports which identify the environmental, ecological, landscape, archaeological, historical and cultural values and features of the site, including:

- A Traffic Management Plan prepared by appropriately qualified experts addressing the impact of the development on the arterial and local road network; mitigation works required on the road network; funding responsibilities; connections to adjoining land; road hierarchy; cross sections; proposed traffic management devices; bicycle network; public transport routes and pedestrian links.
- The environmental, ecological, landscape, archaeological, historical and cultural values and features of the site, as identified in the following:
  - An environmental assessment of the land, including
    - a flora and fauna survey, which identifies existing vegetation or habitat of international, national, state, regional or local significance required to be protected and enhanced in the adjacent waterway or on the subject site; and
    - the need for an additional buffer between the environmental values identified and the development line to protect any environmental values found.
  - An Environmental Management Plan to be to the satisfaction of Department of Sustainability and Environment and the Responsible Authority indicating the measures to be adopted to protect, enhance and manage any identified environmental values. Environmental Assessments and Management Plans are to be prepared by a qualified consultant. Where species and habitats are covered by the Flora and Fauna Guarantee Act 1988 (Vic) or the Environment Protection and Biodiversity Conservation Act 199 (Cth), Environmental Assessments are to be referred to the relevant Minister.
  - An archaeological survey to the satisfaction of Aboriginal Affairs Victoria and the Responsible Authority which will locate, record and assess Aboriginal sites and post-settlement places and objects of cultural and historical significance on the subject land,

with representation from the local Aboriginal community. The recommendations of the survey will guide the subdivision design to ensure any significant features are preserved, protected and enhanced by the subdivision layout and design and the findings of the assessment are implemented.

- An Overall Drainage Management Plan for the whole of the site including any external catchments.
- A Stormwater Management Plan detailing how stormwater will be collected and treated within the development, with particular emphasis on maintenance of pre-development (rural) flows and the removal of sediment, litter and other urban wastes from stormwater prior to its discharge to local watercourses. Stormwater treatments such as constructed wetlands are to be located on drainage lines outside the waterway corridor and away from natural wetlands. The Plan should demonstrate that the use of stormwater control structures (eg wetlands) will not adversely influence groundwater levels.
- A Landscape and Viewshed Analysis that identifies and protects important views associated with the waterway, including views within, to and from the waterways.
- The need for development abutting a waterway to incorporate appropriate design features such as the provision of appropriate setbacks, limiting height of buildings and the use of 50 percent transparent fencing along open space or waterway corridors.
- A Landscaping Concept Plan (for areas outside the waterway corridor to be transferred to public ownership) including:
  - street trees, understorey and ground planting, estate entries and plantings in other public areas to soften built form and enable a transition between riparian and other indigenous areas to exotic or groomed landscapes. The Plan should not use weed species known to colonise aquatic, wetland, riparian and farmland or rural ecosystems. The Plan should have regard to identified flora and fauna/habitat, archaeological, historical and cultural values within the subject site, and show how public open space is to be developed and managed.
  - planned passive recreation facilities (such as shared paths, seating, signage etc) with an assessment of the appropriateness of their location in terms of the environmental values that are to be protected at the site and within the waterway corridor, inclusive of the views of Melbourne Water
- An assessment of stormwater infrastructure facilities subject to them being appropriately located in terms of the environmental values that are to be protected at the site and within the waterway corridor inclusive of the views of Melbourne Water.
- A Construction Management and an Environmental Impact Mitigation Plan to control impacts during development on environmental values including habitat, water quality, sites of biological and cultural significance and vegetation to be retained on the site. The Plan should include requirements to minimise generation of sediment on site and minimise the transport of sediment onto public roads and into drains and waterways.
- A preliminary soil assessment demonstrating the extent of any contaminated soils that may exist on the subject land, and if detected, a more detailed assessment outlining the location of the contaminated soil, the types of contaminants detected, strategies and procedures required to be undertaken to de-contaminate affected areas; and the identification of the extent of hazardous areas due to salinity.
- A site analysis and design response for the development plan demonstrating a response to the sites opportunities and constraints, with particular regard to:
  - The recommendations of any Environmental Assessment, Environmental Management Plan, Archaeological Survey, Construction Management and Waterway Mitigation Plan,

Stormwater Management Plan, Landscape Concept Plan, Landscape and Viewshed Analysis and Overall Drainage Management Plan;

- Identified heritage assets;
- The physical constraints of the site;
- Creation of a setback from a waterway corridor for construction of public access areas;
- Public open space requirements;
- Any policy or code for residential development and subdivision;
- The interface with adjoining uses and developments;

- The design response should also show, where appropriate:
  - The provision of buffers from land used for industrial purposes;
  - The recognition of the impact of any aircraft noise and identification of appropriate land uses within the affected areas;
  - The provision of physical infrastructure clearly demonstrating the ability to overcome any deficiency in water or sewerage supply;
  - Recognition of any high noise sources and attenuation devices intended to be used.
  - The need for financial or other contributions towards the provision of physical infrastructure, community and social facilities and services, transport infrastructure and services, and other matters as appropriate.
  - Whether the proposals meets a high standard of urban and landscape design.
  - Any applicable policy or code pertaining to residential development and subdivision.
  - Where required to be undertaken, the comments received after the Development Plan has been through a process of public consultation;
  - Any other matters which the Responsible Authority deems to be appropriate.

11/08/2022
C248wynd

## SCHEDULE 7 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO7**.

### EYNESBURY STATION

### 1.0 Objectives

11/08/2022
C248wynd

None specified.

### 2.0 Requirement before a permit is granted

11/08/2022
C248wynd

A development plan for the whole development plan overlay area as identified in the *Eynesbury Station Incorporated Plan, September 2001* is required. This plan may be prepared in part or as a whole.

Any development plan prepared under the provisions of this overlay must be prepared to the satisfaction of the Responsible Authority.

### 3.0 Conditions and requirements for permits

11/08/2022
C248wynd

A permit may be granted before a development plan has been prepared to the satisfaction of the Responsible Authority, for the following:

- Agriculture and any buildings or works in association with the use of the land for agricultural purposes.
- A fence.
- Minor extensions, additions or modifications to any existing use or development.

### 4.0 Requirements for development plan

11/08/2022
C248wynd

A development plan must show:

- All proposed land uses within the plan area.
- Proposed treatments of significant environmental, heritage and landscape features.
- Key access routes and linkages to surrounding region.
- Convenient and safe pedestrian, cycle and horse trail networks.
- The proposed staging of the development.
- The location and staging of community education, commercial, open space, and recreational facilities.
- Identification of relevant items of public infrastructure to be funded in the development by developer contributions.
- Application of the design philosophy, principles, objectives and particular provisions of the Eynesbury Station Incorporated Plan, September 2001.
- Implementation of relevant aspects of the environmental management strategies, management plans and legal strategies required by the *Eynesbury Station Incorporated Plan*, September 2001.

11/08/2022
C248wynd

## SCHEDULE 8 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO8**.

**LINCOLN HEATH**

## 1.0 Objectives

11/08/2022
C248wynd

None specified.

## 2.0 Requirement before a permit is granted

11/08/2022
C248wynd

Except with the consent of the responsible authority, a Development Plan is required for each development cell as identified in the relevant Concept Plan. Where no Concept Plan exists a Development Plan is required for each development site.

Any Development Plan prepared under the provisions of this overlay must be prepared to the satisfaction of the Responsible Authority.

A Development Plan must show:

A clear indication of the location of all proposed land uses within the plan area and their interrelationship with the proposed subdivision of the subject land.

The proposed road layout pattern which:

- Provides convenient internal and external access for residents;
- Allows for the provision of public transport; and
- Provides road links to surrounding areas.

Proposed subdivision layout which:

- Provides a wide variety of lots sizes and a wide range of densities allowing for a variety of housing types and for other compatible land uses;
- Avoids lots backing onto the Cunningham's Swamp;
- Provides a sensitive residential interface with adjoining residential land, including the provision of similar lot sizes where new lots will back onto existing lots in surrounding residential areas.
- Takes into consideration the topography of the land, particularly with regard to the provision of useable open space.
- Takes into account the Melbourne 2030 neighbourhood principles.
- Provides an appropriately designed interface that is responsive to adjoining green wedge land.
- Seeks to achieve a development density of 15 lots per hectare on the net developable residential land. The net developable residential land excludes open space, schools, community facilities, roads, public utilities, drainage reserves and the like.

Provision of well distributed local open space which is not flood effected or constrained and is clearly visible and accessible to residents within the development area. Where appropriate, this open space is to be integrated with areas and corridors of natural interest and significance.

Where relevant, the provision for local shops and community facilities and any non residential land use which are appropriately located and will integrate well with surrounding residential development and/or open spaces.

The location of any major infrastructure easements that exist.

A standard of development of the highest quality, building on the good level of residential development found in the neighbouring Lincoln Heath Estate.

Any approved Development Plan may be amended to the satisfaction of the Responsible Authority.

## 3.0 Conditions and requirements for permits

11/08/2022
C248wynd

A permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority for the following:

- One dwelling on an existing lot, including outbuildings, provided it is the only dwelling on the lot.
- Agriculture and any buildings or works in association with the use of the land for agricultural purposes.
- A fence.
- Minor extensions, additions or modifications to any existing use or development.

## 4.0 Requirements for development plan

11/08/2022
C248wynd

None specified.

## 5.0 Decision guidelines

A Development Plan must take into account the following:-

The environmental, ecological, landscape, archaeological, historical and cultural values and features of the site, as identified in the following:-

- An archaeological survey, which will locate, record and assess Aboriginal sites and post-settlement places and objects of cultural and historical significance on the subject land. The recommendations of the survey will guide the subdivision design to ensure the findings of the survey are implemented and any significant features are preserved, protected and enhanced by the subdivision layout and design. The archaeological survey is to be to the satisfaction of the Aboriginal Affairs Victoria and the Responsible Planning Authority.
- Where residential development and other works are proposed north of the former irrigation channel and east of the former lot 7 (or western most paddock), subsurface testing will be required to ascertain the extent of any Aboriginal archaeological material contained within this area of archaeological sensitivity. This subsurface testing is to be to the satisfaction of Aboriginal Affairs Victoria and the Responsible Authority. Any identified sites of Aboriginal significance should be protected through the subdivision design. Where protection is not possible, consent under relevant legislation will be required prior to the commencement of any works.
- An environmental assessment of the land, involving a flora and fauna survey, which identifies existing vegetation required to be protected and enhanced in the subdivision design, and the preparation of a Management Plan to aid in the protection and management of any identified environmental assets. This environmental assessment is to be to the satisfaction of the Department of Sustainability and Environment and the Responsible Authority.

The management plan required by this provision must:-

- outline objectives for the management of future public open spaces;
- must have a focus on the protection and enhancement of native vegetation and ecological processes whilst providing for public use which is sympathetic with these objectives;
- address how remnant vegetation will be protected from informal access which may be detrimental to the long term survival of that vegetation;
- include an assessment of any significant trees outside public reserves and outline the most appropriate way to protect them;

Any applicable heritage study and/or conservation policy.

Where appropriate, a site analysis and design response for the development plan demonstrating a response to the sites opportunities and constraints, with particular regard to the outcomes of any Environmental Assessment, Archaeological Survey, the physical constraints of the site, the interface with adjoining uses and developments, and the Cunningham's Swamp.

Where appropriate:

- the provision of buffers from land used for industrial purposes;
- the recognition of the impact of any aircraft noise impacts and identification of appropriate land uses within the affected areas;

An overall drainage management plan including external catchments, together with a stormwater management plan detailing how stormwater will be collected and treated within the development, with particular emphasis on the removal of sediment, litter and other urban wastes from stormwater prior to its discharge to local watercourses. The management plans must consider and address any potential impacts on adjoining ephemeral wetlands or drainage depressions.

A traffic management plan prepared addressing the impact of the development on the arterial and local road network, addressing mitigation works required on the road network in addition to funding responsibilities.

11/08/2022
C248wynd

# SCHEDULE 9 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO9**.

## WYNDHAM HARBOUR

## PURPOSE

The development plan provides the criteria to ensure the coordinated and integrated development of Wyndham Harbour.

## 1.0 Objectives

11/08/2022
C248wynd

None specified.

## 2.0 Requirement before a permit is granted

11/08/2022
C248wynd

Before a Development Plan has been prepared to the satisfaction of the Responsible Authority, a permit may be granted:

- for minor drainage works
- for minor earthworks
- for demolition of farm sheds
- to remove, destroy or lop vegetation
- for the provision of infrastructure services to the site
- to use and develop the land for the purpose of a temporary sales office and/or temporary display suite associated with the development of the land
- to erect and display signage associated with the development

Prior to the grant of any permit under this clause, the Responsible Authority must:

- send a copy of the permit application to the Department of Sustainability and Environment within 7 days of receipt of that permit application which the Responsible Authority considers provides sufficient information so as to allow assessment; and
- consider any written comments received from Department of Sustainability and Environment received within 14 days of sending that permit application to the Department of Sustainability and Environment.

## 3.0 Conditions and requirements for permits

11/08/2022
C248wynd

A planning permit authorising the development of the Wyndham Harbour must include the following conditions:

- The proponent must submit to the Responsible Authority a works methodology report to the satisfaction of Southern Rural Water demonstrating that the construction of the marina basin and inlet generally in accordance with the approved development plan will not have a material adverse effect upon the beneficial use of the underlying aquifer which forms part of the Deutgam Water Supply Protection Area (the Works Methodology Report).
- A Works Methodology Report to the satisfaction of Southern Rural Water must be submitted prior to the commencement of the construction of the marina basin and inlet.
- Prior to the submission of the Works Methodology Report, it must be reviewed by an independent hydrogeologist agreed by the proponent and Southern Rural Water or, failing agreement, as nominated by the President of the Australian Chapter of the International Association of Hydrogeologists (the independent review). A copy of the independent review must be submitted with the Works Methodology Report.

- The construction of the marina basin and inlet must be undertaken generally in accordance with the requirements of the approved development plan and the Works Methodology Report to the satisfaction of the Responsible Authority and Southern Rural Water.
- Any modification to the Works Methodology Report must be to the satisfaction of the Responsible Authority and Southern Rural Water.
- No access or works are to commence on Southern Rural Water's drainage reserve until a 'Private Works Agreement' has been entered into by the proponent and Southern Rural Water to the satisfaction of Southern Rural Water.
- Should the proponent wish to divert water from Southern Rural Water Drain 5 the proponent will need to enter into a separate agreement (to the satisfaction of Southern Rural Water) prior to any diversion commencing.
- Should a 'Private Works Agreement' be entered into between both parties, Southern Rural Water will not accept any responsibility or liability for the quality of water diverted to or from the proponents land or any escape of water from that land.

## 4.0 Requirements for development plan

11/08/2022
C248wynd

A Development Plan submitted for approval pursuant to this Schedule must be generally in accordance with a Land Use Framework Plan for Wyndham Harbour which has been submitted to and approved by the Responsible Authority.

The Land Use Framework Plan must show the general location of all proposed land uses within the plan area (onshore and offshore) and may be amended to the satisfaction of the Responsible Authority from time to time.

The Responsible Authority must consider the views of owners and occupiers of land and berths in Wyndham Harbour by giving not less than 21 days to provide comments on any changes to the Land Use Framework Plan.

A Development Plan must show, as appropriate:

- the location of all proposed land uses within the plan area (onshore and offshore) generally in accordance with the Wyndham Harbour Land Use Framework Plan;
- A proposed layout pattern which provides:-
  - a convenient and safe internal road network and car parking layout;
  - a convenient and safe pedestrian network;
  - convenient and safe pedestrian and road linkages to surrounding areas including coastal paths;
  - pedestrian linkages between the car park and the beach;
  - a continuous public path between the northern and southern sections of the foreshore reserve while allowing for movements associated with boating activities and marina operations;
  - for energy efficient building design elements that address energy efficiency and greenhouse gas emissions;
  - a sensitive interface with adjoining rural land;
  - for commercial and service facilities necessary to support the marina operations;
  - details of access arrangements to and from Duncans Road;
  - details of existing vegetation to be removed;
  - appropriate public open space which:-

- Includes land within the Public Park and Recreation Zone to be generally set aside for beach recreation, coastal paths and landscaping including revegetation.
- Takes into account the sensitivities of the coastal location, existing coastal vegetation and proposed water management systems such as water bodies
- Includes appropriate public access areas and facilities
- areas which are accessible to the public;
- The stages (if any) by which the development of the site is to proceed and information as to the timing and provision of infrastructure and other key facilities associated with the staging of the development;
- Building materials and colours to be muted tonings of low-reflective material;
- An outline of infrastructure treatment including road reservations, water supply, wastewater, overall drainage management plan, energy and telecommunication services;
- The location of the proposed pump houses for the sand by-pass operation and sewerage reticulation;
- The areas of the land where applications for licensed premises may be made in the future;
- Details of the variations to the requirements of clause 52.14 in relation to any boat sales on the land;
- Any other matters necessary to support the Wyndham Harbour development.

In accordance with clause 43.04-4, the development plan may be prepared in stages and a particular stage may provide only the relevant detail for the use and development of the part of the land in that stage to the satisfaction of the Responsible Authority.

Subdivision of the land must be generally in accordance with the development plan.

Prior to the approval of any development plan or any modification or amendment to an approved development plan under this clause, the Responsible Authority must:

- consider the views of owners and occupiers of land and berths in Wyndham Harbour by giving not less than 21 days to provide comments;
- send a copy of the development plan or the request for modification or amendment to an approved development plan to the Department of Sustainability and Environment within 7 days of receipt of that development plan or request which the Responsible Authority considers provides sufficient information so as to allow assessment; and
- consider any written comments received from Department of Sustainability and Environment received within 14 days of sending that development plan or request to the Department of Sustainability and Environment.

Any amendment or modification to the development plan relating to the Groundwater Protection Management Plan or the components of the Construction Environment Management Plan or the Operations Environment Management Plan which relate to groundwater protection must be to the satisfaction of Southern Rural Water. Southern Rural Water must notify the Responsible Authority as to whether it is satisfied with the amendments or modifications within 14 days of receiving notice of those amendments or modifications.

A Development Plan must be accompanied by:-

- the Site Analysis and the Design Guidelines Report
- the Transport Management Plan
- the Overall Drainage Management Plan
- the Landscape Plan

- the Supplementary Archaeological Report
- the Groundwater Protection Management Plan
- the Construction Environment Management Plan; and
- the Operations Environment Management Plan

('the Plans').

The Plans may be prepared in stages to the satisfaction of the Responsible Authority. The Plans may be amended from time to time in accordance with the requirements of this clause to the satisfaction of the Responsible Authority. The Plans must be implemented to the satisfaction of the Responsible Authority.

### Site Analysis and Design Guidelines Report

The Site Analysis and Design Guidelines Report must be to the satisfaction of the Responsible Authority and include design guidelines for all built form including indicative elevations, maximum building heights, setbacks and floor areas. The report must include an assessment of the proposed Development Plan against the Wyndham Harbour Design Guidelines approved by the Responsible Authority (or as subsequently amended to the satisfaction of the Responsible Authority from time to time). The Report must include a site analysis and design response for the Development Plan demonstrating a response to the site's opportunities and constraints, with particular regard to:

- the need to provide a safe harbour accessible to all craft in adverse weather conditions with associated services including haul out, refuelling , pump out and mechanical servicing facilities;
- the outcomes of the Wyndham Cove Marina Environment Effects Statement 2005;
- the physical constraints of the site;
- the need for creation of public access areas generally along the coastline and linking of coastal pathways;
- the need for rehabilitation of degraded indigenous coastal vegetation along the coastline;
- the interface with adjoining land used for rural purposes;
- any other matters which the Responsible Authority deems to be appropriate

The Report must also include information on the provision and enhancement of visitor amenities, the treatment of the interface between residential and non-residential land uses and outline arrangements for the maintenance of common areas in private ownership and public areas, including responsibilities of the stakeholders.

### Transport Management Plan

The Transport Management Plan must be to the satisfaction of the Responsible Authority and address:

- the impact of the development on the road network, mitigation works required on the road network, funding responsibilities, road hierarchy, proposed traffic management devices, carparking areas, areas for the loading and unloading of commercial vehicles, pedestrian and bicycle networks;
- carparking for the residential components in accordance with the requirements of clause 54 or 55 as appropriate;
- carparking for the non-residential components to the satisfaction of the Responsible Authority;
- details of safe, secure and accessible bicycle parking facilities in and around the Wyndham Harbour development and beach areas and demonstrating continuity of the Bay Trail;
- Prior to the approval of any development plan under this clause, the Responsible Authority must:

- send a copy of the Transport Management Plan to VicRoads within 7 days of receipt of that Transport Management Plan which the Responsible Authority considers provides sufficient information so as to allow assessment; and
- consider any written comments received from VicRoads within 14 days of sending that Transport Management Plan to VicRoads.

**Overall Drainage Management Plan**

- The Overall Drainage Management Plan, must be to the satisfaction of the relevant Drainage Authority and include details of any external catchments and a Stormwater Management Plan detailing how the stormwater will be collected and treated within the development;

**Landscape Plan**

- The Landscape Plan must be to the satisfaction of the Responsible Authority and include details of street trees, understorey and ground planting, rehabilitation of indigenous coastal vegetation along the coastline and plantings in other areas to soften built form. The plan should not use weed species known to colonise aquatic, wetland, marine and rural ecosystems and should have regard to the sensitivities of the coastal environment.

**The Landscape Plan must be consistent with the following objectives:**

- Develop landscapes to enhance and complement the site architecture;
- Integrate the natural environment in a manner appropriate to the site;
- Develop a high quality, long-term landscape theme;
- Assimilate the public with the private landscape to create a cohesive design; and
- Create and sustain a landscape that is aesthetically appealing, culturally appropriate and environmentally sensitive.

**Supplementary Archaeological Report**

- The supplementary archaeological report must be to the satisfaction of the Responsible Authority and Aboriginal Affairs Victoria and include an assessment of the marine portion of the development area to determine the likelihood of the presence of material relating to unlocated shipwrecks.

**Groundwater Protection Management Plan**

- The Groundwater Protection Management Plan must be to the satisfaction of Southern Rural Water and indicate the measures to be adopted to ensure that there are no materially adverse impacts on the groundwater resource or the existing users of that resource.

**Construction Environment Management Plan**

- The Construction Environment Management Plan must be to the satisfaction of the Responsible Authority and address:
  - terrestrial and marine ecology;
  - water quality;
  - dredging associated with the boat harbour construction and maintenance activities having regard to the Best Practice Environmental Management Guidelines Environment Protection Authority, October 2001;
  - air quality;
  - erosion mitigation and control;
  - noise;

- drainage and storm water management;
- waste management;
- storage and handling and hazardous materials including fuel;
- archaeology and heritage;
- mechanisms for updating and reviewing its operation on the basis of monitoring results and other new information; and
- details of sea bed surface treatments and monitoring .

Prior to the approval of any development plan under this clause, the Responsible Authority must:

- send a copy of the Construction Environmental Management Plan to the Environment Protection Authority within 7 days of receipt of that Management Plan which the Responsible Authority considers provides sufficient information so as to allow assessment; and
- consider any written comments from the Environment Protection Authority received within 14 days of sending a copy of the Construction Environmental Management Plan to the Environment Protection Authority.

**Operations Environment Management Plan**

- The Operations Environment Management Plan must be to the satisfaction of the Responsible Authority and address:
  - terrestrial and marine ecology;
  - coastal processes including sand bypassing or dredging and beach monitoring;
  - water quality;
  - air quality;
  - drainage and storm water management;
  - waste management;
  - storage and handling of hazardous materials including fuel;
  - harbour operations and management;
  - A description of the sand bypassing or dredging operation which must be sufficiently flexible to accommodate a range of materials and seasonal/climatic conditions
  - Details of the proposed monitoring of the sand bypassing or dredging operation including a monitoring protocol to ensure that off-site habitats, including those within the Point Cook Ramsar site, are not detrimentally affected by the proposed longshore sediment bypass system or dredging
  - The hours of operation of pumping and the attenuation of noise from any sand bypass and sewerage reticulation pump houses
  - The management of activity and public access in the vicinity of the inlet and outlet for any sand bypass pump
  - Details of the trigger which will result in the commencement of maintenance dredging associated with the marina and methodologies for the disposal of dredged material as part of any maintenance dredging
  - A Residents Information Kit covering issues such as preferred planting species list, domestic animal responsibilities, the sensitivity of rehabilitated natural areas, potential for infrequent odours from the surrounding environment, the role of the wetlands system and sustainability initiatives,

- Details of monitoring and reporting requirements, contingency measures and risk management analysis in respect of issues related to groundwater protection to the satisfaction of Southern Rural Water;
- A marine ecological monitoring program including targets for acceptable copper concentrations pre-set in consultation with the Environment Protection Authority.
- Details of noise mitigation measures including the marine service area.
- A community consultation program.
- Mechanisms for updating and reviewing the operation of the Operations Environmental Management Plan on the basis of monitoring results and other new information.

Prior to the approval of any development plan under this clause, the Responsible Authority must:

- send a copy of the Operations Environmental Management Plan to the Environment Protection Authority within 7 days of receipt of that Operations Environmental Management Plan which the Responsible Authority considers provides sufficient information so as to allow assessment; and
- consider any written comments from the Environment Protection Authority received within 14 days of sending a copy of the Operations Environmental Management Plan to the Environment Protection Authority.

## 5.0 Decision guidelines

In considering whether to approve a Development Plan, the Responsible Authority must consider, as appropriate:

a) the *Environment Effects Statement Wyndham Cove Marina Development Main Report* dated June 2005 and the Supplementary Reports Volumes 1, 2 and 3 to that document and the Minister's Assessment which provide a detailed assessment of the environmental values and features of the site;

b) the Wyndham Harbour Design Guidelines (as amended to the satisfaction of the Responsible Authority from time to time);

c) the Wyndham Harbour Landscape Concept (as amended to the satisfaction of the Responsible Authority from time to time); and

d) the purpose of the Schedule.

## 6.0 Section 173 Agreement

Prior to the approval of a Development Plan, the owner of the subject site must enter into a Section 173 Agreement to establish the scope, funding responsibilities and timing for the identified works, including but not limited to:

a) contributing towards mitigating works along and at intersections with Duncans Road, including Aviation Road, Hoppers Lane, Diggers Road and Beach Road; and

b) contributing towards sealing of shoulders along Duncans Road;

c) contributing towards the construction of part of the Bay trail;

d) contributing towards improvements to and in the vicinity of the Werribee South boat ramp.

The Section 173 Agreement must also detail arrangements, to the satisfaction of the Responsible Authority, in relation to:

a) off-set planting in the upper catchment of the Werribee River;

b) other sustainability initiatives to be incorporated in the development;

c) the staging and commencement / completion timelines of the various elements of the development and appropriate security or other measures to ensure commencement and completion of each stage of the development; and

d) public access to parts of the development.

## 7.0 Background documents

Wyndham Harbour Design Guidelines (as amended to the satisfaction of the Responsible Authority from time to time)

Wyndham Harbour Land Use Framework Plan (as amended to the satisfaction of the Responsible Authority from time to time)

11/08/2022
C248wynd

## SCHEDULE 10 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO10**.

### TARNEIT WEST OUTLINE DEVELOPMENT PLAN AREA

### 1.0 Objectives

11/08/2022
C248wynd

None specified.

### 2.0 Requirement before a permit is granted

11/08/2022
C248wynd

None specified.

### 3.0 Requirements for permits

11/08/2022
C248wynd

An application for a planning permit must be accompanied by the following reports prepared by an appropriately qualified consultant to the satisfaction of the Responsible Authority, as considered appropriate:

- A Traffic Management Plan prepared by appropriately qualified experts addressing the impact of the development on the arterial and local road network and the mitigation works required; showing connections to adjoining land, the recommended cross sections as shown in the *Tarneit West Outline Development Plan 2008*, proposed traffic management devices, and bicycle, pedestrian and public transport linkages.
- An environmental assessment of the land, involving a flora and fauna survey, which identifies existing vegetation or habitat of international, national, state or local significance required to be protected and enhanced. This environmental assessment is to be to the satisfaction of the Department of Sustainability and Environment and the Responsible Authority.
- An Environmental Management Plan indicating the measures to be adopted to protect, enhance and manage any identified environmental values. Management Plans are to be prepared by a suitably qualified consultant and are to be to the satisfaction of Department of Sustainability and Environment and the Responsible Authority. Assessments will be referred to the appropriate Minister where required under the Victorian Flora and Fauna Guarantee Act 1988 or Commonwealth Environment Protection and Biodiversity Conservation Act 1999.
- An archaeological survey, which will locate, record and assess Aboriginal sites and post-settlement places and objects of cultural and historical significance on the subject land, with representation from the local Aboriginal community. The recommendations of the survey will guide the subdivision design and/or development proposal to ensure any significant features are preserved, protected and enhanced and the findings of the assessment are implemented. The Archaeological Survey is to be to the satisfaction of Aboriginal Affairs Victoria and the Responsible Authority.
- A Overall Drainage Management Plan and a Stormwater Management Plan detailing how stormwater will be collected and treated within each development, with particular emphasis on the maintenance of pre-development (rural) flows and the removal of sediment, litter and other urban wastes from stormwater prior to its discharge to local watercourses. Water Sensitive Urban Design features beyond those shown in the *Tarneit West Outline Development Plan 2008*, including constructed wetlands, are to be located on drainage lines outside the Davis Creek waterway corridor.
- A heritage study, conservation policy and/or conservation plan if applicable.
- A Landscaping Concept Plan including street trees, understorey and ground planting, estate entries and plantings to soften built form and enable a transition between riparian and other indigenous areas to more groomed and formal landscapes. The Plan should not use weed species known to colonise aquatic, wetland, riparian and farmland or rural ecosystems. The Plan should have regard to identified flora and fauna/habitat, archaeological, historical and cultural values

within the subject site. If the site contains public open space as shown in the *Tarneit West Outline Development Plan 2008,* the concept plan should indicate how this space is to be developed and managed.

- A Construction Management and Environmental Impact Mitigation Plan to control impacts during development on environmental values including habitat, water quality, sites of biological and cultural significance and vegetation to be retained on the site.
- A preliminary soil assessment demonstrating the extent of any contaminated soils that may exist on the subject land. If detected, a more detailed assessment outlining the location of the contaminated soil, the types of contaminants detected, and strategies and procedures required to be undertaken to de-contaminate affected areas will be required.
- Where appropriate, a site analysis and design response relating to the site's opportunities and constraints, with particular regard to:
  - The outcomes of the Environmental Assessment, Environmental Management Plan, Archaeological Survey, Construction Management and Environmental Impact Mitigation Plan, Overall Drainage Management Plan, Stormwater Management Plan and Landscape Concept Plan;
  - Identified heritage assets;
  - The physical constraints of the site;
  - The required setback from Davis Creek and public open space requirements;
  - Any policy or code for residential development and subdivision;
  - The interface with adjoining developments and the Green Wedge; and
  - Any other concepts or principles outlined in the *Tarneit West Outline Development Plan 2008* or as deemed appropriate by the Responsible Authority.

## 4.0 Preparation for development plan

11/08/2022
C248wynd

The Tarneit West Outline Development Plan May 2008, will be considered to constitute the development plan under this overlay. Future planning applications must be generally in accordance with the Tarneit West Outline Development Plan May 2008 as adopted by Council in May 2008.

The Development Plan must show:

- The location and approximate area of all proposed land uses within the plan area;
- The relationship and interface with adjoining land uses on all boundaries of the plan area;
- A small neighbourhood centre located on the corner of Hogans and Tarneit Roads. The neighbourhood centre should have a sufficient land area and be designed to accommodate retail facilities up to 5,000m² of retail floorspace;
- The proposed road layout pattern:
  - Providing for a convenient and safe internal road network;
  - Providing for a convenient and safe pedestrian and bicycle network;
  - Allowing for the provision of public transport; and
  - Providing road and pedestrian linkages to surrounding residential areas.
- The proposed areas to be set aside as public open space for:
  - Neighbourhood parks;

  - Local sporting reserve co-located with the primary school;
  - District sporting reserve;
  - Environmental buffers.
- The areas set aside for neighbourhood parks, local and district sporting reserves must:
  - Not be flood affected or constrained;
  - Take into account the topography of the land;
  - Be clearly visible and accessible.
- Where land abuts Davis Creek, the following requirement also applies:
  - The provision of an appropriate open space buffer to protect the core values of the creek corridor from any negative impacts of urban development. The buffer shall be determined based on the recommendations of an environmental assessment and Melbourne Water requirements.

The approved Development Plan may be amended to the satisfaction of the responsible authority.

## 5.0 Decision guidelines for permits

A permit must be generally consistent with the requirements of Section 1.0 and take into account the following:

- The proposed subdivision is to accord with the principles and concepts outlined in the *Tarneit West Outline Development Plan 2008*, including:
  - Providing for a wide variety of lot sizes and housing types;
  - An average lot density of 15 dwellings per net developable hectare.
  - Energy efficient design elements that maximise energy efficiency and minimise greenhouse gases;
  - Avoiding lots backing onto public open space reserves, Davis Creek and roads;
  - Using roads or local access ways to separate areas of open space from surrounding residential development;
  - Providing for a sensitive residential interface with adjoining residential areas, including the provision of similar lot sizes where new lots will back onto existing lots;
  - Providing for a sensitive interface with Davis Creek with residential lots fronting the creek or an equally acceptable urban design treatment;
  - Identifying the location of any future or existing major infrastructure easements; and
  - Providing adequate land for landscaping in road and public open space reserves.
- Where land is to be used for retail or commercial purposes, the following requirement also applies:
  - The proposed layout of development on the site should be in accordance with the design performance measures outlined in the *Tarneit West Outline Development Plan*.

11/08/2022
C248wynd

# SCHEDULE 11 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO11**.

## POINT COOK DESIGNATED GROWTH AREA

## 1.0 Objectives

11/08/2022
C248wynd

None specified.

## 2.0 Requirement before a permit is granted

11/08/2022
C248wynd

Any Development Plan prepared under the provisions of this overlay must be prepared to the satisfaction of the Responsible Authority.

A Development Plan must show:

A clear indication of the location of all proposed land uses within the plan area and their interrelationship with the proposed subdivision of the subject land.

The proposed road layout pattern which:

- Provides convenient internal and external access for residents;
- Allows for the provision of public transport; and
- Provides road links to surrounding areas.

Proposed subdivision layout which:

- Provides a wide variety of lots sizes and a wide range of densities allowing for a variety of housing types and for other compatible land uses;
- Provides a sensitive residential interface with adjoining residential land, including the provision of similar lot sizes where new lots will back onto existing lots in surrounding residential areas.
- Takes into consideration the topography of the land, particularly with regard to the provision of useable open space.
- Takes into account the Melbourne 2030 neighbourhood principles, by promoting excellent neighbourhood design to create attractive, walkable and diverse communities, in accordance with Direction 5.5.
- Seeks to achieve a development density of 15 lots per hectare on the net developable residential land. The net developable residential land excludes open space, schools, community facilities, roads, public utilities, drainage reserves and the like.

Provision of well distributed local open space which is not flood affected or constrained and is clearly visible and accessible to residents within the development area. Where appropriate, this open space is to be integrated with areas and corridors of natural interest and significance.

Where relevant, the provision for local shops and community facilities and any non residential land use which are appropriately located and will integrate well with surrounding residential development and/or open spaces.

The location of any major infrastructure easements that exist.

Any approved Development Plan may be amended to the satisfaction of the Responsible Authority.

## 3.0 Conditions and requirements for permits

11/08/2022
C248wynd

A permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority for the following:

- One dwelling on an existing lot, including outbuildings, provided it is the only dwelling on the lot.

- Agriculture and any buildings or works in association with the use of the land for agricultural purposes.
- A fence.
- Minor extensions, additions or modifications to any existing use or development.

## 4.0 Requirements for development plan

11/08/2022
C248wynd

None specified.

## 5.0 Decision guidelines

A Development Plan must take into account the following:

- An archaeological survey, which will locate, record and assess Aboriginal sites and post-settlement places and objects of cultural and historical significance on the subject land. The recommendations of the survey will guide the subdivision design to ensure the findings of the survey are implemented and any significant features are preserved, protected and enhanced by the subdivision layout and design. The archaeological survey is to be to the satisfaction of the Aboriginal Affairs Victoria and the Responsible Planning Authority.
- An environmental assessment of the land, involving a flora and fauna survey, which identifies existing vegetation required to be protected and enhanced in the subdivision design. This assessment is also to be relied upon in the preparation of the following plans:

A Management Plan to aid in the protection and management of any identified environmental assets. This environmental assessment is to be to the satisfaction of the Responsible Authority. This plan must:

- Outline objectives for the management of future public open spaces.
- Have a focus on the protection and enhancement of native vegetation and ecological processes whilst providing for public use which is sympathetic with these objectives.
- Address how remnant vegetation will be protected from informal access which may be detrimental to the long term survival of that vegetation.
- Include an assessment of any significant trees outside public reserves and outline the most appropriate way to protect them.

A Construction Environmental Management Plan to aid in the protection and management of any environmental assets during the construction phase. This plan must:-

- Outline the objectives for the protection of public open spaces during the construction phase.
- Have a focus on the protection and enhancement of native vegetation and ecological processes whilst providing for public use which is sympathetic with these objectives during the construction phase.
- Address how remnant vegetation will be protected from informal access which may be detrimental to the long term survival of that vegetation during the construction phase.
- Include an assessment of any significant trees outside public reserves and outline the most appropriate way to protect them during the construction phase.

Any applicable heritage study and/or conservation policy.

Where appropriate, a site analysis and design response for the development plan demonstrating a response to the site's opportunities and constraints with particular regard to the outcomes of any Environmental Assessment, Archaeological Survey, the physical constraints of the site, and the interface with adjoining uses and developments.

Where appropriate:

- the provision of buffers from land used for industrial purposes;
- the recognition of the impact of any aircraft noise impacts and identification of appropriate land uses within the affected areas.

An overall drainage management plan including external catchments, together with a stormwater management plan detailing how stormwater will be collected and treated within the development, with particular emphasis on the removal of sediment, litter and other urban wastes from stormwater prior to its discharge to local watercourses. The management plans must consider and address any potential impacts on adjoining ephemeral wetlands or drainage depressions.

A traffic management plan prepared addressing the impact of the development on the arterial and local road network, addressing mitigation works required on the road network in addition to funding responsibilities.

11/08/2022
C248wynd

## SCHEDULE 12 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO12**.

### SNEYDES ROAD SOUTH

## 1.0 Objectives

11/08/2022
C248wynd

None specified.

## 2.0 Requirement before a permit is granted

11/08/2022
C248wynd

Except with Council's consent a Development Plan must be approved prior to the grant of a planning permit for development of any land covered by this Schedule.

Any Development Plan is to be prepared to the satisfaction of the Responsible Authority. It should be generally in accordance with the Point Cook Concept Plan.

A Development Plan may refer to all or part only of the area covered by this Schedule. The Development Plan should provide the following information:

- The provision of suitable native vegetation offset areas.
- The location of all proposed land uses within the plan area and their interrelationship with the proposed lot layout of the subject land.
- The proposed road layout pattern which:
  - Provides convenient internal and external access for residents;
  - Allows for the provision of public transport; and
  - Provides road links to surrounding areas.
- The general location and distribution of lots and details relating to:
  - Variety of lot sizes and densities to encourage a range of housing types and for other compatible land uses;
  - Consideration of the topography of the land particularly with regard to the provision of useable open space.
  - Achievement of Melbourne 2030 neighbourhood principles.
  - Sensitive interface onto adjoining residential land including the provision of similar lot sizes where new lots back onto existing lots in surrounding residential areas.
  - An appropriately designed interface with adjoining green wedge land.
  - A minimum density of 15 lots per hectare on the net developable residential land. The net developable residential land excludes open space, schools, community facilities, roads, public utilities, drainage reserves and the like.
- Provision of well distributed local open space which is not flood effected or constrained and is clearly visible and accessible to residents within the development area. Where appropriate, this open space is to be integrated with areas and corridors of natural interest and significance.
- Where relevant, the provision for local shops and community facilities and any non residential land use which are appropriately located and will integrate well with surrounding residential development and/or open spaces.
- The location of any major existing infrastructure easements.
- A response to the 'Neighbourhood Principles' at Policy 5.5 of Melbourne 2030.
- The standard of development is to be of the highest quality.

Any approved Development Plan may be amended to the satisfaction of the Responsible Authority.

## 3.0 Conditions and requirements for permits

11/08/2022
C248wynd

A permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority for the following:

- One dwelling on an existing lot, including outbuildings, provided it is the only dwelling on the lot.
- Agriculture and any buildings or works in association with the use of the land for agricultural purposes.
- A fence.
- Minor extensions, additions or modifications to any existing use or development.

## 4.0 Requirements for development plan

11/08/2022
C248wynd

None specified.

## 5.0 Decision guidelines

A Development Plan must take into account the following:

- An archaeological survey, which will locate, record and assess Aboriginal sites and post-settlement places and objects of cultural and historical significance on the subject land. The recommendations of the survey will guide the subdivision design to ensure the findings of the survey are implemented and any significant features are preserved, protected and enhanced by the subdivision layout and design. The archaeological survey is to be to the satisfaction of the Aboriginal Affairs Victoria and the Responsible Planning Authority.
- An environmental assessment of the land, involving a flora and fauna survey, which identifies existing vegetation required to be protected and enhanced in the subdivision design, including the identified Lignum Wetland (EVC 104), Lignum Cane Grass Swamp (EVC 655) and Plains Grassland (EVC 132). This assessment is also to be relied upon in the preparation of the following plans:
  - A Management Plan to aid in the protection and management of any identified environmental assets. This environmental assessment is to be to the satisfaction of the Responsible Authority. This plan must:
    - Outline objectives for the management of future public open spaces.
    - Have a focus on the protection and enhancement of native vegetation and ecological processes whilst providing for public use which is sympathetic with these objectives.
    - Address how remnant vegetation will be protected from informal access which may be detrimental to the long term survival of that vegetation.
    - Include an assessment of any significant trees outside public reserves and outline the most appropriate way to protect them.
  - A Construction Environmental Management Plan to aid in the protection and management of any environmental assets during the construction phase. This plan must:
    - Outline the objectives for the protection of public open spaces during the construction phase.
    - Have a focus on the protection and enhancement of native vegetation and ecological processes whilst providing for public use which is sympathetic with these objectives during the construction phase.

  - Address how remnant vegetation will be protected from informal access which may be detrimental to the long term survival of that vegetation during the construction phase.
  - Include an assessment of any significant trees outside public reserves and outline the most appropriate way to protect them during the construction phase.
- Any applicable heritage study and/or conservation policy.
- Where appropriate, a site analysis and design response for the development plan demonstrating a response to the site's opportunities and constraints with particular regard to the outcomes of any Environmental Assessment, Archaeological Survey, the physical constraints of the site, and the interface with adjoining uses and developments.
- Where appropriate:
  - the provision of buffers from land used for industrial purposes;
  - the recognition of the impact of any aircraft noise impacts and identification of appropriate land uses within the affected areas.
- An overall drainage management plan including external catchments, together with a stormwater management plan detailing how stormwater will be collected and treated within the development, with particular emphasis on the removal of sediment, litter and other urban wastes from stormwater prior to its discharge to local watercourses. The management plans must consider and address any potential impacts on adjoining ephemeral wetlands or drainage depressions.
- A traffic management plan prepared addressing the impact of the development on the arterial and local road network, addressing mitigation works required on the road network in addition to funding responsibilities.

11/08/2022
C248wynd

## SCHEDULE 13 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO13**.

### POINT COOK ROAD/POINT COOK HOMESTEAD ROAD PRECINCT

### 1.0 Objectives

11/08/2022
C248wynd

None specified.

### 2.0 Requirement before a permit is granted

11/08/2022
C248wynd

A Development Plan is required to be approved for the whole of the area covered by the Schedule prior to the grant of a planning permit for development of any land covered by the Schedule, to the satisfaction of the Responsible Authority.

Once the overall Development Plan is approved, staged development plans may be prepared and a particular stage may provide only the relevant detail for the use and development of the part of the land in that stage to the satisfaction of the Responsible Authority.

The Development Plan should be in accordance with the Point Cook Concept Plan Addendum 2007.

The Development Plan prepared under the provisions of this overlay must be prepared to the satisfaction of the Responsible Authority.

### 3.0 Conditions and requirements for permits

11/08/2022
C248wynd

None specified.

### 4.0 Requirements for development plan

11/08/2022
C248wynd

The Development Plan must show:

- The location and approximate area of all proposed land uses within the plan area;
- The relationship and interface with adjoining land uses on all boundaries of the plan area;
- The timing and provision of infrastructure and other key facilities associated with the staging of the development;
- Environmental buffers to the Cheetham Wetlands and the Point Cook Coastal Park;
- Any areas of remnant native vegetation and/or habitat present on the land;
- A small neighbourhood centre centrally located on the main sub-arterial road. The neighbourhood centre should be designed to integrate retail facilities up to 6,000 m² of retail floorspace, community centre, primary school and public open space;
- Location of the Environment Education Centre;
- Location of a major sports ground;
- Neighbourhood parks within 400 metres of at least 95 percent of dwellings, but at least 400 metres apart and at least 100 metres from the main sub-arterial road.
- Location of the main sub-arterial route off Point Cook Road, centrally located within the plan area to optimise resident access to bus routes;
- New sub-arterial road with no direct access provided to individual dwellings where projected traffic volumes exceed 12,000 vehicles per day (VPD) on dual carriageway sections or exceed 6,000 VPD on single carriageway sections;
- The bus routes throughout the plan area, minimising the length of bus route that is off the main sub-arterial road;

- Location of main pedestrian/cycle paths along key open corridors, the north sides of the main sub-arterial road and Point Cook Homestead Road, linking of the Bay Trail through the environmental buffers, access into the neighbouring residential estate to the north;
- Show at the interface of the Cheetham Wetlands and Point Cook Coastal Park an appropriate boundary treatment that ensures the adequate protection of fauna, particularly from domestic animals;
- Location of wetlands and open space required to manage stormwater within the plan area;
- Location of areas for higher density residential development;
- Each parent parcel being developed to a density of at least 15 dwellings per net developable hectare of residential land. In this case, the net developable hectare of residential land excludes open space, schools, community facilities, roads, public utilities, drainage reserves and the like;
- Residential development orientated to environmental buffers and open space areas;
- How Melbourne 2030 neighbourhood principles are being met;
- Recognition of the impact of any aircraft noise impacts and identification of appropriate land uses within affected areas;
- Stages of the development.

The development plan must be accompanied by:

- A Landscape Strategy for roads, open space and the public realm;
- Urban design guidelines that address, amongst other things, the Siting and Design Guidelines for Structures on the Victorian Coast 1988;
- An integrated neighbourhood centre plan;
- An Overall Drainage and Stormwater Management Strategy that demonstrates that stormwater can be contained and treated within the plan area;
- An Environmental Management Plan addressing the impact of development on flora and fauna both on and adjacent to the site;
- A Traffic Management Report; and
- Plans for the Environment Education Centre, generally consistent with plan prepared by MV&S Architects titled “Wilbow Point Cook Interpretive Centre”.

## 5.0 Referrals

Prior to the approval of any development plan or any modification or amendment to an approved development plan, the plan shall be referred to the following for comment:

- Melbourne Water;
- Parks Victoria;
- Department of Sustainability and Environment.

The Responsible Authority will consider any written comments received within 28 days of sending that development plan or request to Melbourne Water or Parks Victoria.

## 6.0 Decision guidelines

The Development Plan must comply with the requirements of Section 2.0 and take into account the following:

- Any Archaeological Survey relating to the development plan area;
- Any Flora and Fauna Survey relating to the development plan area;

- Any soil assessment relating to the development plan area;
- Any stormwater management strategy;
- Any heritage Study and/or conservation policy;
- Victorian Coastal Strategy 2014;
- Siting and Design Guidelines of the Victorian Coast 1998.

11/08/2022
C248wynd

# SCHEDULE 16 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO16**.

## RIVERWALK ESTATE

## 1.0 Objectives

11/08/2022
C248wynd

None specified.

## 2.0 Requirement before a permit is granted

11/08/2022
C248wynd

A permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority for the following:

- One dwelling on an existing lot, including outbuildings, provided it is the only dwelling on the lot.
- Agriculture and any buildings or works in association with the use of the land for agricultural purposes.
- A fence.
- Minor extensions, additions or modifications to any existing use or development.

## 3.0 Conditions and requirements for permits

11/08/2022
C248wynd

None specified.

## 4.0 Requirements for development plan

11/08/2022
C248wynd

The following matters are specified as requirements for a development plan:

- A Design Response for the site that responds to the requirements of this schedule including the technical reports.
- The location of all proposed land uses within the plan area.
- A minimum average residential density of 15 lots per hectare on the net developable residential land. (For this purpose, net developable residential land excludes open space, schools, community facilities, roads, public utilities, drainage reserves and other encumbered land.)
- The stages (if any) by which the development of the land is to proceed.
- Appropriate layout and design features for areas abutting or including a waterway such as the provision of appropriate setbacks and buffers, limiting the height of buildings, providing intervening roads, landscaping, shared trails or other public purposes, and the use of 50% transparent fencing along open space or waterway corridors.
- A proposed layout pattern that: -
  - Provides an area or areas of higher density residential development in association with the Village Hub.
  - Provides a sensitive residential interface with adjoining residential land
  - Responds to any acoustic constraints that affect the site;
  - Provides a convenient and safe internal road and pedestrian network, linking internally and to surrounding areas.
  - Provides for public transport and encourages the use of public transport.
  - Provides for a variety of lot sizes and housing types, incorporating energy efficient design elements.

- Demonstrates an appropriate interface between residential properties and public open space reserves and roads.
- Provides for local shops and community facilities and any non-residential land use where appropriate.
- Provides adequate land for landscaping in road and public open space reserves.
- Takes into account the topography of the land, particularly with regard to the provision of useable open space, and the location of any major infrastructure easements.
- Provides well-distributed, useable public open space that is visible and accessible to residents within the site and from surrounding areas. Open space should be located to complement the waterway corridor, natural and cultural features, or planned infrastructure (such as stormwater treatments). The location of open space must consider the impact on environmental features that may exist on the site. Open space must not be land set aside for the protection of identified environmental values of the site.
- Responds to the technical reports, plans and analyses required to be prepared.

- The following technical reports to the satisfaction of the responsible authority that may consist of, or include, reports already submitted to the responsible authority.
  - A Traffic Management Plan addressing the impact of the development on the arterial and local road network; mitigation works that could be made to the road network; connections to adjoining land; road hierarchy; cross sections; proposed traffic management devices on the site; bicycle network; possible public transport routes; and pedestrian links.
  - An Environmental Management Plan also to the satisfaction of Department of Sustainability and Environment indicating the measures to be adopted to protect, enhance and manage any identified environmental values.
  - A Drainage and Stormwater Management Plan for the whole of the site including any external catchments, detailing how stormwater will be collected and treated.
  - A Landscape and Viewshed Analysis that identifies and protects important views associated with waterways, including views within, to and from the waterways.
  - A Landscaping Concept Plan (for areas outside waterway corridors to be transferred to public ownership) including:
    - Street trees, understorey and ground planting, estate entries and plantings in other public areas to soften built form and enable a transition between riparian and other indigenous areas to exotic or groomed landscapes. The plan should not use weed species known to colonise aquatic, wetland, riparian, farmland or rural ecosystems. The plan should have regard to identified flora and fauna/habitat, archaeological, historical and cultural values within the site, and show how public open space is to be developed and managed.
    - Planned passive recreation facilities (such as shared paths, seating, signage etc) with an assessment of the appropriateness of their location in terms of the environmental values that are to be protected at the site and within the waterway corridor.

- A Construction Management Plan to control impacts during development on environmental values including habitat, water quality, sites of biological and cultural significance and vegetation to be retained on the site. The plan should include requirements to minimise generation of sediment on site, the transport of sediment onto public roads and into drains and waterways, and the generation of dust.
- An Archaeological Survey also to the satisfaction of Aboriginal Affairs Victoria. The survey and any recommendations resulting from it will be used to guide the land use layout and subdivision designs.

- A Noise Impact Assessment including any recommended acoustic treatments.
- Information as to works and protocols implemented (or to be implemented) by the Melbourne Water Corporation to address odours emanating from the Western Treatment Plant. If appropriate, the Responsible Authority will consult with the Environment Protection Authority as part of its consideration of this information.

11/08/2022
C248wynd

# SCHEDULE 17 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO17**.

## WERRIBEE PLAZA SHOPPING CENTRE

Werribee Plaza Shopping Centre is located on the north-west corner of Derrimut Road and Heaths Road, Hoppers Crossing.

## 1.0 Objectives

11/08/2022
C248wynd

None specified.

## 2.0 Requirement before a permit is granted

11/08/2022
C248wynd

A permit may be granted for use, subdivision or to construct or carry out minor works before a development plan has been approved by the responsible authority. An application for use, subdivision or to construct or carry out minor works (before a development plan has been approved) must be accompanied by a report demonstrating that the proposal will not prejudice the development plan requirements specified in this schedule.

## 3.0 Conditions and requirements for permits

11/08/2022
C248wynd

None specified.

## 4.0 Requirements for development plan

11/08/2022
C248wynd

The development plan should facilitate the orderly alterations and staged additions to the Centre, reflecting its dynamic role in responding to the increased scale and diversity of its market catchment areas.

All development should be generally in accordance with the approved Development Plan. The Development Plan should:

- identify appropriate land uses
- provide a Design and Built Form Strategy
- provide an Integrated Transport Plan
- provide an Environmental Design and Management Strategy.

### 4.1 Land uses

The Development Plan should provide for a range of land uses consistent with the regional activity centre role of Werribee Plaza and its designation as a major activity centre in the *Melbourne 2030* strategy. The range of land uses could include:

- major shops such as large supermarkets, discount departments stores and department stores.
- specialty shops such as convenience goods and services.
- food and drink premises including convenience restaurants, a hotel and take away food premises.
- offices including banks, medical centre, real estate and travel outlets.
- places of assembly including cinemas, library, gymnasium, bingo, a tavern and gaming.
- new community uses and the relocation of the existing library.
- restricted retail uses such as home entertainment and homewares outlets and automotive related outlets.

## 4.2 Design and Built Form Strategy

The Design and Built Form Strategy should set out the form and design outcomes to be achieved. The Strategy should:

- Provide the location, height, layout and floor areas of the proposed building forms in accordance with Map 1.
- Provide cross-sections of all new buildings, illustrating building height and setbacks.
- Provide a staging plan.
- Include the layout of all the uses and show the level of integration between the uses.
- Ensure all building forms fronting Heath and Derrimut Roads provide strong architectural statements and are integrated with landscaping and artwork.
- Encourage development to maximise site coverage over multiple levels and include basement car parking and loading areas where practical.
- Locate taller, landmark buildings close to the intersection of Heaths and Derrimut Roads.
- Ensure Heaths Road and Derrimut Road frontages are designed to accommodate uses which have external presentation and/or active frontages.
- Ensure the Derrimut Road frontage to be developed as a focus for retail premises, food and drink premises, recreational uses and offices which have external presentation and/or active frontages. The street edge treatments are to allow for pedestrian activities and slow vehicle movements for drop off/ pick up.
- Provide entertainment uses (which operate after normal trading hours) along the Heaths Road frontage or towards the southern section of the Derrimut Road frontage.
- Ensure customer access to the gaming facility is external to the Centre.
- Ensure the frontage along Heath Road is activated as much as possible. Entry and exit points should be discrete with landscaped setbacks and architectural screening to loading/car parking areas. Vehicle entry and exit points should be discrete and building forms could extend over these spaces to provide architectural continuity and activation.
- Ensure the boundary treatment to the north is retained with fencing and buffer planting strips.
- Ensure the boundary treatments to the west are a combination of fencing and landscaping treatment together with pedestrian access improvements internal to the site and the Barber Drive connection.
- Identify loading and unloading areas and their means of access.

## 4.3 An Integrated Transport Plan

The Development Plan must include an Integrated Transport Plan (ITP). The ITP should be prepared to the satisfaction of VicRoads, Director of Public Transport and the responsible authority. The Plan should set out the response to all access needs and emphasise delivery of a sustainable movement network including:

### Walking and cycling

- Identifying key pedestrian routes from areas adjacent to the site to the main entries of the Centre. This must demonstrate safe, convenient access from all areas, and particularly the south side of Heaths Road and the east side of Derrimut Road.
- Maintaining pedestrian / cycle access to and from Johnston Avenue and Barber Drive.
- Designated cycle routes from Heaths Road and Derrimut Road to on-site bicycle storage facilities.

- A location plan of employee and visitor bicycle facilities including arrangement for end of trip facilities.
- Shared pathways to Heaths and Derrimut Roads.

**Public transport**

- The location and layout of the public transport bus interchange (vehicle and passenger facilities) and access routes to them from vehicles and pedestrian routes, and access points to the Centre. This should also include identifying the location of taxi ranks.
- Priority for buses through the internal network including at exit points to the site and where practical on adjoining intersections to maintain and improve bus travel times to the satisfaction of the Department of Transport and VicRoads.
- Ensuring any relocation of the bus interchange provides:
  - Bus bays grouped in one location.
  - Safe and weather protected waiting areas with direct access to the centre.
  - Coordinated linkages to the pedestrian access routes in and around the centre.

**Vehicle Access**

- Any works considered necessary for public transport vehicles or passenger facilities.
- The proposed traffic management and control works on-site and on adjoining roads and staging.
- The location and layout of pedestrian, bicycle and vehicle routes. This should be in general accordance with Map 1.
- The location of any vehicular access ways to adjoining land.
- The proposed intersections, both existing and proposed road works.
- Any road works necessary to ensure that sufficient road capacity is achieved when the development is complete. The roads are to be developed in stages matched to the development of the centre.
- Connections where possible between the various areas of parking associated so drivers do not have to enter and exit main roads to move between parking area.

**Car Parking**

Car parking spaces required for a Shop and other uses must be specified on the Development Plan by number and/or by ratio and by stage as applicable. In determining the total provision required for each stage, the Decision Guidelines at Clause 52.06-7 are to be used.

## 4.4 Environmental Design and Management Strategy

The Environmental Design and Management Strategy should include:

- An Ecologically Sustainable Development Report prepared by a suitably qualified person to demonstrate that the design of the new buildings will achieve “best practice” as specified through the Greenstar Retail Centre Design Rating Tool or similar level, with commitment to achieving greater water use efficiency. This report should include the proposed urban design and building techniques, management of storm and water run-off and onsite re-use and any other initiatives.

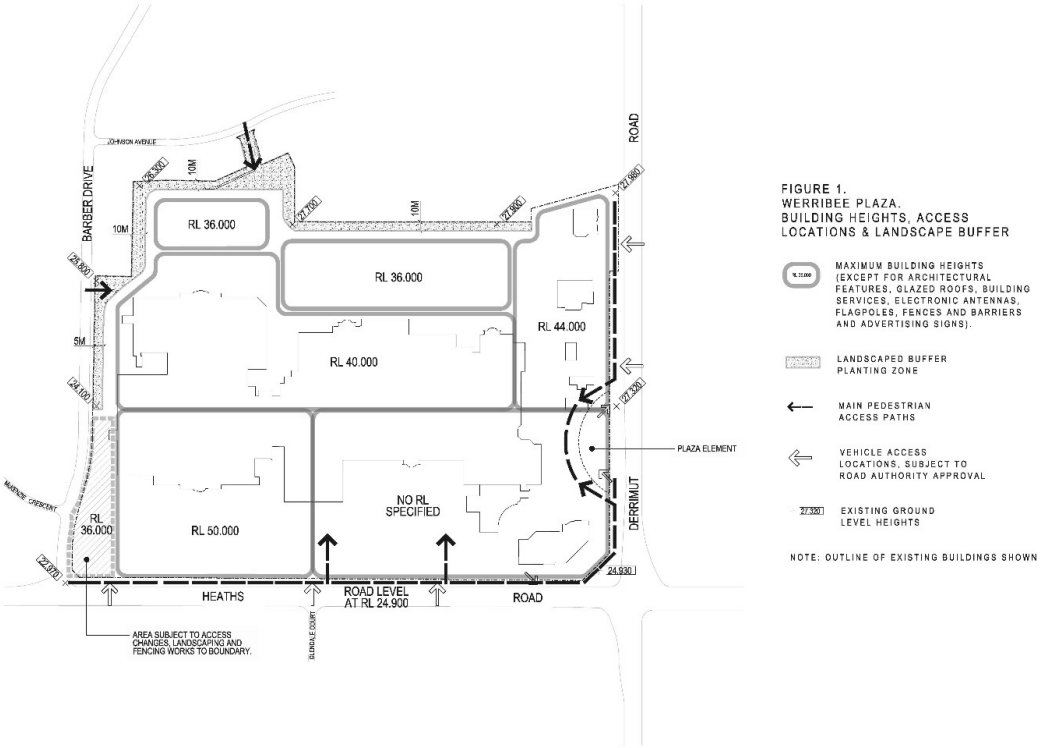
- A Landscape Plan identifying a planting schedule of all proposed trees, shrubs and ground covers.
- A Construction Management Plan which sets out the principal construction issues and how the anticipated processes will be managed. The Construction Management Plan should address local amenity issues and make provision for:
  - measures to protect the amenity of surrounding areas through the construction period against dust, noise and stormwater control and security lighting.
  - the management of construction worker vehicles.
  - the delivery and storage of materials on the site.
  - a schedule of hours of work during the normal week.
  - a procedure to seek specific out of hours work to deal with special construction requirements.
  - construction access to the site.

The responsible authority may waive or reduce the requirements detailed above that are not considered relevant as applicable.

## 5.0 Decision guidelines

Before deciding on any application to develop and use the land, the responsible authority may consider any views received from interested parties to assist in the assessment of sound design outcomes.

### Map 1 to Schedule 17 to Clause 43.04



# 44 LAND MANAGEMENT OVERLAYS

19/01/2006
VC37

## 44.04 LAND SUBJECT TO INUNDATION OVERLAY

06/09/2021
VC171

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 flood prone land in a riverine or coastal area affected by the 1 in 100 (1 per cent Annual Exceedance Probability) 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, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

To minimise the potential flood risk to life, health and safety associated with development.

To reflect a declaration under Division 4 of Part 10 of the *Water Act, 1989*.

To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.

To ensure that development maintains or improves river, marine, coastal and wetland health, waterway protection and floodplain health.

### 44.04-1 Land subject to inundation objectives and statement of risk

24/01/2020
VC160

A schedule to this overlay may contain:

- Land subject to inundation management objectives to be achieved.
- A statement of risk.

### 44.04-2 Buildings and works

14/12/2023
VC253

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 or a small second 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 or a small second dwelling with a finished floor level not more than 800mm above ground level.
- A disabled access ramp.

This does not apply:

- If a schedule to this overlay specifically states that a permit is not required.
- To roadworks or bicycle paths and trails constructed or carried out by or on behalf of the Head, Transport for Victoria, to the satisfaction of the relevant floodplain management authority.

- To flood mitigation works carried out by the responsible authority or floodplain management authority.
- To the following works in accordance with plans prepared to the satisfaction of the responsible authority:
  - The laying of underground sewerage, water and gas mains, oil pipelines, underground telephone lines and underground power lines provided they do not alter the topography of the land.
  - The erection of telephone or power lines provided they do not involve the construction of towers or poles.
- To post and wire and post and rail fencing.

## 44.04-3 Subdivision

31/07/2018
VC148

A permit is required to subdivide land.

## 44.04-4 Application requirements

31/07/2018
VC148

An application must be accompanied by any information specified in a schedule to this overlay.

## 44.04-5 Local floodplain development plan

31/07/2018
VC148

If a local floodplain development plan has been developed for the area and has been incorporated into this scheme, an application must be consistent with the plan.

## 44.04-6 Exemption from notice and review

31/07/2018
VC148

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

## 44.04-7 Referral of applications

31/07/2018
VC148

An application must be referred to the relevant floodplain management authority under Section 55 of the Act unless in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the floodplain management authority.

## 44.04-8 Decision guidelines

06/09/2021
VC171

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any 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.
- Alternative design or flood proofing responses.
- 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.
  - Tidal patterns.
  - Coastal inundation and erosion.
  - 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, marine and coastal health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality, estuaries and sites of scientific significance.
- Any other matters specified in a schedule to this overlay.

11/08/2022
C248wynd

# SCHEDULE TO CLAUSE 44.04 LAND SUBJECT TO INUNDATION OVERLAY

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

## 1.0 Land subject to inundation objectives to be achieved

11/08/2022
C248wynd

None specified.

## 2.0 Statement of risk

11/08/2022
C248wynd

None specified.

## 3.0 Permit requirement

11/08/2022
C248wynd

None specified.

### Permit exemption

No permit is required for works associated with a road within the Residential 1 Zone, Urban Floodway Zone, and Industrial 3 Zone, and Public Acquisition Overlay required for the Palmers Road extension between Dunnings Road and the Melbourne to Geelong Railway line, in Point Cook.

## 4.0 Application requirements

11/08/2022
C248wynd

None specified.

## 5.0 Decision guidelines

11/08/2022
C248wynd

None specified.

## 44.05 SPECIAL BUILDING OVERLAY

01/07/2021
VC203

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

### Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify land in urban areas liable to inundation by overland flows from the urban drainage system as determined by, or in consultation with, 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 protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.

### 44.05-1 Flooding management objectives and statement of risk

31/07/2018
VC148

A schedule to this overlay may contain:

- Flooding management objectives to be achieved.
- A statement of risk.

### 44.05-2 Buildings and works

16/10/2025
VC288

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 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 or small second 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 or small second dwelling with a finished floor level not more than 800mm above ground level.
- A disabled access ramp.

This does not apply:

- If a schedule to this overlay specifically states that a permit is not required.
- To roadworks or bicycle paths and trails constructed or carried out by or on behalf of the Head, Transport for Victoria, to the satisfaction of the relevant floodplain management authority.
- 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 designed to operate at more than 66,000 volts.
- To landscaping, driveways, vehicle cross overs, footpaths or bicycle paths if there is no significant change to existing surface levels, or if the relevant floodplain management authority has agreed in writing that the flowpath is not obstructed.
- To an extension of less than 20 square metres in floor area to an existing building (not including an out-building), where the floor levels are constructed to at least 300mm above the flood level or if the relevant floodplain management authority has agreed in writing that the flowpath is not obstructed.
- To an upper storey extension to an existing building.
- To an alteration to an existing building where the original building footprint remains the same and floor levels are constructed to at least 300mm above flood level.
- To an out-building (including replacement of an existing building) if the out-building is less than 10 square metres in floor area and constructed to at least 150mm above the flood level or the relevant floodplain management authority has agreed in writing that the flowpath is not obstructed.
- To a replacement building (not including an out-building) if it is constructed to at least 300mm above the flood level and the original building footprint remains the same. The responsible authority may require evidence of the existing building envelope.
- To fencing with at least 25% openings and with the plinth at least 300mm above the flood level.
- To a replacement fence in the same location and of the same type and materials as the existing fence.
- To a pergola or an open deck area with unenclosed foundations.
- To a carport constructed over an existing carspace.
- To an in-ground swimming pool and associated security fencing, where the perimeter edging of the pool is constructed at natural surface levels and excavated material is removed from the flowpath.
- To a tennis court at existing surface level with fencing designed to minimise obstruction to flows.
- To an aviary or other enclosure for a domestic animal if it is less than 10 square metres in floor area at ground level.
- To open sided verandahs, open sided picnic shelters, barbeques and park furniture (excluding playground equipment) if there is less than 30mm change to existing surface levels.
- To radio masts, light poles or signs on posts or attached to buildings.

### 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 | Provision |
|---|---|
| Construct a building or construct or carry out works. | Clause 59.08 |

## 44.05-3 Subdivision

16/10/2025
VC288

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 | Provision |
|---|---|
| Any of the following classes of subdivision:<br>▪ Subdivide land to realign the common boundary between two lots where the area of either lot is reduced by less than 15 per cent and the general direction of the common boundary does not change.<br>▪ Subdivide land into lots each containing an existing building or car parking space where:<br>– The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.<br>– An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within five years prior to the application for a permit for subdivision.<br>▪ Subdivide land into two lots if:<br>– 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.<br>– The construction or carrying out of the approved building or works on the land has started lawfully.<br>– The subdivision does not create a vacant lot. | Clause 59.08 |
| Subdivide land into two lots if:<br>▪ A permit has been issued under a provision of a residential zone to construct up to two dwellings on the land and the permit has not expired.<br>▪ Each lot will contain either:<br>– one existing dwelling; or<br>– one dwelling permitted to be constructed in accordance with the permit. | Clause 59.08 |

## 44.05-4 Application requirements

31/07/2018
VC148

Unless otherwise agreed in writing by the relevant floodplain management authority, an application to construct a building or construct or carry out works must be accompanied by a site plan which shows, as appropriate:

- The boundaries and dimensions of the site.
- Relevant existing and proposed ground levels, to Australian Height Datum, taken by or under the direction or supervision of a licensed land surveyor.
- The layout, size and use of existing and proposed buildings and works, including vehicle parking areas.
- Floor levels of any existing and proposed buildings 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.
- Any other application requirements 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.

## 44.05-5 Exemption from notice and review

31/07/2018
VC148

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

## 44.05-6 Referral of applications

31/07/2018
VC148

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 to in writing between the responsible authority and the floodplain management authority.

## 44.05-7 Decision guidelines

31/07/2018
VC148

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any 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.
- 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.
- Any other matters specified in a schedule to this overlay.

11/08/2022
C248wynd

# SCHEDULE TO CLAUSE 44.05 SPECIAL BUILDING OVERLAY

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

## 1.0 Flooding management objectives to be achieved

11/08/2022
C248wynd

None specified.

## 2.0 Statement of risk

11/08/2022
C248wynd

None specified.

## 3.0 Permit requirement

11/08/2022
C248wynd

None specified.

## 4.0 Application requirements

11/08/2022
C248wynd

None specified.

## 5.0 Decision guidelines

11/08/2022
C248wynd

None specified.

## 44.07 STATE RESOURCE OVERLAY

19/08/2021
VC196

Shown on the planning scheme map as **SRO** with a number.

### Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To protect areas of mineral, stone and other resources, which have been identified as being of state significance, from use and development that would prejudice the current or future productive use of the resource.

### 44.07-1 Resource significance and management objectives

19/08/2021
VC196

A schedule to this overlay must contain:

- A statement of the significance of the resource.
- The management objectives to be achieved.

### 44.07-2 Use of land

19/08/2021
VC196

Any requirement in a schedule to this overlay must be met.

### 44.07-3 Subdivision

19/08/2021
VC196

Any requirement in a schedule to this overlay must be met.

### 44.07-4 Buildings and works

19/08/2021
VC196

Any requirement in a schedule to this overlay must be met.

### 44.07-5 Application requirements

19/08/2021
VC196

An application under the zone to construct a building or construct or carry out works or subdivide land specified in a schedule to this overlay, or an application under a schedule to this overlay, must be accompanied by the following information:

- A report which explains how the proposed use, building, works or subdivision:
  - Is consistent with the management objective specified in the schedule.
  - Responds to the decision guidelines.
- Any information specified in a schedule to this overlay.

### 44.07-6 Referral of applications

19/08/2021
VC196

An application of a kind specified in a schedule to this overlay must be referred to the specified referral authority in accordance with Section 55 of the Act.

### 44.07-7 Exemption from notice and review

15/09/2022
VC225

A schedule to this overlay may specify that an application under the schedule, or an application under any provision of this planning scheme to use or develop land for extractive industry, is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2), and (3) and the review rights of section 82(1) of the Act.

### 44.07-8 Decision guidelines

19/08/2021
VC196

Before deciding on an application of a kind specified in a schedule to this overlay, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The statement of resource significance and the management objectives specified in a schedule to this overlay.
- The significance of the future productive use of the resource to the state.
- Any transport network implications related to the proposal.
- When the resource is likely to be required for extraction.
- The desirability of preventing any use, buildings, works, or subdivision which may adversely impact on the future productive use of the resource.
- Any other matters specified in a schedule to this overlay.

24/04/2026
GC263

# SCHEDULE 1 TO CLAUSE 44.07 STATE RESOURCE OVERLAY

Shown on the planning scheme map as **SRO1.**

## WERRIBEE-LITTLE RIVER STRATEGIC EXTRACTIVE RESOURCE AREA

## 1.0 Statement of resource significance

24/04/2026
GC263

Victoria's population is projected to exceed 10 million people by 2050. As Victoria grows and more houses, schools, hospitals, roads and renewable energy projects are delivered, the demand for quarry resources, including rock and sand, will significantly increase. Securing state-significant extractive resources close to market is important for the delivery of major infrastructure projects. Extractive resources need to be protected to provide a source of supply over the long term.

Extractive industries in Wyndham make a significant contribution to Victoria's total hard rock production. While existing extractive industries are a large supplier to Melbourne and local areas, there is an opportunity for further extractive industries to be developed in appropriate locations, and for Wyndham to make an increased contribution to the state's hard rock supply.

Favourable geological characteristics in Wyndham have been substantiated by the number of existing extractive industry operations. The area also has manageable environmental and planning constraints, is supported by transport networks, and is proximate to demand markets.

Wyndham's high population growth is a major driver for local hard rock demand. The municipality is expected to use around 110 million tonnes of hard rock from 2015 to 2050. Protecting the future extractive resource capacity in Wyndham from incompatible use and development is critical to ensure that demand can be met, maintain certainty of supply, and ensure Wyndham continues to contribute to the state's ongoing need for hard rock resources.

This schedule applies to land within the Werribee-Little River Strategic Extractive Resource Area (SERA). It contains a state-significant supply of hard rock resources and is in a location where future investment in extractive industries is encouraged.

The purpose of this schedule is to protect the long-term supply of extractive resources within the Werribee-Little River SERA from land uses, development and subdivision that may otherwise constrain existing extractive operations or limit opportunities for future resource extraction.

## 2.0 Management objectives

24/04/2026
GC263

- To ensure land is protected and extractive uses are permitted in locations with good access to resources, transport networks, and close to markets.
- To ensure use and development is compatible with the existing and future use of the area for extractive industry.
- To ensure subdivision and fragmentation of land does not restrict existing or future extractive industry operations.

## 3.0 Use of land

24/04/2026
GC263

A permit is required to use land for the following:

- Accommodation.
- Crematorium.
- Education centre.
- Funeral parlour.
- Hospital.
- Leisure and recreation.
- Place of assembly.

- Retail premises.
- Veterinary centre.
- Winery.

## 4.0 Subdivision

24/04/2026
GC263

A permit is required to subdivide land. This requirement does not apply if each lot created by the subdivision is a minimum of 40 hectares.

## 5.0 Buildings and works

24/04/2026
GC263

A permit is required to construct a building or to construct or carry out works. This does requirement does not apply to:

- An alteration or extension to an existing building provided the gross floor area of the alteration or extension does not exceed 200 square metres.
- A non-habitable building with a gross floor area not exceeding 200 square metres.
- A building or works associated with the use of land for extractive industry.
- Works with an area not exceeding 200 square metres.
- Works associated with the use of land for agriculture.
- A rainwater tank.

## 6.0 Application requirements

24/04/2026
GC263

An application under the zone to use or develop land for extractive industry should be accompanied by the following information, as appropriate, to the satisfaction of the responsible authority:

A Traffic Impact Assessment, including:

- The capacity of existing road infrastructure.
- The proposed heavy vehicle use emanating from the extractive industry.
- The carrying capacity and safety of alignment for heavy vehicles.
- The drainage, bridges and stormwater infrastructure.
- The demonstrated need for road improvements.
- The apportionment of cost with other heavy vehicle users.
- Whether upgrading is required as a direct consequence of heavy vehicles.

## 7.0 Referral of applications

24/04/2026
GC263

| Kind of application | Referral authority | Type of referral authority |
|---|---|---|
| Any use listed in Clause 3.0 of this schedule.<br>Buildings and works associated with a use listed in section 3.0 of this schedule.<br>To subdivide land. | Secretary to the Department administering the *Mineral Resources (Sustainable Development) Act 1990* | Determining referral authority |
| Use or development of land for extractive industry. | Head, Transport for Victoria | Determining referral authority |

## 8.0 Exemption from notice and review

24/04/2026
GC263

An application for extractive industry under any provision of this planning scheme is exempt from the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the *Planning and Environment Act 1987* if:

- The land is at least 500 metres from land used for any uses listed in section 3.0 to this schedule; and
- The land has access to a road in a Transport Zone 2.

## 9.0 Decision guidelines

24/04/2026
GC263

Before deciding on an application under this overlay, in addition to the decision guidelines in clause 44.07 and clause 65, the responsible authority must consider, as appropriate:

- Whether the use or development is compatible with existing or future extractive industry uses in the SERA.
- Whether existing natural features and topography will mitigate potential impacts of the proposed use on existing or future extractive industry.
- Whether the use or development adversely impacts on the future productive extraction of the resource.
- Whether development is designed and sited in a location to minimise amenity impacts from future resource extraction operations and transportation.
- Whether subdivision inhibits the existing or future use of the land for extractive industry.

24/04/2026
GC263

# SCHEDULE 2 TO CLAUSE 44.07 STATE RESOURCE OVERLAY

Shown on the planning scheme map as **SRO2.**

## PROTECTING EXTRACTIVE INDUSTRIES IN THE WERRIBEE-LITTLE RIVER STRATEGIC EXTRACTIVE RESOURCE AREA

## 1.0 Statement of resource significance

24/04/2026
GC263

Victoria's population is project to exceed 10 million people by 2050. As Victoria grows and more houses, schools, hospitals, roads and renewable energy projects are delivered, the demand for quarry resources, including rock and sand, will significantly increase. Securing state-significant extractive resources close to market is important for the delivery of major infrastructure projects. Extractive resources need to be protected to provide a source of supply over the long term.

Existing extractive industries in the area west of Werribee make a significant contribution to Victoria's total hard rock production and are a large supplier of hard rock to metropolitan Melbourne, peri-urban areas, as well as locally.

Substantial hard rock resources from basalt lava flows have enabled a number of extractive industry operations to establish. As the area has manageable environmental and planning constraints, is supported by transport networks and is proximate to demand markets, there is opportunity for further extractive industries to be developed and for Wyndham to make an increased contribution to the state's hard rock supply.

Wyndham's high population growth is a major driver for local hard rock demand. The municipality is expected to use around 110 million tonnes of hard rock from 2015 to 2050. Protecting the resource from incompatible land use and development is critical for maintaining certainty of supply, particularly as the resource is located close to areas of both high demand and increasing urbanisation.

The purpose of this schedule is to protect hard rock resource extraction operations within the Werribee-Little River Strategic Extractive Resource Area (SERA) from uses, development and subdivision that may otherwise constrain existing extractive operations or limit opportunities for future resource extraction. It applies a buffer up to 500 metres outside the SERA extending from quarries within the SERA that have been granted a work authority under the *Mineral Resources (Sustainable Development) Act 1990.*

## 2.0 Management objectives

24/04/2026
GC263

- To protect extractive industry operations with a work authority issued under the *Mineral Resources (Sustainable Development) Act 1990* from encroachment by incompatible uses and development.
- To ensure that new use and development within 500 metres of an operating extractive industry within the Werribee-Little River SERA do not adversely impact its continued operation or limit its potential future expansion.
- To ensure that development is appropriately designed and sited to minimise amenity impacts from extractive industry operations, including the transport of materials.
- To ensure that the subdivision and fragmentation of land does not impact the extractive industry operations.

## 3.0 Use of land

24/04/2026
GC263

A permit is required to use land for the following:

- Accommodation
- Crematorium
- Education centre

- Funeral parlour
- Hospital
- Leisure and recreation
- Place of assembly
- Retail premises
- Veterinary centre
- Winery.

## 4.0 Subdivision

24/04/2026
GC263

A permit is required to subdivide land. This requirement does not apply if each lot created by the subdivision is a minimum of 40 hectares.

## 5.0 Buildings and works

24/04/2026
GC263

A permit is required to construct a building or to construct or carry out works. This requirement does not apply to:

- An alteration or extension to an existing building provided the gross floor area of the alteration or extension is not more than 200 square metres.
- A non-habitable building with a gross floor area not exceeding 200 square metres.
- A building or works associated with the use of land for extractive industry.
- Works with an area not exceeding 200 square metres.
- Works associated with the use of land for agriculture.
- A rainwater tank.

## 6.0 Application requirements

19/08/2021
VC196

None specified.

## 7.0 Referral of applications

24/04/2026
GC263

| Kind of application | Referral authority | Type of referral authority |
|---|---|---|
| Any use listed in section 3.0 of this schedule.<br>Buildings and works associated with a use listed in section 3.0 of this schedule.<br>To subdivide land. | Secretary to the Department administering the *Mineral Resources (Sustainable Development) Act 1990* | Determining referral authority |

## 8.0 Exemption from notice and review

19/08/2021
VC196

None specified.

## 9.0 Decision guidelines

24/04/2026
GC263

Before deciding on an application under this overlay, in addition to the decision guidelines in clause 44.07 and clause 65, the responsible authority must consider, as appropriate:

- Whether the use or development is compatible with the extractive industry operating on nearby land.

- Whether the use or development limits the operation and expansion of the extractive industry.
- Whether existing natural features and topography mitigate potential impacts of the proposed use on existing or future extractive industry.
- Whether the use or development may adversely impact the future productive extraction of the resource.
- Whether the development is designed and sited in a location to minimise amenity impacts from resource extraction operations and transportation.
- Whether subdivision will lead to land use outcomes that inhibit the use of the land for extractive industries.

# 45 OTHER OVERLAYS

19/01/2006
VC37

## 45.01 PUBLIC ACQUISITION OVERLAY

31/07/2018
VC148

Shown on the planning scheme map as **PAO** with a number.

### Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify land which is proposed to be acquired by a Minister, public authority or municipal council.

To reserve land for a public purpose and to ensure that changes to the use or development of the land do not prejudice the purpose for which the land is to be acquired.

To designate a Minister, public authority or municipal council as an acquiring authority for land reserved for a public purpose.

## 45.01-1 Permit required

14/12/2023
VC253

A permit is required to:

- Use land for any Section 1 or Section 2 use in the zone.
- Construct a building or construct or carry out works, including:
  - A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
  - A pergola or verandah, including an open-sided pergola or verandah to a dwelling or a small second 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 or a small second dwelling with a finished floor level not more than 800mm above ground level.
- Damage, demolish or remove a building or works.
- Damage, remove, destroy or lop any vegetation. This does not apply:
  - If the vegetation has been planted for pasture, timber production or any other crop.
  - To any action which is necessary to keep the whole or any part of a tree clear of an electric line provided the action is carried out in accordance with a code of practice prepared under Section 86 of the *Electricity Safety Act 1998*.
  - If the vegetation presents an immediate risk of personal injury or damage to property.
- Subdivide land.

This does not apply:

- To the acquiring authority for the land if the land has been acquired and any of the above matters for which a permit is required is consistent with the purpose for which the land was acquired.
- To an authority or a municipal council if the responsible authority, after consulting with the acquiring authority for the land, is satisfied that any of the above matters for which a permit is required is consistent with the purpose for which the land is to be acquired.

## 45.01-2 Exemption from notice and review

31/07/2018
VC148

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

## 45.01-3 Referral of applications

28/10/2013
VC102

An application must be referred under Section 55 of the Act to the acquiring authority for the land.

## 45.01-4 Decision guidelines

31/07/2018
VC148

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- The effect of the proposed use or development on the purpose for which the land is to be acquired as specified in the schedule to this overlay.

A permit granted under this clause may be conditional on:

- The extent of alterations and extensions to an existing building and works, and the materials that may be used.
- The location, dimensions, design and material or a new building or works.
- The demolition, removal or alteration of any buildings or works.
- The demolition or removal of buildings or works constructed or carried out in accordance with a permit under this clause.
- No compensation being payable for the demolition or removal of any buildings or works constructed under the permit.

## 45.01-5 Land not to be spoiled or wasted

19/01/2006
VC37

Land must not be spoiled or wasted so as to adversely affect the use of the land for the purpose for which it is to be acquired.

## 45.01-6 Reservation for public purpose

19/01/2006
VC37

Any land included in a Public Acquisition Overlay is reserved for a public purpose within the meaning of the *Planning and Environment Act 1987*, the *Land Acquisition and Compensation Act 1986* or any other act.

## 45.01-7 Acquiring authority

28/10/2013
VC102

An acquiring authority is the Minister, public authority or municipal council specified in the schedule to this overlay as the acquiring authority for the land.

14/11/2019
GC99

# SCHEDULE TO CLAUSE 45.01 PUBLIC ACQUISITION OVERLAY

1.0
20/08/2021
GC190

## Public acquisition

| PS map ref | Acquiring Authority | Purpose of acquisition |
|---|---|---|
| **PAO1** | Wyndham City Council | Acquisition by Council for Road Purposes |
| **PAO2** | Vic Roads | Acquisition by Vic Roads for Road Purposes |
| **PAO3** | Wyndham City Council | Acquisition by Council for Open Space Purposes |
| **PAO4** | Wyndham City Council | Acquisition by Council for Municipal Purposes |
| **PAO5** | Roads Corporation | Outer Metropolitan Ring / E6 Transport Corridor |
| **PAO6** | Director of Public Transport | Rail Purposes |
| **PAO7** | The Minister responsible for administering Part 2 of the Crown Land (Reserves) Act 1978 | Western Grassland Reserves |
| **PAO8** | Director of Public Transport | Outer Metropolitan Ring / E6 Transport Corridor – Rail Connections |
| **PAO9** | Melbourne Water | Acquisition by Melbourne Water for Drainage Purposes |
| **PAO10** | The Minister for Energy, Environment and Climate Change | Delivery of the Werribee Township Regional Park |
| **PAO11** | Minister for Health | Point Cook Community Hospital |

## 45.03 ENVIRONMENTAL AUDIT OVERLAY

01/07/2021
VC203

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.

### Application

This provision applies to land in an Environmental Audit Overlay and applies whether or not a permit is required.

## 45.03-1 Requirement

04/05/2022
VC210

Before a sensitive use (residential use, child care centre, kindergarten, pre-school centre, primary school, even if ancillary to another use), children's playground or secondary school commences or before the construction or carrying out of buildings and works in association with these uses commences:

- A preliminary risk screen assessment statement in accordance with the *Environment Protection Act 2017* must be issued stating that an environmental audit is not required for the use or the proposed use; or
- An environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* must be issued stating that the land is suitable for the use or proposed use; or
- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or
- A statement of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970 stating that the environmental conditions of the land are suitable for the use or proposed use.

### Exemption from requirement

The requirement for a preliminary risk screen assessment statement, an environmental audit statement, a certificate of environmental audit or a statement of environmental audit in this provision does not apply to the construction or carrying out of buildings and works if:

- The buildings and works are associated with an existing sensitive use, secondary school or children’s playground, included in Clause 62.02-1 or 62.02-2, and the soil is not disturbed;
- The buildings and works are required by the Environment Protection Authority or an environmental auditor appointed under the *Environment Protection Act 2017* to make the site suitable for use; or
- The buildings and works are reasonably required by environmental auditor appointed under the *Environment Protection Act 2017* or the *Environment Protection Act 1970* to undertake a preliminary risk screen assessment or environmental audit.

## 45.04 ROAD CLOSURE OVERLAY

31/07/2018
VC148

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

### Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify a road that is closed by an amendment to this planning scheme.

## 45.04-1 Road closure

19/01/2006
VC37

A road included in this overlay is closed on the date notice of approval of the amendment is published in the Government Gazette.

## 45.04-2 Decision guidelines

31/07/2018
VC148

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.
- That the road is closed.

## 45.06 DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY

31/07/2018
VC148

Shown on the planning scheme map as **DCPO** with a number.

### Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.

## 45.06-1 Development contributions plan

19/01/2006
VC37

A permit must not be granted to subdivide land, construct a building or construct or carry out works until a development contributions plan has been incorporated into this scheme.

This does not apply to the construction of a building, the construction or carrying out of works or a subdivision specifically excluded by a schedule to this overlay.

A permit granted must:

- Be consistent with the provisions of the relevant development contributions plan.
- Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay.

## 45.06-2 Preparation of a development contributions plan

19/01/2006
VC37

The development contributions plan may consist of plans or other documents and may, with the agreement of the planning authority, be prepared and implemented in stages.

The development contributions plan must:

- Specify the area to which the plan applies.
- Set out the works, services and facilities to be funded through the plan, including the staging of the provision of those works, services and facilities.
- Relate the need for the works, services or facilities to the proposed development of land in the area.
- Specify the estimated costs of each of the works, services and facilities.
- Specify the proportion of the total estimated costs of the works, services and facilities which is to be funded by a development infrastructure levy or community infrastructure levy or both.
- Specify the land in the area and the types of development in respect of which a levy is payable and the method for determining the levy payable in respect of any development of land.
- Provide for the procedures for the collection of a development infrastructure levy in respect to any development for which a permit is not required.

The development contributions plan may:

- Exempt certain land or certain types of development from payment of a development infrastructure levy or community infrastructure levy or both.
- Provide for different rates or amounts of levy to be payable in respect of different types of development of land or different parts of the area.

11/08/2022
C248wynd

# SCHEDULE 1 TO CLAUSE 45.06 DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY

Shown on the planning scheme map as **DCPO1.**

## CELL "B" DEVELOPMENT CONTRIBUTION PLAN

## 1.0 Area covered by this development contributions plan

19/01/2006
VC37

All land bounded by Leakes Road, Skeleton Creek, Sayers Road and Derrimut Road, Tarneit.

## 2.0 Summary of costs

11/08/2022
C248wynd

| Facility | Total cost $ | Time of provision | Actual cost contribution attributable to development $ | Proportion of cost attributable to development % |
|---|---|---|---|---|
| Distributor roads | $4,393,000 | None specified | $4,393,000 | 100% |
| Traffic management works | $1,325,000 | None specified | $1,325,000 | 100% |
| Streetscape & environment | None specified | None specified | None specified | None specified |
| Parks | 5% of total area | None specified | None specified | 100% |
| Active open space | $960,000 | None specified | $120,000 | 12.5% |
| Community activity centres | $500,000 | None specified | $500,000 | 100% |
| Drainage | None specified | None specified | None specified | None specified |
| Other | None specified | None specified | None specified | None specified |
| **TOTAL** | **$7,178,000** | - | **$6,338,000** | **88.73%** |

## 3.0 Summary of contributions

11/08/2022
C248wynd

| Facility | Levies payable by the development | | | | | |
|---|---|---|---|---|---|---|
| | Development infrastructure | | Community infrastructure | | All infrastructure | |
| | residential | non-residential | residential | non-residential | residential | non-residential |
| Distributor roads | $21,838 per ha | $21,838 per ha | None specified | None specified | $21,838 per ha | $21,838 per ha |
| Traffic management works | $6,192 per ha | $6,192 per ha | None specified | None specified | $6,192 per ha | $6,192 per ha |
| Streetscape & environment | None specified | None specified | None specified | None specified | None specified | None specified |
| Parks | 5% land | 5% land | None specified | None specified | None specified | None specified |
| Active open space | None specified | None specified | $679 per ha | None specified | $679 per ha | None specified |
| Community activity centres | $566 per ha | None specified | $2,263 per ha | None specified | $2,829 per ha | None specified |
| Drainage | None specified | None specified | None specified | None specified | None specified | None specified |
| Other | None specified | None specified | None specified | None specified | None specified | None specified |
| **TOTAL** | **$28,596 per ha** | **$28,030 per ha** | **$2,942 per ha** | | **$31,538** | **$28,030** |

*Note: Levies payable by the development should be specified appropriately, e.g. in $ per lot or $ per hectare.*

## 4.0 Land or development excluded from development contributions plan

15/01/2024
VC249

The following buildings and works are exempt from the provisions of this overlay:

- The development of land for a small second dwelling.
- Construction of one dwelling, including outbuildings, on an existing lot provided it is the only dwelling on the lot.
- Any buildings or works in association with the use of the land for agricultural purposes.
- A fence.
- Minor extensions, additions or modifications to any existing development.

*Note: This schedule sets out a summary of the costs and contributions prescribed in the development contributions plan. Refer to the incorporated development contributions plan for full details*

09/11/2017
GC75

## SCHEDULE 3 TO CLAUSE 45.06 DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY

Shown on the planning scheme map as **DCPO3.**

### WESTMEADOWS LANE AND MARQUANDS ROAD DEVELOPMENT CONTRIBUTIONS PLAN

### 1.0 Area covered by this development contributions plan

30/10/2008
C99

All the land bounded by Skeleton Creek, the north-west boundary of Lots 7 & 8 Westmeadows Lane, Leakes Road, Marquands Road and the northern boundary of Westbourne Grammar School, Truganina.

### 2.0 Summary of costs

11/08/2022
C248wynd

| Facility | Total cost for the Northern Growth Area $ | Time of provision | Actual cost contribution attributable to development | Proportion of cost attributable to development % |
|---|---|---|---|---|
| Arterial Roads and Major Path Network | $115,048,170 | None specified | $10,688,791 | 9.3% |
| Community Infrastructure | $17,896,320 | None specified | $1,837,818 | 10.3% |
| Other Development Infrastructure | $21,443,760 | None specified | $2,202,091 | 10.3% |
| **TOTAL** | **$154,388,250** | | **$14,728,700** | **9.5%** |

### 3.0 Summary of contributions (dollar values indexed as in Section 5.0)

11/08/2022
C248wynd

| Facility | Levies Payable by the Development ($) | | | | | |
|---|---|---|---|---|---|---|
| | Development infrastructure | | Community infrastructure | | All infrastructure | |
| | residential | non-residential | residential | non-residential | residential | non-residential |
| Arterial roads and major paths | $63,266.00 per net developable ha | $63,266.00 per net developable ha | - | - | $63,266.00 per net developable ha | $63,266.00 per net developable ha |
| Neighbourhood and local “District” active open space | 5% land/cash | 5% land/cash | - | - | 5% land/cash | 5% land/cash |
| Active open space | $513.25 per ha | None specified | - | - | $513.25 per ha | None specified |
| Community infrastructure | - | - | $1,150.00 per lot/dwelling | $1,150.00 per lot/dwelling | $1,150.00 per lot/dwelling | $1,150.00 per lot/dwelling |

| Facility | Levies Payable by the Development ($) | | | | | |
|---|---|---|---|---|---|---|
| | Development infrastructure | | Community infrastructure | | All infrastructure | |
| | residential | non-residential | residential | non-residential | residential | non-residential |
| Other development infrastructure | $937.06 per lot/dwelling | $937.06 per lot/dwelling | - | - | $937.06 per lot/dwelling | $937.06 per lot/dwelling |
| **TOTAL** | **$63,779.25 per net developable ha plus $937.06 per lot/dwelling** | **$63,779.25 per net developable ha plus $937.06 per lot/dwelling (if any)** | **$1,150.00 per lot/dwelling** | **$1,150.00 per lot/dwelling** | **$63,779.25 per net developable ha plus $937.06 per lot/dwelling plus $1,150.00 (CIL) per lot/dwelling** | **$63,779.25 per net developable ha plus $937.06 per lot/dwelling plus $1,150.00 (CIL) per lot/dwelling** |

** 1. Where the expression "lot/dwelling" is used, the intent is that the stated contributions are to be made on a per dwelling basis. However, where contributions are to be made on subdivisions, the number of lots may be used as a proxy for number of dwellings; except that where multi-dwelling or multi-use sites are included, their contributions will be based on planned dwelling numbers.*

*2. Totals do not include 5% open space contributions, where relevant.*

### The Community Infrastructure Levy (CIL) payable under this Development Contributions Plan (DCP)

Section 46L of the *Planning and Environment Act 1987* sets the maximum CIL amount that can be collected under an approved DCP.

If the maximum amount of the CIL which may be collected under an approved DCP is varied under section 46L of the *Planning and Environment Act 1987*, the collecting agency may adjust the amount of the CIL payable under this DCP in accordance with section 46L of the *Planning and Environment Act 1987*.

If the collecting agency adjusts the amount of the CIL payment under this DCP, the collecting agency will publish the adjusted amount of the CIL payable under this DCP on its website.

## 4.0 Development in excess of 15 dwellings per hectare.

30/10/2008
C99

For residential developments where the density is greater than 15 dwellings per net developable hectare as defined in Section 9 of this Schedule, and where communal open space and indoor recreation areas are provided in accordance with the Westmeadows Lane and Marquands Road Development Contributions Plan, the "community" and "other development" infrastructure will be limited to $11,730.75 and $14,055.90 respectively, per net developable hectare (subject to indexation, as provided in Section 5.0).

## 5.0 Indexation

30/10/2008
C99

All contributions stated in dollar values in this Schedule are to be indexed in line with the Commonwealth Statistician's consumer Price Index (All Groups) for Melbourne (CPI) from the September quarter, 2007, unless otherwise stated.

## 6.0 Provision of land for major road reservations or widenings

30/10/2008
C99

For each property where land is required for road widening or a road reservation, the first component of its development contributions for roads shall be the land contribution from this property unless the Responsible Authority agrees to an alternative. This plan includes provision to fund land acquisition for road widening from contributions under this Development Contributions Plan Overlay at the value of $167,033 per hectare, plus indexation as in Section 5.0. Affected landowners will be credited that value of land transferred to Responsible Authority for road widening at the rate of $167,033 per hectare, plus indexation as in Section 5.0, which is the rate that was used when determining the level of development contributions for the plan area.

## 7.0 Public Open Space contribution

30/10/2008
C99

A public open space contribution of 5% of the gross developable area of the land plus a cash contribution of $513.25 per hectare (subject to indexation) is required in accordance with the Westmeadows Lane and Marquands Road Development Contributions Plan and the Cell C Development Plan (Stage 1).

## 8.0 Land or development excluded from development contributions plan

15/01/2024
VC249

The following buildings and works are exempt from the provisions of this overlay:

- Land where a S173 Agreement has been executed for development contributions;
- The development of land for a small second dwelling.
- Construction of one dwelling, including outbuildings, on a lot that exists before this overlay, provided it is the only dwelling on the lot.
- Any buildings or works in association with the use of the land for agricultural purposes.
- A fence.
- Minor extensions, additions or modifications to any existing development.

## 9.0 Definitions

30/10/2008
C99

**Net developable area** for the purposes of this schedule is defined as “the total site area, minus arterial and sub-arterial road widenings and reserves, floodways in dedicated reservations, school sites and the open space required by Council. Estate entry features, plantation and garden reserves and similar features are not omitted.

**Gross developable area** for the purposes of this schedule is defined as “the total site area, minus arterial and sub-arterial road widenings and reserves, floodways in dedicated reservations and school sites. Estate entry features, plantation and garden reserves and similar features are not omitted. Gross Developable Area is only used in the calculation of public open space requirements.

*Note: This schedule sets out a summary of the costs and contributions prescribed in the development contributions plan. Refer to the incorporated development contributions plan for full details*

11/08/2022
C248wynd

# SCHEDULE 4 TO CLAUSE 45.06 DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY

Shown on the planning scheme map as **DCPO4.**

## WESTMEADOWS LANE RECONSTRUCTION LEVY

## 1.0 Area covered by the levy

30/10/2008
C99

All the land bounded by Skeleton Creek, the easterly boundaries of Lots 8 & 9 Westmeadows Lane, north-westerly boundary of Lot 7 Westmeadows Lane, the Leakes Road, Marquands Road and the northern boundary of Westbourne Grammar School, Truganina.

## 2.0 Summary of costs

11/08/2022
C248wynd

| Facility | Total cost $ | Time of provision | Actual cost contribution attributable to development $ | Proportion of cost attributable to development % |
|---|---|---|---|---|
| Westmeadows Lane Reconstruction | $1,816,568 | None specified | $1,816,568 | 100% |
| **TOTAL** | **$1,816,568** | | **$1,816,568** | **100%** |

## 3.0 Summary of contributions

11/08/2022
C248wynd

| Facility | Levies Payable By The Development ($) | | | | | |
|---|---|---|---|---|---|---|
| | Development infrastructure | | Community infrastructure | | All infrastructure | |
| | residential | non-residential | residential | non-residential | residential | non-residential |
| Westmeadows Lane Reconstruction | $989.46 per linear metre frontage to Westmeadows Lane plus $3,558.05 per Net Developable ha | $989.46 per linear metre frontage to Westmeadows Lane plus $3,558.05 per Net Developable ha | None specified | None specified | $989.46 per linear metre frontage to Westmeadows Lane plus $3,558.05 per Net Developable ha | $989.46 per linear metre frontage to Westmeadows Lane plus $3,558.05 per Net Developable ha |
| **TOTAL** | **$989.46 per linear metre frontage to Westmeadows Lane plus $3,558.05 per Net Developable ha** | **$989.46 per linear metre frontage to Westmeadows Lane plus $3,555.05 per Net Developable ha** | | | **$989.46 per linear metre frontage to Westmeadows Lane plus $3,558.05 per Net Developable ha** | **$989.46 per linear metre frontage to Westmeadows Lane plus $3,558.05 per Net Developable ha** |

## 4.0 Indexation

30/10/2008
C99

All contributions stated in dollar values in this Schedule are to be indexed in line with the Commonwealth Statistician's consumer Price Index (All Groups) for Melbourne (CPI) from the September quarter, 2007, unless otherwise stated.

## 5.0 Payments and refunds

30/10/2008
C99

Payment of the full contribution will be required prior to works commencing on a development that may not be subdivided, or the issue of a Statement of Compliance for the first subdivision of the land. Funds will be collected by the Responsible Authority and pooled until the road has been fully constructed, to the Responsible Authority's satisfaction. Once the road's construction has been fully funded, any remaining pooled funds and further contributions will be redistributed among those developers who have contributed more than their fair share, as detailed in the Westmeadows Lane and Marquands Road Development Contributions Plan.

Works in kind may be required or permitted by Council, in lieu of payments, and Council may accelerate completion of Marquands Road by applying pooled funds, as detailed in the Development Contributions Plan under this Overlay.

## 6.0 Land or development excluded from development contributions plan

15/01/2024
VC249

The following buildings and works are exempt from the provisions of this overlay:

- The development of land for a small second dwelling.
- Construction of one dwelling, including outbuildings, on a lot that existed before this overlay, provided it is the only dwelling on the lot.
- Any buildings or works in association with the use of the land for agricultural purposes.
- A fence.
- Minor extensions, additions or modifications to any existing development.

## 7.0 Definitions

30/10/2008
C99

**Net developable area** for the purposes of this schedule is defined as "the total site area, minus arterial and sub-arterial road widenings and reserves, floodway's in dedicated reservations, school sites and the open space required by Council. Estate entry features, plantation and garden reserves and similar features are not omitted.

*Note: This schedule sets out a summary of the costs and contributions prescribed in the development contributions plan. Refer to the incorporated development contributions plan for full details*

11/08/2022
C248wynd

# SCHEDULE 5 TO CLAUSE 45.06 DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY

Shown on the planning scheme map as **DCPO5.**

## MARQUANDS ROAD RECONSTRUCTION LEVY

## 1.0 Area covered by this development contributions plan

30/10/2008
C99

All the land bounded by the western boundary of Lots 1 and 16 Westmeadows Lane, Leakes Road, a line located 200 metres east of Marquands Road and the alignment of the northern boundary of Westbourne Grammar School, Truganina.

## 2.0 Summary of costs

11/08/2022
C248wynd

| Facility | Total cost $ | Time of provision | Actual cost contribution attributable to development $ | Proportion of cost attributable to development % |
|---|---|---|---|---|
| Marquands Road Reconstruction | $1,355,670 | None specified | $1,355,670 | 100% |
| **TOTAL** | **$1,355,670** | | **$1,355,670** | **100%** |

## 3.0 Summary of contributions

11/08/2022
C248wynd

| Facility | Levies payable by the development ($) | | | | | |
|---|---|---|---|---|---|---|
| | Development infrastructure | | Community infrastructure | | All infrastructure | |
| | residential | non-residential | residential | non-residential | residential | non-residential |
| Marquands Road Reconstruction | $1,151.12 per linear metre frontage | $1,151.12 per linear metre frontage | None specified | None specified | $1,151.12 per linear metre frontage | $1,151.12 per linear metre frontage |
| **TOTAL** | **$1,151.12 per linear metre frontage** | **$1,151.12 per linear metre frontage** | | | **$1,151.12 per linear metre frontage** | **$1,151.12 per linear metre frontage** |

## 4.0 Indexation

11/08/2022
C248wynd

All contributions stated in dollar values in this Schedule are to be indexed in line with the Commonwealth Statistician's consumer Price Index (All Groups) for Melbourne (CPI) from the September quarter, 2007, unless otherwise stated.

## 5.0 Payments and refunds

30/10/2008
C99

Payment of the full contribution will be required prior to works commencing, or the issue of a Statement of Compliance for the first subdivision of the land. Funds will be collected by the Responsible Authority and pooled until the road has been fully constructed, to the Responsible Authority's satisfaction. Once the road's construction has been fully funded, any remaining pooled funds and further contributions will be redistributed among those developers who have contributed more than their fair share, as detailed in the Westmeadows Lane and Marquands Road Development Contributions Plan.

Works in kind may be required or permitted by Council, in lieu of payments, and Council may accelerate completion of Marquands Road by applying pooled funds, as detailed in the Development Contributions Plan under this Overlay.

## 6.0 Land or development excluded from development contributions plan

15/01/2024
VC249

The following buildings and works are exempt from the provisions of this overlay:

- The development of land for a small second dwelling.
- Construction of one dwelling, including outbuildings, on a lot that existed before this, overlay, provided it is the only dwelling on the lot.
- Any buildings or works in association with the use of the land for agricultural purposes.
- A fence.
- Minor extensions, additions or modifications to any existing development.

## 7.0 Definitions

30/10/2008
C99

**Net developable area** for the purposes of this schedule is defined as "the total site area, minus arterial and sub-arterial road widenings and reserves, floodway's in dedicated reservations, school sites and the open space required by Council. Estate entry features, plantation and garden reserves and similar features are not omitted.

*Note: This schedule sets out a summary of the costs and contributions prescribed in the development contributions plan. Refer to the incorporated development contributions plan for full details*

09/11/2017
GC75

# SCHEDULE 6 TO CLAUSE 45.06 DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY

Shown on the planning scheme map as **DCPO6**

## TARNEIT WEST DEVELOPMENT CONTRIBUTIONS PLAN

## 1.0 Area covered by this development contributions plan

31/07/2008
C106

All land bounded by Tarneit and Hogans Roads, Davis Creek and the southern boundary of Claremont Park Estate in Tarneit West.

## 2.0 Summary of costs (in 2008 dollars)

11/08/2022
C248wynd

| Facility | Total cost for the Northern Growth Area$ | Time of provision | Actual cost contribution attributable to Tarneit West development $ | Proportion of cost attributable to development % |
|---|---|---|---|---|
| Arterial roads and major path network | $115,048,170 | None specified | $7,274,262 | 6.2% |
| Community Infrastructure | $17,896,320 | None specified | $1,123,219 | 6.1% |
| Other development Infrastructure | $21,443,760 | None specified | $1,345,852 | 6.1% |
| **TOTAL** | **$154,388,250** | | **$9,743,333** | **6.2%** |

## 3.0 Summary of contributions

11/08/2022
C248wynd

| Facility | Levies payable by the development ($) | | | | | |
|---|---|---|---|---|---|---|
| | Development infrastructure (in 2008 dollars) | | Community infrastructure | | All infrastructure | |
| | residential | non-residential | residential | non-residential | residential | non-residential |
| Arterial roads and major path network | $75,971.40 per net developable ha | $75,971.40 per net developable ha | None specified | None specified | $75,971.40 per net developable ha | $75,971.40 per net developable ha |
| Neighbourhood and Active open space | 7.5% | | None Specified | None Specified | 7.5% | |
| | | None specified | $1,150.00 per lot/dwelling | None specified | $1,150.00 per lot/dwelling | None specified |
| Other development Infrastructure | $937.06 per lot/dwelling | None specified | | None specified | $937.06 per lot/dwelling | None specified |

| Facility | Levies payable by the development ($) | | | | | |
|---|---|---|---|---|---|---|
| | Development infrastructure (in 2008 dollars) | | Community infrastructure | | All infrastructure | |
| | residential | non-residential | residential | non-residential | residential | non-residential |
| TOTAL | $75,971.40 per net developable ha plus $937.06 per lot or dwelling | $75,971.40 per net developable ha | $1,150.00 per lot or dwelling | None specified | $75,971.40 per net developable ha plus $937.06 per lot or dwelling plus $1,150.00 (CIL) per lot/dwelling | $75,971.40 per net developable ha |

**The Community Infrastructure Levy (CIL) payable under this Development Contributions Plan (DCP)**

Section 46L of the *Planning and Environment Act 1987* sets the maximum CIL amount that can be collected under an approved DCP

If the maximum amount of the CIL which may be collected under an approved DCP is varied under section 46L of the *Planning and Environment Act 1987*, the collecting agency may adjust the amount of the CIL payable under this DCP in accordance with section 46L of the *Planning and Environment Act 1987*.

If the collecting agency adjusts the amount of the CIL payment under this DCP, the collecting agency will publish the adjusted amount of the CIL payable under this DCP on its website.

## 4.0 Development in excess of 15 dwellings per hectare.

31/07/2008 C106

For residential developments where the density is greater than 15 dwellings per net developable hectare as defined in Section 10 of this Schedule, and where communal open space and indoor recreation areas are provided in accordance with a development contributions plan for the locality, the "community" and "other development" infrastructure will be limited to $11,730.75 and $14,055.90 respectively, per net developable hectare.

## 5.0 Indexation

09/11/2017 GC75

All development infrastructure contributions stated in dollar values in this Schedule are to be indexed in line with the Commonwealth Statistician's Consumer Price Index (All Groups) for Melbourne (CPI) from the September quarter, 2007, unless otherwise stated.

## 6.0 Provision of land for major road reservations or widening

31/07/2008 C106

For each property where land is required for road widening or a road reservation, the first component of its development contributions for roads shall be the land contribution from this property unless the Responsible Authority agrees to an alternative. This plan includes provision to fund land acquisition for road widening from contributions under this Development Contributions Plan Overlay at the value of $511,074.92 per hectare, plus indexation as in Section 5.0. Affected landowners will be credited that value of land transferred to Responsible Authority for road widening at the rate of $511,074.92 per hectare, plus indexation as in Section 5.0, which is the rate that was used when determining the level of development contributions for the plan area.

## 8.0 Public Open Space contribution

15/01/2024
VC249

A total public open space contribution of 7.5% is required of the gross developable area of a residential development site in accordance with the *Tarneit West Development Contributions Plan and the Outline Development Plan December 2023*.

## 9.0 Land or development excluded from development contributions plan

15/01/2024
VC249

The following buildings and works are exempt from the provisions of this overlay:

- The development of land for a small second dwelling.
- Public schools;
- Construction of one dwelling, including outbuildings, on an existing lot provided it is the only dwelling on the lot.
- Any buildings or works in association with the use of the land for agricultural purposes.
- A fence.
- Minor extensions, additions or modifications to any existing development.

*Note: This schedule sets out a summary of the costs and contributions prescribed in the Tarneit West Development Contributions Plan incorporated document. Refer to this document for full details.*

11/08/2022
C248wynd

# SCHEDULE 7 TO CLAUSE 45.06 DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY

Shown on the planning scheme map as **DCPO7.**

## WOOTTEN ROAD CONTRIBUTIONS PLAN

## 1.0 Area covered by this development contributions plan

11/08/2022
C248wynd

All land parcels that have direct abuttal to the existing Wootten Road reservation in Tarneit West, excepting the proposed primary school site.

## 2.0 Summary of costs

11/08/2022
C248wynd

| Facility | Total cost $ | Time of provision | Actual cost contribution attributable to development $ | Proportion of cost attributable to development % |
|---|---|---|---|---|
| Wootten Road Reconstruction | $977,592 | None specified | $977,592 | 100% |
| **TOTAL** | **$997,592** | | **$997,592** | 100% |

## 3.0 Summary of contributions

11/08/2022
C248wynd

| Facility | Levies payable by the development ($) | | | | | |
|---|---|---|---|---|---|---|
| | Development infrastructure | | Community infrastructure | | All infrastructure | |
| | residential | non-residential | residential | non-residential | residential | non-residential |
| Wootten Road Reconstruction | $989.46 per linear metre frontage to Wootten Road plus $9,381.84 per net developable ha | $ | $ | $ | $989.46 per linear metre to frontage to Wootten Road plus $9,381.84 per net developable ha | $989.46 per linear metre to frontage to Wootten Road plus $9,381.84 per net developable ha |
| **TOTAL** | **$989.46 per linear metre to frontage to Wootten Road plus $9,381.84 per net developable ha** | **$** | **$** | **$** | **$989.46 per linear metre to frontage to Wootten Road plus $9,381.84 per net developable ha** | **$989.46 per linear metre to frontage to Wootten Road plus $9,381.84 per net developable ha** |

*Note: Levies payable should be specified appropriately, e.g. in $ per lot or $ per hectare.*

## 4.0 Land or development excluded from development contributions plan

15/01/2024
VC249

The following buildings and works are exempt from the provisions of this overlay:

- The development of land for a small second dwelling;
- Public schools;
- Construction of one dwelling, including outbuildings, on an existing lot provided it is the only dwelling on the lot;
- Any buildings or works in association with the use of the land for agricultural purposes;
- A fence;
- Minor extensions, additions or modifications to any existing development.

## 5.0 Indexation

All contributions stated in dollar values in this Schedule are to be indexed in line with the Commonwealth Statistician's Consumer Price Index (All Groups) for Melbourne (CPI) from the September quarter, 2007, unless otherwise stated.

*Note: This schedule sets out a summary of the costs and contributions prescribed in the Tarneit West Development Contributions Plan incorporated document. Refer to the incorporated development contributions plan for full details.*

09/11/2017
GC75

# SCHEDULE 8 TO CLAUSE 45.06 DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY

Shown on the planning scheme map as **DCPO8**

## TRUGANINA SOUTH PRECINCT DEVELOPMENT CONTRIBUTIONS PLAN

## 1.0 Area covered by this development contributions plan

07/07/2011
C123

All the land generally bounded by Leakes Road, Palmers Road, Sayers Road and Marquands Road, Truganina that is included in the Development Contributions Plan Overlay 8 on the Wyndham Planning Scheme maps.

## 2.0 Summary of costs (dollar values indexed)

11/08/2022
C248wynd

| Facility | Total cost for the Wyndham North Growth Front $ | Time of provision | Actual cost contribution attributable to Truganina South Community PSP Area $ | Proportion of cost attributable to development % |
|---|---|---|---|---|
| Arterial Roads and Major Path Network | $127,206,782 | Generally concurrent with development | $16,222,126 | 12.75% |
| Community Infrastructure | $24,236,808 | None specified | $2,224,800 | 9.18% |
| Other Development Infrastructure | $52,162,329 | None specified | $7,981,647 | 15.30% |
| Truganina South PSP Items | $0 | None specified | $20,773,979 | 100% |
| **TOTAL** | **$203,605,919** | | **$47,202,553** | **-** |

**3.0**
**11/08/2022**
**C248wynd**

## Summary of contributions (dollar values indexed)

| Facility | Levies payable by the development ($) | | | | | |
|---|---|---|---|---|---|---|
| | Development infrastructure | | Community infrastructure | | All infrastructure | |
| | residential | non-residential | residential | non-residential | residential | non-residential |
| Arterial roads and major paths | $169,311.65 per net developable ha | $169,311.65 per net developable ha | - | - | $169,311.65 per net developable ha | $169,311.65 per net developable ha |
| Neighbourhood and local “District” active open space | 7.5% land/cash | 5% land/cash | - | - | 7.5% land/cash | 5% land/cash |
| Community infrastructure | - | - | $1,150.00 per lot/dwelling | $1,150.00 per lot/dwelling | $1,150.00 per lot/dwelling | $1,150.00 per lot/dwelling |
| Other development infrastructure | $6,693.75 per lot/dwelling | $6,693.75 per lot/dwelling | - | - | $6,693.75 per lot/dwelling | $6,693.75 per lot/dwelling |
| **TOTAL** | **$169,311.65** **per net developable ha plus $6,693.75 per lot/dwelling** | **$169,311.65** **per net developable ha plus $6,693.75 per lot/dwelling** | **$1,150.00** **per net lot/dwelling** | **$1,150.00** **per lot/dwelling** | **$169,311.65** **per net developable ha plus $6,693.75 per lot/dwelling plus $1,150.00 (CIL) per lot/dwelling** | **$169,311.65** **per net developable ha plus $6,693.75 per lot/dwelling plus $1,150.00 (CIL) per lot/dwelling** |

*1. Where the expression “lot/dwelling” is used, the intent is that the stated contributions are to be made on a per dwelling basis. However, where contributions are to be made on subdivisions, the number of lots may be used as a proxy for number of dwellings; except that where multi-dwelling or multi-use sites are included, their contributions will be based on planned dwelling numbers.*

*2. Totals do not include open space contributions, where relevant, as they are expressed as percentages.*

### The Community Infrastructure Levy (CIL) payable under this Development Contributions Plan (DCP)

Section 46L of the *Planning and Environment Act 1987* sets the maximum CIL amount that can be collected under an approved DCP

If the maximum amount of the CIL which may be collected under an approved DCP is varied under section 46L of the *Planning and Environment Act 1987*, the collecting agency may adjust the amount of the CIL payable under this DCP in accordance with section 46L of the *Planning and Environment Act 1987*.

If the collecting agency adjusts the amount of the CIL payment under this DCP, the collecting agency will publish the adjusted amount of the CIL payable under this DCP on its website.

### Development in excess of 15 dwellings per hectare

For residential developments where the density is greater than 15 dwellings per net developable hectare as defined in the Truganina South Precinct Development Contributions Plan, and where communal open space and indoor recreation areas are provided in accordance with Truganina South Precinct Development Contributions Plan, the "community" and "other development" infrastructure will be limited to $13,500.00 and $100,406.19 respectively, per net developable hectare (subject to indexation for other development infrastructure).

### Indexation and revaluations

All Development Infrastructure Levies stated in dollar values in this Schedule are to be indexed quarterly, in line with relevant indices stated in the Development Contributions Plan. All land values are to be or subject to periodic re-valued as provided for in the Development Contributions Plan.

### Provision of land for major road reservations or widenings

For each property where land is required for road widening or a road reservation, the first component of its' development contributions for roads shall be the land contribution from this property unless the Responsible Authority agrees to an alternative. Funding for land acquisition for road widening from contributions under this Development Contributions Plan Overlay is set at the value of $750,000.00 per hectare, plus indexation. Affected landowners will be credited that value of land transferred to the Responsible Authority for road widening at the rate of $750,000.00 per hectare, plus indexation, which is the rate that was used when determining the level of development contributions for the plan area.

## 4.0 Land or development excluded from development contributions plan

15/01/2024
VC249

The following buildings and works are exempt from the provisions of this overlay:

- Land where a Section 173 Agreement has been executed for development contributions;
- The development of land for a small second dwelling;
- Construction of one dwelling, including outbuildings, on a lot that exists before this overlay, provided it is the only dwelling on the lot;
- Any buildings or works in association with the use of the land for agricultural purposes;
- A fence;
- Minor extensions, additions or modifications to any existing development.

*Note: This schedule sets out a summary of the costs and contributions prescribed in the development contributions plan. Refer to the incorporated development contributions plan for full details*

11/08/2022
C248wynd

# SCHEDULE 9 TO CLAUSE 45.06 DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY

Shown on the planning scheme map as **DCPO9.**

## TRUGANINA EMPLOYMENT PRECINCT DEVELOPMENT CONTRIBUTIONS PLAN

## 1.0 Area covered by this development contributions plan

22/12/2009
C124

Land in the City of Wyndham shown on the Planning Scheme maps as being within Schedule 9 to the Development Contributions Plan Overlay.

## 2.0 Summary of costs in July 2009 dollars

11/08/2022
C248wynd

| Facility | Total cost $ | Time of provision | Actual cost contribution attributable to development $ | Proportion of cost attributable to development % |
|---|---|---|---|---|
| Distributor roads | $67,265,282 | Refer to details in the Truganina Employment Precinct Development Contributions. | $65,739,201 | 98% |
| Traffic management works | $13,244,326 | Refer to details in the Truganina Employment Precinct Development Contributions. | $9,900,394 | 75% |
| Streetscape & environment | $1,525,000 | | $1,525,000 | 100% |
| Parks | | | | |
| Active open space | | | | |
| Community activity centres | | | | |
| Drainage | | | | |
| Other | | | | |
| **TOTAL** | **$82,034,608** | | **$77,164,595** | **94%** |

## 3.0 Summary of contributions in July 2009 dollars

11/08/2022
C248wynd

| Facility | Levies Payable By The Development ($) | | | | | |
|---|---|---|---|---|---|---|
| | Development infrastructure | | Community infrastructure | | All infrastructure | |
| | residential | non-residential | residential | non-residential | residential | non-residential |
| Distributor roads | | $85,198.55 | | | | $85,198.55 |
| Traffic management works | | $12,830.99 | | | | $12,830.99 |
| Streetscape & environment | | 1,976.41 | | | | 1,976.41 |
| Parks | | | | | | |
| Active open space | | | | | | |
| Community activity centres | | | | | | |
| Drainage | | | | | | |
| Other | | | | | | |
| **TOTAL** | | **$100,005.00** | | | | **$100,005.00** |

All levies payable by the development are per net developable hectare as set out in the Truganina Employment Precinct Development Contributions Plan.

## 4.0 Land or development excluded from development contributions plan

11/08/2022
C248wynd

None specified.

## 5.0 Indexation

All contributions stated in dollar values in this Schedule are to be indexed in line with the Commonwealth Statisticians' Consumer Price Index (All Groups) for Melbourne (CPI) from the July quarter 2009.

*Note: This schedule sets out a summary of the costs and contributions prescribed in the development contributions plan. Refer to the incorporated development contributions plan for full details*

09/11/2017
GC75

# SCHEDULE 10 TO CLAUSE 45.06 DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY

Shown on the planning scheme map as **DCPO10.**

## MANOR LAKES DEVELOPMENT CONTRIBUTIONS PLAN

## 1.0 Area covered by this development contributions plan

28/06/2012
C154

Land in the City of Wyndham shown on the Planning Scheme maps as being within Schedule 10 to the Development Contributions Plan Overlay.

## 2.0 Summary of costs in March 2011 dollars

11/08/2022
C248wynd

| Facility | Total cost $ | Time of provision | Actual cost contribution attributable to development $ | Proportion of cost attributable to development % |
|---|---|---|---|---|
| Roads | $11,384,000 | Refer to details in the Manor Lakes Development Contributions Plan. | $11,384,000 | 100.0% |
| Intersections | $19,290,000 | Refer to details in the Manor Lakes Development Contributions Plan. | $13,047,110 | 67.6% |
| Community facilities | $9,527,635 | Refer to details in the Manor Lakes Development Contributions Plan. | $7,901,090 | 82.9% |
| Outdoor active recreation | $24,301,352 | Refer to details in the Manor Lakes Development Contributions Plan. | $16,037,695 | 66.0% |
| **TOTAL** | **$64,502,987** | | **$48,369,896** | **75.0%** |

## 3.0 Summary of contributions in 1 March 2011 dollars

11/08/2022
C248wynd

| Facility | Levies payable by the development ($) | |
|---|---|---|
| | Development Infrastructure | Community Infrastructure |
| | All development | Residential |
| | Per net developable hectare | Per dwelling |
| Roads | $38,881 | $0 |
| Intersections | $44,561 | $0 |
| Community facilities | $25,619 | $0 |
| Outdoor active recreation | $34,519 | $1,150 |
| **TOTAL** | **$143,581** | **$1,150** |

The development infrastructure levy is payable by all development per net developable hectare as set out in the *Manor Lakes Development Contributions Plan*.

### The Community Infrastructure Levy (CIL) payable under this Development Contributions Plan (DCP)

Section 46L of the *Planning and Environment Act 1987* sets the maximum CIL amount that can be collected under an approved DCP

If the maximum amount of the CIL which may be collected under an approved DCP is varied under section 46L of the *Planning and Environment Act 1987*, the collecting agency may adjust the amount of the CIL payable under this DCP in accordance with section 46L of the *Planning and Environment Act 1987*.

If the collecting agency adjusts the amount of the CIL payment under this DCP, the collecting agency will publish the adjusted amount of the CIL payable under this DCP on its website.

## 4.0 Land or development excluded from development contributions plan

11/08/2022
C248wynd

None specified.

## 5.0 Indexation

All capital costs of infrastructure items will be adjusted quarterly in the following manner:

- Roads, intersections and bridges / culverts will be indexed in line with the Australian Bureau of Statistics Road and Bridge Construction Index – Victoria.
- All other items will be indexed in line with the Australian Bureau of Statistics Non Residential Construction Index.

Land values will be indexed annually on the 1st July in accordance with the Consumer Price Index.

*Note: This schedule sets out a summary of the costs and contributions prescribed in the development contributions plan. Refer to the incorporated development contributions plan for full details.*

11/08/2022
C248wynd

# SCHEDULE 11 TO CLAUSE 45.06 DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY

Shown on the planning scheme map as **DCPO11.**

## WYNDHAM WEST DEVELOPMENT CONTRIBUTIONS PLAN

## 1.0 Area covered by this development contributions plan

11/07/2014
C173

All land within the Wyndham West Development Contributions Plan area shown as DCPO11 on the planning scheme maps.

## 2.0 Summary of costs in March 2014 dollars

22/02/2024
C262wynd

| Facility | Total cost $ | Time of provision | Actual cost contribution attributable to development $ | Proportion of cost attributable to development % |
|---|---|---|---|---|
| *Roads* | $91,234,114 | Refer to details in the Wyndham West Development Contributions Plan. | $82,107,427 | 90% |
| *Intersections* | $144,982,675 | Refer to details in the Wyndham West Development Contributions Plan. | $127,174,601 | 88% |
| *Bridges* | $53,424,532 | Refer to details in the Wyndham West Development Contributions Plan. | $37,535,513 | 70% |
| *Community centres* | $69,627,270 | Refer to details in the Wyndham West Contributions Plan. | $55,409,521 | 80% |
| *Active recreation* | $166,153,174 | Refer to details in the Wyndham West Development Contributions Plan. | $150,458,409 | 91% |
| *Finance Adjustment* | $7,720,266 | Refer to details in the Wyndham West Development Contributions Plan. | $7,720,266 | 100% |
| **TOTAL** | **$533,142,571** | | **$460,405,737** | **86%** |

## 3.0 Summary of contributions for Charge Area 1 (Residential)

22/02/2024
C262wynd

| Facility | Levies payable by the development ($) | |
|---|---|---|
| | **Development Infrastructure** | **Community infrastructure** |
| | **All development**<br>**Per net developable hectare** | **Residential**<br>**Per dwelling** |
| *Roads* | $42,716 | $0 |

| Facility | Levies payable by the development ($) | |
|---|---|---|
| | Development Infrastructure | Community infrastructure |
| | All development | Residential |
| | Per net developable hectare | Per dwelling |
| *Intersections* | $74,111 | $0 |
| *Bridges* | $18,858 | $0 |
| *Community centres* | $26,921 | $1,150 |
| *Active recreation* | $67,185 | $1,150 |
| *Finance Adjustment* | $5,317 | $0 |
| **TOTAL** | **$235,108** | **$1,150** |

## 3.1 Summary of contributions for Charge Area 2 (Employment) in March 2014 dollars

22/02/2024
C262wynd

| Facility | Levies payable by the development ($) | |
|---|---|---|
| | Development Infrastructure | Community infrastructure |
| | All development | Residential |
| | Per net developable hectare | Per dwelling |
| *Roads* | $42,716 | $0 |
| *Intersections* | $74,111 | $0 |
| *Bridges* | $18,858 | $0 |
| *Community centres* | $0 | $0 |
| *Active recreation* | $0 | $0 |
| *Finance Adjustment* | $5,317 | $0 |
| **TOTAL** | **$141,002** | **$0** |

## 3.2 Summary of contributions for Charge Area 3 (Residential)

22/02/2024
C262wynd

| Facility | Levies payable by the development ($) | |
|---|---|---|
| | Development Infrastructure | Community infrastructure |
| | All development | Residential |
| | Per net developable hectare | Per dwelling |
| *Roads* | $42,716 | $0 |

| Facility | Levies payable by the development ($) | |
|---|---|---|
| | Development Infrastructure | Community infrastructure |
| | All development | Residential |
| | Per net developable hectare | Per dwelling |
| *Intersections* | $74,111 | $0 |
| *Bridges* | $34,606 | $0 |
| *Community centres* | $26,921 | $1,150 |
| *Active recreation* | $67,185 | $1,150 |
| *Finance Adjustment* | $5,317 | $0 |
| **TOTAL** | **$250,856** | **$1,150** |

## 3.3 Summary of contributions for Charge Area 4 (Residential)

22/02/2024
C262wynd

| Facility | Levies payable by the development ($) | |
|---|---|---|
| | Development Infrastructure | Community infrastructure |
| | All development | Residential |
| | Per net developable hectare | Per dwelling |
| *Roads* | $102,063 | $0 |
| *Intersections* | $74,111 | $0 |
| *Bridges* | $34,606 | $0 |
| *Community centres* | $26,921 | $1,150 |
| *Active recreation* | $67,185 | $1,150 |
| *Finance Adjustment* | $5,317 | $0 |
| **TOTAL** | **$310,203** | **$1,150** |

## 3.4 Summary of contributions for Charge Area 5 (Residential)

22/02/2024
C262wynd

| Facility | Levies payable by the development ($) | |
|---|---|---|
| | Development Infrastructure | Community infrastructure |
| | All development | Residential |
| | Per net developable hectare | Per dwelling |
| *Roads* | $80,868 | $0 |

| Facility | Levies payable by the development ($) | |
|---|---|---|
| | Development Infrastructure | Community infrastructure |
| | All development<br>Per net developable hectare | Residential<br>Per dwelling |
| *Intersections* | $74,111 | $0 |
| *Bridges* | $19,958 | $0 |
| *Community centres* | $26,921 | $1,150 |
| *Active recreation* | $67,185 | $1,150 |
| *Finance Adjustment* | $5,317 | $0 |
| **TOTAL** | **$274,360** | **$1,150** |

## 3.5 Summary of contributions for Charge Area 6 (Residential)

22/02/2024
C262wynd

| Facility | Levies payable by the development ($) | |
|---|---|---|
| | Development Infrastructure | Community infrastructure |
| | All development<br>Per net developable hectare | Residential<br>Per dwelling |
| *Roads* | $42,716 | $0 |
| *Intersections* | $74,111 | $0 |
| *Bridges* | $18,858 | $0 |
| *Community centres* | $26,921 | $1,150 |
| *Active recreation* | $67,185 | $1,150 |
| *Finance Adjustment* | $0 | $0 |
| **TOTAL** | **$229,791** | **$1,150** |

The development infrastructure levy is payable by all development per net developable hectare as set out in the *Wyndham West Development Contributions Plan*.

*Note: The development infrastructure costs and levies are in March 2014 dollars.*

### The Community Infrastructure Levy (CIL) payable under this Development Contributions Plan (DCP)

Section 46L of the *Planning and Environment Act 1987* sets the maximum CIL amount that can be collected under an approved DCP

If the maximum amount of the CIL which may be collected under an approved DCP is varied under section 46L of the *Planning and Environment Act 1987*, the collecting agency may adjust the amount of the CIL payable under this DCP in accordance with section 46L of the *Planning and Environment Act 1987*.

If the collecting agency adjusts the amount of the CIL payment under this DCP, the collecting agency will publish the adjusted amount of the CIL payable under this DCP on its website.

## 4.0 Land or development excluded from development contributions plan

15/01/2024
VC249

Land required for the following is exempt from the provisions of this overlay:

- Use and development for a non government school.
- Use and development associated with a dwelling that is existing or approved at the approval date of this provision.
- Railway reservations.

The development of land for a small second dwelling is exempt from the requirement to pay a development infrastructure levy and a community infrastructure levy.

## 5.0 Indexation

11/08/2022
C248wynd

All capital costs of infrastructure items will be adjusted quarterly in the following manner:

- Roads, intersections and bridges / culverts will be indexed in line with the Australian Bureau of Statistics Road and Bridge Construction Index – Victoria.

All other items will be indexed in line with the Australian Bureau of Statistics Non Residential Construction Index.

*Note: This schedule sets out a summary of the costs and contributions prescribed in the development contributions plan. Refer to the incorporated development contributions plan for full details.*

09/11/2017
GC75

# SCHEDULE 12 TO CLAUSE 45.06 DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY

Shown on the planning scheme map as **DCPO12**

## POINT COOK WEST DEVELOPMENT CONTRIBUTIONS PLAN

## 1.0 Area covered by this development contributions plan

29/11/2012
C163

All land within Point Cook West Precinct Structure Plan area shown as DCPO12 on the planning scheme maps.

## 2.0 Summary of costs in April 2012 dollars

11/08/2022
C248wynd

| Facility | Total cost $ | Time of provision | Actual cost contribution attributable to development $ | Proportion of cost attributable to development % |
|---|---|---|---|---|
| Roads | $4,606,400 | Refer to details in the Point Cook West Development Contributions Plan. | $4,606,400 | 100% |
| Intersections | $7,835,580 | Refer to details in the Point Cook West Development Contributions Plan. | $7,835,580 | 100% |
| Community facilities | $10,745,098 | Refer to details in the Point Cook West Contributions Plan. | $2,237,274 | 20.8% |
| Active recreation | $16,643,500 | Refer to details in the Point Cook West Development Contributions Plan. | $13,474,500 | 81.0% |
| Shared Trails | $1,213,000 | Refer to details in the Point Cook West Development Contributions Plan. | $794,500 | 65.5% |
| **TOTAL** | **$41,043,578** | | **$28,948,254** | **71.0%** |

## 3.0 Summary of contributions

11/08/2022
C248wynd

| Facility | Levies Payable by the Development | |
|---|---|---|
| | Development Infrastructure (in April 2012 dollars) | Community infrastructure |
| | All development | Residential |
| | Per net developable hectare | Per dwelling |
| Roads | $43,601 | $0 |
| Intersections | $74,165 | $0 |
| Community facilities | $17,233 | $1,150 |
| Active recreation | $109,735 | $1,150 |

| Facility | Levies Payable by the Development | |
|---|---|---|
| | Development Infrastructure (in April 2012 dollars) | Community infrastructure |
| | All development<br>Per net developable hectare | Residential<br>Per dwelling |
| Shared trails | $7,520 | $0 |
| **TOTAL** | **$252,254** | **$1,150** |

The development infrastructure levy is payable by all development per net developable hectare as set out in the *Point Cook West Development Contributions Plan*.

### The Community Infrastructure Levy (CIL) payable under this Development Contributions Plan (DCP)

Section 46L of the *Planning and Environment Act 1987* sets the maximum CIL amount that can be collected under an approved DCP

If the maximum amount of the CIL which may be collected under an approved DCP is varied under section 46L of the *Planning and Environment Act 1987*, the collecting agency may adjust the amount of the CIL payable under this DCP in accordance with section 46L of the *Planning and Environment Act 1987*.

If the collecting agency adjusts the amount of the CIL payment under this DCP, the collecting agency will publish the adjusted amount of the CIL payable under this DCP on its website.

## 4.0 Land or development excluded from development contributions plan

15/01/2024
VC249

- The development of land for a small second dwelling is exempt from the requirement to pay a development infrastructure levy and a community infrastructure levy.
- Non government school.

## 5.0 Indexation

11/08/2022
C248wynd

All capital costs of infrastructure items will be adjusted quarterly in the following manner:

- Roads, intersections and bridges / culverts will be indexed in line with the Australian Bureau of Statistics Road and Bridge Construction Index – Victoria.
- All other items will be indexed in line with the Australian Bureau of Statistics Non Residential Construction Index.
- Land values will be indexed annually on the 1st July in accordance with the Consumer Price Index

*Note: This schedule sets out a summary of the costs and contributions prescribed in the development contributions plan. Refer to the incorporated development contributions plan for full details.*

09/11/2017
GC75

# SCHEDULE 13 TO CLAUSE 45.06 DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY

Shown on the planning scheme map as **DCPO13.**

## WYNDHAM NORTH DEVELOPMENT CONTRIBUTIONS PLAN

## 1.0 Area covered by this development contributions plan

13/11/2014
C177

All land within the Wyndham North Development Contributions Plan area shown as DCPO13 on the planning scheme maps.

## 2.0 Summary of costs in June 2014 dollars

13/11/2014
C177

| Facility | Total cost $ | Time of provision | Actual cost contribution attributable to development $ | Proportion of cost attributable to development % |
|---|---|---|---|---|
| *Roads* | $149,142,960 | Refer to details in the Wyndham North Development Contributions Plan. | $145,438,916 | 98% |
| *Intersections* | $285,404,136 | Refer to details in the Wyndham North Development Contributions Plan. | $274,039,273 | 96% |
| *Bridges & Culverts* | $116,493,653 | Refer to details in the Wyndham North Development Contributions Plan. | $110,849,720 | 95% |
| *Community centres* | $82,868,524 | Refer to details in the Wyndham North Contributions Plan. | $82,868,524 | 100% |
| *Sports reserves & Indoor recreation* | $214,741,590 | Refer to details in the Wyndham North Development Contributions Plan. | $214,741,590 | 100% |
| **TOTAL** | **$848,650,864** | | **$827,938,023** | **98%** |

## 3.0 Summary of contributions for Charge Area 1 (Residential)

09/11/2017
GC75

| Facility | Levies Payable by the Development | |
|---|---|---|
| | Development Infrastructure (in June 2014 dollars) | Community infrastructure |
| | All development | Residential |
| | Per net developable hectare | Per dwelling |
| *Roads* | $51,726 | - |
| *Intersections* | $97,463 | - |
| *Bridges & Culverts* | $39,424 | - |
| *Community centres* | $25,715 | $1,150 |
| *Sports reserves& Indoor recreation* | $69,888 | |
| **TOTAL** | **$284,216** | **$1,150** |

## 4.0 Summary of contributions for Charge Area 2 (Employment) in June 2014 dollars

09/11/2017
GC75

| Facility | Levies Payable by the Development | |
|---|---|---|
| | Development Infrastructure | Community infrastructure |
| | All development | Residential |
| | Per net developable hectare | Per dwelling |
| *Roads* | $51,726 | - |
| *Intersections* | $97,463 | - |
| *Bridges & Culverts* | $39,424 | - |
| *Community centres* | $0 | - |
| *Sports reserves& Indoor recreation* | $0 | - |
| **TOTAL** | **$188,613** | **$0** |

The development infrastructure levy is payable by all development per net developable hectare as set out in the *Wyndham North Development Contributions Plan*.

### The Community Infrastructure Levy (CIL) payable under this Development Contributions Plan (DCP)

Section 46L of the *Planning and Environment Act 1987* sets the maximum CIL amount that can be collected under an approved DCP

If the maximum amount of the CIL which may be collected under an approved DCP is varied under section 46L of the *Planning and Environment Act 1987*, the collecting agency may adjust the amount of the CIL payable under this DCP in accordance with section 46L of the *Planning and Environment Act 1987*.

If the collecting agency adjusts the amount of the CIL payment under this DCP, the collecting agency will publish the adjusted amount of the CIL payable under this DCP on its website.

## 5.0 Indexation

13/11/2014
C177

All capital costs of infrastructure items will be adjusted quarterly in the following manner:

- Roads, intersections and bridges/culverts will be indexed in line with the Australian Bureau of Statistics Producer Price Indexes, Road and Bridge Construction Index, Victoria.
- All other infrastructure items will be indexed in line with the Australian Bureau of Statistics Producer Price Indexes, Non-Residential Construction Index, Victoria.

## 6.0 Land or development excluded from development contributions plan

15/01/2024
VC249

Land required for the following is exempt from the provisions of this overlay:

- Use and development for a non government school.
- Use and development associated with a dwelling that is existing or approved at the approval date of this provision.

The development of land for a small second dwelling is exempt from the requirement to pay a development infrastructure levy and a community infrastructure levy.

*Note: This schedule sets out a summary of the costs and contributions prescribed in the development contributions plan. Refer to the incorporated development contributions plan for full details.*

09/11/2017
GC75

# SCHEDULE 14 TO CLAUSE 45.06 DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY

Shown on the planning scheme map as **DCPO14.**

## EAST WERRIBEE EMPLOYMENT PRECINCT DEVELOPMENT CONTRIBUTIONS PLAN

## 1.0 Area covered by this development contributions plan

17/10/2013
C179

Land in the City of Wyndham shown on the Planning Scheme maps as being within Schedule 14 to the Development Contributions Plan Overlay.

## 2.0 Summary of costs in August 2013 dollars

17/10/2013
C179

| Facility | Total cost $ | Time of provision | Actual cost contribution attributable to development $ | Proportion of cost attributable to development % |
|---|---|---|---|---|
| Road | $35,096,581 | Refer to details in the East Werribee Employment Precinct Development Contributions Plan. | $35,096,581 | 100% |
| Intersection | $51,188,498 | Refer to details in the East Werribee Employment Precinct Development Contributions Plan. | $51,188,498 | 100% |
| Bridges & Drainage | $39,171,190 | Refer to details in the East Werribee Employment Precinct Development Contributions Plan. | $39,171,190 | 100% |
| Community Facilities | $12,979,773 | Refer to details in the East Werribee Employment Precinct Development Contributions Plan. | $12,979,773 | 100% |
| Recreation | $24,333,437 | Refer to details in the East Werribee Employment Precinct Development Contributions Plan. | $24,333,437 | 100% |
| Shared Trail | $4,652,197 | Refer to details in the East Werribee Employment Precinct Development Contributions Plan. | $4,652,197 | 100% |
| **TOTAL** | **$167,421,675** | | **$167,421,675** | **100%** |

## 3.0 Summary of contributions

09/11/2017
GC75

| Facility | Levies payable by the development | | | | | |
|---|---|---|---|---|---|---|
| | Development Infrastructure (in August 2013 dollars) | | | | | Community Infrastructure |
| | Charge Area 1 | Charge Area 2 | Charge Area 3 | Charge Area 4 | Charge Area 5 | Residential (in Charge Areas 1 & 5) |
| | Per NDHa | | | | | Per Dwelling |
| Road | $79,578 | $78,756 | $78,756 | $78,756 | $79,578 | |
| Intersection | $120,146 | $120,146 | $120,146 | $80,834 | $120,146 | |

| Facility | Levies payable by the development | | | | | |
|---|---|---|---|---|---|---|
| | Development Infrastructure (in August 2013 dollars) | | | | | Community Infrastructure |
| | Charge Area 1 | Charge Area 2 | Charge Area 3 | Charge Area 4 | Charge Area 5 | Residential (in Charge Areas 1 & 5) |
| | Per NDHa | | | | | Per Dwelling |
| Bridges & Drainage | $88,403 | $88,403 | $88,403 | $88,403 | $88,403 | |
| Community Facility | $35,387 | $0 | $0 | $0 | $35,387 | $376.17 |
| Recreation | $59,342 | $4,514 | $4,514 | $4,514 | $59,342 | $773.83 |
| Shared Trail | $10,632 | $10,632 | $10,632 | $9,501 | $10,632 | |
| **Total** | **$393,488** | **$302,450** | **$302,450** | **$262,006** | **$393,488** | **$1,150.00** |

The development infrastructure levy is payable by all development per net developable hectare as set out in the *East Werribee Employment Precinct Development Contributions Plan*.

#### The Community Infrastructure Levy (CIL) payable under this Development Contributions Plan (DCP)

Section 46L of the *Planning and Environment Act 1987* sets the maximum CIL amount that can be collected under an approved DCP

If the maximum amount of the CIL which may be collected under an approved DCP is varied under section 46L of the *Planning and Environment Act 1987*, the collecting agency may adjust the amount of the CIL payable under this DCP in accordance with section 46L of the *Planning and Environment Act 1987*.

If the collecting agency adjusts the amount of the CIL payment under this DCP, the collecting agency will publish the adjusted amount of the CIL payable under this DCP on its website.

## 4.0 Conditions for permits

17/10/2013 C179

### 4.1 Conditions for subdivision permits where a development infrastructure levy is payable

31/03/2022 GC192

A Development Infrastructure Levy must be paid to the Collecting Agency in accordance with the provisions of the approved Development Contributions Plan applying to the land. If there is no approved Public Infrastructure Plan or if the approved Public Infrastructure Plan does not specify a time when payments must be made, then the Development Infrastructure Levy must be paid to the Collecting Agency within the time specified in the Development Contributions Plan or if no time is specified then after certification of the relevant plan of subdivision but not more than 21 days before a Statement of Compliance is issued in respect of that plan under the *Subdivision Act 1988*.

Where there is no approved Public Infrastructure Plan, a Schedule of Development Contributions must be submitted with each stage of the plan of subdivision. This Schedule of Development Contributions must show the amount of development contributions likely to be payable for each subsequent stage and the value of the development contributions in respect of prior stages to the satisfaction of the Collecting Agency.

## 4.2 Conditions for buildings and works permits where a development infrastructure levy is payable

31/03/2022
GC192

A Development Infrastructure Levy must be paid to the Collecting Agency in accordance with the provisions of the approved Development Contributions Plan applying to the land. If there is no approved Public Infrastructure Plan or if the approved Public Infrastructure Plan does not specify a time when payments must be made, then the Development Infrastructure Levy must be paid to the Collecting Agency prior to the commencement of any development unless some other time has been agreed with the Collecting Agency.

## 5.0 Land or development excluded from development contribution plan

15/01/2024
VC249

The development of land for a non-government school is exempt from the requirement to pay a development infrastructure levy and a community infrastructure levy under the *East Werribee Employment Precinct Development Contributions Plan*.

The development of land for a small second dwelling is exempt from the requirement to pay a development infrastructure levy and a community infrastructure levy.

## 6.0 Indexation

17/10/2013
C179

All capital costs of infrastructure items will be adjusted quarterly in the following manner:

- Roads, intersections and bridges / culverts will be indexed in line with the Australian Bureau of Statistics Road and Bridge Construction Index – Victoria.
- All other items will be indexed in line with the Australian Bureau of Statistics Non Residential Construction Index.

Land values will be indexed annually on the 1st July in accordance with the Consumer Price Index.

*Note: This schedule sets out a summary of the costs and contributions prescribed in the development contributions plan. Refer to the incorporated development contributions plan for full details.*

11/08/2022
C248wynd

# SCHEDULE 15 TO CLAUSE 45.06 DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY

Shown on the planning scheme map as **DCPO15.**

## TARNEIT NORTH LOCAL DEVELOPMENT CONTRIBUTIONS PLAN

## 1.0 Area covered by this development contributions plan

13/11/2014
C188

Tarneit North Precinct (bounded by Boundary, Tarneit, Dohertys, and Davis Roads), as shown on the planning scheme maps as DCPO15.

## 2.0 Summary of costs

13/11/2014
C188

None specified.

The preparation and incorporation of a local development contributions plan is required. The DCP should provide for contributions towards the efficient delivery of:

- Connector roads & connector road crossings of waterways.
- Shared paths.
- Passive open space.

## 3.0 Summary of contributions

13/11/2014
C188

None specified.

The preparation and incorporation of a local development contributions plan is required. Contribution levies will be payable across at least two charge areas, including land designated as 'office and light industry' under the Tarneit North Precinct Structure Plan, and all other land within the DCPO15 area.

## 4.0 Land or development excluded from development contributions plan

15/01/2024
VC249

Land required for the following is exempt from the provisions of this overlay:

- Use and development for a government primary school.
- Use and development associated with a dwelling that is existing or approved at the approval date of this provision.

A permit may be granted to subdivide or use land, construct a building or construct and carry out works before a development contributions plan has been prepared to the satisfaction of the responsible authority if an agreement under Section 173 of the Planning and Environment Act 1987 has been entered into with the responsible authority that makes provision for development contributions.

The development of land for a small second dwelling is exempt from the requirement to pay a development infrastructure levy and a community infrastructure levy.

11/08/2022
C248wynd

# SCHEDULE 16 TO CLAUSE 45.06 DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY

Shown on the planning scheme map as **DCPO16**.

## POINT COOK SOUTH DEVELOPMENT CONTRIBUTIONS PLAN

## 1.0 Area covered by this development contributions plan

17/12/2015
C194

All urban growth area precincts in Point Cook as described in DCPO16.

## 2.0 Permits before incorporation of a development contributions plan

17/12/2015
C194

A permit may be granted to subdivide land, construct a building or construct or carry out works prior to the incorporation of a development contributions plan, if the permit contains a condition requiring the land owner to enter into an agreement under Section 173 of the *Planning and Environment Act 1987* with the responsible authority that provides for the owner to make development contributions to the satisfaction of the responsible authority.

## 3.0 Summary of costs

17/12/2015
C194

None specified.

## 4.0 Summary of contributions

17/12/2015
C194

None specified.

## 5.0 Land or development excluded from development contributions plan

15/01/2024
VC249

Land required for the following is exempt from the provisions of this overlay:

- Non-government school.
- Use and development associated with a dwelling that is existing or approved at the approval date of this provision.

The development of land for a small second dwelling is exempt from the requirement to pay a development infrastructure levy and a community infrastructure levy.

## 45.09 PARKING OVERLAY

31/07/2018
VC148

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.

## 45.09-1 Operation

19/04/2013
VC95

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.

## 45.09-2 Parking objectives

19/04/2013
VC95

A schedule to this overlay must specify the parking objectives to be achieved for the area affected by the schedule.

## 45.09-3 Permit requirement

25/05/2017
VC133

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.

## 45.09-4 Number of car parking spaces required

19/04/2013
VC95

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.

## 45.09-5 Application requirements and decision guidelines for permit applications

25/05/2017
VC133

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.

## 45.09-6 Financial contribution requirement

19/04/2013
VC95

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.

## 45.09-7 Requirements for a car parking plan

25/05/2017
VC133

A schedule to this overlay may specify additional matters that must be shown on plans prepared under Clause 52.06-8.

## 45.09-8 Design standards for car parking

25/05/2017
VC133

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.

## 45.09-9 Decision guidelines for car parking plans

25/05/2017
VC133

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.

11/08/2022
C248wynd

## SCHEDULE 1 TO CLAUSE 45.09 PARKING OVERLAY

Shown on the planning scheme map as **PO1**.

**WERRIBEE CITY CENTRE**

### 1.0 Parking objectives to be achieved

11/08/2022
C248wynd

To sufficiently and efficiently provide for car parking in the Werribee City Centre.

To consolidate car parking into large, well located, easily accessible and locatable facilities where possible.

To provide for the collection of financial contributions towards the construction of shared car parking facilities.

### 2.0 Permit requirement

11/08/2022
C248wynd

None specified.

### 3.0 Number of car parking spaces required

11/08/2022
C248wynd

If a use is specified in the Table below, the number of car parking spaces required for the use is calculated by multiplying the *Rate* specified for the use by the accompanying *Measure*.

If a use is not specified in Table 1, car parking spaces must be provided in accordance with Column A of Table 1 at Clause 52.06.

**Table: Car parking spaces**

| Use | Rate | Measure |
|---|---|---|
| Dwelling | 1 | To each one or two bedroom dwelling, plus |
| | 1 | To each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedroom) plus |
| | 0 | For visitors to every 5 dwellings for developments of 5 or more dwellings |
| Office other than listed in Table 1 of Clause 52.06 | 3 | Car spaces to each 100 sq m of net floor area |
| Restaurant | 3.5 | Car spaces to each 100 sq m of leasable floor area |

For all other uses listed in Table 1 of Clause 52.06-5, the *Rate* in Column B of Table 1 in Clause 52.06-5 applies.

### 4.0 Application requirements and decision guidelines for permit applications

11/08/2022
C248wynd

The responsible authority will protect adjoining residential areas from the intrusion of car parking associated with developments within the Werribee City Centre by considering the effects of car parking on adjoining residential areas before any variation of the requirements is granted.

### 5.0 Financial contribution requirement

11/08/2022
C248wynd

Within the precinct defined in this schedule, the responsible authority may, at its absolute discretion, consider accepting a financial contribution in-lieu of one or more car parking spaces required under this Clause 45.09 and/or Clause 52.06, provided the following criteria are met, to the satisfaction of the responsible authority:

i. The applicant demonstrates that the car parking requirement cannot be practically provided on site or nearby;

ii. The small number of car parking spaces to be provided will not achieve on-site the objective of consolidating car parking into large, well located, easily accessible and locatable facilities; and

iii. The applicant agrees, under Section 173 of the Planning & Environment Act 1987, to the financial contribution being applied to the provision of public shared parking, at any site in or adjacent to the Werribee City Centre, as determined by the responsible authority.

The financial contribution rate is $12,500 (plus GST) for each car space. The amount of contribution for each space specified above will be adjusted by the responsible authority on 1 July each year, commencing from 1 July 2011, by applying the Building Price Index, Melbourne, in Rawlinsons Australian Construction Handbook. If that index is unavailable, an equivalent index will be applied by the responsible authority.

Any financial contribution must be paid in full prior to the commencement of any use or development of the land, unless otherwise agreed in writing by the responsible authority.

All funds collected by the responsible authority must be utilised on public parking projects within the Werribee City Centre or adjacent to the Werribee City Centre in accordance with the Consolidated Parking Master Plan as shown in Figure 1, including (where appropriate) multi storey facilities and provision of bicycle parking facilities.

## 6.0 Requirements for a car parking plan

11/08/2022
C248wynd

None specified.

## 7.0 Design standards for car parking

11/08/2022
C248wynd

None specified.

## 8.0 Decision guidelines for car parking plans

11/08/2022
C248wynd

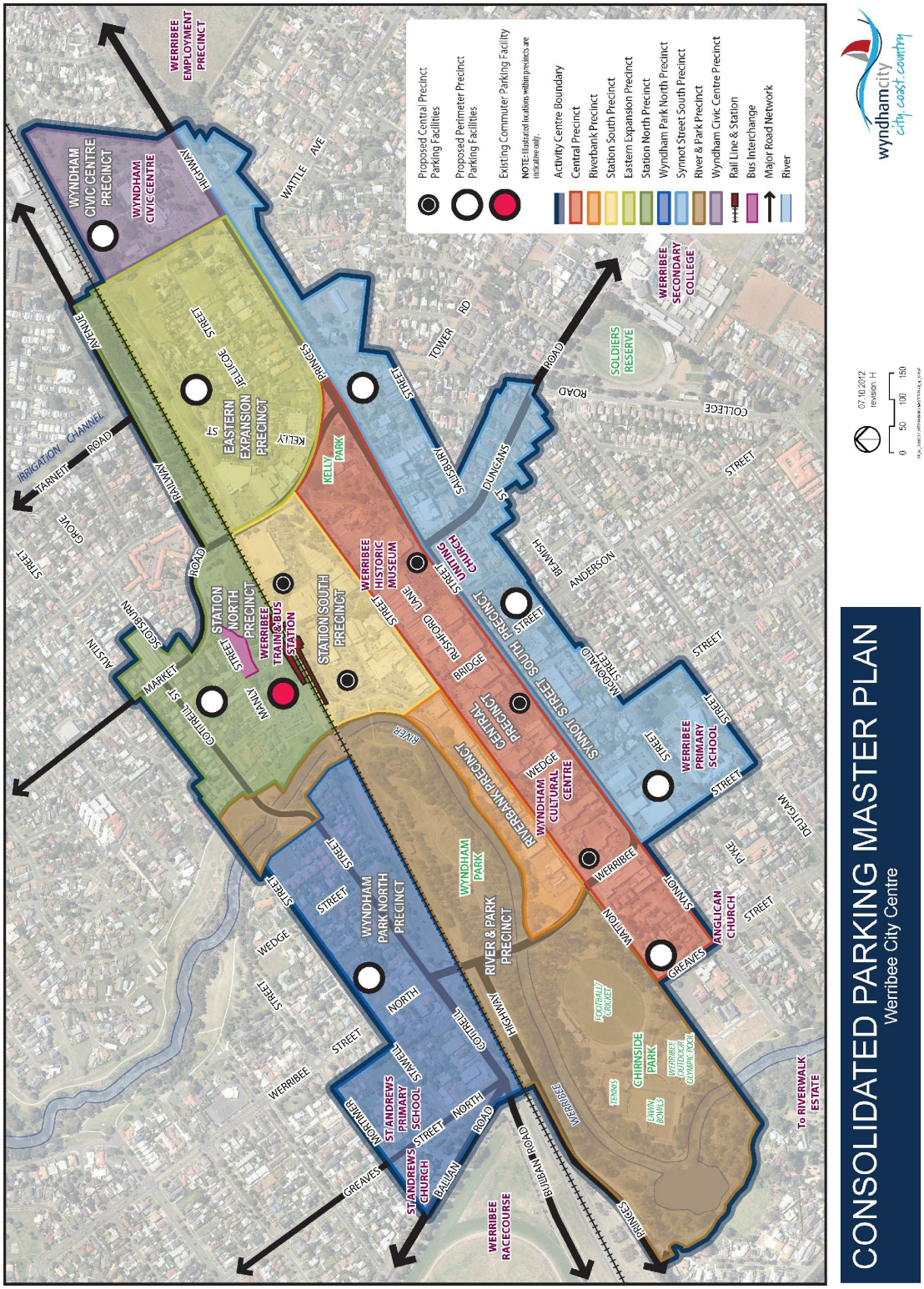
None specified.

## 9.0 Background document

11/08/2022
C248wynd

Werribee City Centre Parking Precinct Plan 2013 (Wyndham City Council) as amended from time to time.

## Map 1 to Schedule 1 to Clause 45.09



## 45.12 SPECIFIC CONTROLS OVERLAY

04/05/2022
VC210

Shown on the planning scheme map as **SCO** with a number.

### Purpose

To apply specific controls designed to achieve a particular land use and development outcome in extraordinary circumstances.

## 45.12-1 Use or development

31/07/2018
VC148

Land affected by this overlay may be used or developed in accordance with a specific control contained in the incorporated document corresponding to the notation on the planning scheme map (as specified in the schedule to this overlay). The specific control may:

- Allow the land to be used or developed in a manner that would otherwise be prohibited or restricted.
- Prohibit or restrict the use or development of the land beyond the controls that may otherwise apply.
- Exclude any other control in this scheme.

## 45.12-2 Expiry of a specific control

31/07/2018
VC148

If a specific control contained in an incorporated document identified in the schedule to this clause allows a particular use or development, that control will expire if any of the following circumstances applies:

- The use and development is not started within two years of the approval date of the incorporated document or another date specified in the incorporated document.
- The development is not completed within one year of the date of commencement of works or another date specified in the incorporated document.

The responsible authority may extend the periods referred to if a request is made in writing before the expiry date or within three months afterwards.

Upon expiry of the specific control, the land may be used and developed only in accordance with the provisions of this scheme.

18/10/2018
C222

# SCHEDULE TO CLAUSE 45.12 SPECIFIC CONTROLS OVERLAY

1.0
04/02/2021
C254wynd

## Specific controls

| PS Map Ref | Name of incorporated document |
|---|---|
| SCO1 | Cherry Creek Youth Justice Redevelopment Project, Incorporated Document, August 2018 |
| SCO2 | Coogee Energy Titanium Project - Native Vegetation Offsets, October 2014 |
| SCO4 | Wyndham A-League Football Stadium Project, Incorporated Document, October 2020 |

# 50 PARTICULAR PROVISIONS

19/01/2006
VC37

This section sets out Particular Provisions which apply to the matters specified.

# 51 PROVISIONS THAT APPLY ONLY TO A SPECIFIED AREA

31/07/2018
VC148

## 51.01 SPECIFIC SITES AND EXCLUSIONS

31/07/2018
VC148

### 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.

## 51.01-1 Use or development

31/07/2018
VC148

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.

## 51.01-2 Expiry of a specific control

31/07/2018
VC148

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.

31/07/2018
VC148

# SCHEDULE TO CLAUSE 51.01 SPECIFIC SITES AND EXCLUSIONS

1.0
19/03/2020
C244wynd

## Specific sites and exclusions

| Address of land | Title of incorporated document |
|---|---|
| Lot 2 on PS 204293L Hogans Road, Tarneit, more particularly described as all the land in Certificate of Title Vol 9732 Fol 525. | Lot 2 PS 204293L Hogans Road, Tarneit Subdivision Plan. |
| The Melbourne to Geelong Railway shown on the project area maps for the Regional Fast Rail Project and the Fibre Optic Project in the incorporated document. | Rail Infrastructure Projects (comprising the Rail Gauge Standardisation Project, the Regional Fast Rail Project and the Fibre Optic Project), December 2002. |
| Lot AA on PS 416078S Wallace Avenue, Point Cook, being land abutting the Princes Freeway and divided by the Forsyth Road Reservation. | Plan of Subdivision Lots A & B on PS 44481D, Forsyth Road, Point cook 27 November 2002. |
| All the land affected by Development Plan Overlay, Wyndham Harbour, Werribee South. | Wyndham Harbour Development. |
| 391-395 Point Cook Road, Point Cook. | Lot 2, LP138922, 391-395 Point Cook Road, Point Cook. |
| The land required for or in conjunction with the Regional Rail Link Project as identified in clause 3 of the incorporated document. | Regional Rail Link Project Section 2 Incorporated Document, March 2015. |
| The corridor for the Geelong Melbourne Interconnection Project shown on the project plans included in the incorporated document. | Melbourne Geelong Interconnection Project, June 2010. |
| The land required for components of the West Werribee Dual Water Supply Project and associated infrastructure as identified in clause 2 of the incorporated document. | West Werribee Dual Water Supply Project Incorporated Document, February 2012. |
| Land required for the Palmers Road and Robinsons Road Upgrade as identified in clause 3 of the incorporated document. | Palmers Road and Robinsons Road Upgrade (Sayers Road to Western Freeway, Truganina) Incorporated Document, July 2012. |
| Land required for the Water for a Growing West Project as shown on the project plans included in the Incorporated Document. | Water for a Growing West Project Incorporated Document, July 2014. |
| Lot 6 and 7 on Plan of Subdivision 544401W, Volume 11025 Folio 585 also known as 40 Wallace Avenue (formerly part of 22-30 Wallace Avenue) Point Cook. | 40 Wallace Avenue, Point Cook Incorporated Document, December 2013. |
| Land required for the Outer Suburban Arterial Roads Program – Western Package as shown on the project area maps in the incorporated document. | Outer Suburban Arterial Roads - Western Package Incorporated Document, June 2017. |
| The land identified in clause 3 of the West Gate Tunnel Project Incorporated Document, December 2017. | West Gate Tunnel Project Incorporated Document, December 2017. |

## 51.02 METROPOLITAN GREEN WEDGE LAND: CORE PLANNING PROVISIONS

31/07/2018
VC148

### Purpose

To protect metropolitan green wedge land from uses and development that would diminish its agricultural, environmental, cultural heritage, conservation, landscape natural resource or recreation values.

To protect productive agricultural land from incompatible uses and development.

To ensure that the scale of use is compatible with the non-urban character of metropolitan green wedge land.

To encourage the location of urban activities in urban areas.

To provide transitional arrangements for permit applications made to the responsible authority before 19 May 2004.

To provide deeming provisions for metropolitan green wedge land.

## 51.02-1 Application

25/02/2025
VC257

These provisions apply to land in Metropolitan Melbourne that is outside an Urban Growth Boundary as shown on a planning scheme map in this scheme, unless any of the following apply:

- The land is in a Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Housing Choice and Transport Zone, Low Density Residential Zone, Mixed Use Zone, Township Zone, Industrial 1 Zone, Industrial 2 Zone, Industrial 3 Zone, Commercial 1 Zone, Commercial 2 Zone, Commercial 3 Zone, Public Use Zone, Public Park and Recreation Zone, Public Conservation and Resource Zone, Transport Zone or Urban Floodway Zone.
- The land is identified in the schedule to this clause.

## 51.02-2 Use of land

01/01/2024
VC250

A use listed in the table to this clause is prohibited. This does not apply if a condition opposite the use is met.

### Table to Clause 51.02-2

| Use | Condition |
|---|---|
| **Accommodation (other than Camping and caravan park, Dwelling, Group accommodation, Host farm, Residential building and Small second dwelling)**<br>**Cinema based entertainment facility** | |
| **Display home centre** | |
| **Dwelling** | 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. |
| **Education centre (other than Primary school and Secondary school)**<br>**Freeway service centre** | |

| Use | Condition |
|---|---|
| **Freezing and cool storage** | The goods stored must be agricultural produce, or products used in agriculture. |
| **Function centre** | Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.<br>No more than 150 patrons may be present at any time. If used in conjunction with Restaurant, the total number of patrons present at any time must not exceed 150. |
| **Funeral parlour** | |
| **Group accommodation** | Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.<br>Must be no more than 40 dwellings. |
| **Hospital** | |
| **Indoor recreation facility** | Must be for equestrian based leisure, recreation or sport. |
| **Industry (other than Materials recycling, Refuse disposal, Transfer station, Research and development centre, and Rural industry)** | |
| **Major sports and recreation facility** | Must be for outdoor leisure, recreation or sport. |
| **Manufacturing sales** | Must be an incidental part of Rural industry. |
| **Materials recycling** | Must be used in conjunction with Refuse disposal or Transfer station. |
| **Motor racing track**<br>**Nightclub**<br>**Office** | |
| **Place of assembly (other than Carnival, Cinema based entertainment facility, Circus, Exhibition centre, Function centre, Hall, Nightclub, Place of worship and Restricted place of assembly)** | Must not be used for more than 10 days in a calendar year. |
| **Research and development centre** | Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery. |
| **Research centre** | Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery. |

| Use | Condition |
|---|---|
| **Residential building (other than Residential hotel)** | Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.<br>Must be used to provide accommodation for persons away from their normal place of residence. |
| **Residential hotel** | Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.<br>Must be no more than 80 bedrooms. |
| **Restaurant** | Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.<br>No more than 150 patrons may be present at any time. If used in conjunction with Function centre, the total number of patrons present at any time must not exceed 150. |
| **Restricted place of assembly** | Must not be used for more than 30 days in a calendar year. |
| **Retail premises (other than Manufacturing sales, Market, Plant nursery, Primary produce sales and Restaurant)**<br>**Service station** | |
| **Small second dwelling** | Must be no more than one dwelling existing on the lot.<br>Must be the only small second dwelling on the lot.<br>Reticulated natural gas must not be supplied to the building, or part of a building, used for the small second dwelling. |
| **Warehouse (other than Freezing and cool storage, Milk depot, Rural store, Solid fuel depot and Vehicle store)** | |
| **Wind energy facility** | Must not be on land in a Rural Conservation Zone. |

## 51.02-3 Subdivision

31/07/2018
VC148

The subdivision of land to create a lot that is smaller in area than the minimum area specified for the land in the zone is prohibited unless:

- The subdivision is the re-subdivision of existing lots, the number of lots is not increased, and the number of dwellings that the land could be used for does not increase.
- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

## 51.02-4 Existing uses

31/07/2018
VC148

If an existing use right is established by these provisions, Clauses 63.05 and 63.08 apply to the use as if the use were in Section 3 of a zone.

## 51.02-5 Transitional arrangements for permit applications

31/07/2018
VC148

The requirements of the planning scheme as in force immediately before 19 May 2004, continue to apply to a permit application made before that date to the extent that, but for this clause, Clauses 35.04, 35.05, 35.06 or this clause would apply to such an application. This does not apply to a permit application to subdivide land.

## 51.02-6 Deeming provisions for land outside an urban growth boundary

31/07/2018
VC148

Any reference in this planning scheme to a Rural Zone or a schedule to a Rural Zone as it applies to land outside an Urban Growth Boundary is deemed to be a reference to a Green Wedge Zone or a schedule to a Green Wedge Zone.

Any reference in this planning scheme to a Rural Living Zone or a schedule to a Rural Living Zone as it applies to land outside an Urban Growth Boundary is deemed to be a reference to a Green Wedge A Zone or a schedule to a Green Wedge A Zone.

Any reference in this planning scheme to an Environmental Rural Zone or a schedule to an Environmental Rural Zone as it applies to land outside an Urban Growth Boundary is deemed to be a reference to a Rural Conservation Zone or a schedule to a Rural Conservation Zone.

11/08/2022
C248wynd

# SCHEDULE TO CLAUSE 51.02 METROPOLITAN GREEN WEDGE LAND: CORE PLANNING PROVISIONS

## 1.0 Land where core planning provisions apply

31/07/2018
VC148

| Land |
| --- |
| All the land affected by Development Plan Overlay 9, Wyndham Harbour, Werribee South |
| Special Use Zone 4, K Road Tourism Precinct, south of Princes Freeway, west of K Road, both sides of the Werribee River |

# 52 PROVISIONS THAT REQUIRE, ENABLE OR EXEMPT A PERMIT

31/07/2018
VC148

## 52.01 COMBUSTIBLE CLADDING RECTIFICATION EXEMPTIONS

05/11/2020
VC191

### Purpose

To facilitate the rectification of combustible cladding on buildings.

### 52.01-1 Permit exemption

05/11/2020
VC191

Any requirement of this planning scheme to obtain a permit does not apply to the rectification of combustible cladding on a building:

- In accordance with an emergency order, building notice or building order made under Part 8 of the *Building Act 1993*.
- Owned by the Crown, a Minister, municipal council or public authority, including a public authority established for a public purpose under a Commonwealth Act.

### 52.01-2 Exemption from notice and review

05/11/2020
VC191

An application to amend a permit to allow the rectification of combustible cladding on a building:

- In accordance with an emergency order, building notice or building order made under Part 8 of the *Building Act 1993*; or
- Owned by the Crown, a Minister, municipal council or public authority, including a public authority established for a public purpose under a Commonwealth Act,

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

## 52.02 EASEMENTS, RESTRICTIONS AND RESERVES

04/02/2026
VC265

### Purpose

To enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered.

### Permit requirement

A permit is required before a person proceeds:

- Under Section 23 of the *Subdivision Act 1988* to create, vary or remove an easement or restriction, or vary or remove a condition in the nature of an easement in a Crown grant.
- Under Section 24A of the *Subdivision Act 1988*.
- 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.*

11/08/2022
C248wynd

# SCHEDULE TO CLAUSE 52.02 EASEMENTS, RESTRICTIONS AND RESERVES

## 1.0 Under Section 23 of the Subdivision Act 1988

13/11/2014
C188

| Land | Easement Or Restriction | Requirement |
|---|---|---|
| Reserve for Municipal Purposes on Plan of Subdivision No. 203656F being land in Certificate of Title Volume 9720 Folio 671 | Reservation. | The body in which the land is vested is required and authorised to lodge at the Titles Office for registration, a certified plan to remove the reservation from the land. |
| Any lot on:<br>Plan of Subdivision 701125S<br>Lodged Plan 82234<br>Lodged Plan 86659<br>Lodged Plan 97350 | Restriction preventing building within 60 feet of Derrimut Road. | The removal of the restriction is authorised. |

## 2.0 Under Section 24A of the Subdivision Act 1988

19/01/2006
VC37

| Land | Person | Action |
|---|---|---|
| None specified | | |

## 3.0 Under Section 36 of the Subdivision Act 1988

19/01/2006
VC37

| Land | Easement or right of way | Requirement |
|---|---|---|
| None specified | | |

## 52.03 STATE RAIL PROJECTS

25/11/2025
VC298

### Purpose

To facilitate the delivery of projects carried out by or on behalf of VIDA Rail.

### 52.03-1 Application

25/11/2025
VC298

This clause applies to the use and development of land (other than the subdivision of land) for projects carried out by or on behalf of VIDA Rail and declared under section 10(1)(b) of the *Major Transport Projects Facilitation Act 2009*.

This clause does not apply to a project for which a document has been incorporated into this planning scheme expressly for that project.

### 52.03-2 Exemption from planning scheme requirements

25/11/2025
VC298

Any requirement of this planning scheme to obtain a permit or any provision of this planning scheme that prohibits the use or development of land, requires the use or development of land to be carried out in a particular manner, or requires a specified thing to be done to the satisfaction of a specified person or body, does not apply to any use or development carried out pursuant to Clause 52.03 if the requirements of Clause 52.03 are met.

The provisions of this clause prevail over any inconsistent provision in this planning scheme.

### 52.03-3 Use and development requirements

20/01/2022
VC205

The use and development of land must be undertaken in accordance with the plans and documents approved under this clause, to the satisfaction of the Minister for Planning.

The construction of a building or the construction or carrying out of works in a Floodway Overlay, Land Subject to Inundation Overlay, Special Building Overlay or Urban Floodway Zone must be undertaken to the satisfaction of the relevant floodplain management authority.

The creation or alteration of access to a road in a Transport Zone 2 or land in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority and the purpose of acquisition is for a road, must be undertaken to the satisfaction of the Head, Transport for Victoria.

The use and development of land in a Public Acquisition Overlay must be undertaken to the satisfaction of the relevant acquiring authority.

### 52.03-4 Consultation requirement

31/01/2020
VC170

Prior to the commencement of the use or development:

- Public consultation, and consultation with the relevant municipal council, must be undertaken to the satisfaction of the Minister for Planning.
- A report that summarises the feedback provided during consultation and explains how the feedback has been considered and responded to must be prepared to the satisfaction of the Minister for Planning.

### 52.03-5 Project boundary requirement

31/01/2020
VC170

Prior to the commencement of the use or development, a plan that shows the boundary of the land on which the use or development will be undertaken must be prepared to the satisfaction of the Minister for Planning.

## 52.03-6 Other pre-commencement requirements

04/05/2022
VC210

The following requirements may be satisfied for separate components or stages of a project but each requirement must be satisfied prior to the commencement of the use or development for that component or stage.

The following requirements may be varied or waived by the Minister for Planning.

Prior to the commencement of the use or development (other than a preparatory use or development), the following plans and documents must be prepared to the satisfaction of the Minister for Planning:

- An environmental management framework, prepared in consultation with each relevant municipal council, that includes:
  - A summary of key construction methodologies.
  - An overarching framework of measures to reduce and manage environmental and amenity effects during construction.
  - A summary of performance monitoring and reporting processes, including auditing, to ensure environmental and amenity effects are reduced and managed during construction.
  - A summary of how each relevant municipal council, the community and other stakeholders will be engaged during construction, including enquiries and complaints management.

  The environmental management framework must be accompanied by a summary of the consultation with each relevant municipal council that informed the preparation of the environmental management framework.
- If the land is in the Heritage Overlay and the development would require a permit under the overlay were it not for the exemption in Clause 52.03-2:
  - A report that addresses the impact of that development on the heritage significance of the heritage place.
  - Site plans and elevations showing the extent of that development on the land.
  - Photographs of any buildings or works to be demolished or removed, including photographs of the exterior and interior of the building and contextual images of the building's environs and setting.
- If the land is in an Environmental Significance Overlay, a Significant Landscape Overlay or a Vegetation Protection Overlay and the development would require a permit under the overlay were it not for the exemption in Clause 52.03-2, a report that addresses the impact of the development on any environmental, vegetation or landscape significance or objective specified in a schedule to the overlay.
- Any other information the Minister for Planning considers necessary to assist the Minister's assessment of the plans and documents required to be submitted under this clause.

Prior to the commencement of the use of any new open space, an environmental assessment (or similar) that demonstrates that the environmental conditions of the land are suitable for that use must be undertaken to the satisfaction of the Minister for Planning.

## 52.03-7 Native vegetation requirements

04/02/2026
VC265

In this clause:

- ***Guidelines*** means the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Energy, Environment and Climate Action, 2025);
- ***Secretary*** means 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 following requirements may be satisfied for separate components or stages of a project. However, each requirement must be satisfied prior to the removal, destruction or lopping of native vegetation for that component or stage.

Prior to the removal, destruction or lopping of native vegetation to enable a preparatory use or development, information about that native vegetation must be submitted to the Secretary. The information must include a description of, and maps showing, the native vegetation to be removed, destroyed or lopped in accordance with application requirement 1 in Table 4 of the Guidelines.

Prior to the removal, destruction or lopping of native vegetation (other than to enable a preparatory use or development):

- Information about that native vegetation in accordance with application requirements 1, 5 and 9 in Table 4 of the Guidelines must be provided to the satisfaction of the Secretary. The information provided to the Secretary must include information about any native vegetation that has been or is to be removed, destroyed or lopped to enable a preparatory use or development.
- The biodiversity impacts from the removal, destruction or lopping of that native vegetation must be offset in accordance with the Guidelines. The biodiversity impacts from the removal, destruction or lopping of native vegetation to enable a preparatory use or development must be included in the total biodiversity impacts when determining the offset.
- Evidence that the required offset has been secured must be provided to the satisfaction of the Secretary.

The Secretary may vary the timing of the above offset requirement if the Secretary considers there are exceptional circumstances to warrant the variation.

The secured offset for the project may be reconciled at the completion of a project in accordance with the *Assessor's handbook – Applications to remove, destroy or lop native vegetation* (Department of Energy, Environment, and Climate Action, 2025).

## 52.03-8 Preparatory use and development

31/01/2020
VC170

For the purposes of Clause 52.03, a preparatory use or development is a use or development required to prepare for the construction of a project. It is limited to the following:

- Use and development that would not require a permit under a provision of this planning scheme were it not for the exemption in Clause 52.03-2.
- Works associated with investigating, testing and surveying land.
- Creation and use of construction access points, accessways and working platforms.
- Site establishment works including construction of temporary site fencing and hoarding, site offices, and hardstand and laydown areas.
- Construction and use of temporary car parking.
- Construction or installation of environment and traffic controls.
- Construction, protection, modification, removal or relocation of utility services, rail signalling, and overhead and associated infrastructure.
- Salvage and relocation of cultural heritage material and other management actions required to be undertaken in compliance with:
  - a cultural heritage management plan approved under the *Aboriginal Heritage Act 2006* or otherwise in compliance with that Act; or
  - the conditions of any permit or consent granted under the *Heritage Act 2017* or otherwise in compliance with that Act.

- Demolition or removal of a building (other than a building in a Heritage Overlay) or works to the minimum extent necessary to enable another preparatory use or development.
- Removal, destruction or lopping of vegetation (other than a tree in the Heritage Overlay specified below) to the minimum extent necessary to enable another preparatory use or development.

For the purposes of Clause 52.03, preparatory development does not include:

- Demolition or removal of a building in a Heritage Overlay.
- Removal, destruction or lopping of a tree in a Heritage Overlay if the schedule to the overlay specifies the heritage place as one where tree controls apply.

# 52.04 TRANSITIONAL PROVISIONS FOR A DEPENDENT PERSONS UNIT

14/12/2023
VC253

## 52.04-1 Purpose

28/03/2024
VC259

To provide transitional provisions for the use or development of land for a dependent person's unit.

## 52.04-2 Application

28/03/2024
VC259

This clause applies to the use and development of land for a dependent person's unit.

For the purposes of clause 52.04 and any reference to a dependent person's unit in this planning scheme, a dependent person's unit means:

*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.*

## 52.04-3 Exemption from planning scheme requirements

28/03/2024
VC259

Any requirement of this planning scheme to obtain a permit for the use of land or the construction or carrying out of buildings and works, or any provision of this planning scheme that prohibits the use of land or the construction or carrying out of buildings and works, requires the use of land or the construction or carrying out of buildings and works to be carried out in a particular manner, or requires a specified thing to be done to the satisfaction of a specified person or body, does not apply to a dependent person's unit, if the requirements of clause 52.04 are met.

The requirements of clause 52.04 are met if any of the following apply:

- No permit is required under this clause, and any requirement or condition of this clause is met.
- A permit is required under this clause, and a permit has been issued.

The provisions of this clause prevail over any inconsistent provision in this planning scheme.

## 52.04-4 Operation of use of land requirements

03/03/2025
VC266

The following requirements apply to the use of land for a dependent person's unit, as specified in clause 52.04-5.

### Table 1 zones

The use of land for a dependent person's unit in a zone listed in Table 1 does not require a permit. Any condition opposite the zone listed in Table 1 must be met. If the condition is not met, the use of land for a dependent person's unit requires a permit under this clause unless the zone is specifically included in Table 3 as a zone that does not meet the Table 1 condition.

### Table 2 zones

The use of land for a dependent person's unit in a zone listed in Table 2 requires a permit under this clause. Any condition opposite the zone must be met. If the condition is not met, the use of land for a dependent person's unit is prohibited.

### Table 3 zones

The use of land for a dependent person's unit in a zone listed in Table 3 is prohibited.

## 52.04-5 Use of land requirements

25/02/2025
VC257

### Table 1 - Permit not required

| Zone | Condition |
|---|---|
| **Low Density Residential Zone** | Must be the only dependent person's unit on the lot. |
| **Township Zone** | Must meet the requirements of clause 52.04-7. |
| **Mixed Use Zone** | Must be the only dependent person's unit on the lot. |
| **Residential Growth Zone** | |
| **General Residential Zone** | |
| **Neighbourhood Residential Zone** | |
| **Housing Choice and Transport Zone** | |
| **Rural Living Zone** | Must be the only dependent person's unit on the lot. |
| **Rural Activity Zone** | Must meet the requirements of clause 52.04-8.<br>Must be located more than 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*. |
| **Farming Zone** | Must be the only dependent person's unit on the lot.<br>Must meet the requirements of clause 52.04-8.<br>Must be located more than one kilometre from the nearest title boundary of land subject to:<br>▪ A permit for a wind energy facility; or<br>▪ An application for a permit for a wind energy facility; or<br>▪ An incorporated document approving a wind energy facility; or<br>▪ A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the *Environment Effects Act 1978*.<br>Must be located more than 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*. |
| **Commercial 1 Zone** | Any frontage at ground floor level must not exceed 2 metres |
| **Public Use Zone** | The use must be for the purpose described in the table to clause 36.01-6 which corresponds to the notation on the planning scheme map.<br>The use must be carried out by or on behalf of the public land manager. |
| **Public Park and Recreation Zone** | Must be either of the following: |

| Zone | Condition |
|---|---|
| | ▪ A use conducted by or on behalf of a public land manager, Parks Victoria or the Great Ocean Road Coast and Parks Authority, under the relevant provisions of the *Local Government Act 2020*, 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 Safety Act 2010*, the *Port Management Act 1995*, or the *Crown Land (Reserves) Act 1978*.<br>▪ A use specified in an Incorporated plan in a schedule to clause 36.02. |
| **Public Conservation and Resource Zone** | Must be a use conducted by or on behalf of a public land manager, Parks Victoria or the Great Ocean Road Coast and Parks Authority, under the relevant provisions of the *Local Government Act 2020*, 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 Safety Act 2010*, the *Port Management Act 1995* or the *Crown Land (Reserves) Act 1978*. |
| **Urban Growth Zone** | Must be the only dependent person's unit on the lot.<br>Must meet the requirements of clause 52.04-8. |

### Table 2 - Permit required

| Zone | Condition |
|---|---|
| **Low Density Residential Zone**<br>**Township Zone** | Must meet the requirements of clause 52.04-7. |
| **Green Wedge Zone**<br>**Green Wedge A Zone**<br>**Rural Conservation Zone** | Must be the only dependent person's unit on the lot.<br>Must meet the requirements of clause 52.04-8. |
| **Rural Living Zone**<br>**Farming Zone**<br>**Rural Activity Zone** | Must meet the requirements of clause 52.04-8. |
| **Transport Zone** | The use must be for a transport purpose and carried out by or on behalf of a relevant transport manager. |
| **Urban Growth Zone** | Must meet the requirements of clause 52.04-8. |

**Table 3 - Prohibited**

| Zone |
|---|
| **Industrial 1 Zone** |
| **Industrial 2 Zone** |
| **Industrial 3 Zone** |
| **Commercial 2 Zone** |
| **Commercial 3 Zone** |
| **Port Zone** |
| **Public Conservation and Resource Zone – If the table 1 condition is not met** |
| **Urban Floodway Zone** |

## 52.04-6 Use of land requirements in a specified special purpose zone

28/02/2025
VC274

If land is in a Special Use Zone, Comprehensive Development Zone, Capital City Zone, Docklands Zone, Priority Development Zone, Activity Centre Zone or Precinct Zone, the permit requirement in that zone for use of land applies as specified in the schedule to the zone.

If dependent person's unit is not specified in a schedule to the zone, the use of land for a dependent person's unit is subject to the use of land requirements for 'Accommodation'.

## 52.04-7 Use of land requirements in a Low Density Residential Zone and a Township Zone

28/03/2024
VC259

A lot used for a dependent person's unit in a Low Density Residential Zone and a Township Zone must meet the following requirements:

- Each dependent person's unit must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from each dependent person's unit must be treated and retained within the lot in accordance with the requirements in the Environment Protection Regulations under the *Environment Protection Act 2017* for an on-site wastewater management system.
- Each dependent person's unit must be connected to a reticulated potable water supply or have an alternative potable water supply, with appropriate storage capacity.
- Each dependent person's unit must be connected to a reticulated electricity supply or have an alternative energy supply.

## 52.04-8 Use of land requirements in a rural zone and an Urban Growth Zone

28/03/2024
VC259

A lot used for a dependent person's unit in a Rural Living Zone, Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone, Farming Zone, Rural Activity Zone and Urban Growth Zone must meet the following requirements:

- Access to the dependent person's unit must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- Each dependent person's unit 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 in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017* for an on-site wastewater management system.

- The 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 dependent person's unit must be connected to a reticulated electricity supply or have an alternative energy source.

## 52.04-9 Use of land requirements in an Airport Environs Overlay and Melbourne Airport Environs Overlay

28/03/2024
VC259

A permit is required under this clause to use land in an Airport Environs Overlay or a Melbourne Airport Environs Overlay for a dependent person's unit.

Land in an Airport Environs Overlay or a Melbourne Airport Environs Overlay must not be used for:

- More than one dependent person's unit.
- A dependent person's unit if there is an existing small second dwelling on the lot.
- A dependent person's unit if the size of the lot is less than 600 square metres.

## 52.04-10 Buildings and works requirements in a specified overlay

03/03/2025
VC266

A permit is required under the following overlays to construct a building or construct or carry out works for a dependent person's unit:

- Erosion Management Overlay. This does not apply if a schedule to the overlay specifically states that a permit is not required for a dependent person's unit.
- Floodway Overlay. This does not apply if a schedule to the overlay specifically states that a permit is not required for a dependent person's unit.
- Land Subject to Inundation Overlay. This does not apply if a schedule to the overlay specifically states that a permit is not required for a dependent person's unit.
- Special Building Overlay. This does not apply if a schedule to the overlay specifically states that a permit is not required for a dependent person's unit.
- Bushfire Management Overlay. This does not apply to any of the following:
  - If a schedule to the overlay specifically states that a permit is not required for a dependent person's unit.
  - An alteration or extension to an existing building used for a dependent person's unit that is less than 50 percent of the gross floor area of the existing building.

An application under a Bushfire Management Overlay must meet the requirements of clause 53.02-4, unless the application meets all of the requirements specified in a schedule to clause 44.06.

Any other requirement for a dependent person's unit specified in a schedule to an overlay applies.

## 52.04-11 Decision guidelines

28/03/2024
VC259

Before deciding on an application for a permit under clauses 52.04-5, 52.04-6, 52.04-9 or 52.04-10 the responsible authority must consider the decision guidelines of clause 65, including the decision guidelines of the zone or overlay, as appropriate.

## 52.04-12 Expiry

23/03/2026
VC304

Clauses 52.04-1 to 52.04-11 inclusive do not have effect after 28 March 2027.

## 52.04-13 Transitional provisions

23/03/2026
VC304

**VC253**

The requirements of the planning scheme that applied to the use or development of land (other than subdivision) for a dependent person's unit before the approval date of Amendment VC253 continue to apply:

- To a planning permit application for the use or development of land (other than subdivision) for a dependent person's unit lodged before the approval date of Amendment VC253.
- Where a planning permit was not required for the use or development of land (other than subdivision) for a dependent person's unit before the approval date of Amendment VC253 if one of the following applies:
  - A building permit was issued for the development of land (other than subdivision) for a dependent person's unit before the approval date of Amendment VC253.
  - A building surveyor has been appointed to issue a building permit for the development of land (other than subdivision) for a dependent person's unit before the approval date of Amendment VC253. A building permit must be issued within 3 months of the approval date of Amendment VC253.
  - A building surveyor is satisfied, and certifies in writing, that substantial progress was made on the design of the dependent person's unit before the approval date of Amendment VC253. A building permit must be issued within 3 months of the approval date of Amendment VC253.

**VC259**

Despite clause 52.04-12, the requirements of clause 52.04 of the planning scheme continue to apply:

- To a planning permit application for the use or development of land (other than subdivision) for a dependent person's unit lodged after the approval date of VC259 and before 28 March 2027.
- Where a planning permit was not required for the use or development of land (other than subdivision) for a dependent person's unit after the approval date of VC259 and before 28 March 2027, if one of the following applies:
  - A building permit was issued for the development of land (other than subdivision) for a dependent person's unit after the approval date of VC259 and before 28 March 2027.
  - A building surveyor has been appointed to issue a building permit for the development of land (other than subdivision) for a dependent person's unit after the approval date of VC259 and before 28 March 2027, and a building permit is issued by 28 June 2027.

# 52.05 SIGNS

31/07/2018
VC148

## 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.

## 52.05-1 Application

31/07/2018
VC148

This clause applies to the development of land for signs.

## 52.05-2 Requirements

28/02/2025
VC274

### Sign categories

Clauses 52.05-11 to 52.05-14 specify categories of sign control. The zone provisions specify which category of sign control applies to the zone.

Each category is divided into three sections.

If a sign can be interpreted in more than one way, the most restrictive requirement must be met.

### Section 1

A sign in Section 1 of the category may be constructed or put up for display without a permit, but all the conditions opposite the sign must be met. If the conditions are not met, the sign is in Section 2.

Some overlays require a permit for Section 1 signs.

### Section 2

A permit is required to construct or put up for display a sign in Section 2.

This does not apply to a sign specified in Clause 52.05-10.

All the conditions opposite the sign must be met. If the conditions are not met, the sign is prohibited.

### Section 3

A sign in Section 3 is prohibited and must not be constructed or put up for display.

### VicSmart applications

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

| Class of application | Information requirements and decision guidelines |
|---|---|
| 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, Activity Centre Zone or Precinct Zone if:<br>▪ The sign is not within 30 metres of land (not a road) which is in a residential zone. | Clause 59.09 |

| Class of application | Information requirements and decision guidelines |
|---|---|
| ▪ The sign is not a pole sign, a sky sign, a reflective sign, internally illuminated sign, floodlit sign, electronic sign or animated sign.<br>▪ The display area of the sign does not exceed 10 square metres. | |

## 52.05-3 Referral of applications

31/07/2018
VC148

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.

## 52.05-4 Expiry of permits

27/10/2025
VC294

A permit for a major promotion sign expires on the date specified in the permit in accordance with clause 52.05-9. If no date is specified, the expiry date is 15 years from the date of issue of the permit.

A permit for a promotion sign that promotes goods, services, an event or any other matter not provided, undertaken or sold on the land or in the building on which the sign is sited 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.

## 52.05-5 Existing signs

31/07/2018
VC148

A sign that was lawfully displayed on the approval date or that was being constructed or put up for display on that date may be displayed or continue to be displayed and may be repaired and maintained.

The content of a lawfully displayed sign may be renewed or replaced. However, a permit is required if:

- The display area is to be increased.
- The renewal or replacement would result in a different type of sign.

A sign that is reconstructed must meet the relevant sign requirements.

A major promotion sign displayed in accordance with a permit granted between 19 September 1995 and 18 September 1997 may continue to be displayed:

- until 31 December 2008; or
- where a permit application seeking permission to display the sign is lodged before 31 December 2008, until the permit application is finally determined.

## 52.05-6 Application requirements

20/01/2022
VC205

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 Transport Zone 2, Transport Zone 3, 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.

## 52.05-7 Exemption from notice and review

31/07/2018
VC148

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.

## 52.05-8 Decision guidelines

31/07/2018
VC148

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

**All signs**

- The character of the area including:
  - The sensitivity of the area in terms of the natural environment, heritage values, waterways and open space, rural landscape or residential character.
  - The compatibility of the proposed sign with the existing or desired future character of the area in which it is proposed to be located.
  - The cumulative impact of signs on the character of an area or route, including the need to avoid visual disorder or clutter of signs.
  - The consistency with any identifiable outdoor advertising theme in the area.
- Impacts on views and vistas:
  - The potential to obscure or compromise important views from the public realm.
  - The potential to dominate the skyline.
  - The potential to impact on the quality of significant public views.
  - The potential to impede views to existing signs.
- The relationship to the streetscape, setting or landscape:
  - The proportion, scale and form of the proposed sign relative to the streetscape, setting or landscape.
  - The position of the sign, including the extent to which it protrudes above existing buildings or landscape and natural elements.
  - The ability to screen unsightly built or other elements.
  - The ability to reduce the number of signs by rationalising or simplifying signs.
  - The ability to include landscaping to reduce the visual impact of parts of the sign structure.
- The relationship to the site and building:
  - The scale and form of the sign relative to the scale, proportion and any other significant characteristics of the host site and host building.
  - The extent to which the sign displays innovation relative to the host site and host building.
  - The extent to which the sign requires the removal of vegetation or includes new landscaping.
- The impact of structures associated with the sign:
  - The extent to which associated structures integrate with the sign.
  - The potential of associated structures to impact any important or significant features of the building, site, streetscape, setting or landscape, views and vistas or area.
- The impact of any illumination:
  - The impact of glare and illumination on the safety of pedestrians and vehicles.
  - The impact of illumination on the amenity of nearby residents and the amenity of the area.
  - The potential to control illumination temporally or in terms of intensity.
- The impact of any logo box associated with the sign:
  - The extent to which the logo box forms an integral part of the sign through its position, lighting and any structures used to attach the logo box to the sign.

  - The suitability of the size of the logo box in relation to its identification purpose and the size of the sign.
- The need for identification and the opportunities for adequate identification on the site or locality.
- The impact on road safety. A sign is a safety hazard if the sign:
  - Obstructs a driver's line of sight at an intersection, curve or point of egress from an adjacent property.
  - Obstructs a driver's view of a traffic control device, or is likely to create a confusing or dominating background that may reduce the clarity or effectiveness of a traffic control device.
  - Could dazzle or distract drivers due to its size, design or colouring, or it being illuminated, reflective, animated or flashing.
  - Is at a location where particular concentration is required, such as a high pedestrian volume intersection.
  - Is likely to be mistaken for a traffic control device, because it contains red, green or yellow lighting, or has red circles, octagons, crosses, triangles or arrows.
  - Requires close study from a moving or stationary vehicle in a location where the vehicle would be unprotected from passing traffic.
  - Invites drivers to turn where there is fast moving traffic or the sign is so close to the turning point that there is no time to signal and turn safely.
  - Is within 100 metres of a rural railway crossing.
  - Has insufficient clearance from vehicles on the carriageway.
  - Could mislead drivers or be mistaken as an instruction to drivers.

**Major promotion signs**

- The effect of the proposed major promotion sign on:
  - Significant streetscapes, buildings and skylines.
  - The visual appearance of a significant view corridor, viewline, gateway location or landmark site identified in a framework plan or local policy.
  - Residential areas and heritage places.
  - Open space and waterways.
- When determining the effect of a proposed major promotion sign, the following locational principles must be taken into account:
  - Major promotion signs are encouraged in commercial and industrial locations in a manner that complements or enhances the character of the area.
  - Major promotion signs are discouraged along forest and tourist roads, scenic routes or landscaped sections of freeways.
  - Major promotion signs are discouraged within open space reserves or corridors and around waterways.
  - Major promotion signs are discouraged where they will form a dominant visual element from residential areas, within a heritage place or where they will obstruct significant viewlines.

- In areas with a strong built form character, major promotion signs are encouraged only where they are not a dominant element in the streetscape and except for transparent feature signs (such as neon signs), are discouraged from being erected on the roof of a building.

## 52.05-9 Mandatory conditions

31/07/2018
VC148

### All signs

A permit for a sign that includes an expiry date must include a condition that provides that on expiry of the permit the sign and structures built specifically to support and illuminate it must be removed.

### Major promotion signs

A permit for a major promotion sign must include conditions that specify:

- That the sign must not:
  - Dazzle or distract drivers due to its colouring.
  - Be able to be mistaken for a traffic signal because it has, for example, red circles, octagons, crosses or triangles.
  - Be able to be mistaken as an instruction to drivers.
- An expiry date that is 15 years from the date the permit is issued unless otherwise specified in this clause. This does not apply to a permit for major promotion sign for a special event or temporary building shrouding.

A permit for a major promotion sign may specify an expiry date other than 15 years, but the date must not be less than 10 years or more than 25 years from the date the permit is issued. Before deciding to alter the specified expiry date of 15 years, the responsible authority must consider, as appropriate:

- The purpose of the sign.
- The existing or desired character of the area.
- The Municipal Planning Strategy and the Planning Policy Framework in terms of the extent to which the proposed sign is consistent with any relevant policy direction and the extent to which the area may be expected to change over time.
- The extent to which the signage is physically and visually integrated into the architecture of the building.

## 52.05-10 Signs not requiring a permit

27/10/2025
VC294

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 that provides information, warning or direction about weather conditions, public safety, a natural event or an emergency displayed by or with the agreement of a government department, public authority or municipal council.

- 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 that provides information about a building permit or workplace health and safety. Only one sign may be displayed unless:
  - the land is on a corner allotment, in which case one sign may be erected on each street frontage
  - the land has a street frontage of more than 150 metres, in which case one sign may be erected every 150 metres of each street frontage, with a total of not more than 4 signs.

  The sign must be removed when the work is completed.
- A sign on a hoarding, building shrouding or fence associated with a development that is, or is proposed to be, under construction on the site. The total display area on each street frontage must not exceed 25 percent of the combined area of the hoarding, building shrouding or fence on that street frontage.

  The sign must not be:
  - animated
  - electronic
  - internally illuminated or floodlit
  - displayed for more than two years.

  The sign must be removed when the construction work is complete.
- A flag sign at an Alpine resort (as defined by the *Alpine Resorts Management Act 1997*) that gives direction or information about wayfinding, events, safety and snow sport or mountain bike use, if it is displayed at the direction of Alpine Resorts Victoria. A sign may include a business logo and must only be displayed on a temporary basis.
- 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 a display area not exceeding 10 square metres publicising the sale or letting of the land on which it is displayed. 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.
- A sign publicising or providing information about Victoria's container deposit scheme under the *Circular Economy (Waste and Recycling) Act 2021*. The sign must be attached to an automated collection point, or a building used for a Container deposit scheme centre. The display area for the sign must not exceed 8 square metres. The sign must not be an animated, floodlit or internally illuminated sign.

No permit is required to fly the Australian flag or to display the flag on a building, painted or otherwise represented, provided it is correctly dimensioned and coloured in accordance with the *Flags Act 1953*.

## 52.05-11 Category 1 - Commercial areas

03/02/2022
VC199

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

| Sign | Condition |
|---|---|
| **Bed and breakfast sign**<br>**Business identification sign**<br>**Home based business sign**<br>**Promotion sign** | 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. |
| **Direction sign** | None specified |
| **Internally illuminated sign** | The total display area to each premises must not exceed 1.5 sqm.<br>No part of the sign may be above a verandah or, if no verandah, more than 3.7 m above pavement level.<br>The sign must be more than 30 m from a residential zone or pedestrian or traffic lights. |

### Section 2 - Permit required

| Sign | Condition |
|---|---|
| **Any sign not in Section 1** | None specified |

### Section 3 - Prohibited

| Sign |
|---|
| **Nil** |

## 52.05-12 Category 2 - Office and industrial

27/10/2025
VC294

Low limitation

### Purpose

To provide for adequate identification signs and signs that are appropriate to office and industrial areas.

### Section 1 - Permit not required

| Sign | Condition |
|---|---|
| **Bed and breakfast sign**<br>**Business identification sign**<br>**Home based business sign**<br>**Pole sign** | The total display area of all signs to each premises must not exceed 8 sqm. This does not include a direction sign. |
| **Direction sign** | Only one to each premises. |
| **Internally illuminated sign** | 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. |
| **Promotion sign** | A promotion sign must promote goods, services, an event or any other matter, that is provided, undertaken or sold or for hire on the land or in the building on which the sign is sited. |

### Section 2 - Permit required

| Sign | Condition |
|---|---|
| **Any sign not in Section 1** | None specified |

### Section 3 - Prohibited

| Sign |
|---|
| **Nil** |

## 52.05-13 Category 3 - High amenity areas

03/02/2022
VC199

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

| Sign | Condition |
|---|---|
| **Bed and breakfast sign** | Only one to each premises. |
| **Home based business sign** | The display area must not exceed 0.2 sqm. |
| **Direction sign** | None specified |

### Section 2 - Permit required

| Sign | Condition |
|---|---|
| **Above-verandah sign** | None specified |
| **Business identification sign** | |
| **Electronic sign** | The display area must not exceed 3 sqm. |
| **Floodlit sign** | None specified |
| **High-wall sign** | Must be a business logo or street number. |
| **Internally illuminated sign** | None specified |
| **Pole sign** | |
| **Promotion sign** | The display area must not exceed 3 sqm. |
| **Reflective sign** | None specified |

### Section 3 - Prohibited

| Sign |
|---|
| **Any sign not in Sections 1 or 2** |

## 52.05-14 Category 4 - Sensitive areas

17/10/2023
VC241

Maximum limitation

### Purpose

To provide for unobtrusive signs in areas requiring strong amenity control.

### Section 1 - Permit not required

| Sign | Condition |
|---|---|
| **Bed and breakfast sign** | Only one to each premises. |
| **Home based business sign** | The display area must not exceed 0.2 sqm. |
| **Direction sign** | None specified |

### Section 2 - Permit required

| Sign | Condition |
|---|---|
| **Business identification sign** | The total display area to each premises must not exceed 3 sqm. This does not apply to a Business identification sign on land used for a Freeway service centre or Service station. |
| **Floodlit sign** | Must not be a Promotion sign on land used for an Open sports ground. |
| **Above-verandah sign**<br>**High-wall sign**<br>**Internally illuminated sign**<br>**Pole sign** | Must be on land used for a Freeway service centre or Service station. |
| **Electronic sign** | Must be on land used for a Freeway service centre or Service station.<br>The display area must not exceed 3 sqm. |
| **Promotion sign** | Must be on land used for a Freeway service centre, Service station or Open sports ground.<br>Must promote goods, services, events or matters provided, undertaken or sold on land used for a Freeway service centre or Service station. |

### Section 3 - Prohibited

| Sign |
|---|
| **Any sign not in Sections 1 or 2** |

11/08/2022
C248wynd

# SCHEDULE TO CLAUSE 52.05 SIGNS

## 1.0

11/08/2022
C248wynd

## Exemption from notice and review

| Land | Condition |
|---|---|
| None specified | |

# 52.06 CAR PARKING

31/07/2018
VC148

## 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.

## 52.06-1 Application

18/12/2025
VC277

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 specified in Table 1 to clause 52.06-5 by the corresponding measure specified in Table 1 to clause 52.06-5.

This clause does not apply to:

- the extension of one dwelling on a lot in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Housing Choice and Transport 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, Housing Choice and Transport 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; or
- the construction and use of a small second dwelling.

## 52.06-2 Provision of car parking spaces

18/12/2025
VC277

Before:

- a new use commences; or
- the floor area or site area of an existing use is increased; or
- an existing use specified in Table 1 to clause 52.06-5 is increased by the corresponding measure specified in Table 1 to clause 52.06-5,

the minimum number of car parking spaces required under clause 52.06-5 or in a schedule to the Parking Overlay for a use 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 Table 1 to clause 52.06-5, or a schedule to the Parking Overlay, specifies a maximum car parking requirement, the maximum requirement must not be exceeded except in accordance with a permit issued under clause 52.06-3.

## 52.06-3 Permit requirement

18/12/2025
VC277

A permit is required to:

- Reduce (including reduce to zero) the minimum 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 requirement specified in clause 52.06-5 or 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 minimum number of car parking spaces required for a new use 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, Activity Centre Zone or Precinct 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.

A permit is not required to provide more car parking spaces than the maximum car parking requirement in clause 52.06-5 if the existing number of car parking spaces on the land exceeds the maximum car parking requirement and no new additional car parking spaces will be provided.

### 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.

## 52.06-4 Exemption from notice and review

31/07/2018
VC148

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.

## 52.06-5 Car parking requirement calculation

18/12/2025
VC277

Table 1 of this clause sets out the minimum and maximum car parking requirements that apply to a use specified in the table based on the land category identified in the *Car Parking Requirement Maps* (Department of Transport and Planning, 2025) (CPR maps).

If the land is shown in two or more categories on the CPR maps, the car parking requirements for the higher category applies to all of the land.

A car parking requirement in Table 1 is 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.

If a measure refers to a number of people, it means the maximum number of people permitted on the site at any one time.

The car parking requirement for a use specified in Table 1 is calculated by multiplying the corresponding number specified in Category 1, 2, 3 or 4 (as applicable) by the corresponding measure. If the measure is specified as a per cent of the site area, the corresponding number specified in Category 1, 2, 3 or 4 is the per cent of the site area to be set aside for car parking.

Where an existing use specified in Table 1 is increased by the corresponding measure, 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 specified 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**

| Land use | Measure | Category 1 (Minimum Requirement) | Category 2 (Minimum Requirement) | Category 3 (Minimum and Maximum Requirement) | Category 4 (Maximum Requirement) |
|---|---|---|---|---|---|
| Amusement parlour | To each 100 square metres of net floor area | 4 | 2 | 0 - minimum<br>2 - maximum | 1 |
| Art and craft centre | To each 100 square metres of net floor area | 4 | 2 | 0 - minimum<br>2 - maximum | 1 |

| Land use | Measure | Category 1 (Minimum Requirement) | Category 2 (Minimum Requirement) | Category 3 (Minimum and Maximum Requirement) | Category 4 (Maximum Requirement) |
|---|---|---|---|---|---|
| Betting agency | To each 100 square metres of net floor area | 4 | 2 | 0 - minimum<br>2 - maximum | 1 |
| Bowling green | To each rink | 6 | 3 | 0 - minimum<br>3 - maximum | 1.5 |
| Child care centre | To each employee | 1 | 0.5 | 0.25 - minimum<br>No maximum | No maximum |
| Convenience restaurant | To each patron | 0.3 | 0.15 | 0 - minimum<br>0.15 - maximum | 0.08 |
| Display home centre | To each dwelling | 5 | 2.5 | 0 - minimum<br>2.5 - maximum | 1.25 |
| Dwelling | To each dwelling | 1.2 | 1 | 0 - minimum<br>2 - maximum | 2 |
| Education centre - other than specified in this table | To each student | 0.4 | 0.05 | 0 - minimum<br>0.1 - maximum | 0.05 |
| Food and drink premises - other than specified in this table | To each 100 square metres of net floor area | 4 | 2 | 0 - minimum<br>2 - maximum | 1 |
| Freezing and cool storage | To each 100 square metres of net floor area | 1.5 | 0.2 | 0 - minimum<br>0.4 - maximum | 0.2 |
| Fuel depot | Per cent of site area | 10 | 5 | 5 - minimum<br>10 - maximum | 5 |
| Funeral parlour | To each patron | 0.3 | 0.15 | 0 - minimum<br>0.15 - maximum | 0.08 |
| Gambling premises - other than specified in this table | To each 100 square metres of net floor area | 4 | 2 | 0 - minimum<br>2 - maximum | 1 |
| Golf course | To each hole | 4 | 2 | 0 - minimum<br>2 - maximum | 1 |

| Land use | Measure | Category 1 (Minimum Requirement) | Category 2 (Minimum Requirement) | Category 3 (Minimum and Maximum Requirement) | Category 4 (Maximum Requirement) |
|---|---|---|---|---|---|
| Home based business | To each employee not a resident of the dwelling | 1 | 0 | 0 - minimum<br>No maximum | No maximum |
| Industry - other than specified in this table | To each 100 square metres of leasable floor area | 2.9 | 0.4 | 0 - minimum<br>0.8 - maximum | 0.8 |
| Landscape gardening supplies | Per cent of site area | 10 | 5 | 5 - minimum<br>10 - maximum | 5 |
| Mail centre | To each 100 square metres of net floor area | 3.5 | 0.45 | 0 - minimum<br>0.9 - maximum | 0.45 |
| Manufacturing sales | To each 100 square metres of leasable floor area | 4 | 2 | 0 - minimum<br>2 - maximum | 1 |
| Market | To each 100 square metres of site area | 8 | 4 | 5 - minimum<br>6 - maximum | 6 |
| Materials recycling | Per cent of site area | 10 | 5 | 5 - min<br>10 - max | 5 |
| Medical centre | To each 100 square metres of leasable floor area | 5 | 3.5 | 0 - minimum<br>5 - maximum | 5 |
| Milk depot | Per cent of site area | 10 | 5 | 5 - minimum<br>10 - maximum | 5 |
| Motel | To each bedroom | 1 | 1 | 0 - minimum<br>0.5 - maximum | 0.2 |
| Office - other than specified in this table | To each 100 square metres of net floor area | 3.5 | 0.45 | 0 - minimum<br>0.9 - maximum | 0.45 |
| Place of assembly - other than specified in this table | To each patron | 0.3 | 0.15 | 0 - minimum<br>0.15 - maximum | 0.08 |

| Land use | Measure | Category 1 (Minimum Requirement) | Category 2 (Minimum Requirement) | Category 3 (Minimum and Maximum Requirement) | Category 4 (Maximum Requirement) |
|---|---|---|---|---|---|
| Postal agency | To each 100 square metres of net floor area | 4 | 2 | 0 - minimum<br>2 - maximum | 1 |
| Primary produce sales | To each 100 square metres of net floor area | 4 | 2 | 0 - minimum<br>2 - maximum | 1 |
| Primary school | To each employee | 1 | 0.5 | 0.25 - minimum<br>No maximum | No maximum |
| Research and development centre | To each 100 square metres of net floor area | 3.5 | 0.45 | 0 - minimum<br>0.9 - maximum | 0.45 |
| Residential aged care facility | To each bedroom | 0.3 | 0.25 | 0.25 - minimum<br>0.45 - maximum | 0.45 |
| Residential village | To each dwelling | 1.2 | 1 | 0 - minimum<br>2 - maximum | 2 |
| Retirement village | To each dwelling | 1.2 | 1 | 0 - minimum<br>2 - maximum | 2 |
| Restricted retail premises | To each 100 square metres of leasable floor area | 3 | 1.5 | 1.5 - minimum<br>2 - maximum | 2 |
| Rooming house | To each bedroom | 0.25 | 0.25 | 0 - minimum<br>0.15 - maximum | 0.1 |
| Saleyard | Per cent of site area | 10 | 5 | 5 - minimum<br>10 - maximum | 5 |
| Secondary school | To each employee | 1 | 0.5 | 0.25 - minimum<br>No maximum | No maximum |
| Shop - other than specified in this table | To each 100 square metres of leasable floor area | 4 | 2 | 0 - minimum<br>2 - maximum | 1 |

| Land use | Measure | Category 1 (Minimum Requirement) | Category 2 (Minimum Requirement) | Category 3 (Minimum and Maximum Requirement) | Category 4 (Maximum Requirement) |
|---|---|---|---|---|---|
| Squash court other than in conjunction with a dwelling | To each court | 4 | 2 | 0 - minimum<br>2 - maximum | 1 |
| Store - other than specified in this table | Per cent of site area | 10 | 5 | 5 - minimum<br>10 - maximum | 5 |
| Supermarket | To each 100 square metres of leasable floor area | 5 | 2.5 | 0 - minimum<br>2.5 - maximum | 1.25 |
| Swimming pool - other than in conjunction with a dwelling | To each 100 square metres of site area | 5.6 | 2.8 | 0 - minimum<br>2.8 - maximum | 2.1 |
| Tennis court - other than in conjunction with a dwelling | To each court | 4 | 2 | 0 - minimum<br>2 - maximum | 1 |
| Trade supplies | Per cent of site area | 10 | 5 | 5 - minimum<br>10 - maximum | 10 |
| Veterinary centre | To each 100 square metres of leasable floor area | 5 | 3.5 | 0 - minimum<br>5 - maximum | 5 |
| Warehouse - other than specified in this table | To each 100 square metres of net floor area | 2 | 0.25 | 0 - minimum<br>0.5 - maximum | 0.5 |
| Winery | To each patron | 0.4 | 0.2 | 0 - minimum<br>0.2 - maximum | 0.1 |

## 52.06-6 Number of car parking spaces required for other uses

16/01/2018
VC142

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.

## 52.06-7 Application requirements and decision guidelines for permit applications

18/12/2025
VC277

### 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 Table 1 to 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 car parking provision**

An application to provide more than the maximum parking provision specified in clause 52.06-5 or 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.

Before granting a permit to provide more than the maximum car parking spaces specified under clause 52.06-5 or in a schedule to the Parking Overlay, the responsible authority must consider the following, as appropriate:

- The Car Parking Demand Assessment.
- Any relevant local planning policy or incorporated plan.
- Whether additional car parking is required for disability parking.
- 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.

- Local traffic management in the locality of the land.
- The impact of additional 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 modes of transport to and from the land.
- The character of the surrounding area and whether increasing 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.

## 52.06-8 Requirement for a car parking plan

18/12/2025
VC277

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 Table 1 to 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

18/12/2025
VC277

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 Transport Zone 2 or Transport Zone 3, 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 Transport Zone 2 or Transport Zone 3.
- 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 Transport Zone 2 or Transport Zone 3, the access to the car spaces must be at least 6 metres from the road carriageway.

If entry to the car space is from a road, the width of the accessway may include the road.

### Design standard 2 – Car parking spaces

Car parking spaces and accessways must have the minimum dimensions as outlined in Table 2.

**Table 2: Minimum dimensions of car parking spaces and accessways**

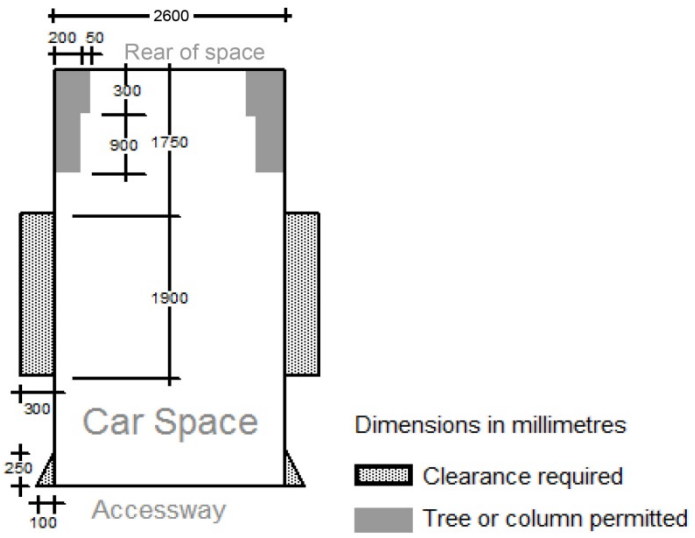
| Angle of car parking spaces to access way | Accessway width | Car space width | Car space length |
|---|---|---|---|
| **Parallel** | 3.6 m | 2.3 m | 6.7 m |
| **45º** | 3.5 m | 2.6 m | 4.9 m |
| **60º** | 4.9 m | 2.6 m | 4.9 m |
| **90º** | 6.4 m | 2.6 m | 4.9 m |
| | 5.8 m | 2.8 m | 4.9 m |
| | 5.2 m | 3.0 m | 4.9 m |
| | 4.8 m | 3.2 m | 4.9 m |

*Note* *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**

| Type of car park | Length of ramp | Maximum grade |
|---|---|---|
| **Public car parks** | 20 metres or less | 1:5 (20%) |
| | longer than 20 metres | 1:6 (16.7%) |
| **Private or residential car parks** | 20 metres or less | 1:4 (25%) |
| | longer than 20 metres | 1:5 (20%) |

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.

## 52.06-10 Decision guidelines

18/12/2025
VC277

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.

## 52.06-11 Construction of car parking

18/12/2025
VC277

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 Table 1 to clause 52.06-5 for that use.

## 52.06-12 Transitional provisions

18/12/2025
VC277

### Meaning of terms

**In clause 52.06-12:**

- ***current clause*** means clause 52.06-5 as currently in force;
- ***former clause*** means clause 52.06-5 as in force immediately before the day Amendment VC277 came into operation;
- ***transition date*** means the day that is 180 days after the day Amendment VC277 came into operation;
- ***transitional proposal*** means:
  - an application to use or develop land made before the transition date; or
  - an application to use or develop land amended under section 50, 50A or 57A of the Act if the original application was made before the transition date; or
  - an application under clause 52.06 made before the transition date; or

- an application under clause 52.06 amended under section 50, 50A or 57A of the Act if the original application was made before the transition date; or
- a plan provided to the responsible authority under clause 52.06-8 before the transition date; or
- a use for which parking is provided in accordance with a plan approved under clause 52.06-8 if the plan was provided to the responsible authority before the transition date; or
- a new use commenced before the transition date; or
- an increase in the floor area or site area of an existing use before the transition date; or
- an increase to an existing use specified in Table 1 to the current clause by the corresponding measure specified in Table 1 to the current clause before the transition date.

### Transitional provision A

A reference to 'clause 52.06-5' in the current clause is taken to be a reference to 'clause 52.06-5' in the former clause in respect of a transition proposal (except in relation to a maximum car parking requirement) if both of the following apply:

- The transition proposal is for a use specified in Table 1 to the current clause.
- The number of car parking spaces that would be required for the transition proposal under the former clause is less than the minimum number of car parking spaces required under the current clause.

### Transitional provision B

The maximum car parking requirement in clause 52.06-2 (other than a maximum parking requirement specified in a schedule to a Parking Overlay) does not apply to, and a permit is not required under clause 52.06-3 to provide more than the maximum parking provision specified in clause 52.06-5 in respect of, the following:

- An application to use or develop land made before the day Amendment VC277 came into operation.
- An application to use or develop land amended under section 50, 50A or 57A of the Act if the original application was made before the day Amendment VC277 came into operation.
- An application under clause 52.06 made before the day Amendment VC277 came into operation.
- An application under clause 52.06 amended under section 50, 50A or 57A of the Act if the original application was made before the day Amendment VC277 came into operation.
- A plan provided to the responsible authority under clause 52.06-8 before the day Amendment VC277 came into operation.
- Car parking provided in accordance with a plan approved under clause 52.06-8 if the plan was provided to the responsible authority before the day Amendment VC277 came into operation.

### Transitional provision C

Any reference in a schedule to the Parking Overlay to 'clause 52.06-5' is taken to be a reference to the former clause unless the schedule to the Parking Overlay specifies this transitional provision does not apply.

# 52.07 EMERGENCY RECOVERY

22/11/2022
VC228

## Purpose

To facilitate and support recovery from emergencies.

To facilitate the construction and use of temporary accommodation following an emergency.

To enable businesses and services to continue operating following an emergency.

To support the provision of materials and infrastructure required for emergency recovery.

## 52.07-1 Exemption from planning scheme requirements

04/11/2022
VC226

Any requirement of this planning scheme to obtain a permit or any provision of this planning scheme that prohibits the use or development of land, requires the use or development of land to be carried out in a particular manner, or requires a specified thing to be done to the satisfaction of a specified person or body, does not apply to any of the following uses or developments if the requirements of clause 52.07 are met:

- The use of land or the construction of a building or the construction or carrying out of works:
  - Associated with recovery carried out by or on behalf of a municipal council or public authority; or
  - For accommodation; or
  - For a use (other than accommodation) that was lawfully carried out in a building immediately before that building was damaged or destroyed by an emergency.
- The removal, destruction or lopping of vegetation.

This exemption does not apply to:

- The requirement in clause 45.03-1.
- The use or development of land to which clause 52.14 applies.

The provisions of this clause prevail over any inconsistent provision in this planning scheme.

## 52.07-2 Information to responsible authority

04/11/2022
VC226

The following requirement does not apply to the use or development of land associated with recovery carried out by or on behalf of a municipal council or public authority.

Before the commencement of a use or the construction of a building under clause 52.07, the following information must be given in writing to the responsible authority and to the satisfaction of the responsible authority:

- A description of the proposed use.
- A description of the proposed building.
- A description of the land on which the use will be carried out or the building will be constructed by:
  - Stating the address of the land; or
  - Stating the title particulars of the land; or
  - Including a plan showing the land; or
  - Any combination of these.

## 52.07-3 Temporary accommodation requirements

04/11/2022
VC226

The following requirements do not apply to the use or development of land associated with recovery carried out by or on behalf of a municipal council or public authority.

Land must only be used for accommodation under this clause to accommodate a person whose principal place of residence was damaged or destroyed by a bushfire on the same land or contiguous land in the same ownership.

Land used for accommodation under this clause must meet the following requirements:

- Access to the accommodation must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- The accommodation must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from the accommodation must be treated and retained within the lot in accordance with the requirements in the Environment Protection Regulations under the *Environment Protection Act 2017* for an on-site wastewater management system or treated and disposed of to the satisfaction of the responsible authority.
- The accommodation must be connected to a reticulated potable water supply or have an alternative potable water supply.
- The accommodation must be connected to a reticulated electricity supply or have an alternative energy source.

The use of land for accommodation under this clause must not continue after 3 years of the commencement of the use unless in accordance with the requirements of this planning scheme.

A building or works constructed or carried out under this clause for accommodation must be on the same land, or on contiguous land in the same ownership, as a building used for accommodation that was damaged or destroyed by a bushfire and must be completed within 18 months of the date that building was damaged or destroyed.

Unless in accordance with the written agreement of the responsible authority, the combined gross floor area of all buildings constructed for accommodation under this clause on contiguous land in the same ownership must not exceed 60 square metres.

## 52.07-4 Continuation of use requirements

04/11/2022
VC226

The following requirements do not apply to the use or development of land:

- For accommodation; or
- Associated with recovery carried out by or on behalf of a municipal council or public authority.

Unless in accordance with the written agreement of the responsible authority, the use of land under this clause for a use that was carried out in a building immediately before that building was damaged or destroyed by an emergency must be carried out on the same land, or on contiguous land in the same ownership, as the damaged or destroyed building.

A use commenced under this clause must not continue after 3 years of its commencement unless in accordance with this planning scheme.

A building or works constructed or carried out under this clause for a use that was carried out in a building damaged or destroyed by an emergency, must be on the same land, or on contiguous land in the same ownership, as the damaged or destroyed building and must be completed within 18 months of the date that building was damaged or destroyed by an emergency.

Unless in accordance with the written agreement of the responsible authority, the combined gross floor area of all buildings constructed under this clause on contiguous land in the same ownership must not exceed 100 square metres.

## 52.07-5 Vegetation removal requirement

04/11/2022
VC226

Vegetation must only be removed, destroyed or lopped to the minimum extent necessary:

- To enable the removal of a building, equipment or other material that was damaged or destroyed by an emergency within 3 years of the date it was damaged or destroyed; or
- To enable the repair or reconstruction of a fence that was damaged or destroyed by an emergency within 3 years of the date it was damaged or destroyed for a combined maximum width of 4 metres either side of the fence.

This requirement does not apply to:

- The removal, destruction or lopping of vegetation within 10 metres of a building constructed for accommodation under this clause; or
- The removal, destruction or lopping of vegetation (other than a tree) within 30 metres of a building constructed for accommodation under this clause; or
- The removal, destruction or lopping of vegetation (other than a tree) within 50 metres of a building constructed for accommodation under this clause in a Bushfire Management Overlay.

## 52.07-6 Other development requirements

04/11/2022
VC226

Development of land in a Bushfire Management Overlay or Erosion Management Overlay that would require a permit, or would be prohibited, under the overlay were it not for the exemption in clause 52.07-1, must be sited to the satisfaction of the responsible authority.

Development of land in a Heritage Overlay that would require a permit, or would be prohibited, under the overlay were it not for the exemption in clause 52.07-1, must be carried out to the satisfaction of the responsible authority.

Development of land in an Urban Floodway Zone, Floodway Overlay, Land Subject to Inundation Overlay or Special Building Overlay that would require a permit, or would be prohibited, under the overlay were it not for the exemption in clause 52.07-1, must be sited to the satisfaction of the relevant floodplain management authority.

## 52.07-7 Exemptions for extractive industry

06/10/2023
VC247

Any requirement of a planning permit, including any condition, or any provision of this planning scheme, that limits, or has the effect of limiting, the hours or days during which an extractive industry may be carried out, does not apply to the quarrying and processing of materials and the dispatch, delivery, loading or unloading of materials if:

- The materials are directly associated with recovery; and
- The quarrying and processing of materials and the dispatch, delivery, loading or unloading of materials occurs within 24 months of an emergency.

## 52.07-8 Meaning of terms

22/11/2022
VC228

In this clause:

- ***emergency*** means:
  - a bushfire; or
  - an earthquake, flood, wind-storm or other natural event;
- ***recovery*** means the assisting of persons and communities affected by emergencies to achieve a proper and effective level of functioning.

## 52.08 EARTH AND ENERGY RESOURCES INDUSTRY

24/01/2020
VC160

### Purpose

To encourage land to be used and developed for exploration and extraction of earth and energy resources in accordance with acceptable environmental standards.

To ensure that geothermal energy extraction, greenhouse gas sequestration, mining and petroleum production are not prohibited land uses.

To ensure that planning controls for the use and development of land for the exploration and extraction of earth and energy resources are consistent with other legislation governing these land uses.

### 52.08-1 Permit requirement

24/01/2020
VC160

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

| No permit is required to use or develop land for earth and energy resources industry if the following conditions are met: | |
|---|---|
| Extractive industry | Complies with Section 77T of the *Mineral Resources (Sustainable Development) Act 1990*. |
| Geothermal energy exploration | Complies with the *Geothermal Energy Resources Act 2005*. |
| Geothermal energy extraction | Complies with Section 62 of the *Geothermal Energy Resources Act 2005*. |
| Greenhouse gas sequestration exploration | Complies with Section 189 of the *Greenhouse Gas Geological Sequestration Act 2008*. |
| Greenhouse gas sequestration | Complies with Section 191 of the *Geological Sequestration Act 2008*. |
| Mineral exploration | Complies with Section 43(3) of the *Mineral Resources (Sustainable Development) Act 1990*. |
| Mining | Complies with Section 42(7) or Section 42A *Mineral Resources (Sustainable Development) Act 1990*; or<br>Complies with Section 47A of the *Electricity Industry Act 1993*. |
| Petroleum exploration | Complies with Section 118 of the *Petroleum Act 1998*. |
| Petroleum production | Complies with Section 120 of the *Petroleum Act 1998*. |
| Stone exploration | Must not be costeaning or bulk sampling. |

### 52.08-2 Application requirements for mining

24/01/2020
VC160

An application to use and develop land for mining must be accompanied by:

- A copy of a work plan or a variation to an approved work plan that has received statutory endorsement under section 77TD of the *Mineral Resources (Sustainable Development) Act 1990*.
- The written notice of statutory endorsement under section 77TD(1) of the *Mineral Resources (Sustainable Development) Act 1990*.
- Any conditions specified under section 77TD(3) of the *Mineral Resources (Sustainable Development) Act 1990*.

## 52.08-3 Referral requirements for mining

14/05/2021
VC198

An application to use or develop land for mining must be referred under section 55 of the Act to the person or body specified as the referral authority in Clause 66.

Unless the referral authority is the Head, Transport for Victoria, the referral requirement in Clause 66 does not apply if a copy of a work plan or variation to an approved work plan accompanying the application was given to the referral authority under section 77TE of the *Mineral Resources (Sustainable Development) Act 1990*.

# 52.09 EXTRACTIVE INDUSTRY AND EXTRACTIVE INDUSTRY INTEREST AREAS

24/01/2020
VC160

## Purpose

To ensure that use and development of land for extractive industry does not adversely affect the environment or amenity of the area during or after extraction.

To ensure that excavated areas can be appropriately rehabilitated.

To ensure that stone resources, which may be required by the community for future use, are protected from inappropriate use and development.

## 52.09-1 Application

24/01/2020
VC160

This clause applies to an application to use or develop land:

- For extractive industry;
- Within an Extractive Industry Interest Area; or
- Within 500 metres of an existing or proposed extractive industry operation.

## 52.09-2 Application requirements

24/01/2020
VC160

An application to use and develop land for extractive industry must be accompanied by:

- A copy of a work plan or a variation to an approved work plan that has received statutory endorsement under section 77TD of the *Mineral Resources (Sustainable Development) Act 1990.*
- The written notice of statutory endorsement under section 77TD(1) of the *Mineral Resources (Sustainable Development) Act 1990.*
- Any conditions specified under section 77TD(3) of the *Mineral Resources (Sustainable Development) Act 1990.*

These requirements do not apply if the proposed extractive industry is exempt from:

- The requirement to obtain a work plan under section 77G of the *Mineral Resources (Sustainable Development) Act 1990;* or
- The provisions of the *Mineral Resources (Sustainable Development) Act 1990* under section 5AA of that Act.

## 52.09-3 Referral of applications

22/03/2022
VC219

An application must be referred under section 55 of the Act to the person or body specified as the referral authority in Clause 66, if the application is to use or develop land for:

- Extractive industry; or
- Accommodation in a rural zone is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

Unless the referral authority is the Head, Transport for Victoria, the referral requirement in Clause 66 does not apply if a copy of a work plan or variation to an approved work plan accompanying the application was given to the referral authority under section 77TE of the *Mineral Resources (Sustainable Development) Act 1990*.

## 52.09-4 Decision guidelines

24/01/2020
VC160

Before deciding on an application to use and develop land for extractive industry, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The effect of the proposed extractive industry on any native flora and fauna on and near the land.
- The impact of the proposed extractive industry on sites of cultural and historic significance, including any effects on Aboriginal places.
- The effect of the proposed extractive industry on the natural and cultural landscape of the surrounding land and the locality generally.
- The ability of the proposed extractive industry to contain any emissions within the boundaries of the land in accordance with relevant legislation.
- The effect of vehicular traffic, noise, blasting, dust and vibration on the amenity of the surrounding area.
- The ability to rehabilitate the affected land to a form or for a use which is compatible with the natural systems or visual appearance of the surrounding area.
- The ability to rehabilitate the land so it can be used for a purpose or purposes beneficial to the community.
- The effect of the proposed extractive industry on groundwater quality and the impact on any affected water uses.
- The impact of the proposed extractive industry on surface drainage and surface water quality.
- Any proposed provisions, conditions or requirements in a work plan that has received statutory endorsement under the *Mineral Resources (Sustainable Development) Act 1990*.

## 52.09-5 Permit conditions for extractive industry

24/01/2020
VC160

A permit to use and develop land for extractive industry must not include conditions which require the use to cease by a specified date unless either:

- The subject land is situated in or adjoins land which is being developed or is proposed to be developed for urban purposes.
- Such condition is suggested by the applicant.

A permit to use and develop land for extractive industry must include:

- A condition that allows for a period of not less than five years for the use and development to commence before the permit expires under section 68 of the Act.
- Conditions that are consistent with the requirements specified in Clause 52.09-6.

## 52.09-6 Requirements for extractive industry

24/01/2020
VC160

The use and development of land for extractive industry must comply with the following requirements, to the satisfaction of the responsible authority:

- Except in accordance with a permit, no alteration may be made to the natural condition or topography of the land within 20 metres of the boundary of land. This does not apply to driveways, drains, bund walls or landscaping.
- Shrubs and trees must be planted and maintained to screen activity on the land.
- Parking areas must be provided for employees' cars and all vehicles used on the land.

## 52.09-7 Notice of an application

22/03/2022
VC219

Notice of the following kinds of applications must be given in accordance with section 52(1)(c) of the Act to the person or body specified as the 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*.
- An application to use or develop land for accommodation in a rural zone if the building or works associated with the accommodation is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

This requirement does not apply to:

- An application to extend a building or works.
- An application that is required to be referred to the Secretary under section 55 of the Act.

## 52.10 RECONSTRUCTION AFTER AN EMERGENCY

05/10/2021
VC208

### Purpose

To facilitate the reconstruction of buildings and works damaged or destroyed as a result of an emergency.

To facilitate the re-establishment of businesses and services after an emergency.

To facilitate the continued use of land for dwellings after an emergency.

### 52.10-1 Use exemptions - dwelling

18/12/2024
VC272

Any requirement of this planning scheme to obtain a permit or any provision of this planning scheme that prohibits the use of land, requires the use of land to be carried out in a particular manner, or requires a specified thing to be done to the satisfaction of a specified person or body, does not apply to the use of land (other than land in the Urban Floodway Zone) for a dwelling if the following requirements are met:

- A dwelling on the land must have been damaged or destroyed as a result of an emergency after 1 January 2019.
- The use must commence within 7 years after the date the dwelling was damaged or destroyed.
- The dwelling must not be a building that was constructed under clause 52.07.
- The land must not be used for more than the number of dwellings the land was lawfully used for before the dwelling was damaged or destroyed.
- 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 reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from the dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017* for an on-site wastewater management system.
- The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

### 52.10-2 Exemption from notice and review

18/12/2024
VC272

An application under any provision of this planning scheme to use or develop land (other than the subdivision of land) is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if the following requirements are met:

- A building or works on the land must have been damaged or destroyed as a result of an emergency after 1 January 2019.
- A use must be a use that was lawfully carried out on the land immediately before the building or works was damaged or destroyed and cannot continue without the building or works being reconstructed.
- A development must be for:
  - The repair of the damaged or destroyed building or works; or
  - The construction of a building, or the construction or carrying out of works, to replace the damaged or destroyed building or works.

- The application must be lodged within 7 years of the date the building was damaged or destroyed.
- If the application is to use or develop land for a dwelling:
  - A dwelling on the land must have been damaged or destroyed as a result of an emergency after 1 January 2019.
  - The application must only be for the number of dwellings that were damaged or destroyed.

## 52.10-3 Meaning of terms

05/10/2021
VC208

In this clause, ***emergency*** means:

- a bushfire; or
- an earthquake, flood, wind-storm or other natural event.

## 52.10-4 Transitional provision

05/10/2021
VC208

Clause 52.10-2 of this planning scheme, as in force immediately before the approval date of Amendment VC208, continues to apply to an application lodged before that date for land on which a building was damaged or destroyed by a bushfire after 1 January 2019.

## 52.11 HOME BASED BUSINESS

31/07/2018
VC148

### Purpose

To ensure that the amenity of the neighbourhood is not adversely affected by a business conducted in or from a dwelling.

### 52.11-1 Requirements to be met

15/03/2024
VC256

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. This does not apply to the education or care of children. 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 associated with a home business 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.

In this clause, a **commercial vehicle** means:

- any motor vehicle which is used or intended to be used for carrying goods in the course of any business; or
- a commercial motor vehicle within the meaning of the Road Safety Act 1986.

## 52.11-2 Permit requirement

15/03/2024
VC256

Despite the requirements of Clause 52.11-1, a permit may be granted for a home based business:

- Which allows no more than three people who do not live in the dwelling to work in the business 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, 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.

## 52.12 BUSHFIRE PROTECTION EXEMPTIONS

05/08/2020
VC176

### Purpose

To facilitate the removal of vegetation in specified circumstances to support the protection of human life and property from bushfire.

To facilitate the construction and protection of community fire refuges and private bushfire shelters.

### 52.12-1 Exemptions to create defendable space around buildings used for accommodation

05/08/2020
VC176

Any requirement of a planning permit, including any condition, which has the effect of prohibiting the removal, destruction or lopping of vegetation, or any requirement of this planning scheme to obtain a planning permit, or any provision of this planning scheme that prohibits the removal, destruction or lopping of vegetation or requires the removal, destruction or lopping of vegetation to be carried out in a particular manner, does not apply to any of the following:

- The removal, destruction or lopping of any vegetation within 10 metres of an existing building used for accommodation if all of the following requirements are met:
  - The building must be located in an area that is designated as a bushfire prone area under the *Building Act 1993*.
  - The building must have been:
    - constructed before 10 September 2009; or
    - approved by a planning permit or a building permit issued before 10 September 2009; or
    - constructed to replace a dwelling or dependent persons unit that was damaged or destroyed by a bushfire that occurred between 1 January 2009 and 31 March 2009.
- The removal, destruction or lopping of any vegetation, except trees, within 30 metres of an existing building used for accommodation if all of the following requirements are met:
  - The building must be located in an area that is designated as a bushfire prone area under the *Building Act 1993*.
  - The building must have been:
    - constructed before 10 September 2009; or
    - approved by a planning permit or a building permit issued before 10 September 2009; or
    - constructed to replace a dwelling or dependent persons unit that was damaged or destroyed by a bushfire that occurred between 1 January 2009 and 31 March 2009.
- The removal, destruction or lopping of any vegetation, except trees, within 50 metres of an existing building used for accommodation if all of the following requirements are met:
  - The building must be located in the Bushfire Management Overlay.
  - The building must have been:
    - constructed before 10 September 2009; or
    - lawfully constructed without a planning permit before 18 November 2011; or
    - approved by a planning permit or a building permit issued before 10 September 2009 and constructed before 18 November 2011; or
    - constructed to replace a dwelling or dependent persons unit that was damaged or destroyed by a bushfire that occurred between 1 January 2009 and 31 March 2009.

## 52.12-2 Exemption for vegetation removal along a fenceline

05/08/2020
VC176

Any requirement of a planning permit, including any condition, which has the effect of prohibiting the removal, destruction or lopping of vegetation, or any requirement of this planning scheme to obtain a planning permit, or any provision of this planning scheme that prohibits the removal, destruction or lopping of vegetation or requires the removal, destruction or lopping of vegetation to be carried out in a particular manner, does not apply to the removal, destruction or lopping of any vegetation along a boundary fence between properties in different ownership if all of the following requirements are met:

- The fence must be located in an area that is designated as a bushfire prone area under the *Building Act 1993*.
- The fence must have been constructed before 10 September 2009.
- The clearing alongside both sides of the fence when combined must not exceed 4 metres in width, except where land has already been cleared 4 metres or more along one side of the fence, then up to 1 metre can be cleared along the other side of the fence.

## 52.12-3 Exemption for buildings and works associated with a community fire refuge

05/08/2020
VC176

Any requirement in this scheme relating to the construction of a building or the construction or carrying out of works does not apply to modifying an existing building to create a community fire refuge in accordance with Ministerial Direction No. 4, Construction Requirements for a Community Fire Refuge (1 October 2015) of the *Project Development and Construction Management Act 1994*.

## 52.12-4 Exemption for buildings and works associated with a private bushfire shelter

05/08/2020
VC176

Any requirement in this planning scheme relating to the construction of a building or the construction or carrying out of works does not apply to buildings and works associated with a private bushfire shelter (a Class 10c building within the meaning of the Building Regulations 2018), provided the total area of all buildings and works does not exceed 30 square metres.

This clause does not apply to land in the Urban Floodway Zone, Erosion Management Overlay, Floodway Overlay, Land Subject to Inundation Overlay, Special Building Overlay or Heritage Overlay.

## 52.12-5 Exemption to create defendable space for a dwelling under Clause 44.06 of this planning scheme

25/02/2025
VC257

Any requirement of a planning permit, including any condition, which has the effect of prohibiting the removal, destruction or lopping of vegetation, or any requirement of this planning scheme to obtain a planning permit, or any provision of this planning scheme that prohibits the removal, destruction or lopping of vegetation or requires the removal, destruction or lopping of vegetation to be carried out in a particular manner, does not apply to the removal, destruction or lopping of vegetation to enable the construction of a dwelling, or the alteration or extension of an existing dwelling, and create its defendable space if all of the following requirements are met:

- Land is in the Bushfire Management Overlay.
- Land is in the General Residential Zone, Residential Growth Zone, Neighbourhood Residential Zone, Housing Choice and Transport Zone, Urban Growth Zone, Low Density Residential Zone, Township Zone, Rural Living Zone, Farming Zone or Rural Activity Zone.
- The removal, destruction or lopping of vegetation:
  - Does not exceed the distance specified in Table 1 to Clause 53.02-3 of this planning scheme, based on the bushfire attack level determined by a relevant building surveyor in deciding an application for a building permit under the *Building Act 1993* for a dwelling or alteration or extension to the dwelling; or

- Is required to be undertaken by a condition in a planning permit issued after 31 July 2014 under Clause 44.06 of this scheme for a dwelling or an alteration or extension to the dwelling.

*Note: The effect of clause 52.12-5 is that if an application for building and works is made and all requirements of the clause are met, that application is not required to be accompanied by a permit application to remove the vegetation covered by this clause.*

# 52.13 VICTORIA'S CONTAINER DEPOSIT SCHEME

14/11/2022
VC227

## 52.13-1 Purpose

26/09/2023
VC246

To facilitate an automated collection point and a container deposit scheme centre to support waste reduction and recycling under Victoria's container deposit scheme.

To ensure an automated collection point and a container deposit scheme centre are designed and sited to minimise impacts on the land and surrounding land uses.

## 52.13-2 Application

26/09/2023
VC246

This clause applies to the use or development of an automated collection point and a container deposit scheme centre.

## 52.13-3 Automated collection point requirements

26/09/2023
VC246

An automated collection point should not:

- Be attached to another building.
- Be more than 3 metres in height. This includes an attached sign.
- Restrict a vehicular or pedestrian accessway to or from the land or an entry or exit to a building.

## 52.13-4 Container deposit scheme centre requirements

26/09/2023
VC246

A container deposit scheme centre should collect, consolidate, store, sort or recover materials in a fully enclosed and roofed building.

In an industrial zone, Commercial 2 Zone or Port Zone, a container deposit scheme centre should be at least 30 metres from land (not a road):

- In a residential zone (other than a Mixed Use Zone or Township Zone) or a Rural Living Zone.
- Used for, or in a Public Acquisition Overlay to be acquired for, a hospital, an education centre or a corrective institution.

In any other zone, a container deposit scheme centre should:

- Be at least 60 metres from land (not a road):
  - Used for accommodation, child care centre, pre-school centre, primary school, secondary school, education centre, informal outdoor recreation, hospital or a corrective institution.
  - To be acquired for a hospital, an education centre or a corrective institution.
- Not operate machinery to collect, consolidate, store, sort or recover materials between 5pm and 8am the following day.
- Not have more than 4 vehicle movements by the operator collecting or delivering materials to the container deposit scheme centre between 5pm and 8am the following day.

## 52.13-5 Permit exemption for an automated collection point

26/09/2023
VC246

Any requirement in a zone or overlay, or a schedule to a zone or overlay, to obtain a permit to construct a building or construct or carry out works does not apply to an automated collection point if the requirements of clause 52.13-3 and clause 52.13-6 are met.

This exemption does not apply to a requirement in any of the following overlays if an application for one or more automated collection points has a combined gross floor area of 2 square metres or more, and a building height of 2.5 metres or more:

Other than for a maximum of two automated collection points that are no greater than 2 square metres in total area and less than 2.5 metres in height, this exemption does not apply to a requirement in a:

- Bushfire Management Overlay if the automated collection point is located less than 10 meters from a building used for accommodation, education centre, hospital, leisure and recreation, or place of assembly.
- Environmental Significance Overlay.
- Floodway Overlay.
- Heritage Overlay.
- Land Subject to Inundation Overlay.
- Public Acquisition Overlay.
- Significant Landscape Overlay.
- Special Building Overlay.

## 52.13-6 Permit exemption requirement for an automated collection point

26/09/2023
VC246

For the purposes of clause 52.13-5, an automated collection point with a gross floor area less than 2 square metres, and a building height less than 2.5 metres must:

- Be set back at least 30 metres from land (not a road) not in the same ownership in a residential zone (other than a Mixed Use Zone or Township Zone) or a Rural Living Zone.
- Be set back at least 30 metres from a dwelling in a Township Zone.
- Not be located on vacant land in a residential or rural zone.
- Not be located in an area set aside for vehicle access or occupy a car parking space.
- Be of muted, non-reflective external colours and finishes.

For the purposes of clause 52.13-5, an automated collection point with a gross floor area of 2 square metres or more, and a building height of 2.5 metres or more must:

- Occupy no more than:
  - 4 existing car parking spaces on the land; or,
  - 5 existing car parking spaces on the land if the land contains 50 or more car parking spaces.
- Be set back at least 4 metres from the frontage.
- Be set back at least 30 metres from land (not a road) not in the same ownership in a residential zone, Rural Living Zone or Urban Growth Zone.
- Not be located on vacant land in a residential or rural zone.
- Be of muted, non-reflective external colours and finishes.

## 52.13-7 Exemption from car parking requirements for an automated collection point

26/09/2023
VC246

An automated collection point is exempt from the requirements of clause 52.06.

## 52.13-8 Exemption from permit conditions for an automated collection point

26/09/2023
VC246

Any requirement of a permit, or any permit condition, that requires the provision of car parking, or requires land to be set aside for vehicle access or car parking, does not apply to the use or development of land for an automated collection point if the requirements of clause 52.13-3 are met.

## 52.13-9 Application requirements

26/09/2023
VC246

An application must be accompanied by the following information as appropriate:

- A site context plan that specifies the location and nature of land use within 100 metres of site boundaries.
- A site and layout plan that includes:
  - Design for safe pedestrian and vehicle movements.
  - Any additional lighting to be included and any proposed baffling.
  - Any existing automated collection points on the site.
- An operational plan that includes:
  - Operating days and hours.
  - Noise, emissions and amenity attenuation measures. This may include a report on how noise and amenity impacts from the use will be reduced.
  - Safety and access details including how the use will be serviced, emptied and how materials will be moved to and from the site.
  - Details and methods of managing the collection, consolidation, storage sorting and recovery of materials within a building to reduce noise and amenity impacts on surrounding land.
  - Details of traffic and car parking requirements generated by the use.

## 52.13-10 Decision guidelines

26/09/2023
VC246

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

- The effect on existing car parking provision if an automated collection point is located on existing car parking spaces.
- The setback of the development from a frontage and from land (not a road) not in the same ownership in a residential zone, Rural Living Zone or Urban Growth Zone.
- The effect of siting an automated collection point on vacant land in a residential or rural zone.
- The effect of external colours and finishes.
- The size, density and number of automated collection points including the cumulative impact of automated collection points on the land.
- Whether a proposed operational plan reduces noise and other impacts on nearby land uses.
- Safe pedestrian and vehicle movements on the land.
- The effect of noise, emissions, traffic movements and other amenity impacts on adjoining land uses.
- In a zone other than an industrial zone, Commercial 2 Zone or Port Zone the effect of noise, emissions, traffic movements and other amenity impacts of a container deposit scheme centre on adjacent and nearby sensitive land uses.

## 52.13-11 Exemption from notice and review

26/09/2023
VC246

An application to use or develop land for an automated collection point including the construction of or putting up for display a sign in conjunction with an automated collection point 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.

An application to use or develop a container deposit scheme centre, including the construction of or putting up for display a sign in conjunction with a container deposit scheme centre is exempt from:

- In an industrial zone, Commercial 2 Zone and Port Zone, 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.
- In any other zone, the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

## 52.13-12 Transitional provisions

26/09/2023
VC246

The requirements of this clause introduced by Amendment VC246 do not apply to:

- An application for an automated collection point or container deposit scheme centre lodged before the approval date of Amendment VC246.
- An application for an amendment of a permit for an automated collection point or container deposit scheme centre under section 72 of the Act if the original permit application was lodged before the approval date of Amendment VC246.

## 52.14 2009 BUSHFIRE - REPLACEMENT BUILDINGS

31/07/2018
VC148

### Purpose

To support the rebuilding of dwellings, dependent persons' units and buildings used for agriculture damaged or destroyed by the 2009 Victorian bushfires.

## 52.14-1 Scope

14/12/2020
VC188

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.

## 52.14-2 Exemption from planning scheme requirements

20/01/2022
VC205

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 Transport Zone 2 or Land in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority and the purpose of the acquisition is for a road, access must not be created or altered.

## 52.14-3 Land in an Erosion Management Overlay

31/07/2018
VC148

For land in an Erosion Management Overlay in the municipal district of the Shire of Yarra Ranges, in addition to the requirements specified in Clause 52.14-2, the written authorisation of the responsible authority must be obtained prior to:

- Constructing a building or constructing and carrying out works; or
- Removing, destroying or lopping vegetation.

## 52.14-4 Land in a Floodway Overlay, Land Subject to Inundation Overlay or Special Building Overlay

31/07/2018
VC148

For land in a Floodway Overlay, Land Subject to Inundation Overlay or Special Building Overlay, in addition to the requirements specified in Clause 52.14-2, the written authorisation of the relevant flood plain management authority must be obtained prior to the commencement of construction of a building or the construction or carrying out of works.

## 52.14-5 Decision guidelines

31/07/2018
VC148

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.

## 52.15 HELIPORT AND HELICOPTER LANDING SITE

29/10/2015
VC101

### Purpose

To ensure the amenity impacts of a heliport and a helicopter landing site on surrounding areas is considered.

## 52.15-1 Permit requirement

20/03/2023
VC229

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

| No permit is required to use land for a helicopter landing site if any of the following apply: | |
|---|---|
| **Emergency services** | The helicopter landing site is used by a helicopter engaged in the provision of emergency service operations. |
| **Agriculture** | The helicopter landing site is used by a helicopter engaged in agricultural activity in conjunction with the use of any land for agriculture. |
| **Public land management** | The helicopter landing site is used by a helicopter engaged in the provision of public land management activities conducted by or on behalf of any of the following:<br>▪ Department of Energy, Environment and Climate Action;<br>▪ The Department of Transport and Planning;<br>▪ Parks Victoria; or<br>▪ The Great Ocean Road Coast and Parks Authority,<br>whether on private land or not. |
| **General** | The helicopter landing site where either:<br>▪ 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:<br>– The number of flight movements does not exceed eight in a 30 day period and four in a 24 hour period (for the purposes of this provision the take off and landing of a helicopter are separate flight movements).<br>– Flight movements do not take place before 7am or after sunset on a weekday.<br>– Flight movements do not take place before 8am or after sunset on a weekend or holiday; or<br>▪ The landing point is located more than 1000 metres from a building used for a sensitive use that is not associated with the helicopter operation and more than 200 metres from a shipping channel in the Port of Melbourne. |

## 52.15-2 Application requirements

18/12/2012
VC93

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.

## 52.15-3 Decision guidelines

18/12/2012
VC93

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.

## 52.16 NATIVE VEGETATION PRECINCT PLAN

30/10/2025
VC291

### 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 Energy, Environment and Climate Action, 2025) (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.

### 52.16-1 Application

12/12/2017
VC138

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.

### 52.16-2 Native vegetation precinct plans

14/07/2022
VC213

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.

### 52.16-3 Permit requirement

12/12/2017
VC138

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.

### 52.16-4 Application requirements

14/07/2022
VC213

An application to remove, destroy or lop native vegetation must comply with the application requirements specified in the Guidelines.

### 52.16-5 Decision guidelines

14/07/2022
VC213

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

## 52.16-6 Offset requirements

14/07/2022
VC213

If a permit is required to remove, destroy or lop native vegetation, the biodiversity impacts from the removal, destruction or lopping of native vegetation must be offset in accordance with the Guidelines. The conditions on the permit for the removal, destruction or lopping of native vegetation must specify the offset requirement and timing to secure the offset.

## 52.16-7 Transitional provisions

20/03/2023
VC229

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's native vegetation information systems within 12 months before that date.

## 52.16-8 Table of exemptions

16/08/2024
VC262

| The requirement to obtain a permit does not apply to: | |
|---|---|
| **Conservation work** | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of conservation work:<br>▪ which provides an overall improvement for biodiversity; and<br>▪ with written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*). |
| **Crown land** | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to manage Crown land:<br>▪ 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*), the Great Ocean Road Coast and Parks Authority or Parks Victoria, and in accordance with the *Procedure for the removal, destruction or lopping of native vegetation on Crown land*; or<br>▪ with written permission from the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*). |
| **Emergency works** | Native vegetation that is to be removed, destroyed or lopped:<br>▪ in an emergency by or on behalf of a public authority or municipal council to create an emergency access associated with emergency works; or<br>▪ where it presents an immediate risk of personal injury or damage to property. Only that part of the vegetation that presents the immediate risk may be removed, destroyed or lopped under this exemption. |
| **Extractive industry** | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of extractive industry in accordance with a work plan approved under the *Mineral Resources (Sustainable Development) Act 1990* and authorised by a work authority under that Act. |
| **Fire protection** | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out any of the following fire protection activities: |

| The requirement to obtain a permit does not apply to: | |
|---|---|
| | ▪ fire fighting;<br>▪ planned burning;<br>▪ 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;<br>▪ 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*);<br>▪ in accordance with a fire prevention notice issued under either:<br>– section 87 of the *Fire Rescue Victoria Act 1958*;<br>– section 65 of the *Forests Act 1958*; or<br>– section 41 of the *Country Fire Authority Act 1958*.<br>▪ 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*;<br>▪ 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*.<br>*Note: Additional permit exemptions for bushfire protection are provided at Clause 52.12.* |
| **Geothermal energy exploration and extraction** | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the *Geothermal Energy Resources Act 2005*. |
| **Greenhouse gas sequestration and exploration** | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the *Greenhouse Gas Geological Sequestration Act 2008*. |
| **Land management or directions notice** | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land management notice or directions notice served under the *Catchment and Land Protection Act 1994*. |
| **Land use conditions** | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land use condition served under the *Catchment and Land Protection Act 1994*. |
| **Mineral exploration and mining** | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by the holder of an exploration mining, prospecting, or retention license issued under the *Mineral Resources (Sustainable Development) Act 1990*:<br>▪ that is low impact exploration within the meaning of Schedule 4A of the *Mineral Resources (Sustainable Development) Act 1990*; or<br>▪ in accordance with a work plan approved under Part 3 of the *Mineral Resources (Sustainable Development) Act 1990*.<br>*Note: Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990 specifies limits on the extent of native vegetation that may be removed as part of low impact exploration.* |
| **Pest animal burrows** | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal of pest animal burrows in accordance with the written agreement of an officer of the department responsible for administering the *Flora and Fauna Guarantee Act 1988*. |
| **Planted vegetation** | Native vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding for Crop raising or Grazing animal production. |

| The requirement to obtain a permit does not apply to: | |
|---|---|
| | 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 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:<br>▪ bracken (*Pteridium esculentum*); or<br>▪ 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.<br>This exemption does not apply to land where native vegetation has been destroyed or otherwise damaged as a result of flood, fire or other natural disaster. |
| **Road safety** | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of a public authority or municipal council to maintain the safe and efficient function of an existing road in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*). |
| **Stone exploration** | ▪ Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone exploration.<br>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:<br>▪ 1 hectare of native vegetation which does not include a tree.<br>▪ 15 native trees with trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.<br>▪ 5 native trees with trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.<br>This exemption does not apply to costeaning and bulk sampling activities. |
| **Surveying** | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by, or on behalf of, a licensed surveyor (within the meaning of section 3 of the *Surveying Act 2004*) using hand-held tools to establish a sightline for the measurement of land. |
| **Traditional owners** | Native vegetation that is to be removed, destroyed or lopped by a person acting under, and in accordance with:<br>▪ a natural resource agreement under Part 6 of the *Traditional Owner Settlement Act 2010*; or<br>▪ 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:<br>▪ to maintain the safe and efficient function of a Minor utility installation; or<br>▪ 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*). |

## 52.16-9 Melbourne Strategic Assessment Levy Area

14/07/2022
VC213

The following provisions apply to the removal, destruction or lopping of native vegetation in the levy area within the meaning of the *Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020*.

Despite clauses 52.16-4, 52.16-5, 52.16-6 and anything in the Guidelines:

- An application to remove, destroy or lop native vegetation is not required to be accompanied by an offset statement providing evidence that an offset that meets the offset requirements for the native vegetation to be removed has been identified and can be secured in accordance with the Guidelines.
- Before deciding on an application, a responsible authority is not required to consider whether an offset that meets the offset requirements for the native vegetation to be removed has been identified and can be secured in accordance with the Guidelines.
- The biodiversity impacts of the removal, destruction or lopping of native vegetation are not required to be offset in accordance with the Guidelines.

11/08/2022
C248wynd

# SCHEDULE TO CLAUSE 52.16 NATIVE VEGETATION PRECINCT PLAN

## 1.0

11/08/2022
C248wynd

## Native vegetation precinct plan

| Name of plan |
| --- |
| Truganina South Community Precinct Structure Plan (including the Truganina South Native Vegetation Precinct Plan), May 2011 |
| Manor Lakes Native Vegetation Precinct Plan, March 2012 |
| Point Cook West Precinct Structure Plan (including the Point Cook West Native Vegetation Precinct Plan), October 2012 |
| Black Forest Road South Native Vegetation Precinct Plan, April 2013 |
| East Werribee Employment Precinct Native Vegetation Precinct Plan, September 2013 |

# 52.17 NATIVE VEGETATION

30/10/2025
VC291

## 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 Energy, Environment and Climate Action, 2025) (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.

## 52.17-1 Permit requirement

12/12/2017
VC138

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.

## 52.17-2 Application requirements

14/07/2022
VC213

An application to remove, destroy or lop native vegetation must comply with the application requirements specified in the Guidelines.

## 52.17-3 Property vegetation plans

12/12/2017
VC138

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."

## 52.17-4 Decision guidelines

12/12/2017
VC138

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.

## 52.17-5 Offset requirements

14/07/2022
VC213

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.

## 52.17-6 Transitional provisions

20/03/2023
VC229

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's native vegetation information systems within 12 months before that date.

## 52.17-7 Table of exemptions

16/08/2024
VC262

| The requirement to obtain a permit does not apply to: | |
|---|---|
| **Conservation work** | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of conservation work:<br>▪ which provides an overall improvement for biodiversity; and<br>▪ with written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*). |
| **Crown land** | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to manage Crown land:<br>▪ 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*), the Great Ocean Road Coast and Parks Authority or Parks Victoria, and in accordance with the *Procedure for the removal, destruction or lopping of native vegetation on Crown land*; or<br>▪ 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*). |
| **Dead native vegetation** | Native vegetation that is dead.<br>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. |
| **Emergency works** | Native vegetation that is to be removed, destroyed, or lopped:<br>▪ in an emergency by, or on behalf of, a public authority or municipal council to create an emergency access associated with emergency works; or<br>▪ 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. |

| The requirement to obtain a permit does not apply to: | |
|---|---|
| **Existing buildings** | Native vegetation that is to be removed, destroyed, or lopped to the minimum extent necessary to enable the use or maintenance of a building constructed in accordance with a planning or building permit issued before 15 September 2008.<br>This exemption does not apply to:<br>▪ the operation or maintenance of a fence; or<br>▪ native vegetation located more than 10 metres measured from the outermost point of the building. |
| **Existing buildings and works in the Farming Zone and Rural Activity Zone** | Native vegetation that is to be removed, destroyed, or lopped to the minimum extent necessary to enable the use or maintenance of an existing building or works used for Agricultural production, including a dam, utility service, bore, horticultural trellising and accessway in the Farming Zone or the Rural Activity Zone.<br>This exemption does not apply to:<br>▪ the use or maintenance of a Dwelling; or<br>▪ the operation or maintenance of a fence; or<br>▪ native vegetation located more than 10 metres measured from the outermost point of the building or works. |
| **Extractive industry** | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of extractive industry in accordance with a work plan approved under the *Mineral Resources (Sustainable Development) Act 1990* and authorised by a work authority under that Act. |
| **Fences** | Native vegetation that is to be removed, destroyed, or lopped to the minimum extent necessary to enable:<br>▪ the operation or maintenance of an existing fence; or<br>▪ the construction of a boundary fence between properties in different ownership.<br>The clearing along both sides of the fence when combined must not exceed 4 metres in width, except where land has already been cleared 4 metres or more along one side of the fence, then up to 1 metre can be cleared along the other side of the fence. |
| **Fire protection** | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to carry out any of the following fire protection activities:<br>▪ fire fighting;<br>▪ planned burning;<br>▪ making or maintenance of a fuelbreak or firefighting access track (or any combination thereof) that does not exceed a combined width of 6 metres;<br>▪ 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*);<br>▪ in accordance with a fire prevention notice issued under either:<br>– section 87 of the *Fire Rescue Victoria Act 1958*;<br>– section 65 of the *Forests Act 1958*; or<br>– section 41 of the *Country Fire Authority Act 1958*. |

| The requirement to obtain a permit does not apply to: | |
|---|---|
| | ▪ keeping native vegetation clear of, or minimising the risk of bushfire ignition from, an electric line in accordance with a code of practice prepared under Part 8 of the *Electricity Safety Act 1998*;<br>▪ 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*.<br>*Note: Additional permit exemptions for bushfire protection are provided at Clause 52.12.* |
| **Geothermal energy exploration and extraction** | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the *Geothermal Energy Resources Act 2005*. |
| **Grasses** | Native grass that is to be mowed or slashed for maintenance only, provided that the grass is:<br>▪ located within a lawn, garden or other landscaped area; or<br>▪ maintained at a height of at least 10 centimetres above ground level. |
| **Grazing** | Native vegetation that is to be removed, destroyed or lopped by domestic stock grazing on:<br>▪ freehold land; or<br>▪ Crown land in accordance with a license, permit or lease granted under applicable legislation. |
| **Greenhouse gas sequestration and exploration** | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the *Greenhouse Gas Geological Sequestration Act 2008*. |
| **Harvesting for timber production – naturally established native vegetation** | Naturally established native vegetation that is to be removed, destroyed or lopped to enable timber harvesting operations and associated activities that are in accordance with the *Code of Practice for Timber Production 2014 (as amended 2022)* (Department of Environment, Land, Water and Planning, 2022) and are:<br>▪ undertaken on public land under a licence or permit issued under section 52 of the *Forests Act 1958*; or<br>▪ authorised in accordance with Part 5 of the *Sustainable Forests (Timber) Act 2004*. |
| **Land management or directions notice** | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land management notice or directions notice served under the *Catchment and Land Protection Act 1994*. |
| **Land use conditions** | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land use condition served under the *Catchment and Land Protection Act 1994*. |

| The requirement to obtain a permit does not apply to: | |
|---|---|
| **Lopping and pruning for maintenance** | Lopping or pruning native vegetation, for maintenance only, provided no more than 1/3 of the foliage of each individual plant is lopped or pruned.<br>This exemption does not apply to:<br>▪ the pruning or lopping of the trunk of a native tree; or<br>▪ native vegetation on a roadside or railway reservation. |
| **Mineral exploration and extraction** | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by the holder of an exploration, mining, prospecting, or retention license issued under the *Mineral Resources (Sustainable Development) Act 1990*:<br>▪ that is low impact exploration within the meaning of Schedule 4A of the *Mineral Resources (Sustainable Development) Act 1990*; or<br>▪ in accordance with a work plan approved under Part 3 of the *Mineral Resources (Sustainable Development) Act 1990*.<br>*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.<br>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:<br>▪ 1 hectare of native vegetation which does not include a tree.<br>▪ 15 native trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.<br>▪ 5 native trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.<br>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.<br>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:<br>▪ 300 square metres of native vegetation which does not include a tree.<br>▪ 5 native trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.<br>▪ 1 native tree with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.<br>This exemption does not apply native vegetation removed, destroyed or lopped to enable the construction of a swimming pool, tennis court or horse ménage. |

| The requirement to obtain a permit does not apply to: | |
|---|---|
| **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.<br><br>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.<br><br>This exemption does not apply to:<br>▪ contiguous land in one ownership that has an area of less than 10 hectares;<br>▪ the removal, destruction or lopping of native vegetation by means other than cutting or chopping; or<br>▪ 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:<br>▪ in accordance with written agreement of an officer of the department responsible for administering the *Flora and Fauna Guarantee Act 1988*; or<br>▪ 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:<br>– 1 hectare of native vegetation which does not include a tree; or<br>– 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.<br><br>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:<br>▪ less than 10 years old; or<br>▪ bracken (*Pteridium esculentum*); or |

| The requirement to obtain a permit does not apply to: | |
|---|---|
| | ▪ 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<br>▪ 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:<br>– shown on that plan as being 'certified regrowth'; and<br>– on land that is to be used or maintained for cultivation or pasture during the term of that plan.<br>This exemption does not apply to land where native vegetation has been destroyed or otherwise damaged as a result of flood, fire or other natural disaster. |
| **Road safety** | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by and on behalf of a public authority or municipal council to maintain the safe and efficient function of an existing road in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*). |
| **Site area** | Native vegetation that is to be removed, destroyed or lopped on land, together with all contiguous land in one ownership, which has an area of less than 0.4 hectares.<br>This exemption does not apply to native vegetation on a roadside or rail reservation. |
| **Stock movements on roads** | Native vegetation that is to be removed, or destroyed by stock being moved along a road.<br>This exemption does not apply to grazing as a result of holding stock in a temporary fence (including an electric fence) on a roadside for the purpose of feeding. |
| **Stone exploration** | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone exploration.<br>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:<br>▪ 1 hectare of native vegetation which does not include a tree.<br>▪ 15 native trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.<br>▪ 5 native trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.<br>This exemption does not apply to costeaning and bulk sampling activities. |
| **Surveying** | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by, or on behalf of, a licenced surveyor (within the meaning of section 3 of the *Surveying Act 2004*) using hand-held tools to establish a sightline for the measurement of land. |
| **Traditional owners** | Native vegetation that is to be removed, destroyed or lopped by a person acting under, and in accordance with: |

| The requirement to obtain a permit does not apply to: | |
|---|---|
| | ▪ a natural resource agreement under Part 6 of the *Traditional Owner Settlement Act 2010*; or<br>▪ 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). |
| **Tram stops** | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of the Head, Transport for Victoria to construct a tram stop, including a tram stop shelter. |
| **Transport land** | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of the Head, Transport for Victoria on land in a Transport Zone, or land in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority, to construct or maintain transport system infrastructure, 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*). |
| **Utility installations** | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary:<br>▪ to maintain the safe and efficient function a Minor utility installation; or<br>▪ 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.<br>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.<br>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.<br>In this exemption, roadside and public road have the same meanings as in section 3 of the *Road Management Act 2004*.<br>*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.<br>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:<br>▪ 1 hectare of native vegetation which does not include a tree.<br>▪ 15 native trees with a trunk diameter of less than 20 centimetres at a height of 1.3 metres above ground level. |

## 52.17-8 Melbourne Strategic Assessment Levy Area

14/07/2022
VC213

The following provisions apply to the removal, destruction or lopping of native vegetation in the levy area within the meaning of the *Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020*.

Despite clauses 52.17-2, 52.17-4, 52.17-5 and anything in the Guidelines:

- An application to remove, destroy or lop native vegetation is not required to be accompanied by an offset statement providing evidence that an offset that meets the offset requirements for the native vegetation to be removed has been identified and can be secured in accordance with the Guidelines.
- Before deciding on an application, a responsible authority is not required to consider whether an offset that meets the offset requirements for the native vegetation to be removed has been identified and can be secured in accordance with the Guidelines.
- The biodiversity impacts of the removal, destruction or lopping of native vegetation are not required to be offset in accordance with the Guidelines.

11/08/2022
C248wynd

# SCHEDULE TO CLAUSE 52.17 NATIVE VEGETATION

## 1.0

11/08/2022
C248wynd

## Scheduled area

| Area | Description of native vegetation for which no permit is required to remove, destroy or lop |
|---|---|
| Area of land required for the Palmers Road extension and covered by the Public Acquisition Overlay. | All native vegetation including trees, shrubs, herbs and grasses: the minimum extent necessary for works associated with the construction of the Palmers Road extension, associated connection to the Princes Freeway and local access/service roads. |
| Land in a Public Use Zone 4 for the Williams Landing Railway Station and associated facilities. | Native vegetation required to be removed, destroyed or lopped to enable the land to be developed for the Williams Landing Railway Station and associated facilities. |
| Land shown as UGZ4 on the planning scheme maps and land adjacent UGZ4 on the western side of the Geelong Road reserve. | All native vegetation including trees, shrubs, herbs and grasses except the River Red Gum adjacent the western boundary of Lot 1 PS627044 (southwest corner of Alfred and Geelong Roads, Werribee).<br><br>The River Red Gum may be lopped to the minimum extent necessary for works to create drainage and recreation infrastructure on the land. |
| Land shown as UGZ8 or IPO3 on the planning scheme maps. | Shown as 'Native vegetation which can be removed' on Plan 6 in the incorporated Ballan Road Precinct Structure Plan where the removal, destruction or lopping is carried out in accordance with the 'Final approval for urban development in three growth corridors under the Melbourne urban growth program strategic assessment, 5 September 2013' pursuant to section 146B of the Environment Protection and Biodiversity Protection Act 1987 (Cth). |
| Land shown as UGZ9 or IPO3 on the planning scheme maps. | Shown as 'Native vegetation that can be removed' on Plan 5 in the incorporated Westbrook Precinct Structure Plan where the removal, destruction or lopping is carried out in accordance with the 'Final approval for urban development in three growth corridors under the Melbourne urban growth program strategic assessment, 5 September 2013' pursuant to section 146B of the Environment Protection and Biodiversity Protection Act 1987 (Cth). |
| Land shown as UGZ10 or IPO4 on the planning scheme maps. | Shown as 'Native vegetation that can be removed' on Plan 5 in the incorporated Truganina Precinct Structure Plan where the removal, destruction or lopping is carried out in accordance with the 'Final approval for urban development in three growth corridors under the Melbourne urban growth program strategic assessment, 5 September 2013' pursuant to section 146B of the Environment Protection and Biodiversity Protection Act 1987 (Cth). |

| Area | Description of native vegetation for which no permit is required to remove, destroy or lop |
|---|---|
| Land shown as UGZ11, IPO3 or IPO4 on the planning scheme maps. | Shown as 'Native vegetation that can be removed' on Plan 5 in the incorporated Riverdale Precinct Structure Plan where the removal, destruction or lopping is carried out in accordance with the 'Final approval for urban development in three growth corridors under the Melbourne urban growth program strategic assessment, 5 September 2013' pursuant to section 146B of the Environment Protection Act 1987 (Cth). |
| Land shown as UGZ13, SUZ7 or SUZ8 on the planning scheme maps. | Shown as 'Native vegetation that can be removed' on Plan 5 in the incorporated Tarneit North Precinct Structure Plan where the removal, destruction or lopping is carried out in accordance with the 'Final approval for urban development in three growth corridors under the Melbourne urban growth program strategic assessment, 5 September 2013' pursuant to section 146B of the Environment Protection and Biodiversity Protection Act 1987 (Cth). |
| Land shown as UGZ15 on the planning scheme maps | Shown as "Native vegetation that can be removed" on Plan 3 in the incorporated Lincoln Heath South Precinct Structure Plan following the provision of offsets for the removed vegetation to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning; and<br><br>Any native vegetation not shown on Plan 3 in the incorporated Lincoln Heath South Precinct Structure Plan. |
| Land shown as UGZ7 on the planning scheme maps. | All native vegetation, except the existing trees identified as 'native vegetation' on Plan 2 in the incorporated Black Forest Road North Precinct Structure Plan, where the removal, destruction or lopping is carried out in accordance with the 'Final approval for urban development in three growth corridors under the Melbourne urban growth program strategic assessment, 5 September 2013' pursuant to section 146B of the Environment Protection and Biodiversity Protection Act 1987 (Cth). |
| Land shown as UGZ16 or IPO5 on the planning scheme maps. | All native vegetation, destruction or lopping of which is required for any development that is subject to and carried out in accordance with the 'Final approval for urban development in three growth corridors under the Melbourne urban growth program strategic assessment, 5 September 2013' pursuant to section 146B of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). |

| Area | Description of native vegetation for which no permit is required to remove, destroy or lop |
|---|---|
| | This does not apply to native vegetation or scattered trees identified as to be retained in the *Quandong Precinct Structure Plan, November 2018* incorporated in this scheme. |

## 2.0 Scheduled weed

11/08/2022
C248wynd

| Area | Description of weed |
|---|---|
| None specified | |

## 52.18 CORONAVIRUS (COVID-19) PANDEMIC AND RECOVERY EXEMPTIONS

28/10/2022
VC224

### Purpose

To support Victoria's social and economic recovery from the coronavirus (COVID-19) pandemic through exemptions that enable outdoor dining and facilitate the reopening and safe operation of hospitality and other businesses.

### 52.18-1 Operation

17/10/2025
VC296

This clause contains exemptions from the requirements of this planning scheme and exemptions from conditions of permits.

The exemptions in this clause prevail over any inconsistent provision in this planning scheme or condition of a permit.

The exemptions in this clause do not apply to a requirement in the Heritage Overlay relating to the construction or carrying out of works to an existing building, the alteration of an existing building, or the painting of an existing building, other than a building constructed or placed under an exemption in this clause.

A use or development carried out under an exemption in this clause must comply with the requirements in clause 52.18-6.

In this clause:

- ***drink*** includes liquor;
- ***exemption period*** means the period when a pandemic declaration under the *Public Health and Wellbeing Act 2008* in relation to coronavirus (COVID-19) is in force and until 30 June 2027;
- ***hospitality*** means:
  - the preparation or sale of food or drink for immediate consumption on, or off, the land; or
  - the consumption of food or drink;
- ***public land*** means Crown land and land that is owned by, vested in or controlled by a Minister, government department, public authority or municipal council.

### 52.18-2 Public land exemptions

28/10/2022
VC224

Any requirement in this planning scheme relating to the use of land does not apply to the use of public land for an art and craft centre, education centre, hospitality, leisure and recreation, office, place of assembly, market or shop during the exemption period if the requirements of clause 52.18-6 are met.

Any requirement in this planning scheme relating to the construction of a building or the construction or carrying out of works on public land does not apply to a temporary building or moveable building associated with the use of land for an art and craft centre, education centre, hospitality, leisure and recreation, office, place of assembly, market or shop during the exemption period if the requirements of clause 52.18-6 are met.

### 52.18-3 Food and drink business extension exemptions

28/10/2022
VC224

Any requirement in this planning scheme relating to the use of land does not apply to the use of land for hospitality during the exemption period if the use is associated with the existing use of adjoining land for a food and drink premises, function centre, nightclub or winery, and the requirements of clause 52.18-6 are met.

Any requirement in this planning scheme relating to the construction of a building or the construction or carrying out of works does not apply to a temporary building or moveable building associated with the use of the land for hospitality during the exemption period if the requirements of clause 52.18-6 are met.

## 52.18-4 Car parking exemption

28/10/2022
VC224

Any requirement of this planning scheme relating to the provision of car parking does not apply to a use commenced under an exemption in this clause, or the existing use of land for a food and drink premises, function centre, nightclub or winery, during the exemption period.

## 52.18-5 Permit condition exemptions

28/10/2022
VC224

The following exemptions apply to permits issued before the approval date of Amendment VC193 and which allow:

- the use or development of land for a food and drink premises, function centre, nightclub or winery; or
- the use or development of land for the sale or consumption of liquor associated with the use of the land for a food and drink premises, function centre, nightclub or winery.

Any requirement of a permit, including any condition, relating to the layout or location of the preparation, sale or consumption of food or drink on the land does not apply during the exemption period if the requirements of clause 52.18-6 are met. This exemption does not apply to a condition relating to the maximum number of patrons, hours of operation (including any condition that applies to a particular outdoor area), location or playing of music, or noise levels.

Any requirement of a permit, including any condition, relating to the layout or location of development on the land does not apply to the construction or placing of a temporary building or moveable building, or the construction or carrying out of works, under an exemption in this clause if the requirements of clause 52.18-6 are met.

Any requirement of a permit, including any condition, that requires the provision of car parking, or requires land to be set aside for vehicle access or car parking, does not apply to the alteration of an existing use of land under an exemption in this clause during the exemption period if the requirements of clause 52.18-6 are met.

## 52.18-6 Use and development requirements

15/03/2024
VC256

The following requirements apply to the use and development of land carried out under an exemption in this clause.

The use of the land must not:

- Continue after the exemption period unless in accordance with the requirements of this planning scheme.
- Unreasonably affect the amenity of the neighbourhood, including through:
  - Transport of materials, goods or commodities to or from the land.
  - Appearance of any building, works or materials.
  - Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

Land in, or within 30 metres of, a residential zone must not be used for the outdoor consumption of food or drink between the hours of 10.00pm and 7.00am. The responsible authority may vary this requirement to extend the hours of the use.

The use or development of land must not impede access required by emergency services or for waste collection.

The height of a building constructed or placed under an exemption in this clause must not exceed 3.6 metres.

A building must not be constructed or placed under an exemption in this clause within 1 metre of adjacent land in a residential zone if the height of the building exceeds 1.8 metres.

The siting of a building in a Bushfire Management Overlay or Erosion Management Overlay that would require a permit under the overlay were it not for an exemption in this clause must be to the satisfaction of the responsible authority.

The siting of a building in a Floodway Overlay, Land Subject to Inundation Overlay or Special Building Overlay that would require a permit under the overlay were it not for an exemption in this clause must be to the satisfaction of the relevant floodplain management authority.

A building constructed or placed under an exemption in this clause must be removed from the land before the end of the exemption period.

## 52.19 TELECOMMUNICATIONS FACILITY

04/11/2022
VC226

### Purpose

To ensure that telecommunications infrastructure is provided in an efficient and cost-effective manner to meet community needs.

To facilitate an effective state-wide telecommunications network consistent with proper and orderly planning.

To support the provision of telecommunications facilities with minimal impact on the amenity of the area.

### 52.19-1 Permit requirement

04/11/2022
VC226

A permit is required to construct a building or construct or carry out works for a telecommunications facility. This does not apply to the construction of a building or the construction or carrying out of works for any of the following:

- A low-impact facility specified in the *Telecommunications (Low-impact Facilities) Determination 2018* (Cth).
- The inspection and maintenance of a facility as defined in the *Telecommunications Act 1997* (Cth).
- A facility authorised by a facility installation permit issued under the *Telecommunications Act 1997* (Cth).
- 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.
- A temporary defence facility.
- A telecommunications facility equipment shelter.
- A telecommunications line forming part of a telecommunications network connected to a building, caravan or mobile home.
- An optical fibre ground wire that replaces an electricity ground wire on a high-voltage transmission tower that supports powerlines designed to operate at 222,000 volts or greater.
- A telecommunications facility located underground if any ground disturbed in constructing or installing the facility is reinstated.
- A telecommunications dish with a diameter of 1.2 metres or less.
- A telecommunications dish with a diameter of more than 1.2 metres and less than or equal to 2.4 metres if the following requirements are met:
  - If the dish is in a Heritage Overlay, it must not be visible from a street (other than a lane) or public park.
  - If the dish is in a residential zone, it must:
    - Be set back 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.
    - Be set back at least 3 metres from a boundary opposite an existing habitable room window.
    - Not be visible from the street (other than a lane) or a public park.

- A telecommunications tower that replaces an existing light pole on public land if the following requirements are met:
  - The public land manager must be a municipal council.
  - The tower must not be more than 8 metres higher than the light pole.
- A telecommunications tower that replaces an existing telecommunications tower on the same land if the following requirements are met:
  - The tower must not be in a residential zone, or a Significant Landscape Overlay, Heritage Overlay or Neighbourhood Character Overlay.
  - The tower must not be more than 8 metres higher than the existing tower.
  - The tower must not be a lattice tower.
  - The tower must be located within 20 metres of the existing tower.
  - The existing tower must be removed within 60 days of the new tower commencing operation.
- The extension of an existing telecommunications tower if the following requirements are met:
  - The tower must not be in a residential zone.
  - The height of the extension must not exceed 8 metres.
  - The tower must not have been previously extended without a permit.
  - The tower must have been constructed for 12 months before the extension.
- A telecommunications facility on a building if the following requirements are met:
  - If the building is in a residential zone, the height of the facility must not be more than 1 metre higher than the building height of the building.
  - If the building is in a zone other than a residential zone, the height of the facility must not be more than 8 metres higher than the building height of the building.
- A telecommunications facility that provides service coverage during routine or emergency maintenance of an existing facility, construction or installation of a new facility, or additional service coverage for an event, if the following requirements are met:
  - The height of the facility must not exceed 25 metres above its base or the height of the existing facility, whichever is the greater.
  - The facility must not be located on the land for more than a total of 4 months in any 12 month period.

## 52.19-2 Land in public ownership

04/11/2022
VC226

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.

## 52.19-3 Exemptions from notice and review

04/11/2022
VC226

An application under any provision of this planning scheme to construct a building or construct or carry out works 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. This exemption does not apply to:

- An application under a Significant Landscape Overlay, a Heritage Overlay, or Neighbourhood Character Overlay.
- An application under a public land zone if the responsible authority is not the public land manager.
- An application for any of the following:
  - A telecommunications dish.
  - A telecommunications facility on a building within 100 metres of a residential zone.
  - A telecommunications facility on a building within 100 metres of a dwelling not on the same land or land in contiguous ownership.
  - A telecommunications tower in a residential zone.
  - A telecommunications tower within 100 metres of a residential zone.
  - A telecommunications tower within 100 metres of a dwelling not on the same land or land in contiguous ownership.

An application under any provision of this planning 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.

## 52.19-4 Application requirements

04/11/2022
VC226

An application must be accompanied by the following information as appropriate:

- A site analysis and design response explaining the design, siting, construction and operation of the telecommunications facility.
- 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.

## 52.19-5 Decision guidelines

04/11/2022
VC226

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

- The design, siting, construction and operation of the telecommunications facility.
- The effect of the telecommunications facility on adjacent land.

# 52.20 GOVERNMENT FUNDED HOUSING DEVELOPMENT

19/12/2024
VC273

## Purpose

To facilitate the use and development of land for housing projects funded wholly or partly, by the Victorian or Commonwealth Government.

To ensure that development does not unreasonably impact on the amenity of adjoining dwellings or small second dwellings.

## 52.20-1 Application

19/12/2024
VC273

This clause applies to the use or development of land that is:

- Funded wholly or partly, by the Victorian or Commonwealth Government; and
- Carried out by or on behalf of the Chief Executive Officer, Homes Victoria.

This clause does not apply to:

- The subdivision of land.
- The use or development of land in an industrial zone, rural zone or Port Zone.
- The use or development of land in a Bushfire Management Overlay.
- A use or development to which Clause 51.01 - Specific Site and Exclusions, or Clause 45.12 - Specific Controls Overlay, or any schedule to the clauses apply.
- A use or development that would not require a permit under a provision of this planning scheme were it not for the exemption in Clause 52.20-2.
- A use or development that is inconsistent with an applicable Statement of Planning Policy.
- A development for which an environment effects statement has been, or is required to be, prepared under the *Environment Effects Act 1978*.

In this clause, ***Chief Executive Officer, Homes Victoria*** means 'Chief Executive Officer, Homes Victoria' as defined in the *Housing Act 1983* and the body corporate established under the *Housing Act 1983*.

The provisions of this clause prevail over any inconsistent provision in this planning scheme.

## 52.20-2 Exemption from planning scheme requirements

20/12/2021
VC207

Any requirement of this planning scheme to obtain a permit or any provision of this planning scheme that prohibits the use or development of land, requires the use or development of land to be carried out in a particular manner, or requires a specified thing to be done to the satisfaction of a specified person or body, does not apply to any use or development Clause 52.20 applies to if requirements of this clause are met.

This exemption does not apply to a requirement in Clauses 45.03 (Environmental Audit Overlay), 45.07 (City Link Project Overlay), 45.08 (Melbourne Airport Environs Overlay), 51.03 (Upper Yarra Valley & Dandenong Ranges Regional Strategy Plan) or 52.02 (Easements, Restrictions and Reserves), or in any schedule to those clauses.

## 52.20-3 Use and development requirements

19/12/2024
VC273

The use and development of land must be carried out in accordance with the plans and documents approved under this clause, to the satisfaction of the Minister for Planning. Plans and documents may be amended to the satisfaction of the Minister for Planning.

The use and development of land to be carried out to the satisfaction of the Minister for Planning must not commence until funding from the Victorian or Commonwealth Government is approved.

## 52.20-4 Consultation requirements

14/07/2022
VC230

Before plans, documents and information required under Clause 52.20-5 are submitted:

- Public consultation, and consultation with the relevant municipal council, on the plans, documents and information proposed to be submitted under Clause 52.20-5; and
- A report that summarises the consultation undertaken, feedback received, and explains how the feedback has been considered and responded to, must be completed.

The requirements of Clause 52.20-4 must be undertaken to the satisfaction of the Minister for Planning and may be varied or waived by the Minister for Planning.

## 52.20-5 Requirements for plans and documents

31/03/2025
VC267

The following plans, documents and information must be prepared and submitted to the satisfaction of the Minister for Planning:

- Written confirmation from Homes Victoria or the Chief Executive Officer, Homes Victoria that the application is funded, either wholly or partly, by the Victorian or Commonwealth Government.
- A project boundary plan that shows the boundary of the land on which the use or development will be undertaken.
- A site description and analysis plan that accurately describes the natural, physical, cultural heritage, built heritage, landscape, vegetation, access and any other notable features, characteristics and significance of the site and surrounding area including the existing use and development of the site and surrounding land.
- A description of the proposed use including:
  - The activities that will be carried out.
  - The likely effects, if any, on the site and surrounding land and land uses, including noise levels, traffic, air-borne emissions, emissions to land and water, light spill, glare, solar access and hours of operation.
- Detailed plans and elevations of the proposed development drawn to scale and dimensioned, including details of any buildings or works proposed to be demolished or removed, and any vegetation proposed to be retained or removed.
- Explanation of how the proposed use or development derives from and responds to the site description and analysis plan.
- A report that addresses the proposed use or development and how:
  - It responds to the purposes, objectives, decision guidelines or statements of significance or risk of any zone, overlay, or other provision that would apply to the use or development were it not for the exemptions in Clause 52.20-2. This does not include Clauses 54, 55, 57, 58 and 59.
  - A proposed use that is not a dwelling or residential building is in conjunction with that use.
  - It complies with Clause 52.20-8 Native vegetation requirement.
- A design review report prepared by a suitably qualified architect or urban designer that demonstrates how the project achieves good quality design outcomes.
- A schedule of works and development including staging and the expected commencement and completion times.
- A report that details how the proposed development responds to the development standards of:
  - Clause 52.20-6 for the construction or extension of a dwelling.

  - Clause 52.20-6 and Clause 52.20-7 for the construction or extension of an apartment development or residential building or the construction or extension a dwelling in or forming part of an apartment development or residential building. The development standards of Clause 52.20-6.8 does not apply to an apartment development or residential building of 5 or more storeys. The development standards of Clauses 52.20-6.5, 52.20-6.14, 52.20-6.18 and 52.20-6.21 do not apply to an apartment development or residential building.

- If the Minister for Planning has decided that an assessment through an environment effects statement under the Environment Effects Act 1978 is not required for the proposed development and the decision is subject to conditions:
  - A report that details how each condition has been considered and addressed in the design, construction and operation of the proposed development.
  - A copy of any report, plan or other document required to be prepared under those conditions.
- A plan for the management or mitigation of potential adverse effects or impacts on the environment or amenity from the proposed use or development, during and following construction.
- If the use or development would require a permit were it not for the exemption in Clause 52.20-2 and a copy of the application for that permit would be required to be given to a referral authority under section 55 of the Act, the comments of that referral authority on the proposed use or development.
- Any other plan, document or information the Minister for Planning considers necessary to assist the assessment of the proposed use or development or the plans and documents required to be prepared under this clause. This may include street elevations, three dimensional modelling or other methods to describe the proposal.
- A report that demonstrates that the environmental conditions of the land are or will be suitable for the use and development including any significant effects which the use or development may have on the environment or which the environment may have on the use or development including water, noise, air or land pollution impacts on the environment, amenity or human health.

The requirements of this clause may be:

- Satisfied for separate components or stages of a use or development, but each requirement must be satisfied prior to the commencement of that component or stage.
- Varied or waived by the Minister for Planning.

## 52.20-6 Development standards for dwellings and buildings

01/01/2024
VC250

### 52.20-6.1 Infrastructure

Development should be connected to reticulated services, including reticulated sewerage, drainage and electricity.

Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.

In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.

### 52.20-6.2 Street setback

Walls of buildings should be set back from streets at least the distance specified in Table 1. Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.

**Table 1 Street setback**

| Development context | Minimum setback from front street (metres) | Minimum setback from a side street (metres) |
|---|---|---|
| There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner. | The same distance as the setback of the front wall of either existing building on the abutting allotments facing the front street or 7 metres, whichever is the lesser. | Not applicable. |
| There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner. | The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 7 metres, whichever is the lesser. | Not applicable. |
| There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner. | 6 metres for streets in a Transport Zone 2 and 4 metres for other streets. | Not applicable. |
| 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 7 metres, whichever is the lesser.<br>If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Transport Zone 2 and 4 metres for other streets. | 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.<br>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. |

### 52.20-6.3 Permeability

The site area covered by the pervious surfaces should be at least 20 percent of the site.

### 52.20-6.4 Safety

Entrances to dwellings should not be obscured or isolated from the street and internal accessways.

Planting which creates unsafe spaces along streets and accessways should be avoided.

Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.

Private spaces within developments should be protected from inappropriate use as public thoroughfares.

### 52.20-6.5 Access

The width of accessways or car spaces that front existing streets should not exceed:

- 33 per cent of the street frontage, or
- if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.

No more than one single-width crossover should be provided for each dwelling fronting a street.

The location of crossovers should maximise the retention of on-street car parking spaces.

The number of access points to a road in a Transport Zone 2 or a Transport Zone 3 should be minimised.

Developments must provide for access for service, emergency and delivery vehicles.

### 52.20-6.6 Parking location

Car parking facilities should:

- Be reasonably close and convenient to dwellings.
- Be secure.
- Be well ventilated if enclosed.

Shared accessways or car parks of other dwellings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.

### 52.20-6.7 Car parking

A minimum 0.6 car spaces should be provided to each dwelling. A minimum 1 car space should be provided to each 4 bedrooms of a residential building.

Car parking for other land uses must be to the satisfaction of the Minister for Planning.

Car spaces may be covered or uncovered.

If in calculating the number of car parking spaces the result is not a whole number, the required number of car parking spaces is to be rounded down to the nearest whole number greater than 1.

#### Accessway design

Accessways must:

- Be at least 3 metres wide.
- Have an internal radius of at least 4 metres at changes of direction or intersection or be at least 4.2 metres wide.
- Allow vehicles parked in the last space of a dead-end accessway in public carparks to exit in a forward direction with one manoeuvre.
- Provide at least 2.1 metres headroom beneath overhead obstructions, calculated for a vehicle with a wheel base of 2.8 metres.

- If the accessway serves four or more car spaces or connects to a road in a Transport Zone 2 or a Transport Zone 3, the accessway must be designed so that cars can exit the site in a forward direction.
- Provide a passing area at the entrance at least 6.1 metres wide and 7 metres long if the accessway serves ten or more carparking spaces and is either more than 50 metres long or connects to a road in a Transport Zone 2 or a Transport Zone 3.
- Have a corner splay or area at least 50 percent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.

### Car parking spaces

Car parking spaces and accessways must have the minimum dimensions as outlined in Table 2.

**Table 2: Minimum dimensions of car parking spaces and accessways**

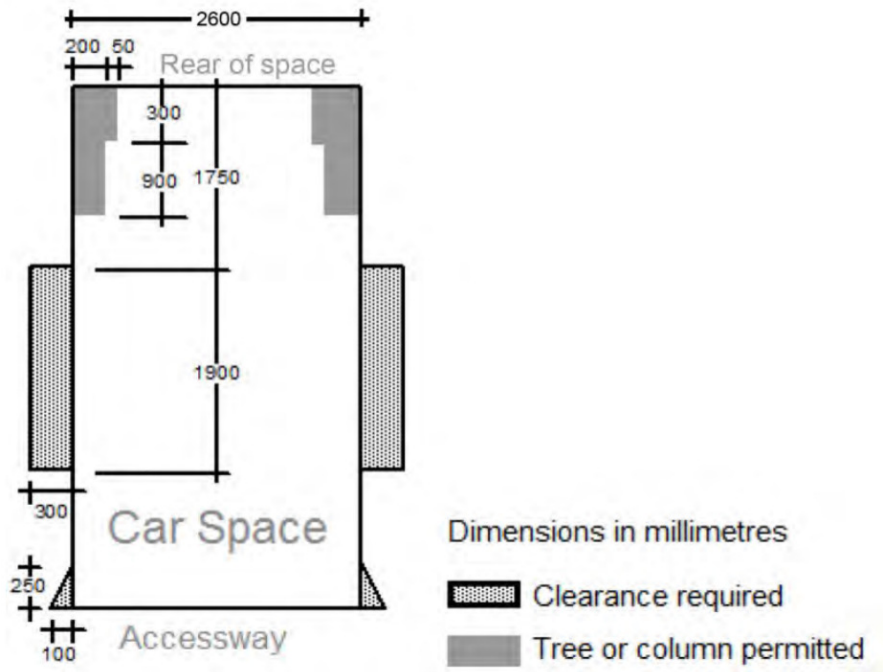
| Angle of car parking spaces to access way | Accessway width | Car space width | Car space length |
|---|---|---|---|
| **Parallel** | 3.6 m | 2.3 m | 6.7 m |
| **45º** | 3.5 m | 2.6 m | 4.9 m |
| **60º** | 4.9 m | 2.6 m | 4.9 m |
| **90º** | 6.4 m | 2.6 m | 4.9 m |
| | 5.8 m | 2.8 m | 4.9 m |
| | 5.2 m | 3.0 m | 4.9 m |
| | 4.8 m | 3.2 m | 4.9 m |

*Note: Some dimensions in Table 2 vary from those shown in the Australian Standard AS2890.1-2004 (off street). The dimensions shown in Table 2 allocate more space to aisle widths and less to marked spaces to provide improved operation and access. The dimensions in Table 2 are to be used in preference to the Australian Standard AS2890.1-2004 (off street) except for disabled spaces which must achieve Australian Standard AS2890.6-2009 (disabled).*

A wall, fence, column, tree, tree guard or any other structure that abuts a car space must not encroach into the area marked ‘clearance required’ on Diagram 1, other than:

- A column, tree or tree guard, which may project into a space if it is within the area marked ‘tree or column permitted’ on Diagram 1.
- A structure, which may project into the space if it is at least 2.1 metres above the space.

**Diagram 1 Clearance to car parking spaces**




Car spaces in garages or carports must be at least 6 metres long and 3.5 metres wide for a single space and 5.5 metres wide for a double space measured inside the garage or carport.

Where parking spaces are provided in tandem (one space behind the other) an additional 500mm in length must be provided between each space.

Disabled car parking spaces must be designed in accordance with Australian Standard AS2890.6-2009 (disabled) and the Building Code of Australia. Disabled carparking spaces may encroach into an accessway width specified in Table 2 by 500mm.

### Gradients

Accessway grades must not be steeper than 1:10 (10 percent) within 5 metres of the frontage to ensure safety for pedestrians and vehicles. The design must have regard to the wheel base of the vehicle being designed for; pedestrian and vehicular traffic volumes; the nature of the carpark; and the slope and configuration of the vehicle crossover at the site frontage. This does not apply to accessways serving three dwellings or less.

Ramps (except within 5 metres of the frontage) must have the maximum grades as outlined in Table 3 and be designed for vehicles travelling in a forward direction.

**Table 3: Ramp gradients**

| Type of car park | Length of ramp | Maximum grade |
|---|---|---|
| **Public car parks** | 20 metres or less | 1:5 (20%) |
| | longer than 20 metres | 1:6 (16.7%) |
| **Private or residential car parks** | 20 metres or less | 1:4 (25%) |
| | longer than 20 metres | 1:5 (20%) |

Where the difference in grade between two sections of ramp or floor is greater than 1:8 (12.5 per cent) for a summit grade change, or greater than 1:6.7 (15 percent) for a sag grade change, the ramp must include a transition section of at least 2 metres to prevent vehicles scraping or bottoming.

Plans must include an assessment of grade changes of greater than 1:5.6 (18 percent) or less than 3 metres apart for clearances, to the satisfaction of the Minister for Planning.

### Mechanical parking

Mechanical parking may be used to meet the carparking standard provided:

- At least 25 percent of the mechanical carparking spaces can accommodate a vehicle height of at least 1.8 metres.
- Carparking spaces that require the operation of the system are not allocated to visitors unless used in a valet parking situation.
- The design and operation is to the satisfaction of the Minister for Planning.

### Urban design

Ground level carparking, garage doors and accessways must not visually dominate public space.

Carparking within buildings (including visible portions of partly submerged basements) must be screened or obscured where possible, including through the use of occupied tenancies, landscaping, architectural treatments and art works.

Design of carparks must take into account their use as entry points to the site.

Design of new internal streets in developments must maximise on street parking opportunities.

### Safety

Car parking must be well lit and clearly signed.

The design of carparks must maximise natural surveillance and pedestrian visibility from adjacent buildings.

Pedestrian access to carparking areas from the street must be convenient.

Pedestrian routes through car parking areas and building entries and other destination points must be clearly marked and separated from traffic in high activity parking areas.

### Landscaping

The layout of car parking areas must provide for water sensitive urban design treatment and landscaping.

Landscaping and trees must be planted to provide shade and shelter, soften the appearance of ground level car parking and aid in the clear identification of pedestrian paths.

Ground level carparking spaces must include trees planted with flush grilles. Spacing of trees must be determined having regard to the expected size of the selected species at maturity.

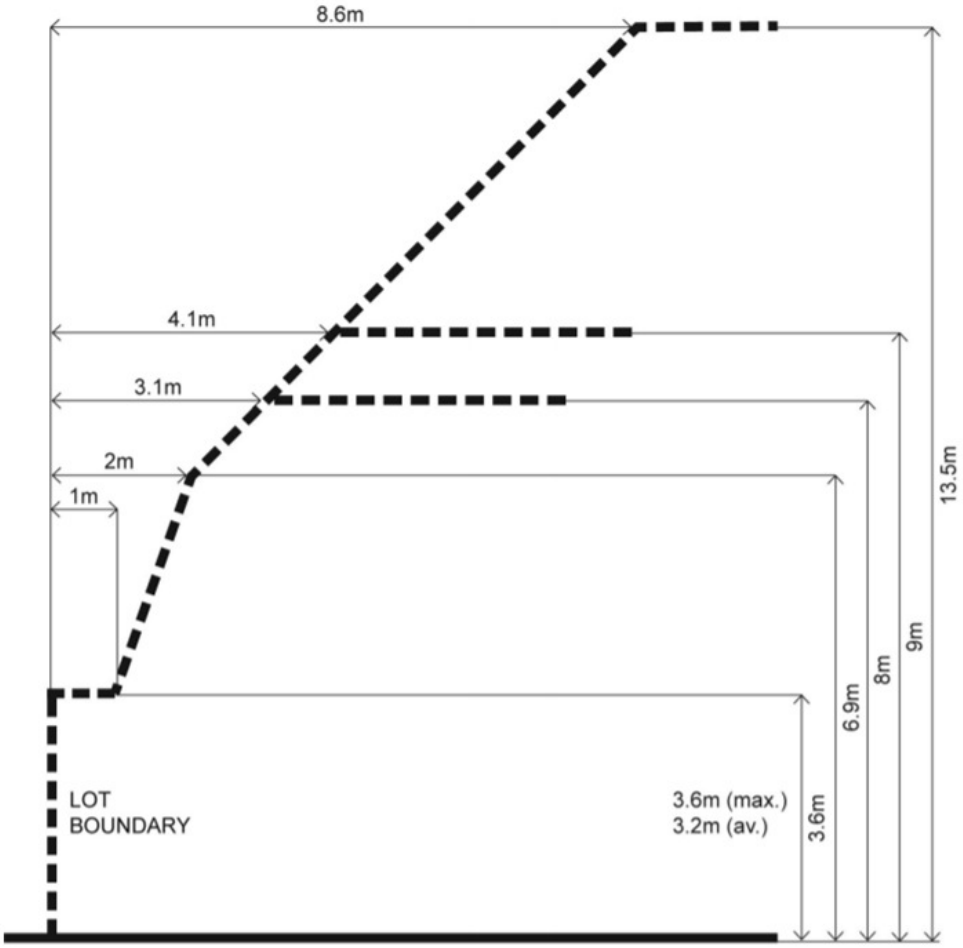
## 52.20-6.8 Side and rear setbacks

A new building not on or within 200mm of a boundary to a residential zone should be set back from side or rear boundaries 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. Diagram 2 details the standard.

Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.

Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.

**Diagram 2 Side and rear setbacks**




## 52.20-6.9 Walls on boundaries

A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary for a length of more than:

- 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or
- Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports whichever is the greater.

A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.

A building on a boundary includes a building set back up to 200mm from a boundary.

The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

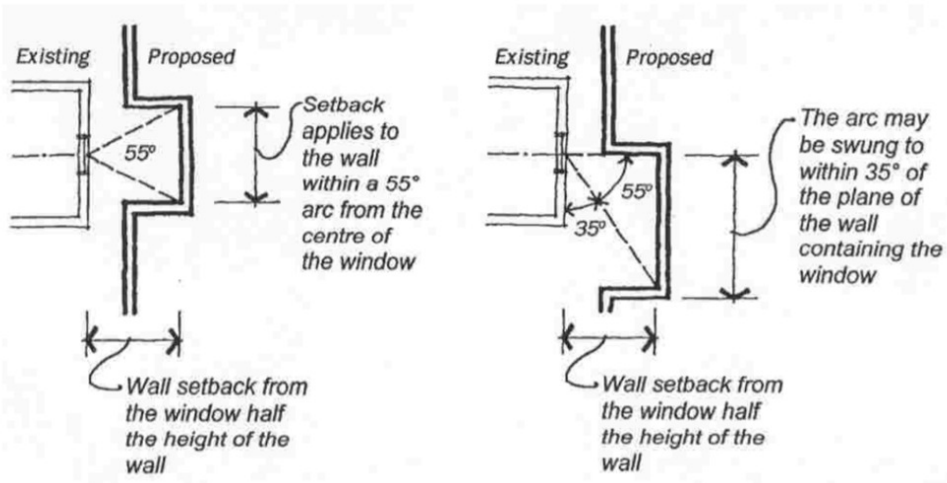
### 52.20-6.10 Daylight to existing windows

Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.

Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.

Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.

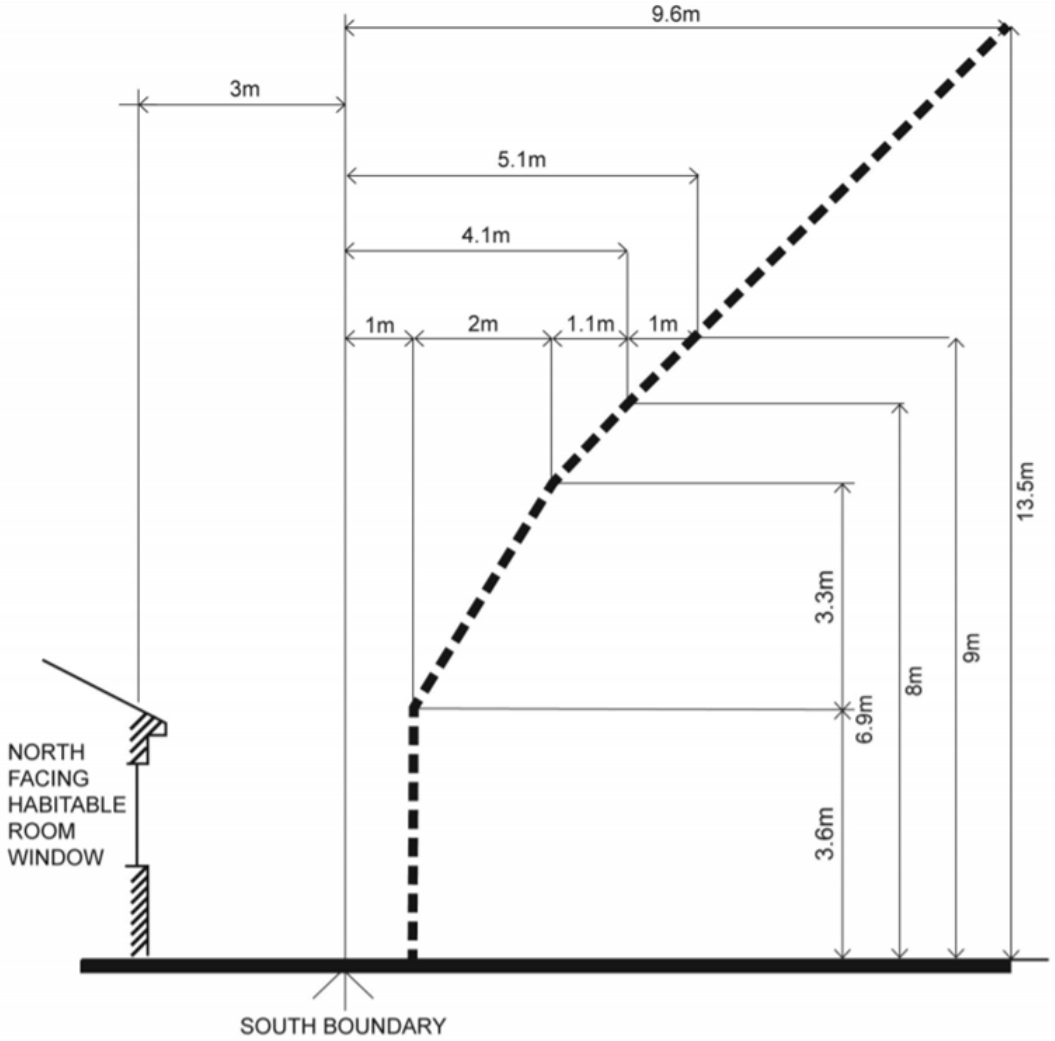
**Diagram 3 Daylight to existing windows**




### 52.20-6.11 North-facing windows

If a north-facing habitable room window of an existing dwelling or small second dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.

**Diagram 4 North-facing windows**




### 52.20-6.12 Overshadowing open space

Where sunlight to the secluded private open space of an existing dwelling or small second 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 or small second dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

### 52.20-6.13 Overlooking

A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling or small second 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 an existing dwelling or a small second dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:

- Offset a minimum of 1.5 metres from the edge of one window to the edge of the other.
- Have sill heights of at least 1.7 metres above floor level.
- Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level.
- Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.

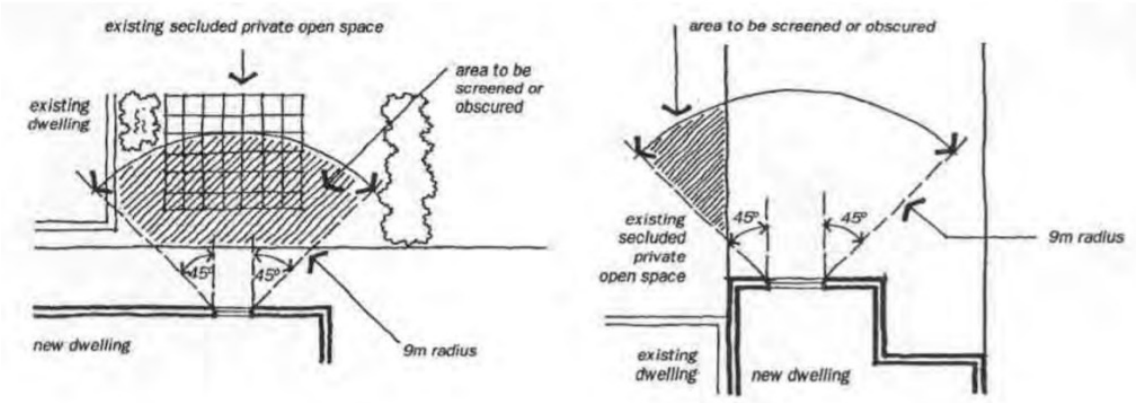
Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.

Screens used to obscure a view should be:

- Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.
- Permanent, fixed and durable.
- Designed and coloured to blend in with the development.

This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.

**Diagram 5 Overlooking open space**




## 52.20-6.14 Noise impacts

Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings or small second dwellings.

Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties.

Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.

## 52.20-6.15 Daylight to new windows

A window in a habitable room should be located to face:

- An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or
- A verandah provided it is open for at least one third of its perimeter, or
- A carport provided it has two or more open sides and is open for at least one third of its perimeter.

### 52.20-6.16 Private open space

A dwelling (other than an apartment) should have private open space consisting of:

- An area of secluded private open space with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room; or
- A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room; or
- A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.

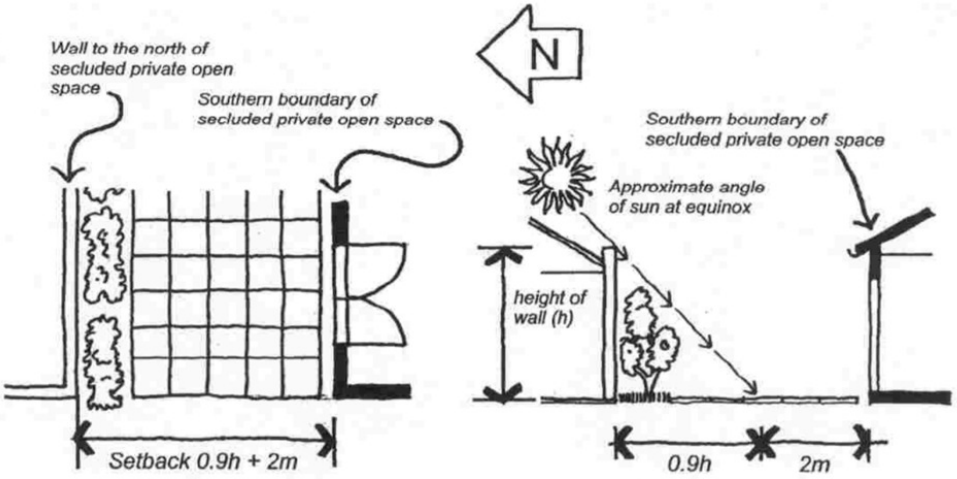
Secluded private open space may be located in the front setback if it is no more than 30% of the street frontage.

### 52.20-6.17 Solar access to open space

The private open space should be located on the north side of the dwelling if appropriate.

The southern boundary of secluded private open space should be set back from any wall on the north of the space at least (2 + 0.9h) metres, where 'h' is the height of the wall.

**Diagram 6 Solar access to open space**




### 52.20-6.18 Storage

A dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.

### 52.20-6.19 Front fence

A front fence within 3 metres of a street should not exceed a maximum height of:

- 2 metres for streets in a Transport Zone 2, and
- 1.5 metres in other streets or where secluded private open space is proposed within the front setback, the front fence may reach a height of up to 1.8 metres for not more than 30% of the length of the boundary.

### 52.20-6.20 Common property

Developments should clearly delineate public, communal and private areas.

Common property, where provided, should be functional and capable of efficient management.

### 52.20-6.21 Site services

The design and layout of buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.

Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.

Bin and recycling enclosures should be located for convenient access by residents.

Mailboxes should be provided and located for convenient access as required by Australia Post.

## 52.20-7 Development standards for apartments

04/02/2026
VC265

### 52.20-7.1 Energy efficiency

Buildings should be:

- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings or small second dwellings on adjoining lots is not unreasonably reduced.
- Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings or small second dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.

Living areas and private open space should be located on the north side of the development, if practicable.

Developments should be designed so that solar access to north-facing windows is optimised.

Dwellings located in a climate zone identified in Table 4 should not exceed the maximum NatHERS annual cooling load.

**Table 4 Cooling load**

| NatHERS climate zone | NatHERS maximum cooling load<br>MJ/M$^2$ per annum |
|---|---|
| Climate zone 21 Melbourne | 30 |
| Climate zone 22 East Sale | 22 |
| Climate zone 27 Mildura | 69 |
| Climate zone 60 Tullamarine | 22 |
| Climate zone 62 Moorabbin | 21 |
| Climate zone 63 Warrnambool | 21 |
| Climate zone 64 Cape Otway | 19 |
| Climate zone 66 Ballarat | 23 |

*Note: Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).*

### 52.20-7.2 Communal open space

A development of 10 or more dwellings should provide a minimum area of communal outdoor open space of 30 square metres.

If a development contains 13 or more dwellings, the development should also provide an additional minimum area of communal open space of 2.5 square metres per dwelling or 220 square metres, whichever is the lesser. This additional area may be indoors or outdoors and consist of multiple separate areas of communal open space.

Each area of communal open space should be:

- Accessible to all residents.
- A useable size, shape and dimension.
- Capable of efficient management.
- 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 or small second dwellings.

Any area of communal outdoor open space should be landscaped and include canopy cover and trees.

### 52.20-7.3 Solar access to communal outdoor open space

The communal outdoor open space should be located on the north side of a building, if appropriate.

At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.

### 52.20-7.4 Landscaping

Development should retain existing trees and canopy cover.

Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.

Development should:

- Provide the canopy cover and deep soil area specified in Table 5. Existing trees can be used to meet the canopy cover requirements of Table 5.
- Provide canopy cover through canopy trees that are:
  - Located in an area of deep soil specified in Table 6. Where deep soil cannot be provided, trees should be provided in planters specified in Table 6.
  - Consistent with the canopy diameter and height at maturity specified in Table 7.
  - Located in communal outdoor open space or common areas or street frontages.
- Comprise smaller trees, shrubs and ground cover, including flowering native species.
- Include landscaping, such as climbing plants or smaller plant in planters, in the street frontage and in outdoor areas, including communal outdoor open space.
- Shade outdoor areas exposed to summer sun through landscaping or shade structures and use paving and surface materials that lower surface temperatures and reduce heat absorption.

- Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater, and recycled water.
- Protect any predominant landscape features of the area.
- Take into account the soil type and drainage pattern of the site.
- Provide a safe, attractive and functional environment for residents.
- Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.

**Table 5 Canopy cover and deep soil requirements**

| Site area | Canopy cover | Deep soil |
|---|---|---|
| 1000 square metres or less | 5% of site area<br>Include at least 1 Type A tree | 5% of site area or 12 square metres whichever is the greater |
| 1001 - 1500 square metres | 50 square metres plus 20% of site area above 1,000 square metres<br>Include at least 1 Type B tree | 7.5% of site area |
| 1501 - 2500 square metres | 150 square metres plus 20% of site area above 1,500 square metres<br>Include at least 2 Type B trees or 1 Type C tree | 10% of site area |
| 2501 square metres or more | 350 square metres plus 20% of site area above 2,500 square metres<br>Include at least 2 Type B trees or 1 Type C tree | 15% of site area |

**Table 6 Soil requirements for trees**

| Tree type | Tree in deep soil<br>Area of deep soil | Tree in planter<br>Volume of planter | Depth of planter soil |
|---|---|---|---|
| A | 12 square metres<br>(min. plan dimension 2.5 metres) | 12 cubic metres<br>(min. plan dimension 2.5 metres) | 0.8 metre |
| B | 49 square metres<br>(min. plan dimension 4.5 metres) | 28 cubic metres<br>(min. plan dimension 4.5 metres) | 1 metre |
| C | 121 square metres<br>(min. plan dimension 6.5 metres) | 64 cubic metres<br>(min. plan dimension 6.5 metres) | 1.5 metre |

*Note: Where multiple trees share the same section of soil the total required amount of soil can be reduced by 5% for every additional tree, up to a maximum reduction of 25%.*

**Table 7 Tree types**

| Tree types | Minimum canopy diameter at maturity | Minimum height at maturity |
|---|---|---|
| A | 4 metres | 4 metres |
| B | 8 metres | 8 metres |
| C | 12 metres | 12 metres |

### 52.20-7.5 Integrated water and stormwater management

Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.

The stormwater management system should be:

- Designed to meet the current best practice performance objectives for stormwater quality as contained in the *Urban stormwater management guidance* (Environment Protection Authority - Publication 1739.1, 2021).
- Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.

### 52.20-7.6 Building setback

The built form of the development should respect the existing urban context and respond to the features of the site.

Buildings should be set back from side and rear boundaries, and other buildings within the site to:

- Ensure adequate daylight into new habitable room windows.
- Avoid direct views into habitable room windows and private open space of new and existing dwellings or small second dwellings. Developments should avoid relying on screening to reduce views.
- Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.

### 52.20-7.7 Noise impacts

Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings or small second 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 or small second 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 8 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 8 Noise influence area**

| Noise Source | Noise influence area |
|---|---|
| **Zone interface** | |
| Industry | 300 metres from the Industrial 1, 2 and 3 zone boundary |
| **Roads** | |
| Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume | 300 metres from the nearest trafficable lane |
| **Railways** | |
| Railway servicing passengers in Victoria | 80 metres from the centre of the nearest track |
| Railway servicing freight outside Metropolitan Melbourne | 80 metres from the centre of the nearest track |
| Railway servicing freight in Metropolitan Melbourne | 135 metres from the centre of the nearest track |

*Note: The noise influence area should be measured from the closest part of the building to the noise source.*

### 52.20-7.8 Accessibility

At least 50 per cent of dwellings should have:

- A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.
- A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.
- A main bedroom with access to an adaptable bathroom.
- At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table 9.

**Table 9 Bathroom design**

| | Design option A | Design option B |
|---|---|---|
| Door opening | A clear 850mm wide door opening. | A clear 820mm wide door opening located opposite the shower |
| Door design | Either:<br>▪ A slide door, or<br>▪ A door that opens outwards, or<br>▪ A door that opens inwards that is clear of the circulation area and has readily removable hinges. | Either:<br>▪ A slide door, or<br>▪ A door that opens outwards, or<br>▪ A door that opens inwards and has readily removable hinges. |

| | Design option A | Design option B |
|---|---|---|
| Circulation area | A clear circulation area that is:<br>▪ A minimum area of 1.2 metres by 1.2 metres.<br>▪ Located in front of the shower and the toilet.<br>▪ Clear of the toilet, basin and the door swing.<br>The circulation area for the toilet and shower can overlap. | A clear circulation area that is:<br>▪ A minimum width of 1 metre.<br>▪ The full length of the bathroom and a minimum length of 2.7 metres.<br>▪ Clear of the toilet and basin.<br>The circulation area can include a shower area. |
| Path to circulation area | A clear path with a minimum width of 900mm from the door opening to the circulation area. | Not applicable. |
| Shower | A hobless (step-free) shower. | A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening. |
| Toilet | A toilet located in the corner of the room. | A toilet located closest to the door opening and clear of the circulation area. |

### 52.20-7.9 Building entry and circulation

Entries to dwellings and buildings should:

- Be visible and easily identifiable.
- Provide shelter, a sense of personal address and a transitional space around the entry.

The layout and design of buildings should:

- Clearly distinguish entrances to residential and non-residential areas.
- Provide windows to building entrances and lift areas.
- Provide visible, safe and attractive stairs from the entry level to encourage use by residents.
- Provide common areas and corridors that:
  - Include at least one source of natural light and natural ventilation.
  - Avoid obstruction from building services.
  - Maintain clear sight lines.

### 52.20-7.10 Private open space

A dwelling should have private open space consisting of at least one of the following:

- An area at ground level of at least 25 square metres, with a minimum dimension of 3 metres and convenient access from a living room.
- A balcony with an area and dimensions specified in Table 10 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.

- An area on a podium or other similar base of at least 15 square metres, with a minimum dimension of 3 metres and convenient access from a living room.
- An area on a roof of at least 10 square metres, with a minimum dimension of 2 metres and convenient access from a living room.

If the finished floor level of a dwelling is 40 metres or more above ground level, the requirements of Table 10 do not apply if at least the area specified in Table 11 is provided as living area or bedroom area in addition to the minimum area specified in Table 13 or Table 14.

**Table 10 Balcony size**

| Orientation of dwelling | Dwelling type | Minimum area | Minimum dimension |
|---|---|---|---|
| North (between north 20 degrees west to north 30 degrees east) | All | 8 square metres | 1.7 metres |
| South (between south 30 degrees west to south 20 degrees east) | All | 8 square metres | 1.2 metres |
| Any other orientation | Studio or 1 bedroom dwelling | 8 square metres | 1.8 metres |
| | 2 bedroom dwelling | 8 square metres | 2 metres |
| | 3 or more bedroom dwelling | 12 square metres | 2.4 metres |

**Table 11 Additional living area or bedroom area**

| Dwelling type | Additional area |
|---|---|
| Studio or 1 bedroom dwelling | 8 square metres |
| 2 bedroom dwelling | 8 square metres |
| 3 or more bedroom dwelling | 12 square metres |

### 52.20-7.11 Storage

Each dwelling should have convenient access to usable and secure storage space.

The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table 12.

**Table 12 Storage**

| Dwelling type | Total minimum storage volume | Minimum storage volume within the dwelling |
|---|---|---|
| Studio | 8 cubic metres | 5 cubic metres |
| 1 bedroom dwelling | 10 cubic metres | 6 cubic metres |
| 2 bedroom dwelling | 14 cubic metres | 9 cubic metres |

| Dwelling type | Total minimum storage volume | Minimum storage volume within the dwelling |
|---|---|---|
| 3 or more bedroom dwelling | 18 cubic metres | 12 cubic metres |

### 52.20-7.12 Waste and recycling

Developments should include dedicated areas for:

- Waste and recycling enclosures which are:
  - Adequate in size, durable, waterproof and blend in with the development.
  - Adequately ventilated.
  - Located and designed for convenient access by residents and made easily accessible to people with limited mobility.
- Adequate facilities for bin washing. These areas should be adequately ventilated.
- Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate.
- Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.
- Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.
- Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.

Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the Minister for Planning and:

- Be designed to meet the better practice design options specified in *Waste Management and Recycling in Multi-unit Developments* (Sustainability Victoria, 2019).
- Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.

### 52.20-7.13 Functional layout

Bedrooms should:

- Meet the minimum internal room dimensions specified in Table 13.
- Provide an area in addition to the minimum internal room dimensions and area to accommodate a wardrobe.

Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimension and area specified in Table 14.

**Table 13 Bedroom dimensions**

| Bedroom type | Minimum width | Minimum depth | Minimum area |
|---|---|---|---|
| Main bedroom | 3 metres | 3.4 metres | 10.2 sqm |
| All other bedrooms | 3 metres | 3 metres | 9 sqm |

**Table 14 Living area dimensions**

| Dwelling type | Minimum width | Minimum area |
|---|---|---|
| Studio and 1 bedroom dwelling | 3.3 metres | 10 sqm |
| 2 or more bedroom dwelling | 3.6 metres | 12 sqm |

### 52.20-7.14 Room depth

Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.

The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:

- The room combines the living area, dining area and kitchen.
- The kitchen is located furthest from the window.
- The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.

The room depth should be measured from the external surface of the habitable room window to the rear wall of the room

### 52.20-7.15 Windows

Habitable rooms should have a window in an external wall of the building.

A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky. The secondary area should be:

- A minimum width of 1.2 metres.
- A maximum depth of 1.5 times the width, measured from the external surface of the window.

### 52.20-7.16 Natural ventilation

The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.

At least 40 per cent of dwellings should provide effective cross ventilation that has:

- A maximum breeze path through the dwelling of 18 metres.
- A minimum breeze path through the dwelling of 5 metres.
- Ventilation openings with approximately the same area.

The breeze path is measured between the ventilation openings on different orientations of the dwelling.

### 52.20-7.17 Integration with the street

Development should be oriented to front existing and proposed streets.

Along street frontages, development should:

- Incorporate pedestrian entries, windows, balconies or other active spaces.
- Limit blank walls.
- Limit high front fencing, unless consistent with the existing urban context.

- Provide low and visually permeable front fences, where proposed.
- Conceal car parking and internal waste collection areas from the street.

Development next to existing public open space should be designed to complement the open space and facilitate passive surveillance.

### 52.20-7.18 Access

Vehicle crossovers should be minimised.

Car parking entries should be consolidated, minimised in size, integrated with the façade and where practicable located at the side or rear of the building.

Pedestrian and cyclist access should be clearly delineated from vehicle access.

The location of crossovers should maximise pedestrian safety and the retention of on-street car parking spaces and street trees.

Development must provide access for service, emergency and delivery vehicles.

### 52.20-7.19 Site services

Development should provide adequate space (including easements where required) for site services to be installed and maintained efficiently and economically.

Meters and utility services should be designed as an integrated component of the building or landscape.

Mailboxes and other site facilities should be adequate in size, durable, weather-protected, located for convenient access and integrated into the overall design of the development.

### 52.20-7.20 External walls and materials

External walls should be finished with materials that:

- Do not easily deteriorate or stain.
- Weather well over time.
- Are resilient to the wear and tear from their intended use.

External wall design should facilitate safe and convenient access for maintenance.

### 52.20-7.21 Wind impacts

Development of five or more storeys should:

- not cause unsafe wind conditions specified in Table 15 in public land, publicly accessible areas on private land, private open space and communal open space; and
- achieve comfortable wind conditions specified in Table 15 in public land and publicly accessible areas on private land

within a distance of half the greatest length of the building, or half the total height of the building measured outwards on the horizontal plane from the ground floor building façade, whichever is greater.

Trees and landscaping should not be used to mitigate wind impacts. This does not apply to sitting areas, where trees and landscaping may be used to supplement fixed wind mitigation elements.

Wind mitigation elements, such as awnings and screens should be located within the site boundary, unless consistent with the existing urban context or preferred future development of the area.

**Table 15 Wind conditions**

| Unsafe | Comfortable |
|---|---|
| Annual maximum 3 second gust wind speed exceeding 20 metres per second with a probability of exceedance of 0.1% considering at least 16 wind directions. | Hourly mean wind speed or gust equivalent mean speed (3 second gust wind speed divided by 1.85), from all wind directions combined with probability of exceedance less than 20% of the time, equal to or less than:<br>▪ 3 metres per second for sitting areas.<br>▪ 4 metres per second for standing areas.<br>▪ 5 metres per second for walking areas. |

## 52.20-8 Native vegetation requirements

04/02/2026
VC265

In this clause:

- **Guidelines** means the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Energy, Environment and Climate Action, 2025);
- ***levy area*** has the same meaning as in the *Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020*;
- ***Secretary*** means the Secretary to the Department of Environment, Land, Water and Planning as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*.

Before the removal, destruction or lopping of native vegetation outside the levy area:

- Information about the native vegetation in accordance with the application requirements 1, 5 and 9 in Table 4 of the Guidelines must be provided to the satisfaction of the Secretary.
- The biodiversity impacts from the native vegetation must be offset in accordance with the *Guidelines*.
- Evidence that the required offset has been secured must be provided to the satisfaction of the Secretary.

The requirements of Clause 52.20-8 do not apply to any native vegetation identified in the table of exemptions to Clause 52.17-7.

The Secretary may vary the timing of the offset requirement if the Secretary considers there are exceptional circumstances to warrant the variation.

The secured offset for a project may be reconciled at the completion of a project in accordance with the *Assessor's handbook – Applications to remove, destroy or lop native vegetation* (Department of Energy, Environment, and Climate Action, 2025) to the satisfaction of Secretary.

Before the removal, destruction or lopping of native vegetation inside the levy area, information about the native vegetation in accordance with the application requirements 1 and 5 in Table 4 of the Guidelines must be provided to the satisfaction of the Secretary.

The requirements of this clause may be satisfied for separate components or stages of a development. However, each requirement must be satisfied prior to the removal, destruction or lopping of native vegetation for that component or stage.

## 52.20-9 Transitional provision

20/03/2023
VC229

The development standards at Clause 52.20-7 for apartment developments and residential buildings in force immediately before the approval date of Amendment VC207 continue to apply to a use or development that has received written confirmation from the Chief Executive Officer, Homes Victoria that an application is funded, either wholly or partly, under Victoria's Big Housing Build program, signed before 30 June 2022.

## 52.21 PRIVATE TENNIS COURT

31/07/2018
VC148

### 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.

### 52.21-1 Application

31/07/2018
VC148

This clause applies to any private tennis court which is used in association with a dwelling.

### 52.21-2 Permit requirement

19/01/2006
VC37

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.

### 52.21-3 Application requirements

19/01/2006
VC37

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.

## 52.21-4 Notice provisions

31/07/2018
VC148

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.

## 52.21-5 Decision guidelines

19/01/2006
VC37

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.

## 52.22 COMMUNITY CARE ACCOMMODATION

26/10/2018
VC152

### Purpose

To facilitate the establishment of community care accommodation.

To support the confidentiality of community care accommodation.

### 52.22-1 Application

26/10/2018
VC152

This clause applies to the use and development of land for community care accommodation.

### 52.22-2 Use exemption

28/02/2025
VC274

Any requirement in the Activity Centre Zone, Capital City Zone, Commercial 1 Zone, General Residential Zone, Housing Choice and Transport Zone, Low Density Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Precinct 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 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; or
  - funded by, or carried out by, a registered National Disability Insurance Scheme (NDIS) provider if the design of the building is certified to the NDIS Specialist Disability Accommodation Design Standard by an accredited third party NDIS Specialist Disability Accommodation assessor.
- No more than 20 clients are accommodated. This does not include staff.
- No more than 5 persons at any one time who are not accommodated on the land may access support services provided on the land.

### 52.22-3 Buildings and works exemption

31/03/2025
VC267

Any requirement in the General Residential Zone, Housing Choice and Transport 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; or
  - funded by, or carried out by, a registered NDIS provider if the design of the building is certified to the NDIS Specialist Disability Accommodation Design Standard by an accredited third party NDIS Specialist Disability Accommodation assessor.

- The development is in the General Residential Zone or Neighbourhood Residential Zone, a garden area must be provided in accordance with the minimum garden area requirement specified in the zone.
- The development is in the General Residential Zone, Housing Choice and Transport Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone, the standards B2-1, B2-3, B2-4, B4-1, B4-2, B4-3, B4-4 and B5-2 of clause 55 must be met.

## 52.22-4 Exemption from notice and review

04/11/2022
VC226

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; or
- A registered NDIS provider if the design of the building is certified to the NDIS Specialist Disability Accommodation Design Standard by an accredited third party NDIS Specialist Disability Accommodation assessor.

## 52.22-5 Meaning of terms

04/11/2022
VC226

In this clause:

- National Disability Insurance Scheme has the same meaning as part 4 section 9 of the *National Disability Insurance Scheme Act 2013*.
- Registered NDIS provider has the same meaning as part 4 section 9 of the *National Disability Insurance Scheme Act 2013*.

## 52.23 ROOMING HOUSE

26/10/2018
VC152

### Purpose

To facilitate the establishment of domestic-scale rooming houses.

### 52.23-1 Application

26/10/2018
VC152

This clause applies to use and development of land for a rooming house.

### 52.23-2 Use exemption

28/02/2025
VC274

Any requirement in the Activity Centre Zone, Capital City Zone, Commercial 1 Zone, General Residential Zone, Housing Choice and Transport Zone, Mixed Use Zone, Neighbourhood Residential Zone, Precinct Zone, Residential Growth Zone or Township Zone to obtain a permit to use land for a rooming house does not apply if all of the following requirements are met:

- Any condition opposite the use 'rooming house' in the table of uses in the zone or schedule to the zone is met.
- The total floor area of all buildings on the land, measured from the outside of external walls or the centre of party walls, does not exceed 300 square metres, excluding outbuildings.
- No more than 12 persons are accommodated.
- No more than 9 bedrooms are provided.

### 52.23-3 Buildings and works exemption

25/02/2025
VC257

Any requirement in the General Residential Zone, Housing Choice and Transport Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone to obtain a permit to construct a building or construct or carry out works for a rooming house does not apply if all of the following requirements are met:

- No more than 9 bedrooms are developed on the land.
- Bedrooms can only be accessed from within the building.
- The total floor area of all buildings on the land, measured from the outside of external walls or the centre of party walls, does not exceed 300 square metres, excluding outbuildings.
- If the development is in the General Residential Zone or Neighbourhood Residential Zone, a garden area is provided in accordance with the minimum garden area requirement specified in the zone.
- Shared entry facilities and common areas, including a kitchen and living area, are provided.

## 52.25 CREMATORIUM

19/01/2006
VC37

### 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.

## 52.26 [NO CONTENT]

31/07/2018
VC148

## 52.27 [NO CONTENT]

01/07/2025
VC286

# 52.28 GAMING

31/07/2018
VC148

## 52.28-1 Purpose

18/10/2006
VC39

To ensure that gaming machines are situated in appropriate locations and premises.

To ensure the social and economic impacts of the location of gaming machines are considered.

To prohibit gaming machines in specified shopping complexes and strip shopping centres.

## 52.28-2 Gaming objectives

31/07/2018
VC148

A schedule to this clause may specify objectives to be achieved in relation to the installation or use of a gaming machine.

## 52.28-3 Permit requirement

31/07/2018
VC148

A permit is required to install or use a gaming machine.

This does not apply in either of the following circumstances:

- Clause 52.28-4 or Clause 52.28-5 specifically prohibit a gaming machine.
- the gaming machine is in an approved venue under the *Gambling Regulation Act 2003* on 18 October 2006 and the maximum number of gaming machines for the approved venue on 18 October 2006 is not exceeded.

## 52.28-4 Prohibition of a gaming machine in a shopping complex

31/07/2018
VC148

Installation or use of a gaming machine is prohibited on land specified in a schedule to this clause.

This does not apply to a gaming machine in an approved venue under the *Gambling Regulation Act 2003* on 18 October 2006; and the maximum number of gaming machines for the approved venue on 18 October 2006 is not exceeded.

## 52.28-5 Prohibition of a gaming machine in a strip shopping centre

31/07/2018
VC148

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.

## 52.28-6 Locations for gaming machines

31/07/2018
VC148

A schedule to this clause may specify guidelines relating to locations for gaming venues and machines.

## 52.28-7 Venues for gaming machines

31/07/2018
VC148

A schedule to this clause may specify guidelines relating to venues for gaming machines.

## 52.28-8 Application requirements

31/07/2018
VC148

An application must be accompanied by any information specified in a schedule to this overlay.

## 52.28-9 Decision guidelines

31/07/2018
VC148

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- 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.

10/02/2022
C258wynd

# SCHEDULE TO CLAUSE 52.28 GAMING

## 1.0 Objectives

18/11/2022
C252wynd

To minimise gambling-related harm to individuals and the community and ensure that gaming machines are situated in appropriate locations and premises to minimise convenience gambling.

To discourage new gaming venues from establishing in a growth area the subject of a precinct structure plan until it is sufficiently established to overcome any significant uncertainties related to adjoining land uses, proximity to sensitive uses and the potential for social and economic impacts on the emerging local community.

To manage the concentration of gaming machines and gaming venues away from areas or communities vulnerable to gambling related harm.

To ensure that where gaming machines operate they do so as part of an overall range of social, leisure, entertainment and recreational activities and facilities.

To discourage the proliferation of gaming premises in locations where the predominant use is residential.

## 2.0 Prohibition of a gaming machine in a shopping complex

18/11/2022
C252wynd

Installation or use of a gaming machine as specified in Clause 52.28-4 is prohibited on land described in Table 1 below.

**Table 1**

| Name of shopping complex and locality | Land description |
|---|---|
| Werribee Village Shopping Centre, Werribee | Land on the northwest corner of Shaws Road and Tarneit Road, Werribee. |
| Hoppers Crossing Shopping Centre, Hoppers Crossing | Land bounded by Old Geelong Road to the north, and Melbourne to Geelong railway line to the south, Hoppers Crossing. Nos 20-50A (even numbers) Old Geelong Road, Hoppers Crossing (Lot 1 on PS335092, and Lot on CP154553). |
| Pacific Werribee Shopping Centre, Hoppers Crossing | Land on the northwest corner of Heaths Road and Derrimut Road, Hoppers Crossing, except land occupied by the tavern containing 80 gaming machines. |
| Honour Avenue Shopping Area, Wyndham Vale | Land on the northwest corner of Honour Avenue and Ribblesdale Avenue, Wyndham Vale. |
| McGraths Road Commercial Area, Wyndham Vale | Land on the southeast corner of McGrath Road and Ballan Road, Wyndham Vale. |
| Tarneit West Village Shopping Centre, Tarneit | Land on the northwest corner of Tarneit Road and Hogans Road, Tarneit. 540 Tarneit Road, Tarneit. |
| Hogans Corner Shopping Centre, Hoppers Crossing | Land on the northeast corner of Hogans Road and Derrimut Road, Hoppers Crossing. |
| Hogans Road Shopping Area, Hoppers Crossing | Land on the northeast corner of Hogans Road and Deloraine Drive, Hoppers Crossing. 2-14 (even numbers) Deloraine Drive, Hoppers Crossing. |
| Tarneit Gardens Shopping Centre, Tarneit | 53 Wickford Road, Tarneit (Lot A on PS708625) and any subsequent parcels created as a result of subdivision. |
| Wyndham Village Shopping Centre, Tarneit | Land on the northwest corner of Morris Road and Sayers Road, Tarneit. 380 Sayers Road, Tarneit. |

| Name of shopping complex and locality | Land description |
|---|---|
| Point Cook Shopping Centre, Point Cook | All land within the Commercial 1 Zone and Mixed Use Zone on the northeast corner of Dunnings Road and Boardwalk Boulevard, Point Cook. |
| Sanctuary Lakes Shopping Centre, Point Cook | Land on the northwest corner of Point Cook Road and Jamieson Way, Point Cook. 300 Point Cook Road, Point Cook. |
| Tom Roberts Parade Mixed Use Precinct, Point Cook | All land within the Mixed Use Zone on the northwest corner, northeast corner and southwest corner of Tom Roberts Parade and Boardwalk Boulevard, Point Cook. |
| Featherbrook Shopping Centre, Point Cook | Land on the southwest corner of Sneydes Road and Boardwalk Boulevard, Point Cook. |
| Soho Village Mixed-Use Precinct, Point Cook | All land within the Mixed Use Zone on the southeast corner of Sneydes Road and Malibu Boulevard, Point Cook. |
| Tribecca Village Mixed Use Precinct, Point Cook | All land within the Mixed Use Zone bounded by Saltwater Promenade and Carrick Street, Point Cook. |
| Williams Landing Shopping Centre, Williams Landing | Land on the southeast corner of Overton Road and Altair Street, Williams Landing. 100 Overton Road Williams Landing and any subsequent parcels created as a result of subdivision. |
| Allura Village Shopping Centre, Truganina | Land on the northeast corner of Elmhurst Road and Forsyth Road, Truganina. 50 Mainview Boulevard, Truganina and any subsequent parcels created as a result of subdivision. |
| Elements Shopping Centre, Truganina | 185 Woods Road Truganina (Lot A on PS811258) and any subsequent parcels created as a result of subdivision. |
| Tarneit Central Shopping Centre, Tarneit | Land on the southeast corner of Leakes Road and Derrimut Road, Tarneit. |
| Riverdale Village Shopping Centre, Tarneit | Land on the northeast corner of Hummingbird Boulevard and Mulholland Drive, Tarneit, and on the southeast corner of Hummingbird Boulevard and Crimp Drive, Tarneit. Nos 177 and 200 Hummingbird Boulevard, Tarneit. |
| Manor Lakes Central Shopping Centre, Manor Lakes | Land on the northwest corner of Ballan Road and Manor Lakes Boulevard, Manor Lakes. 455 Ballan Road Manor Lakes. |
| Jubilee Neighbourhood Centre Shopping Centre, Wyndham Vale | Land bounded by Ballan Road, Welcome Parade and Memory Crescent, Wyndham Vale. Nos 1, 1A and 9 Welcome Parade, Wyndham Vale and Nos 772 and 940 Ballan Road, Wyndham Vale and any subsequent parcels created as a result of subdivision. |
| Wyndham Vale Square Shopping Centre, Wyndham Vale | Land on the southeast corner of Greens Road and Armstrong Road, Wyndham Vale. |
| Woodville Park Mixed-Use Precinct, Hoppers Crossing | All land within the Mixed Use Zone bounded by Warringa Crescent and Woodville Park Drive, Hoppers Crossing. |

## 3.0 Prohibition of a gaming machine in a strip shopping centre

18/11/2022 C252wynd

A gaming machine as specified in Clause 52.28-5 is prohibited in all strip shopping centres on land covered by this planning scheme.

## 4.0 Locations for gaming machines

18/11/2022 C252wynd

Gaming venues and machines should be located:

- Where the community has convenient access to a choice of non-gaming entertainment, leisure, social and recreational uses that operate at the same time as the gaming venue in the

surrounding area such as hotels, clubs, cinemas, restaurants, bars, theatres, galleries, exhibition centres, sporting venues and indoor recreation facilities.

- Where they would make a positive contribution to the redistribution of gaming machines away from relatively disadvantaged areas, as defined by the latest SEIFA Index of Relative Socio-economic Disadvantage.

Gaming venues and the installation of gaming machines are discouraged in the following locations:

- Areas of socio-economic disadvantage, being areas in or adjoining a Statistical Area Level 1 (SA1) which, accords to the most recent SEIFA index of relative disadvantage, is in the State's lowest 20% of relative disadvantage.
- Areas of everyday neighbourhood activity with high pedestrian access, where a decision to gamble may be spontaneous rather than predetermined.
- In new growth areas the subject of a Precinct Structure Plan until they are sufficiently established to overcome any significant uncertainties related to adjoining land uses, proximity to sensitive uses and the potential for social and economic impacts on the emerging local community.
- In new growth areas where the community does not have access to a range of retail, non-gaming related entertainment and recreational opportunities.
- In the rural townships of Wyndham where EGMs do not currently exist.
- In locations where the predominant surrounding land use is residential.
- In buildings used for residential purposes.
- Within 400 metres walking distance or clear line of sight of:
  - An existing or approved gaming venue
  - An existing or approved shopping complex and strip shopping centre
  - A train station
  - Social housing (housing for people of lower incomes that is owned or leased by the Department of Health and Human Services, registered housing association or a not for profit housing organisation)
  - A gambling sensitive service or facility that is used by people experiencing or vulnerable to gambling related harms such as the office of specific problem gambling services, financial counselling services, and material and financial aid services.

## 5.0 Venues for gaming machines

18/11/2022
C252wynd

Gaming machines should be located:

- In venues that offer alternative forms of non-gambling activities, such as social, leisure, entertainment and recreational activities during gaming hours.
- In existing venues approved for the operation of gaming machines in preference over new venues.
- Venues with harm minimisation practices that can be demonstrated to exceed minimum standards.
- In venues where the gaming area is physically, visually and functionally separated from non-gambling facilities, passers by, pedestrian and vehicle access and car parking.

Gaming machines should not be located:

- In venues that offer access to gaming when there are no other recreation and leisure venues in the locality that are open to the public during the same period as the gaming room.
- In venues where the gaming area is more than 25 per cent of the total leasable floor area that is open to the public.

## 6.0 Application requirements

18/11/2022
C252wynd

The following application requirements apply to an application for a permit under Clause 52.28, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

**Proposal details**

A description of the proposal including the following;

- How the application is consistent with the Planning Policy Framework.
- The existing and proposed number of gaming machines at a venue and within the municipality.
- Details regarding the transfer of gaming machines, including number of gaming machine to be relocated, potential changes to the density of gaming machines per 1,000 adults in the municipality and local areas, and potential changes to the number of venues in the municipality.
- Details regarding changes to gaming machine expenditure (at a municipal and venue level, per gaming machine and per adult).
- Existing and proposed number of people employed as a direct result of the proposal.
- A map indicating potential pedestrian paths of travel to and from the venue and within a 400 metre walking distance, including identification of public transport opportunities.
- Range and operating hours of the gaming facilities and activities within the venue.
- Range and operating hours of non-gaming facilities and activities within the venue, including areas licensed to serve and consume alcohol.
- Extent of the community contributions and benefits.

**Locational assessment**

A description of the location of the venue, including the following:

- Demographic profile of the area generally within 400 metres walking distance of the venue.
- Land use within 400 metres walking distance of the proposed venue and line of sight, including facilities associated with day to day activities, such as shops, major community facilities, and public transport networks that would contribute to convenience gambling.
- Locations of social support services within 400m walking distance and line of sight of the proposed venue including problem gambling services, financial counselling services and financial aid services.
- Location of, distance to and operating hours of gaming venues within 400 metres walking distance and line of sight of the proposed site.
- Location and operating hours of alternative non-gaming social, leisure, entertainment and recreation uses, both within the gaming venue and within 400 metres walking distance and line of sight of the venue.

**Venue design and operation**

- Detailed plans of the design and layout of the venue, including the location of all existing and proposed gaming machines, location of existing and proposed gambling and

non-gambling facilities, entrances and exits to the gaming lounge, screening, facades treatment, external signage, external lighting, pedestrian and vehicle access and car parking.

- Details of the venue's non-statutory harm minimisation and responsible gaming practices.

**Social and economic effects**

A social and economic impact assessment, prepared by a suitably qualified and experienced person, that details the following:

- SEIFA INDEX of Relative Socio-economic Disadvantage of the SA1 within which the venue is located and adjoining SA1s.
- The impact of the proposal on groups vulnerable to gambling-related harms as a result of their socio-economic and health profile within 400m walking distance of the proposed site.
- The impact of the proposal on venues from which gaming machines are to be relocated.
- The potential of the proposal to contribute to the local economy.
- The overall social and economic effects of the proposal.

## 7.0 Decision guidelines

18/11/2022
C252wynd

The following decision guidelines apply to an application for a permit under Clause 52.28, in addition to those specified in Clause 52.28 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the proposal will increase gambling related harm.
- Whether the proposal will contribute to the levels of socio-economic disadvantage or have any other adverse impact on vulnerable communities.
- Whether the location and operation of gaming machines would increase exposure to gaming opportunities as part of day to day activities such that a decision to gamble may be spontaneous rather than predetermined.
- Whether the proposal would create or contribute to an increased concentration of gaming venues or machines in excess of the state average.
- Whether patrons will have access to non-gaming entertainment and recreation facilities in the surrounding area and in the gaming venue that operate at the same time as the gaming machines.
- The impact of the proposal on the safety, amenity, character, tourism and cultural assets of the surrounding land area and municipality.

## 52.29 LAND ADJACENT TO THE PRINCIPAL ROAD NETWORK

20/01/2022
VC205

### Purpose

To ensure appropriate access to the Principal Road Network or land planned to form part of the Principal Road Network.

To ensure appropriate subdivision of land adjacent to Principal Road Network or land planned to form part of the Principal Road Network.

### 52.29-1 Application

20/01/2022
VC205

This clause applies to land adjacent to a road in the Transport Zone 2 or land in a Public Acquisition Overlay if a transport manager (other than a municipal council) is the acquiring authority, and the purpose of the acquisition is for a road.

### 52.29-2 Permit requirement

20/01/2022
VC205

A permit is required to:

- Create or alter access to:
  - A road in a Transport Zone 2.
  - Land in a Public Acquisition Overlay if a transport manager (other than a municipal council) is the acquiring authority and the acquisition is for the purpose of a road.
- Subdivide land adjacent to:
  - A road in a Transport Zone 2.
  - Land in a Public Acquisition Overlay if a transport manager (other than a municipal council) is the acquiring authority and the acquisition is for the purpose of a road.

### 52.29-3 Permit not required

14/05/2021
VC198

A permit is not required to:

- Create or alter access, or subdivide land, if carried out by or on behalf of the Head, Transport for Victoria.
- 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.

### 52.29-4 Referral of applications

20/01/2022
VC205

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.

### 52.29-5 Exemption from notice and review

31/07/2018
VC148

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.

### 52.29-6 Decision guidelines

20/01/2022
VC205

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

- The Municipal Planning Strategy and the Planning Policy Framework.

- The views of the relevant road authority.
- The effect of the proposal on the operation of the road and on public safety.
- Any policy made by the relevant road authority pursuant to schedule 2, clause 3 of the *Road Management Act 2004* regarding access between a controlled access road and adjacent land.

## 52.30 STATE PROJECTS

12/02/2024
VC254

### Purpose

To facilitate the development and delivery of projects by or on behalf of, or jointly or in partnership with, or funded by the State of Victoria or a public authority, or on Crown land.

## 52.30-1 Application

04/02/2026
VC265

This clause applies to any project decided by the Minister for Planning under clause 52.30-2 to be a state project.

In this clause:

- ***Chief Executive Officer, Homes Victoria*** means 'Chief Executive Officer, Homes Victoria' as defined in the *Housing Act 1983* and the body corporate established under the *Housing Act 1983*;
- ***green wedge land*** has the same meaning as in Division 1 of Part 3AA of the Act;
- ***Guidelines*** means the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Energy, Environment and Climate Action, 2025);
- ***levy area*** has the same meaning as in the *Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020;*
- ***project*** means:
  - use or development of land; or
  - creation or alteration of access to a road in a Transport Zone; or
  - creation, variation or removal of an easement or restriction; or
  - variation or removal of a condition in the nature of an easement in a Crown grant;
- ***restriction*** has the same meaning as in the *Subdivision Act 1988;*
- ***Secretary*** means 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 provisions of this clause prevail over any inconsistent provision in this planning scheme.

## 52.30-2 State project decision

12/02/2024
VC254

The exemption in clause 52.30-3 applies if the Minister for Planning is satisfied that a proposed project is a state project which:

- will be:
  - carried out by or on behalf of, or jointly or in partnership with, the State of Victoria or a public authority; or
  - funded, or partly funded by, the State of Victoria or a public authority; or
  - carried out on Crown land;
- is consistent with any Great Ocean Road strategic framework plan, Statement of Planning Policy or Yarra Strategic Plan that applies to the land;
- will not subdivide green wedge land into more lots or into smaller lots than allowed for by this planning scheme;

- is consistent with any approved regional strategy plan under Part 3A of the Act and any approved strategy plan under Part 3C or Part 3D of the Act; and
- does not form part of public works declared under section 3, or works subject to a notice under section 8B(4)(a)(i), or does not require an environment effects statement under the *Environment Effects Act 1978*.

In deciding whether a proposed project is a state project, the Minister for Planning may, where relevant:

- Consider the objectives of planning in Victoria.
- Have regard to any relevant Minister's directions.
- Have regard to the *Victoria Planning Provisions*.
- Take into account any significant effects which the Minister considers the proposed use or development may have on the environment or which the Minister considers the environment may have on the proposed use or development.
- Take into account any significant social effects and economic effects which the Minister considers the proposed use or development may have.
- Consider any existing specific control under clause 45.12 or 51.01 that applies to the proposed use or development.

## 52.30-3 Exemption from planning scheme requirements

12/02/2024
VC254

Any requirement of this planning scheme to obtain a permit or any provision of this planning scheme that prohibits a project, requires a project to be carried out in a particular manner, or requires a specified thing to be done to the satisfaction of a specified person or body, does not apply to a project decided by the Minister for Planning under clause 52.30-2 to be a state project if the requirements of clause 52.30 are met.

This exemption does not apply to the following:

- The subdivision of green wedge land into more lots or into smaller lots than allowed for by this planning scheme.
- A development for which an environment effects statement has been, or is required to be, prepared under the *Environment Effects Act 1978*.
- A use or development carried out by or on behalf of, or jointly or in partnership with, the Chief Executive Officer, Homes Victoria.
- A use or development to which clauses 52.03, 52.35 or 52.36 apply.
- A requirement in clauses 45.07, 45.08 or 51.03, or in any schedule to those clauses.

## 52.30-4 Project requirement

29/09/2022
VC222

The project must be carried out generally in accordance with the plans and documents approved under this clause, to the satisfaction of the Minister for Planning.

## 52.30-5 Consultation requirements

29/09/2022
VC222

Before the project commences:

- Public consultation, including consultation with relevant public authorities and the municipal council for the municipal district within which the proposed project will be carried out, must be carried out to the satisfaction of the Minister for Planning.
- A report that summarises the consultation undertaken and the feedback received, and explains how the feedback has been considered and responded to must be prepared to the satisfaction of the Minister for Planning.

The requirements of this clause may be varied or waived by the Minister for Planning.

## 52.30-6 Other pre-commencement requirements

12/02/2024
VC254

Before the project commences, the following plans, documents and information must be prepared and submitted to the satisfaction of the Minister for Planning:

- A plan that shows the boundary of the land on which the project will be carried out.
- A site and context description that accurately describes and analyses the natural, physical, cultural heritage, built heritage, landscape, vegetation, access and any other notable features, characteristics and significance of the land and surrounding area, including any existing use and development.
- A description of the proposed use including:
  - The activities that will be carried out.
  - The likely effects, if any, on the land, and surrounding land and land uses, including noise levels, traffic, air-borne emissions, emissions to land and water, light spill, glare, solar access and hours of operation.
- Detailed plans and elevations of the proposed development drawn to scale and dimensioned, including details of any buildings or works proposed to be demolished or removed, and any vegetation proposed to be retained or removed.
- A report that addresses how the proposed project responds to purposes, objectives, or statements of significance or risk of any zone, overlay, or other provision that would apply to the proposed project but for the exemption in clause 52.30-3.
- A schedule of works and development including staging and the expected commencement and completion times.
- If the Minister for Planning has decided that an assessment under the *Environment Effects Act 1978* is not required for the proposed development and the Minister's decision is subject to conditions:
  - A report that details how each condition has been considered and addressed in the design, construction and operation of the proposed development.
  - A copy of any report, plan or other document required to be prepared under those conditions.
- A plan for the management or mitigation of potential adverse effects or impacts on the environment or amenity from the proposed use or development, during and following construction.
- If the proposed project would require a permit but for the exemption in clause 52.30-3 and a copy of the application for that permit would be required to be given to a referral authority under section 55 of the Act, the comments of that referral authority on the proposed project.
- A report that demonstrates that the environmental conditions of the land are or will be suitable for the proposed use or development including any significant effects which the use or development may have on the environment or which the environment may have on the use or development including water, noise, air or land pollution impacts on the environment, amenity or human health.
- Any other plan, document or information the Minister for Planning considers necessary to assist the Minister's assessment of the proposed project or the plans and documents required to be prepared under this clause.

The requirements of this clause may be:

- Satisfied in separate components or stages of a project, but each requirement must be satisfied prior to the commencement of that component or stage.
- May be varied or waived by the Minister for Planning.

The plans and other documents required by this clause may be amended during the project to the satisfaction of the Minister for Planning.

## 52.30-7 Native vegetation requirements

25/03/2021
VC194

Before the removal, destruction or lopping of native vegetation outside the levy area:

- Information about the native vegetation in accordance with application requirements in Tables 4 and 5 of the Guidelines must be prepared to the satisfaction of the Secretary.
- The biodiversity impacts from the removal, destruction or lopping of that native vegetation must be offset in accordance with the Guidelines.
- Evidence that the required offset has been secured must be provided to the satisfaction of the Secretary.

The Secretary may vary the timing of the offset requirement.

The secured offset for a state project to which this clause applies may be reconciled at the completion of a project to the satisfaction of the Secretary.

Before the removal, destruction or lopping of native vegetation inside the levy area, information about the native vegetation in accordance with application requirements in Tables 4 and 5 (other than requirement 9) of the Guidelines must be prepared to the satisfaction of the Secretary.

The information requirements of this clause may be varied or waived by the Secretary.

The requirements of this clause may be satisfied in separate components or stages of a development, but each requirement must be satisfied before the removal, destruction or lopping of native vegetation for that component or stage.

## 52.31 LOCAL GOVERNMENT PROJECTS

25/03/2021
VC194

### Purpose

To facilitate the development of land by or on behalf of municipal councils.

### 52.31-1 Permit exemptions

25/03/2021
VC194

Any requirement in a zone or a schedule to a zone to obtain a permit to construct a building or construct or carry out works does not apply to the development of land carried out by or on behalf of a municipal council. This exemption does not apply to:

- A development with an estimated cost of more than $10 million.
- A development in the Urban Floodway Zone unless the development is carried out to the satisfaction of the relevant floodplain management authority.
- A development associated with the use of land for accommodation, earth and energy resources industry, energy generation facility, industry or warehouse.
- A development for which an environment effects statement has been, or is required to be, prepared under the *Environment Effects Act 1978*.
- A development for which the Minister for Planning has decided that an assessment through an environment effects statement under the *Environment Effects Act 1978* is not required if the Minister's decision is subject to conditions.

Any requirement in the Floodway Overlay, Land Subject to Inundation Overlay and Special Building Overlay to obtain a permit to construct a building or construct or carry out works does not apply to the development of land carried out by or on behalf of a municipal council to the satisfaction of the relevant floodplain management authority.

This clause prevails over any inconsistent provision in this planning scheme.

### 52.31-2 Exemption from notice and review

25/03/2021
VC194

An application under any provision of this planning scheme to develop land by or on behalf of a municipal council is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. This exemption does not apply to:

- An application for a development with an estimated cost of more than $10 million.
- An application for a development associated with the use of land for accommodation, earth and energy resources industry, energy generation facility, industry or warehouse.
- An application to remove, destroy or lop more than:
  - 0.5 hectares of native vegetation other than a tree; or
  - 15 native trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level; or
  - 5 native trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.

# 52.32 WIND ENERGY FACILITY

31/07/2018
VC148

## Purpose

To facilitate the establishment and expansion of wind energy facilities, in appropriate locations, with minimal impact on the amenity of the area.

## 52.32-1 Application

03/08/2021
VC206

This clause applies to land used and developed or proposed to be used and developed for a wind energy facility.

## 52.32-2 Use and development of land

03/08/2021
VC206

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**

| Location | Condition |
|---|---|
| **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.** | Must meet the requirements of clause 52.32-3. |
| **Land described in a schedule to the *National Parks Act 1975*** | Must be principally used to supply electricity to a facility used in conjunction with conservation, recreation, administration or accommodation use of the land. |
| **Land declared a Ramsar wetland as defined under section 17 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cwth)** | |
| **Land listed in a schedule to Clause 52.32-2** | 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. |

## 52.32-3 Turbine within one kilometre of a dwelling

03/08/2021
VC206

An application that includes a proposed turbine within one kilometre of an existing dwelling must be accompanied by:

- A plan showing all dwellings within one kilometre of a proposed turbine (measured from the centre of the tower at ground level).
- Evidence of the written consent of any owner as at the date of that application of an existing dwelling located within one kilometre of a proposed turbine (measured from the centre of the tower at ground level) that forms part of a wind energy facility. This does not apply to an application to amend such a permit under section 72 or section 97I of the Act unless the amendment of the permit would:

- increase the number of turbines; or
- change the location of a turbine so that the centre of the tower (at ground level) is located closer to an existing dwelling (within one kilometre of a permitted turbine) than the centre of the tower (at ground level) of the closest permitted turbine to that dwelling.

This does not apply to a wind energy facility that is located on land in a residential zone, an industrial zone, a commercial zone or a special purpose zone.

## 52.32-4 Application requirements

04/07/2023
VC234

An application must be accompanied by the following information as appropriate:

### Site and context analysis

A site and context analysis may use a site plan, photographs or other techniques to accurately describe the site and surrounding area and must include the following information:

- In relation to the site:
  - Site shape, dimensions and size
  - Orientation and contours
  - Current land use
  - The existing use and siting of buildings or works on the land
  - Existing vegetation types, condition and coverage
  - The landscape of the site
  - Species of flora and fauna listed under the *Flora and Fauna Guarantee Act 1988* and the *Environment Protection and Biodiversity Conservation Act 1999* (Cwth)
  - Sites of cultural heritage significance
  - Wind characteristics
  - Any other notable features, constraints or other characteristics of the site.
- In relation to the surrounding area:
  - Existing land uses
  - Above-ground utilities
  - Access to infrastructure
  - Direction and distances to nearby dwellings, townships, urban areas, significant conservation and recreation areas, water features, tourist routes and walking tracks, major roads, airports, aerodromes and existing and proposed wind energy facilities
  - The siting and use of buildings on adjacent properties
  - Views to and from the site, including views from existing dwellings and key vantage points including major roads, walking tracks, tourist routes and regional population growth corridors
  - Sites of flora and fauna listed under the *Flora and Fauna Guarantee Act 1988* and *Environment Protection and Biodiversity Conservation Act 1999* (Cwth), including significant habitat corridors, and movement corridors for these fauna
  - Sites of cultural heritage significance
  - National Parks, State Parks, Coastal Reserves and other land subject to the *National Parks Act 1975*

- Land declared a Ramsar wetland as defined under section 17 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cwth)
- Location of any land included in the schedule to clause 52.32-2 of the planning scheme
- Any other notable features or characteristics of the area
- Bushfire risks.

**Design response**

- Detailed plans of the proposed development.
- Plans and elevations of transmission infrastructure and electricity utility works required to connect the facility to the electricity network, and access road options.
- Accurate visual simulations illustrating the development in the context of the surrounding area and from key public view points.
- A rehabilitation plan for the site.
- A written report(s), including:
  - A description of the proposal.
  - An explanation of how the proposed design derives from and responds to the site analysis.
  - A description of how the proposal responds to any significant landscape features for the area identified in the planning scheme.
  - An assessment of:
    - the visual impact of the proposal on the surrounding landscape.
    - the visual impact on abutting land that is described in a schedule to the *National Parks Act 1975* and Ramsar wetlands and coastal areas.
    - the impact of the proposal on any species (including birds and bats) listed under the *Flora and Fauna Guarantee Act 1988* or the *Environment Protection and Biodiversity Conservation Act 1999* (Cwth).
    - the 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.
- A pre-construction (predictive) noise assessment report prepared by a suitably qualified and experienced acoustician that:
  - Reports on a pre-construction (predictive) noise assessment conducted in accordance with *New Zealand Standard NZS6808:2010, Acoustics - Wind Farm Noise*.
  - Provides an assessment of whether the proposed wind energy facility will comply with the noise limit for that facility under Division 5 Part 5.3 of the *Environment Protection Regulations 2021*.

  - Where the proposed wind energy facility will be the subject of a wind turbine noise agreement under Division 5 of Part 5.3 of the *Environment Protection Regulations 2021,* specifies the premises of the relevant landowner (including any particular buildings) to which the agreement relates and provides an assessment of whether the proposed wind energy facility will comply with the modified noise limit for that facility specified in the agreement.
  - Is prepared on the basis that the relevant noise standard under Division 5 of Part 5.3 of the *Environment Protection Regulations 2021* will be *New Zealand Standard NZS6808:2010, Acoustics - Wind Farm Noise* and includes an assessment of whether a high amenity noise limit is applicable under Section 5.3 of the standard.

- A report prepared by an environmental auditor appointed under Part 8.3 of the *Environment Protection Act 2017* that verifies whether or not the pre-construction (predictive) noise assessment was conducted in accordance with *New Zealand Standard NZS6808:2010, Acoustics - Wind Farm Noise*.

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.

## 52.32-5 Decision guidelines

04/07/2023
VC234

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- 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.
- *Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria* (Department of Environment, Land, Water and Planning, November 2021).

## 52.32-6 Anemometer

03/08/2021
VC206

Despite anything to the contrary in this scheme a permit may be granted to use and develop land for the purpose of wind measurement by an anemometer for a period of more than three years.

## 52.32-7 Application to amend a permit under section 72 of the Act

03/08/2021
VC206

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
- increase the maximum height of a turbine.

## 52.32-8 Application to amend a permit under section 97I of the Act

03/08/2021
VC206

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 a turbine.

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 a turbine by more than 20%.

31/07/2018
VC148

# SCHEDULE TO CLAUSE 52.32 WIND ENERGY FACILITY

## 1.0 Wind energy facility prohibition

31/07/2018
VC148

| Land where a Wind energy facility is prohibited |
| --- |
| None specified |

## 52.33 POST BOXES AND DRY STONE WALLS

31/07/2018
VC148

### 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.

31/07/2018
VC148

# SCHEDULE TO CLAUSE 52.33 POST BOXES AND DRY STONE WALLS

## 1.0 Permit requirement for dry stone walls

31/07/2018
VC148

| Land |
| --- |
| ▪ Land described as ‘existing dry stone wall to be retained’ or ‘existing dry stone wall with potential for retention’ on Plan 3 of the incorporated Truganina Precinct Structure Plan. |
| ▪ Land described as ‘existing dry stone wall to be retained’ or ‘existing dry stone wall with potential for retention’ on Plan 3 of the incorporated Tarneit North Precinct Structure Plan. |
| ▪ C and D ranked dry stone walls as listed in the ‘Wyndham Dry Stone Wall Study (2015)’, where not located in the Truganina Precinct Structure Plan, or Tarneit North Precinct Structure Plan. |

## 52.34 BICYCLE FACILITIES

31/07/2018
VC148

### Purpose

To encourage cycling as a mode of transport.

To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.

### 52.34-1 Provision of bicycle facilities

19/01/2006
VC37

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.

### 52.34-2 Permit requirement

31/07/2018
VC148

A permit may be granted to vary, reduce or waive any requirement of Clause 52.34-5 and Clause 52.34-6.

### 52.34-3 Exemption from notice and review

31/07/2018
VC148

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.

### 52.34-4 Decision guidelines

14/01/2025
VC237

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.
- *Australian Standard AS2890.3:2015, Parking Facilities Part 3: Bicycle Parking* (Standards Australia, 2015)
- Any relevant bicycle parking strategy or equivalent.

### 52.34-5 Required bicycle facilities

28/02/2025
VC274

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 a schedule to the Precinct Zone specifies the number of bicycle spaces required for a use listed in column 1 of Table 1, that requirement is taken to be the required number of bicycle spaces for that use for the purpose of this clause.

If a schedule to the Precinct Zone specifies the number of bicycle spaces required for a use not listed in column 1 of Table 1, that use is deemed to be a use listed in column 1 of the table and the corresponding required number of spaces is deemed to be a requirement specified in column 2 or 3 of the table, as applicable.

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.
- In accordance with any requirement specified in a schedule to the Precinct Zone.

A bicycle space for a visitor, shopper or student must be provided:

- At a bicycle rail.
- In accordance with any requirement specified in a schedule to the Precinct Zone.

**Table 1 to Clause 52.34-5 Bicycle spaces**

| Use | Employee/Resident | Visitor/Shopper/Student |
|---|---|---|
| **Amusement parlour** | None | 2 plus 1 to each 50 sq m of net floor area |
| **Convenience restaurant** | 1 to each 25 sq m of floor area available to the public | 2 |
| **Dwelling** | In developments of four or more storeys, 1 to each 5 dwellings | In developments of four or more storeys, 1 to each 10 dwellings |
| **Education centre (excluding Child care centre) other than specified in this table** | 1 to each 20 employees | 1 to each 20 full-time students |
| **Hospital** | 1 to each 15 beds | 1 to each 30 beds |
| **Hotel** | 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 | 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 |
| **Industry other than specified in this table** | 1 to each 1000 sq m of net floor area | None |
| **Library** | 1 to each 500 sq m of net floor area | 4 plus 2 to each 200 sq m of net floor area |
| **Major sports and recreation facility** | 1 to each 1500 spectator places | 1 to each 250 spectator places |
| **Market** | 1 to each 50 stalls | 1 to each 10 stalls |
| **Medical centre** | 1 to each 8 practitioners | 1 to each 4 practitioners |
| **Minor sports and recreation facility** | 1 per 4 employees | 1 to each 200 sq m of net floor area |
| **Motel** | 1 to each 40 rooms | None |
| **Office other than specified in this table** | 1 to each 300 sq m of net floor area if the net floor area exceeds 1000 sq m | 1 to each 1000 sq m of net floor area if the net floor area exceeds 1000 sq m |
| **Place of assembly other than specified in this table** | 1 to each 1500 sq m of net floor area | 2 plus 1 to each 1500 sq m of net floor area |
| **Primary school** | 1 to each 20 employees | 1 to each 5 pupils over year 4 |

| Use | Employee/Resident | Visitor/Shopper/Student |
|---|---|---|
| **Residential building other than specified in this table** | In developments of four or more storeys, 1 to each 10 lodging rooms | In developments of four or more storeys, 1 to each 10 lodging rooms |
| **Restaurant** | 1 to each 100 sq m of floor area available to the public | 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. |
| **Retail premises other than specified in this table** | 1 to each 300 sq m of leasable floor area | 1 to each 500 sq m of leasable floor area |
| **Secondary school** | 1 to each 20 employees | 1 to each 5 pupils |
| **Service industry** | 1 to each 800 sq m of net floor area | None |
| **Shop** | 1 to each 600 sq m of leasable floor area if the leasable floor area exceeds 1000 sq metres | 1 to each 500 sq m of leasable floor area if the leasable floor area exceeds 1000 sq metres |
| **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**

| USE | Employee/Resident | Visitor/Shopper/Student |
|---|---|---|
| **Any use listed in Table 1** | 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. | None |

**Table 3 to Clause 52.34-5 – Change rooms**

| USE | Employee/Resident | Visitor/Shopper/Student |
|---|---|---|
| **Any use listed in Table 1** | 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. | None |

## 52.34-6 Design of bicycle spaces

31/07/2018
VC148

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.

## 52.34-7 Bicycle signage

31/07/2018
VC148

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.

# 52.35 ROAD PROJECTS

07/11/2025
VC295

## 52.35-1 Purpose

07/11/2025
VC295

To facilitate the delivery of projects carried out by or on behalf of VIDA Roads.

## 52.35-2 Application

07/11/2025
VC295

This clause applies to the use and development of land for a project carried out by or on behalf of VIDA Roads.

This clause does not apply to:

- The subdivision of land.
- The use or development of land for a promotion sign or a major promotion sign.
- A use or development that would not require a permit under a provision of this planning scheme but for the provisions of clause 52.35.
- A use or development to which clause 52.03 applies.
- A use or development for a project if a document has been incorporated into this planning scheme expressly for the project and the use and development is carried out on land to which the specific control contained in the document applies.
- A use or development carried out in accordance with a permit issued on or before the approval date of Amendment VC198.
- A use or development for which a planning permit is granted by the responsible authority in accordance with the provisions of this planning scheme which would apply in the absence of the exemption in clause 52.35-3.
- A development for which an environment effects statement has been, or is required by the Minister for Planning to be, prepared under the *Environment Effects Act 1978*.

The provisions of clause 52.35 prevail over any inconsistent provision in this planning scheme.

## 52.35-3 Exemption from planning scheme requirements

14/05/2021
VC198

Any requirement of this planning scheme to obtain a permit or any provision of this planning scheme that prohibits or restricts the use or development of land, requires the use or development of land to be carried out in a particular manner, or requires a specified thing to be done to the satisfaction of a specified person or body, does not apply to a use or development to which this clause 52.35 applies if the requirements of clause 52.35 are met.

This exemption does not apply to a requirement in clauses 45.08 or 51.03, or in any schedule to those clauses.

## 52.35-4 Use and development requirements

14/05/2021
VC198

The use and development of land must be carried out generally in accordance with the plans and documents approved by the Minister for Planning under clause 52.35, to the satisfaction of the Minister for Planning.

The construction of a building or the construction or carrying out of works in a Floodway Overlay, Land Subject to Inundation Overlay, Special Building Overlay or Urban Floodway Zone must be carried out to the satisfaction of the relevant floodplain management authority.

The use and development of land in a Public Acquisition Overlay must be carried out to the satisfaction of the relevant acquiring authority.

## 52.35-5 Consultation requirements

14/05/2021
VC198

Before the commencement of the use or development:

- Public consultation, including consultation with relevant public authorities and the municipal council for the municipal district within which the proposed use or development will be carried out, must be carried out to the satisfaction of the Minister for Planning.
- A report that summarises the consultation undertaken and feedback received, and explains how the feedback has been considered and responded to must be prepared to the satisfaction of the Minister for Planning.

The requirements of this clause may be varied or waived by the Minister for Planning.

## 52.35-6 Project boundary requirement

14/05/2021
VC198

Before the use or development commences, a plan that shows the boundary of the land on which the use or development will be carried out must be prepared to the satisfaction of the Minister for Planning.

The plan may be prepared in stages and may be amended to the satisfaction of the Minister for Planning.

## 52.35-7 Other pre-commencement requirements

14/05/2021
VC198

Before the use or development (other than a preparatory use or development) commences, the following plans, documents and information must be prepared to the satisfaction of the Minister for Planning:

- A description of the natural, physical, cultural heritage, built heritage, landscape, vegetation, access and any other notable features, characteristics and significance of the site and surrounding area including the existing use and development of the site and surrounding land.
- A description of the project.
- An explanation of how the proposed use or development responds to the decision guidelines in this planning scheme that would have applied to an application for a permit for the proposed use or development but for the provisions of this clause 52.35.
- If the land is in the Heritage Overlay and the proposed development would require a permit under the overlay but for the exemption in clause 52.35-3:
  - An assessment of the impact of the proposed development on the heritage significance of the heritage place.
  - Site plans and elevations showing the extent of the proposed development on the land.
  - Photographs of any buildings or works to be demolished or removed, including photographs of the exterior and interior of the building and contextual images of the building's environs and setting.
- If the land is in an Environmental Significance Overlay, a Significant Landscape Overlay or a Vegetation Protection Overlay and the proposed development would require a permit under the overlay but for the exemption in clause 52.35-3, an explanation of how the proposed development responds to any environmental, vegetation or landscape significance or objective specified in a schedule to the overlay.
- An explanation of how the proposed use or development is consistent with any applicable Statement of Planning Policy.
- A statement outlining landscape and urban design measures or treatments required to address any amenity impacts as part of the project.

- An environmental management framework, prepared having regard to consultation undertaken with each relevant municipal council on environmental management for the use or development or measures to avoid or minimise adverse environmental impacts, that includes:
  - A summary of key construction methodologies.
  - An overarching framework of measures to reduce and manage environmental and amenity effects during construction.
  - A summary of performance monitoring and reporting processes, including any auditing, to ensure environmental and amenity impacts are reduced and managed during construction.
  - A plan for engagement with each relevant municipal council, the community and other stakeholders during construction, including enquiries and complaints management.

  The environmental management framework must be accompanied by a summary of the consultation with each relevant municipal council that informed the preparation of the environmental management framework.
- If the Minister for Planning has decided that an assessment under the *Environment Effects Act 1978* is not required for the proposed development and the decision is subject to conditions:
  - A report that details how each condition has been considered and addressed in the design, construction and operation of the proposed development.
  - A copy of any report, plan or other document required to be prepared under those conditions.
- Any other information the Minister for Planning considers necessary to assist the Minister's assessment of the plans and documents required to be submitted under this clause.

The requirements of this clause:

- May be satisfied in separate components or stages of a project, but each requirement must be satisfied before the commencement of the use and development for that component or stage.
- May be varied or waived by the Minister.

The plans and other documents required by this clause may be amended to the satisfaction of the Minister for Planning.

## 52.35-8 Native vegetation requirements

04/02/2026
VC265

In this clause:

- ***Guidelines*** means the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Energy, Environment and Climate Action, 2025);
- ***levy area*** has the same meaning as in the *Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020*;
- ***Secretary*** means the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*).

Before the removal, destruction or lopping of native vegetation outside the levy area to enable a preparatory use or development, information about that native vegetation in accordance with application requirements 1, 5, 9, 10 and 11 in Tables 4 and 5 to the Guidelines must be prepared to the satisfaction of the Secretary.

Before the removal, destruction or lopping of native vegetation outside the levy area (other than to enable a preparatory use or development):

- Information about the native vegetation in accordance with the application requirements 1, 5, 9, 10, and 11 in Tables 4 and 5 of the Guidelines must be prepared to the satisfaction of the Secretary.

- The biodiversity impacts from the removal, destruction or lopping of that native vegetation must be offset in accordance with the Guidelines to the satisfaction of the Secretary. The biodiversity impacts from the removal, destruction or lopping of native vegetation outside the levy area to enable a preparatory use or development must be included in the total biodiversity impacts when determining the offset to the satisfaction of the Secretary.
- Evidence that the required offset has been secured must be provided to the satisfaction of the Secretary.

The timing of the offset requirement may be varied by the Secretary. The secured offset for a project may be reconciled at the completion of a project to the satisfaction of the Secretary.

Before the removal, destruction or lopping of native vegetation inside the levy area, information about the native vegetation in accordance with the application requirements 1, 5, 10 and 11 in Tables 4 and 5 of the Guidelines must be prepared to the satisfaction of the Secretary.

The requirements of this clause may be satisfied in separate components or stages of a development, but each requirement must be satisfied before the removal, destruction or lopping of native vegetation for that component or stage.

## 52.35-9 Preparatory use and development

14/05/2021
VC198

For the purposes of clause 52.35, a preparatory use or development is a use or development required to prepare for the construction of a project or a component or stage of a project. It is limited to the following:

- Use and development that would not require a permit under a provision of this planning scheme but for the exemption in clause 52.35-3.
- Works associated with investigating, testing and surveying land.
- Creation and use of construction access points, accessways and working platforms.
- Site establishment works including construction of temporary site fencing and hoarding, site offices, and hardstand and laydown areas.
- Construction and use of temporary car parking.
- Construction or installation of environment and traffic controls, including designated ‘no-go' zones.
- Construction, protection, modification, removal or relocation of utility services, rail signalling, overhead and associated infrastructure.
- Salvage and relocation of cultural heritage material and other management actions required to be carried out in compliance with:
  - a cultural heritage management plan prepared and/or approved under the *Aboriginal Heritage Act 2006* or otherwise in compliance with that Act; or
  - the conditions of any permit or consent granted under the *Heritage Act 2017* or otherwise in compliance with that Act.
- Demolition or removal of a building (other than a building in a Heritage Overlay) or works to the minimum extent necessary to enable another preparatory use or development.
- Removal, destruction or lopping of vegetation (other than a tree in the Heritage Overlay specified below) to the minimum extent necessary to enable another preparatory use or development.

For the purposes of clause 52.35, preparatory development does not include:

- Demolition or removal of a building in a Heritage Overlay.
- Removal, destruction or lopping of a tree in a Heritage Overlay if the schedule to the overlay specifies the heritage place as one where tree controls apply.

# 52.36 RAIL PROJECTS

14/05/2021
VC198

## 52.36-1 Purpose

14/05/2021
VC198

To facilitate the delivery of projects carried out by or on behalf of Rail Projects Victoria.

## 52.36-2 Application

14/05/2021
VC198

This clause applies to the use and development of land for a project carried out by or on behalf of Rail Projects Victoria.

This clause does not apply to:

- The subdivision of land.
- The use or development of land for a promotion sign or a major promotion sign.
- A use or development that would not require a permit under a provision of this planning scheme but for the provisions of clause 52.36.
- A use or development to which clause 52.03 applies.
- A use or development for a project if a document has been incorporated into this planning scheme expressly for the project and the use and development is carried out on land to which the specific control contained in the document applies.
- A use or development carried out in accordance with a permit issued on or before the approval date of Amendment VC198.
- A use or development for which a planning permit is granted by the responsible authority in accordance with the provisions of this planning scheme which would apply in the absence of the exemption in clause 52.36-3.
- A development for which an environment effects statement has been, or is required by the Minister for Planning to be, prepared under the *Environment Effects Act 1978*.

The provisions of clause 52.36 prevail over any inconsistent provision in this planning scheme.

## 52.36-3 Exemption from planning scheme requirements

14/05/2021
VC198

Any requirement of this planning scheme to obtain a permit or any provision of this planning scheme that prohibits or restricts the use or development of land, requires the use or development of land to be carried out in a particular manner, or requires a specified thing to be done to the satisfaction of a specified person or body, does not apply to a use or development to which this clause 52.36 applies if the requirements of clause 52.36 are met.

This exemption does not apply to a requirement in clauses 45.08 or 51.03, or in any schedule to those clauses.

## 52.36-4 Use and development requirements

20/01/2022
VC205

The use and development of land must be carried out generally in accordance with the plans and documents approved by the Minister for Planning under clause 52.36, to the satisfaction of the Minister for Planning.

The construction of a building or the construction or carrying out of works in a Floodway Overlay, Land Subject to Inundation Overlay, Special Building Overlay or Urban Floodway Zone must be carried out to the satisfaction of the relevant floodplain management authority.

The creation or alteration of access to a road in a Transport Zone 2, or land in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority and the purpose of the acquisition is for a road, must be carried out to the satisfaction of the Head, Transport for Victoria.

The use and development of land in a Public Acquisition Overlay must be carried out to the satisfaction of the relevant acquiring authority.

## 52.36-5 Consultation requirements

14/05/2021
VC198

Before the commencement of the use or development:

- Public consultation, including consultation with relevant public authorities and the municipal council for the municipal district within which the proposed use or development will be carried out, must be carried out to the satisfaction of the Minister for Planning.
- A report that summarises the consultation undertaken and feedback received, and explains how the feedback has been considered and responded to must be prepared to the satisfaction of the Minister for Planning.

The requirements of this clause may be varied or waived by the Minister for Planning.

## 52.36-6 Project boundary requirement

14/05/2021
VC198

Before the use or development commences, a plan that shows the boundary of the land on which the use or development will be carried out must be prepared to the satisfaction of the Minister for Planning.

The plan may be prepared in stages and may be amended to the satisfaction of the Minister for Planning.

## 52.36-7 Other pre-commencement requirements

14/05/2021
VC198

Before the use or development (other than a preparatory use or development) commences, the following plans, documents and information must be prepared to the satisfaction of the Minister for Planning:

- A description of the natural, physical, cultural heritage, built heritage, landscape, vegetation, access and any other notable features, characteristics and significance of the site and surrounding area including the existing use and development of the site and surrounding land.
- A description of the project.
- An explanation of how the proposed use or development responds to the decision guidelines in this planning scheme that would have applied to an application for a permit for the proposed use or development but for the provisions of this clause 52.36.
- If the land is in the Heritage Overlay and the proposed development would require a permit under the overlay but for the exemption in clause 52.36-3:
  - An assessment of the impact of the proposed development on the heritage significance of the heritage place.
  - Site plans and elevations showing the extent of the proposed development on the land.
  - Photographs of any buildings or works to be demolished or removed, including photographs of the exterior and interior of the building and contextual images of the building's environs and setting.
- If the land is in an Environmental Significance Overlay, a Significant Landscape Overlay or a Vegetation Protection Overlay and the proposed development would require a permit under the overlay but for the exemption in clause 52.36-3, an explanation of how the proposed development responds to any environmental, vegetation or landscape significance or objective specified in a schedule to the overlay.
- An explanation of how the proposed use or development is consistent with any applicable Statement of Planning Policy.

- An environmental management framework, prepared having regard to consultation undertaken with each relevant municipal council on environmental management for the use or development or measures to avoid or minimise adverse environmental impacts, that includes:
  - A summary of key construction methodologies.
  - An overarching framework of measures to reduce and manage environmental and amenity effects during construction.
  - A summary of performance monitoring and reporting processes, including any auditing, to ensure environmental and amenity impacts are reduced and managed during construction.
  - A plan for engagement with each relevant municipal council, the community and other stakeholders during construction, including enquiries and complaints management.

  The environmental management framework must be accompanied by a summary of the consultation with each relevant municipal council that informed the preparation of the environmental management framework.
- If the Minister for Planning has decided that an assessment under the *Environment Effects Act 1978* is not required for the proposed development and the decision is subject to conditions:
  - A report that details how each condition has been considered and addressed in the design, construction and operation of the proposed development.
  - A copy of any report, plan or other document required to be prepared under those conditions.
- Any other information the Minister for Planning considers necessary to assist the Minister's assessment of the plans and documents required to be submitted under this clause.

The requirements of this clause:

- May be satisfied in separate components or stages of a project, but each requirement must be satisfied before the commencement of the use and development for that component or stage.
- May be varied or waived by the Minister.

The plans and other documents required by this clause may be amended to the satisfaction of the Minister for Planning.

## 52.36-8 Native vegetation requirements

04/02/2026
VC265

In this clause:

- ***Guidelines*** means the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Energy, Environment and Climate Action, 2025);
- ***levy area*** has the same meaning as in the *Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020*;
- ***Secretary*** means the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*).

Before the removal, destruction or lopping of native vegetation outside the levy area to enable a preparatory use or development, information about that native vegetation in accordance with application requirements 1, 5, 9, 10 and 11 in Tables 4 and 5 to the Guidelines must be prepared to the satisfaction of the Secretary.

Before the removal, destruction or lopping of native vegetation outside the levy area (other than to enable a preparatory use or development):

- Information about the native vegetation in accordance with application requirements 1, 5, 9 10, and 11 in Tables 4 and 5 of the Guidelines must be prepared to the satisfaction of the Secretary.

- The biodiversity impacts from the removal, destruction or lopping of that native vegetation must be offset in accordance with the Guidelines to the satisfaction of the Secretary. The biodiversity impacts from the removal, destruction or lopping of native vegetation outside the levy area to enable a preparatory use or development must be included in the total biodiversity impacts when determining the offset to the satisfaction of the Secretary.
- Evidence that the required offset has been secured must be provided to the satisfaction of the Secretary.

The timing of the offset requirement may be varied by the Secretary. The secured offset for a project may be reconciled at the completion of a project to the satisfaction of the Secretary.

Before the removal, destruction or lopping of native vegetation inside the levy area, information about the native vegetation in accordance with the application requirements 1, 5, 10 and 11 in Tables 4 and 5 of the Guidelines must be prepared to the satisfaction of the Secretary.

The requirements of this clause may be satisfied in separate components or stages of a development, but each requirement must be satisfied before the removal, destruction or lopping of native vegetation for that component or stage.

## 52.36-9 Preparatory use and development

14/05/2021
VC198

For the purposes of clause 52.36, a preparatory use or development is a use or development required to prepare for the construction of a project or a component or stage of a project. It is limited to the following:

- Use and development that would not require a permit under a provision of this planning scheme but for the exemption in clause 52.36-3.
- Works associated with investigating, testing and surveying land.
- Creation and use of construction access points, accessways and working platforms.
- Site establishment works including construction of temporary site fencing and hoarding, site offices, and hardstand and laydown areas.
- Construction and use of temporary car parking.
- Construction or installation of environment and traffic controls, including designated ‘no-go' zones.
- Construction, protection, modification, removal or relocation of utility services, rail signalling, overhead and associated infrastructure.
- Salvage and relocation of cultural heritage material and other management actions required to be carried out in compliance with:
  - a cultural heritage management plan prepared and/or approved under the *Aboriginal Heritage Act 2006* or otherwise in compliance with that Act; or
  - the conditions of any permit or consent granted under the *Heritage Act 2017* or otherwise in compliance with that Act.
- Demolition or removal of a building (other than a building in a Heritage Overlay) or works to the minimum extent necessary to enable another preparatory use or development.
- Removal, destruction or lopping of vegetation (other than a tree in the Heritage Overlay specified below) to the minimum extent necessary to enable another preparatory use or development.

For the purposes of clause 52.36, preparatory development does not include:

- Demolition or removal of a building in a Heritage Overlay.
- Removal, destruction or lopping of a tree in a Heritage Overlay if the schedule to the overlay specifies the heritage place as one where tree controls apply.

# 52.37 CANOPY TREES

15/09/2025
VC289

## PURPOSE

To protect and enhance canopy tree cover to support greener and cooler residential areas.

To maximise the retention of existing canopy tree cover where no development is proposed.

To ensure that development is designed to maximise the retention and long-term health of existing and new canopy trees and contributes to increasing canopy tree cover.

To balance the retention of existing canopy trees and residential development to meet the housing needs of Victoria's growing population.

To encourage canopy tree cover that is site and climate responsive and supports the local environment.

## 52.37-1 Meaning of terms

15/09/2025
VC289

In clause 52.37:

- ***canopy tree*** means a tree that has:
  - a height of more than 5 metres above ground level; and
  - a trunk circumference of more than 0.5 metres, measured at 1.4 metres above ground level; and
  - a canopy diameter of at least 4 metres;
- ***boundary canopy tree*** means a canopy tree if any part of its trunk is within:
  - 6 metres of the narrowest street frontage of a lot; or
  - 4.5 metres of the rear boundary of a lot;
- ***new canopy tree*** means a canopy tree proposed to be planted. It must be a species and type that will, at maturity, have:
  - an expected height of at least 6 metres above ground level; and
  - an expected canopy diameter of at least 4 metres.

## 52.37-2 Permit requirement

15/09/2025
VC289

A permit is required to remove, destroy or lop a canopy tree in the Mixed Use Zone, Township Zone, Residential Growth Zone, General Residential Zone, Neighbourhood Residential Zone, and Housing Choice and Transport Zone.

This does not apply:

- If the table of exemptions in clause 52.37-8 specifically states that a permit is not required.
- To the removal, destruction or lopping of a canopy tree (other than a boundary canopy tree) identified for assessment in an application to which clause 54, 55, 57 or 58 applies and the tree is not removed, destroyed or lopped until the permit is issued.
- To the removal, destruction or lopping of a canopy tree (other than a boundary canopy tree) if the site is developed with an existing dwelling.

### VICSMART APPLICATION

Subject to clause 71.06, an application under this clause is a class of VicSmart application and must be assessed against this clause (excluding clause 52.37-4 and 52.37-5).

## 52.37-3 Canopy tree requirement

15/09/2025
VC289

The number of canopy trees on the site should meet the minimum canopy tree requirements specified in Table 1.

If the site has an area of more than 1000 square metres and the existing total canopy cover within the site is more than 20 per cent of the site area, the canopy trees on the site should achieve a total canopy cover within the site that is equal to at least 20 per cent of the site area plus 50 per cent of the area of existing canopy cover that exceeds 20 per cent.

**Example:**

If the site area is 2000 square metres and the existing total canopy cover within the site is 30 per cent of the site area, the required total canopy cover is 25 per cent (20% + [(0.5 x (30% -20%)] = 25%).

The minimum canopy tree requirement may be met with either an existing canopy tree, by planting a new canopy tree, or a combination of both.

A new canopy tree should be planted in:

- a minimum deep soil area of at least 12 square metres with a minimum dimension of at least 2.5 metres; or
- in a planter with a minimum volume of 12 cubic metres with a minimum depth of at least 0.8 metres of planter soil; or
- if the proposed canopy tree has an expected canopy diameter of more than 8 metres at maturity, deep soil area or a planter area that is to the satisfaction of the responsible authority.

**Table 1 - Minimum canopy tree requirement**

| Site area | Canopy tree requirement |
|---|---|
| 100 square metres or less | 1 tree |
| 101 sqm to 200 sqm | 2 trees |
| 201 sqm to 500 sqm | 3 trees |
| 501 sqm to 700 sqm | 4 trees |
| 701 sqm to 1000 sqm | 6 trees |
| Above 1001 sqm | A total canopy cover within the site that is equal to at least 20 per cent of the site area. |

## 52.37-4 Decision exemptions

15/09/2025
VC289

Despite any other provision of this planning scheme, in determining applications to which this clause applies, the responsible authority is exempt from and is not required to consider the decision guidelines in Clause 65.

An application to which this clause applies is exempt from the requirements of:

- Section 60(1)(b), (c), (e) and (f) and (1A) of the Act.
- Section 84B(2)(b) to (ja) of the Act.

## 52.37-5 Exemption from notice and review

15/09/2025
VC289

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.

## 52.37-6 Application requirements

15/09/2025
VC289

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

- A site plan, photographs or other techniques that accurately describe:
  - The location of all canopy trees and other vegetation on the site.
  - The canopy trees proposed to be removed, destroyed or lopped, including species, height and canopy diameter.
  - The location and details of existing and new canopy trees, including species, type, expected height and expected canopy diameter at maturity, soil conditions and proposed irrigation.
- An explanation of why the canopy tree is proposed to be removed, destroyed or lopped and, if applicable, an explanation of why the proposal does not meet the canopy tree requirement.
- Details of the proposed buildings or works, including plans of the development, if the canopy tree is proposed to be removed, destroyed or lopped to enable construction of a building or the construction or carrying out of works.
- An assessment of the canopy tree prepared by a suitably qualified person, if the canopy tree is proposed to be removed or lopped due to its health or stability.

If in the opinion of the responsible authority an application is not relevant to deciding the application, the responsible authority may waive or reduce the requirement.

## 52.37-7 Decision guidelines

15/09/2025
VC289

Before deciding on an application the responsible authority must consider, as appropriate:

### GENERAL

- The purpose of the clause 52.37.
- The extent to which the existing and new canopy trees contribute to a greener environment and reduce urban heat.
- The existing, proposed or likely future development of the site and adjacent land.
- The species, type and growth characteristics of existing and new canopy trees.
- Whether existing or new canopy tree will adversely impact or be impacted by pedestrian and vehicle access to the site, easements, overhead power cables, buried infrastructure such as sewer pipes, building foundations and other structures.
- Any physical constraints, such as topography, soil and drainage conditions which may prevent the planting or growth of the required number of trees.
- The impact of existing or new canopy trees on solar access to windows on the site and any existing solar energy system.
- If the site is in a designated bushfire prone area as determined under section 192A of the *Building Act 1993*, the need to create a defendable space to reduce the risk of bushfire to life and property.

### REMOVAL OF CANOPY TREES

- The health and stability of the canopy tree proposed to be removed.
- Whether the canopy tree is causing, or at risk of causing, damage to an existing building, works or infrastructure.
- The number, size and location of the canopy trees to be retained on the site.

- If the removal of the canopy tree is associated with the development of the site, whether the proposed development has been sited or designed to minimise the impact on canopy trees.
- The cumulative impact of reducing existing canopy trees, if canopy trees on the site have been removed, destroyed or lopped within the past 12 months.

### NEW CANOPY TREES

- The suitability of the proposed deep soil areas or planter soil volume or depth. A deep soil area may be shared with other canopy trees and other vegetation where it does not affect the viability of the canopy tree growth.
- Whether the species of the canopy tree is suited to the soil conditions of the site.
- Whether landscaping or design measures are required to provide structural protection of buildings.

## 52.37-8 Table of exemptions

21/11/2025
VC301

| The requirement to obtain a permit does not apply to: | |
|---|---|
| **Dead canopy tree** | A canopy tree that is dead. |
| **Emergency works** | A canopy tree that is to be removed, destroyed or lopped:<br>▪ 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<br>▪ where it presents an immediate risk of personal injury or damage to property.<br>Only that part of the canopy tree that presents the immediate risk may be removed, destroyed or lopped under this exemption. |
| **Extractive industry** | A canopy tree that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of extractive industry in accordance with a work plan approved under the *Mineral Resources (Sustainable Development) Act 1990* and authorised by a work authority granted under that Act. |
| **Fire protection** | A canopy tree that is to be removed, destroyed or lopped to the minimum extent necessary to carry out the following fire protection activities:<br>▪ fire fighting;<br>▪ planned burning;<br>▪ making or maintenance of a fuel break or fire fighting access track (or any combination thereof) that does not exceed a combined width of 6 metres;<br>▪ the making of a strategic fuel break up to 40 metres wide by, or on behalf of, a public authority in accordance with a strategic fuel break plan |

| The requirement to obtain a permit does not apply to: | |
|---|---|
| | approved by the Secretary to the Department of Energy, Environment and Climate Action (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987);<br>▪ in accordance with a fire prevention notice issued under either:<br>– section 87 of the Fire Rescue Victoria Act 1958;<br>– section 65 of the Forests Act 1958; or<br>– section 41 of the Country Fire Authority Act 1958; or<br>▪ keeping a canopy tree 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;<br>▪ 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 Energy, Environment and Climate Action (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.<br><br>**Note:**<br>Additional permit exemptions for bushfire protection are provided at Clause 52.12. |
| **Geothermal energy exploration and extraction** | A canopy tree that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the *Geothermal Energy Resources Act 2005*. |
| **Greenhouse gas sequestration and exploration** | A canopy tree that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the *Greenhouse Gas Geological Sequestration Act 2008*. |
| **Land management and directions notice** | A canopy tree that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land management notice or directions notice served under the *Catchment and Land Protection Act 1994*. |

| The requirement to obtain a permit does not apply to: | |
|---|---|
| **Land use conditions** | A canopy tree that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land use condition served under the *Catchment and Land Protection Act 1994*. |
| **Lopping and pruning for maintenance** | Lopping or pruning a canopy tree, for maintenance only, provided no more than 1/3 of the foliage of the tree is lopped or pruned.<br>This exemption does not apply to:<br>▪ the pruning or lopping of the trunk of a canopy tree;<br>▪ pruning or lopping that would reduce the height of the tree to less than 5 metres or the canopy diameter of the tree to less than 4 metres. |
| **Mineral exploration and extraction** | A canopy tree 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:<br>▪ that is low impact exploration within the meaning of Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990; or<br>▪ in accordance with a work plan approved under Part 3 of the Mineral Resources (Sustainable Development) Act 1990.<br>**Note:**<br>Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990 specifies limits on the extent of a native tree that may be removed as part of low impact exploration. |
| **Noxious and environmental weeds** | A canopy tree that is identified as a noxious weed in:<br>▪ a declaration under section 58 or section 58A of the *Catchment and Land Protection Act 1994*. This exemption does not apply to Australian Dodder (Cuscuta australis); or<br>▪ a planning scheme. |
| **Public land manager** | A canopy tree that is to be removed, destroyed or lopped by or on behalf of a public land manager. |
| **Railways** | A canopy tree 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. |

| The requirement to obtain a permit does not apply to: | |
|---|---|
| **Traditional owners** | A canopy tree that is to be removed, destroyed or lopped by a person acting under, and in accordance with:<br>▪ a natural resources agreement under Part 6 of the Traditional Owner Settlement Act 2010; or<br>▪ 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)*. |
| **Transport system** | A canopy tree that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of the Head, Transport for Victoria, a public authority or a municipal council to construct or maintain the transport system. |

**52.37-9**
**15/09/2025**
**VC289**

## Transitional provisions

The requirements of clause 52.37 do not apply to:

- The removal, destruction or lopping of a canopy tree associated with the construction of a building or the construction or carrying out of works in accordance with a building permit that was issued either:
  - before the approval date of Amendment VC289; or
  - within 12 months after the approval date of Amendment VC289 and either:
    - a relevant building surveyor (within the meaning of the *Building Act 1993*) was appointed to issue the building permit before the approval date of Amendment VC289; or
    - a relevant building surveyor (within the meaning of the *Building Act 1993*) is satisfied, and certifies in writing, that substantial progress was made on the design proposal before the approval date of Amendment VC289.
- The removal, destruction or lopping of a canopy tree associated with the construction of a building or the construction or carrying out works in accordance with a permit granted before the approval date of Amendment VC289.
- The removal, destruction or lopping of a canopy tree associated with the construction of a building or the construction or carrying out works in accordance with a permit if the application for that permit was made before the approval date of Amendment VC289.
- The removal, destruction or lopping of a canopy tree in accordance with a permit granted under another provision of this planning scheme before the approval date of Amendment VC289.
- The removal, destruction or lopping of a canopy tree on land in a Development Plan Overlay if a development plan was prepared to the satisfaction of the responsible authority under clause 43.04 before the approval date of Amendment VC289 and a permit is not required to remove, destroy or lop the tree under another provision of this planning scheme.
- The removal, destruction or lopping of a canopy tree on land included in an Incorporated Plan Overlay before the approval date of Amendment VC289 and a permit is not required to remove, destroy or lop the tree under another provision of this planning scheme.

# 53 GENERAL REQUIREMENTS AND PERFORMANCE STANDARDS

31/07/2018
VC148

## 53.01 PUBLIC OPEN SPACE CONTRIBUTION AND SUBDIVISION

25/02/2025
VC257

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*.

This requirement does not apply if a public open space contribution requirement is specified in a schedule to the Built Form Overlay.

### 53.01-1 Exemption from public open space requirement specified in the scheme

31/07/2018
VC148

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.

### 53.01-2 Exemption from public open space requirement under section 18(8)(a) of the Subdivision Act 1988

31/07/2018
VC148

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.*

31/07/2018
VC148

# SCHEDULE TO CLAUSE 53.01 PUBLIC OPEN SPACE CONTRIBUTION AND SUBDIVISION

1.0
29/08/2024
C260wynd

## Subdivision and public open space contribution

| Type or location of subdivision | Amount of contribution for public open space |
|---|---|
| Land shown as UGZ2 on the planning scheme maps (Truganina Employment Precinct Structure Plan area). | 3.1% |
| Land shown as UGZ1 on the planning scheme maps. | 2.65%<br>Land and/or cash contribution requirements must be in accordance with Section 4.4.4 of the Truganina South Community Precinct Structure Plan, May 2011. |
| Land shown as UGZ3 on the planning scheme maps (Manor Lakes Precinct Structure Plan area). | 9.99%<br>Land and/or cash contributions must be met in accordance with Section 4.5.9 of the Manor Lakes Precinct Structure Plan, March 2012 |
| Land shown as UGZ5 on the planning scheme maps *(Point Cook West Precinct Structure Plan area).* | 2.84%<br>Land and/or cash contributions must be in accordance with Section 3.3, Requirement 10 (R10) of the Point Cook West Precinct Structure Plan, October 2012 |
| Land shown as UGZ4 on the planning scheme maps *(Alfred Road Precinct Structure Plan area).* | 2.99%<br>Land and/or cash contributions must be in accordance with Requirement 26 (R26) of the incorporated Alfred Road Precinct Structure Plan. |
| Land shown as UGZ6 on the planning scheme maps *(Black Forest Road South Precinct Structure Plan area).* | 3.0%<br>Land and/or cash contributions must be in accordance with Requirement 24 (R24) of the Black Forest Road South Precinct Structure Plan, April 2013 |
| Land shown as UGZ14 on the planning scheme maps (East Werribee Employment Precinct Structure Plan area). | 3.00%<br>Land and/or cash contributions must be met in accordance with Section 3.1 of the East Werribee Employment Precinct Structure Plan (September 2013) |
| Land shown as UGZ8 on the planning scheme maps (Ballan Road Precinct Structure Plan area). | 3%<br>Land and/or cash contributions must be met in accordance with R37 of the incorporated Ballan Road Precinct Structure Plan. |
| Land shown as UGZ9 on the planning scheme maps (Westbrook Precinct Structure Plan area). | 2.92%<br>Land and/or cash contributions must be met in accordance with R35 of the incorporated Westbrook Precinct Structure Plan. |
| Land shown as UGZ 10 on the planning scheme maps | 2.00% for employment land<br>3.00% for residential land |

| Type or location of subdivision | Amount of contribution for public open space |
|---|---|
| (Truganina Precinct Structure Plan area). | Land and/or cash contributions must be met in accordance with R32 of the incorporated Truganina Precinct Structure Plan. |
| Land shown as UGZ11 on the planning scheme maps<br>(Riverdale Precinct Structure Plan area). | 3.00%<br>Land and/or cash contributions must be met in accordance with R23 of the incorporated Riverdale Precinct Structure Plan. |
| Land shown as UGZ13 on the planning scheme maps<br>(Tarneit North Precinct Structure Plan area). | 3.0% for land identified for Residential and Town Centres<br>2.0% for land identified for Employment<br>Land and/or cash contributions must be in accordance with R28 of the *Tarneit North Precinct Structure Plan* (Metropolitan Planning Authority, August 2023). |
| Land shown as UGZ15 on the planning scheme maps (Lincoln Heath South Precinct Structure Plan area) | 3%<br>Land and/or cash contributions must be in accordance with with Requirement R14 of the *Lincoln Heath South Precinct Structure Plan,September 2015* |
| Land shown as UGZ7 on the planning scheme maps (Black Forest Road North Precinct Structure Plan area). | 3%<br>Land and/or cash contributions must be met in accordance with R19 of the incorporated *Black Forest Road North Precinct Structure Plan*, December 2015 |
| Land shown as UGZ16 on the planning scheme maps (Quandong Precinct Structure Plan area) | 3%<br>Land and/or cash contributions must be met in accordance with R22 of the incorporated Quandong *Precinct Structure Plan, November 2018* |

## 53.02 BUSHFIRE PLANNING

31/07/2018
VC148

### 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.

## 53.02-1 Application

05/05/2026
VC248

This clause applies to the following types of applications:

- An application under clause 44.06 (Bushfire Management Overlay), other than an application that meets all of the applicable requirements specified in a schedule to that clause.
- An application under any provision of this planning scheme to subdivide land in a bushfire prone area that is not in a Bushfire Management Overlay.
- An application under any provision of this planning scheme to construct a building or construct or carry out works associated with the use of land for accommodation, education centre, hospital, indoor recreation facility, major sports and recreation facility or place of assembly in a bushfire prone area that is not in a Bushfire Management Overlay.

The provisions of this clause apply to an application specified above, in the manner set out in the following table.

| Type of application | Applicable provisions |
|---|---|
| An application under clause 44.06 to construct a single dwelling or construct or carry out works associated with a single dwelling if all of the following requirements are met:<br>▪ The land is zoned Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Housing Choice and Transport Zone, Urban Growth Zone, Low Density Residential Zone, Township Zone or Rural Living Zone.<br>▪ There is only one dwelling on the lot.<br>▪ The application meets all of the approved measures contained in clause 53.02-3. | Clause 53.02-3 |
| An application under clause 44.06 to construct a non-habitable outbuilding ancillary to a dwelling that meets all of the requirements specified in Table 5.<br>*Note: The objectives or measures specified for other kinds of applications under clause 53.02 do not apply to this kind of application.* | Clause 53.02-5 - Table 5 |
| All other applications under clause 44.06 to construct a building or construct or carry out works. | Clause 53.02-4.1<br>Clause 53.02-4.2<br>Clause 53.02-4.3<br>Clause 53.02-4.5<br>Clause 53.02-4.6 |
| An application under clause 44.06 to subdivide land. | Clause 53.02-4.4<br>Clause 53.02-4.6 |
| An application to subdivide land, or to construct a building or construct or carry out works associated with the use of land for accommodation, education centre, hospital, indoor recreation facility, major sports and recreation facility or a place of assembly, in a bushfire prone area that is not in a Bushfire Management Overlay. | Clause 53.02-6 |

If an applicable provision specified in the table above refers to another provision, that provision also applies.

If another provision of this planning scheme applies, or requires compliances with, a provision in clause 53.02, including in relation to an application specified above, the provision applies as specified in that other provision.

## 53.02-2 Operation

05/05/2026
VC248

The provisions of clauses 53.02-3 and 53.02-4 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. Alternative measures do not apply to an application under clause 53.02-3.
- 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.

## 53.02-3 Dwellings in existing settlements – Bushfire protection objective

05/05/2026
VC248

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

| Measure | Requirement |
|---|---|
| **AM 1.1** | A building is sited to ensure the site best achieves the following:<br>▪ The maximum separation distance between the building and the bushfire hazard.<br>▪ The building is close to a public road.<br>▪ Access can be provided to the building for emergency service vehicles. |
| **AM 1.2** | A building is setback from the bushfire hazard in accordance with the vegetation type and slope set out in Table 1 to clause 53.02-5 in accordance with the corresponding distances. |
| **AM 1.3** | The setback between the building and the bushfire hazard is managed as an area of defendable space in accordance with the vegetation management requirements specified at Table 4 to clause 53.02-5 for the distance that satisfies AM 1.2 and the area is capable of being maintained in accordance with these requirements.<br>If adjoining land is included in the setback, there is a reasonable assurance that the adjoining land will remain or continue to be managed in accordance with Table 4 to clause 53.02-5. |
| **AM 1.4** | A building is constructed to the bushfire attack level that corresponds to a setback that satisfies either:<br>▪ AM 1.2.<br>▪ The next lower bushfire attack level in accordance with Table 1 to clause 53.02-5 where all of the following apply:<br>– A private bushfire shelter (a Class 10c building within the meaning of the Building Regulations 2018) is constructed on the same land as the dwelling.<br>– A minimum bushfire attack level of BAL12.5 is provided in all circumstances. |
| **AM 1.5** | A building is provided with:<br>▪ A static water supply for fire fighting and property protection purposes specified in Table 2 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.<br>▪ Vehicle access that is designed and constructed as specified in Table 3 to clause 53.02-5. |

### Decision guidelines

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- The bushfire hazard site assessment, bushfire management statement and bushfire management plan submitted with the application.
- Whether all of the approved measures have been incorporated into the application and can be practically implemented and maintained in conjunction with the ongoing use of the land.

## 53.02-4 Bushfire protection objectives

05/05/2026
VC248

### 53.02-4.1 Landscape, siting and design objectives

To ensure development is appropriate having regard to the nature of the bushfire risk arising from the surrounding landscape.

To site development to minimise the risk from bushfire.

To site development to provide safe access for vehicles, including emergency vehicles.

To ensure building design minimises vulnerability to bushfire attack.

#### Approved measures

| Measure | Requirement |
|---|---|
| **AM 2.1** | The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level. |
| **AM 2.2** | A building is sited to ensure the site best achieves the following:<br>▪ The maximum separation distance between the building and the bushfire hazard.<br>▪ The building is close to a public road.<br>▪ 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 Setbacks, defendable space and construction objective

The setbacks, defendable space and building construction mitigate the effect of flame contact, radiant heat and embers on buildings.

#### Approved measures

| Measure | Requirement |
|---|---|
| **AM 3.1** | A building is setback from the bushfire hazard in accordance with the vegetation type and slope set out in Table 1 to clause 53.02-5 and one of the following distances is met, for:<br>▪ a dwelling (including an extension or alteration to a dwelling), small second dwelling, industry, office, retail premises or warehouse, either: |

| Measure | Requirement |
|---|---|
| | – Columns A, B or C.<br>– Column D if there are significant siting constraints.<br>▪ accommodation (other than a dwelling or small second dwelling), education centre, hospital, leisure and recreation or place of assembly, Column 0.<br>The setback is provided wholly within the title boundaries of the land. |
| **AM 3.2** | The setback between the building and the bushfire hazard is managed as an area of defendable space in accordance with the vegetation management requirements specified at Table 4 to clause 53.02-5 for the distance that satisfies AM 3.1 and the area is capable of being maintained in accordance with these requirements. |
| **AM 3.3** | A building is constructed to the bushfire attack level that corresponds to the setback which satisfies AM 3.1.<br>If the setback of more than one column in Table 1 to clause 53.02-5 applies, a building is constructed to the highest of the corresponding bushfire attack levels.<br>If a higher bushfire attack level than specified above is required to respond to clause 53.02-4.1, a building is constructed to that higher bushfire attack level. |

### Alternative measures

| Measure | Requirement |
|---|---|
| **AltM 3.4** | Adjoining land may be included within the setback where there is a reasonable assurance that the land will remain or continue to be managed in accordance with the defendable space vegetation management requirements at Table 4 to clause 53.02-5. |
| **AltM 3.5** | The setback and the bushfire attack level are determined using Method 2 of *AS3959:2018 Construction of buildings in bushfire prone areas* (Standards Australia) subject to any guidance published by the relevant fire authority. |
| **AltM 3.6** | A building used for a dwelling (including an extension or alteration to a dwelling) may provide a setback to the title boundary where it can be demonstrated that:<br>▪ The lot has access to urban, township or other areas where:<br>– Protection can be provided from the impact of extreme bushfire behaviour.<br>– Fuel is managed in a minimum fuel condition.<br>– There is sufficient distance or shielding to protect people from direct flame contact or harmful levels of radiant heat.<br>▪ A lesser setback and a higher construction standard are appropriate having regard to the bushfire hazard landscape assessment.<br>▪ The dwelling is constructed to a bushfire attack level of BAL FZ.<br>This alternative measure only applies where the requirements of AM 3.1, 3.2 and 3.3 cannot be met. |
| **AltM 3.7** | A building used for accommodation (other than a dwelling or small second dwelling), education centre, hospital, leisure and recreation or place of assembly may provide a setback in accordance with Table 1 at clause 53.02-5 for the distances provided at Columns A, B or C where it can be demonstrated that:<br>▪ The requirements of AM 6.1 have been satisfied. |

| Measure | Requirement |
|---|---|
| | ▪ A lesser setback and a higher construction standard are appropriate having regard to the bushfire hazard landscape assessment.<br>▪ The setback is managed as defendable space that meets the defendable space vegetation management requirements at Table 4 to clause 53.02-5 and is capable of being maintained in accordance with these requirements. |

### 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

| Measure | Requirement |
|---|---|
| **AM 4.1** | A building used for a dwelling (including an extension or alteration to a dwelling), a small second dwelling, industry, office, retail premises or warehouse is provided with:<br>▪ A static water supply for fire fighting and property protection purposes as specified at Table 2 to clause 53.02-5.<br>▪ Vehicle access that is designed and constructed as specified in Table 3 to clause 53.02-5.<br>The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies. |
| **AM 4.2** | A building used for accommodation (other than a dwelling or small second dwelling), education centre, hospital, leisure and recreation or place of assembly is provided with:<br>▪ 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.<br>▪ Vehicle access that is designed and constructed as specified at Table 3 to clause 53.02-5.<br>▪ 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.<br>The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies. |
| **AM 4.3** | All other development, other than where AM 4.1 or AM 4.2 applies, is provided with a static water supply with adequate capacity for fire fighting and property protection purposes and vehicle access in accordance with the relevant fire authority requirement. |

### 53.02-4.4 Subdivision objectives

To provide lots that are capable of being developed in accordance with the objectives of clauses 53.02-4.1, 53.02-4.2 and 53.02-4.3.

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.

### Approved measures

| 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:<br>▪ The setback from the bushfire hazard in accordance with the vegetation type and slope set out in Table 1 to clause 53.02-5 for the distances provided at Columns A, B or C.<br>▪ AM 2.1, AM 2.2 and the approved measures at clause 53.02-4.3.<br>The setback distance is capable of being managed as an area of defendable space in accordance with the defendable space vegetation management requirements specified at Table 4 and the area is capable of being maintained in accordance with these requirements. |
| **AM 5.2** | An application to subdivide land zoned for residential or rural residential purposes must be accompanied by a plan that shows:<br>▪ Each lot satisfies AM 2.1.<br>▪ A building envelope for a single dwelling on each lot that complies with AM 2.2 and is setback from the bushfire hazard in accordance with the vegetation type and slope set out in Table 1 to clause 53.02-5 for the distance provided at either:<br>– Columns A or B of Table 1 to clause 53.02-5 for a subdivision that creates 10 or more lots.<br>– Columns A, B or C of Table 1 to clause 53.02-5 for a subdivision that creates less than 10 lots.<br>▪ The bushfire attack level that corresponds to the setback in accordance with Table 1 to clause 53.02-5 is noted on the building envelope.<br>▪ Water supply and vehicle access that complies with AM 4.1.<br>The setback distance is:<br>▪ Wholly contained within the boundaries of the proposed subdivision. The setback may be shared between lots within the subdivision and may utilise communal areas, such as roads.<br>▪ Managed as an area of defendable space that meets the defendable space vegetation management requirements specified at Table 4 to clause 53.02-5 and the area is capable of being maintained in accordance with these requirements. This includes any shared or communal areas within the setback. |
| **AM 5.3** | A subdivision of land to create 10 or more lots provides a perimeter road adjoining the bushfire hazard to separate future development from the bushfire hazard and to support fire fighting. |
| **AM 5.4** | A subdivision of land manages the bushfire risk to future development from existing or proposed landscaping, public open space, conservation areas (including vegetation links and corridors) and communal areas. |
| **AM 5.5** | A subdivision of land is provided with no fuel or low fuel features such as accessways, parking areas, hardstand areas, managed open spaces at the bushfire hazard interface and is oriented to protect future buildings from being impacted by a moving bushfire front. |
| **AM 5.6** | A staged subdivision of land manages interim bushfire hazards during the construction or staging. |

### Alternative measure

| Measure | Requirement |
|---|---|
| **AltM 5.7** | A building envelope for a subdivision that creates 10 or more lots required under AM 5.2 may show a setback from the bushfire hazard in accordance with the vegetation type and slope set out in Table 1 to clause 53.02-5 for the distances at Column C where it can be demonstrated that:<br>▪ All other requirements of AM 5.2 have been met.<br>▪ The setback is managed as an area of defendable space that meets the defendable space vegetation management requirements at Table 4 to clause 53.02-5 and the area is capable of being maintained in accordance with these requirements.<br>▪ A lesser setback and a higher construction standard are appropriate having regard to the bushfire hazard landscape assessment. |

## 53.02-4.5 Planning for vulnerable people objective

To ensure the bushfire risk associated with vulnerable people is managed effectively.

### Approved measure

| Measure | Requirement |
|---|---|
| **AM 6.1** | An application for accommodation (other than a dwelling or small second dwelling), education centre, hospital, leisure and recreation or place of assembly assesses the impact of bushfire on vulnerable people and provides emergency management arrangements that respond to:<br>▪ The risk arising from AM 2.1, the protection (if any) provided by the location in the broader landscape, and the need for a response that exceeds any of the measures of this clause.<br>▪ The characteristics of the likely future occupants including their age, mobility and capacity to evacuate during a bushfire emergency.<br>▪ The intended frequency and nature of occupation, including whether vulnerable people should avoid occupying development in bushfire affected areas at certain times.<br>▪ The risk reduction provided through bushfire protection measures included within a bushfire and emergency management plan.<br>▪ The mechanisms to secure ongoing implementation of bushfire protection measures. |

## 53.02-4.6 Decision guidelines

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

### GENERAL

- The Municipal Planning Strategy and the Planning Policy Framework.
- The bushfire hazard landscape assessment, the bushfire hazard site assessment, bushfire management statement and bushfire management plan 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 risk arising from the broader landscape can be mitigated to an acceptable level.

- Whether there is reliable access to areas of land where human life can be better protected from the effects of bushfire.
- The risk to property and community infrastructure from bushfire.
- 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 bushfire protection measures can be implemented without unacceptable biodiversity impacts.
- Whether the water supply and access arrangements are appropriate for the bushfire risk.

### VEGETATION

- Whether the existing and proposed vegetation, and other fuel sources, respond to the separation distance between the bushfire hazard interface and the development.
- If vegetation is proposed, if it will cause or contribute to the bushfire hazard and increase the risk to life, property, or community infrastructure.

### VULNERABLE PEOPLE

For a building used for accommodation (other than a dwelling or small second dwelling), education centre, hospital, leisure and recreation or place of assembly the responsible authority must also consider:

- The capacity for vulnerable occupants to evacuate.
- Whether the water supply and access arrangements have regard to the characteristics of the vulnerable occupants.
- Whether there is reasonable assurance that the emergency management arrangements will be ongoing and protect human life.
- Whether the risk to vulnerable occupants warrants the closure of the use or development on days of elevated fire danger.
- Whether measures to shelter in place are warranted and whether the measures will protect human life.
- The net benefit provided to any existing vulnerable people.

### SUBDIVISION

- Whether a staged subdivision manages interim bushfire hazard during the construction or staging.

## 53.02-5 Tables of bushfire planning requirements

05/05/2026
VC248

### Table 1 Bushfire hazard setbacks

| Slope | Vegetation Types | Column 0 | Column A | Column B | Column C | Column D | Column E |
|---|---|---|---|---|---|---|---|
| All upslopes and flat land (0 degrees) | Forest | 60 | 48 | 35 | 25 | 19 | < 19 |
| | Woodland | 40 | 33 | 24 | 16 | 12 | < 12 |
| | Scrub | 35 | 27 | 19 | 13 | 10 | < 10 |
| | Shrubland | 25 | 19 | 13 | 9 | 7 | < 7 |
| | Mallee/ Mulga | 23 | 17 | 12 | 8 | 6 | < 6 |
| | Rainforest | 30 | 23 | 16 | 11 | 8 | < 8 |
| | Grassland | 35 | 19 | 13 | 9 | 6 | < 6 |
| Downslope >0 to 5 degrees | Forest | 70 | 57 | 43 | 32 | 24 | < 24 |
| | Woodland | 50 | 41 | 29 | 21 | 15 | < 15 |
| | Scrub | 40 | 31 | 22 | 15 | 11 | < 11 |
| | Shrubland | 28 | 22 | 15 | 10 | 7 | < 7 |
| | Mallee/ Mulga | 26 | 20 | 13 | 9 | 7 | < 7 |
| | Rainforest | 36 | 29 | 20 | 14 | 10 | < 10 |
| | Grassland | 40 | 22 | 15 | 10 | 7 | < 7 |
| Downslope >5 to 10 degrees | Forest | 85 | 69 | 53 | 39 | 31 | < 31 |
| | Woodland | 62 | 50 | 37 | 26 | 20 | < 20 |
| | Scrub | 45 | 35 | 24 | 17 | 12 | < 12 |
| | Shrubland | 32 | 25 | 17 | 11 | 8 | < 8 |
| | Mallee/ Mulga | 30 | 23 | 15 | 10 | 7 | < 7 |
| | Rainforest | 46 | 36 | 26 | 18 | 13 | < 13 |
| | Grassland | 45 | 25 | 17 | 11 | 8 | < 8 |
| Downslope >10 to 15 degrees | Forest | 105 | 82 | 64 | 49 | 39 | < 39 |
| | Woodland | 75 | 60 | 45 | 33 | 25 | < 25 |
| | Scrub | 50 | 39 | 28 | 19 | 14 | < 14 |
| | Shrubland | 36 | 28 | 19 | 13 | 9 | < 9 |
| | Mallee/ Mulga | 35 | 26 | 18 | 11 | 8 | < 8 |
| | Rainforest | 60 | 45 | 33 | 23 | 17 | < 17 |
| | Grassland | 50 | 28 | 20 | 13 | 9 | < 9 |
| Downslope >15 to 20 degrees | Forest | 125 | 98 | 78 | 61 | 50 | < 50 |
| | Woodland | 95 | 73 | 56 | 41 | 32 | < 32 |
| | Scrub | 55 | 43 | 31 | 21 | 15 | < 15 |
| | Shrubland | 41 | 31 | 22 | 15 | 10 | < 10 |

| Slope | Vegetation Types | Column 0 | Column A | Column B | Column C | Column D | Column E |
|---|---|---|---|---|---|---|---|
| | Mallee/ Mulga | 40 | 29 | 20 | 13 | 9 | < 9 |
| | Rainforest | 70 | 56 | 42 | 29 | 22 | < 22 |
| | Grassland | 55 | 32 | 23 | 15 | 11 | < 11 |
| | | **BAL 12.5** | **BAL 12.5** | **BAL 19** | **BAL 29** | **BAL 40** | **BAL FZ** |
| Downslope >20 degrees | All vegetation | The setback and the bushfire attack level is determined using Method 2 of AS3959:2018 *Construction of buildings in bushfire prone areas* (*Standards Australia*) subject to any guidance published by the relevant fire authority. | | | | | |
| All slopes | Low threat vegetation | A setback is 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. | | | | | |
| All slopes | Modified vegetation | A setback is to be provided for a distance of 50 metres, or the property boundary whichever is the lesser, for buildings constructed to all bushfire attack levels. The minimum construction standard is BAL 29. | | | | | |

*Table 1 notes*

1. *The setback is measured from the building façade and is managed or meets the requirements of Table 4 to clause 53.02-5.*
2. *Slope and vegetation type are determined through the bushfire hazard site assessment.*
3. *Modified vegetation is vegetation that does not fit into the vegetation classifications in AS3959:2018 Construction of buildings in bushfire prone areas because it:*
   - *Has been modified, altered or is managed due to urban development, or gardening,*
   - *Has different fuel loads from those assumed in the standard,*
   - *Has limited or no understorey vegetation, or*
   - *Is not low-threat or low-risk vegetation as defined in the standard.*

### Table 2 Water supply capacity, fittings and access requirements

| Lot sizes (square meters) | Hydrant available | Capacity (litres) | Fire authority fittings and access required |
|---|---|---|---|
| Less than 500 | Not applicable | 2,500 | No |
| 500-1,500 | Yes | 5,000 | No |
| 500-1,500 | No | 10,000 | Yes |
| 1,501 and above | Not applicable | 10,000 | Yes |

*Table 2 note* *A hydrant is available if it is located within 120 metres of the rear of the building.*

### Table 2 Water supply 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 Country Fire Authority (CFA) 3 thread per inch male fitting).
- Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling).

**Table 3 Vehicle access design and construction requirements**

| Access | Design and construction |
|---|---|
| Length of access is less than 30 metres and no fire authority access is required at Table 2. | Not required |
| Length of access is one of the following:<br>▪ less than 30 metres and fire authority access is required at Table 2.<br>▪ greater than 30 metres. | The following design and construction requirements apply:<br>▪ All-weather construction.<br>▪ A load limit of at least 15 tonnes.<br>▪ Provide a minimum trafficable width of 3.5 metres.<br>▪ Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically.<br>▪ Curves must have a minimum inner radius of 10 metres.<br>▪ 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.<br>▪ Dips must have no more than a 1 in 8 (12.5%) (7.1°) 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:<br>▪ A turning circle with a minimum radius of eight metres.<br>▪ A driveway encircling the dwelling.<br>▪ The provision of other vehicle turning heads – such as a T or Y head – which meet the specification of Austroads 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.<br>▪ Passing bays must be a minimum of 20 metres long with a minimum trafficable width of 6 metres. |

*Table 3 note* *The length of access should be measured from a public road to either the building or the water supply outlet, whichever is longer.*

**Table 4 Defendable space vegetation management requirements**

Defendable space is provided and is managed on a continuing basis 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.
- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5 metres. For a non-habitable outbuilding ancillary to a dwelling, the canopy of trees must be separated by at least 2 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

These requirements apply unless an alternative defendable space vegetation management requirement is specified in a schedule in this planning scheme and the application meets all of the requirements of the schedule or is otherwise agreed in writing to the satisfaction of the relevant fire authority.

**Table 5 Non-habitable outbuilding requirements**

The outbuilding must meet all of the following requirements:

- The outbuilding is non-habitable and ancillary to a dwelling.
- The defendable space vegetation management requirements, in accordance with Table 4 to clause 53.02-5, must be provided for 10 metres around the outbuilding or to the title boundary, whichever is the lesser distance.
- If the outbuilding is located within 10 metres of a dwelling:
  - The proposed outbuilding is separated from the adjacent building by a wall that extends to the underside of a non-combustible roof covering and either:
    - has a Fire Resistance Level (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.
    - is of masonry, earth wall or masonry-veneer construction with the masonry leaf of not less than 90 millimetres in thickness.
  - Any openings in the wall shall be protected in accordance with the following:
    i. Doorways – by FRL -/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/-.

*Table 5 notes*

1. *Control and construction joints, subfloor vents, weepholes and penetrations for pipes and conduits need not comply with Item iii.*
2. *Applications that meet Table 5 to clause 53.02-5 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.*

## 53.02-6 Bushfire prone area decision guidelines

05/05/2026
VC248

Before deciding on an application, 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 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.
- The risk of bushfire to people, property and community infrastructure.
- Whether the risk arising from the broader landscape can be mitigated to an acceptable level.
- Whether bushfire protection measures to address the identified bushfire risk are required and can be practically implemented, including any measure set out in clause 53.02-4.
- Whether bushfire protection measures can be implemented without unacceptable biodiversity impacts.

### PROPOSED VEGETATION

- If vegetation is proposed, whether it will cause or contribute to the bushfire hazard or increase the risk to life, property, or community infrastructure.

### DWELLINGS AND SMALL SECOND DWELLINGS

- Whether a static water supply for bushfire firefighting is required having regard to the size of the lot, proximity to a hydrant and connection to reticulated water.
- If a vehicle accessway is greater than 30 metres in length or the relevant fire authority requires access to the static water supply on the land, whether the access design and construction requirements set out in Table 3 to clause 53.02-5 should be met.

### VULNERABLE PEOPLE

For a building used for accommodation (other than a dwelling or small second dwelling), education centre, hospital, indoor recreation facility, major sports and recreation facility or place of assembly the responsible authority must also consider:

- The capacity for vulnerable occupants to evacuate.
- Whether emergency management arrangements are provided and are sufficient for the site.
- Whether the risk to vulnerable occupants warrants the closure of the use or development on days of elevated fire danger.
- Whether measures to shelter in place are warranted and whether the measures will protect human life.
- The net benefit provided to any existing vulnerable people.

### SUBDIVISION

- Whether each lot can achieve the setback from the bushfire hazard in accordance with the vegetation type and slope set out in Table 1 to clause 53.02-5 for the corresponding distance specified in Column C of that Table.
- Whether a staged subdivision manages interim bushfire hazard during the construction or staging.

## 53.03 RESIDENTIAL RETICULATED GAS SERVICE CONNECTION

01/01/2024
VC250

### Purpose

To prohibit residential reticulated gas connections to new dwellings, new apartment developments and new residential subdivisions.

## 53.03-1 Application

01/01/2024
VC250

This clause applies to an application for a permit under any provision of this scheme that is for or includes:

- construction of a new dwelling (other than a caretaker's house) or a new apartment development.
- the subdivision of land where the subdivision provides for or is for one or more purposes that include residential development.

This clause does not apply to an application for a permit that is solely for:

- the alteration or extension of an existing dwelling or apartment development.
- the subdivision of land or a building to create lots each containing an existing dwelling or apartment.
- the subdivision of land or a building to create lots each of which are intended to contain a dwelling or an apartment authorised by a planning permit that has been issued for the land.

## 53.03-2 Building and works requirement

01/01/2024
VC250

A permit must not be granted for construction of a new dwelling or a new apartment development that is to be connected to a reticulated gas service.

A permit granted for buildings and works in relation to an application to which this clause applies must include the following mandatory condition(s) as relevant:

For a dwelling:

*"Any new dwelling allowed by this permit must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed."*

For an apartment development:

*"Any new apartment development allowed by this permit must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed."*

## 53.03-3 Subdivision requirement

01/01/2024
VC250

A permit must not be granted for a subdivision that includes a lot that is to be connected to a reticulated gas service. This does not apply to:

- a lot that will not be used for, or include, a dwelling; or
- a lot that contains an existing dwelling or apartment; or
- a lot where a permit has been granted for a dwelling or apartment on the land in the lot.

A permit granted for subdivision in relation to an application to which this clause applies must include the following mandatory condition:

*"Any lot shown on the endorsed plan must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the relevant planning scheme). This does not apply to:*

- *a lot that will not be used for, or include, a dwelling; or*

- *a lot that contains an existing dwelling or apartment; or*
- *a lot where a permit has been granted for a dwelling or apartment on the land in the lot.*

*This condition continues to have force and effect after a statement of compliance under the Subdivision Act 1988 has been issued and the subdivision authorised by this permit has been completed."*

## 53.03-4 Application requirements

01/01/2024
VC250

An application for a permit to which this clause applies must, in addition to those application requirements specified elsewhere in the scheme, be accompanied by details of the proposed energy provision other than a connection to a reticulated gas service, as appropriate, to the satisfaction of the responsible authority.

## 53.03-5 Transitional provisions

01/01/2024
VC250

The requirements of this clause introduced by Amendment VC250 do not apply to:

- An application lodged before the approval date of Amendment VC250.
- An application for an amendment to a permit under section 72 of the Act with respect to a permit issued in accordance with the above transitional provision.

## 53.03-6 Definitions

01/01/2024
VC250

In this clause:

**Connected to a reticulated gas service** means:

- In the case of a building, reticulated natural gas is directly supplied to the building. This does not include liquefied petroleum gas (LPG).
- In the case of a subdivision for residential purposes, reticulated natural gas is directly supplied to a lot. This does not include liquefied petroleum gas (LPG).

**New dwelling** means:

- A new building, buildings, or part of a building, constructed to be used as a dwelling (other than a caretaker's house) not including the alteration or extension of an existing dwelling.
- A new building, buildings, or part of a building, connected to an existing dwelling and constructed to be used as a separate dwelling (other than a caretaker's house), provided the use does not incorporate any part of what was the gross floor area (excluding external or party walls) of the existing dwelling.
- A new outbuilding or swimming pool associated with an existing or proposed dwelling, provided it is not within the gross floor area (excluding external or party walls) of an existing dwelling.

It does not include a new apartment development.

**New apartment development** means a new building, buildings, or part of a building, constructed to contain one or more apartments, whether or not any other use is provided for, but does not include the extension or alteration of, or the addition of new apartments to, an existing apartment development.

# 53.04 CONVENIENCE RESTAURANT AND TAKE-AWAY FOOD PREMISES

31/07/2018
VC148

## 53.04-1 Application

31/07/2018
VC148

These requirements only apply to land in a residential zone.

## 53.04-2 Decision guidelines

20/01/2022
VC205

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 Transport Zone 2 or Transport Zone 3.
  - 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 Transport Zone 2 or Transport Zone 3.
  - 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.

## 53.05 FREEWAY SERVICE CENTRE

14/05/2021
VC198

### 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 Head, Transport for Victoria.

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.

## 53.05-1 Requirements to be met

14/08/2023
VC236

### 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.
- 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 under section 55 of the Act to the person or body specified as the referral authority in Clause 66.02.

A permit must not be granted for a freeway service centre until approval for access to the freeway has been given by the person or body specified as the referral authority in Clause 66.02.

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.

## 53.05-2 Decision guidelines

31/07/2018
VC148

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- The Freeway Service Centres Design Guidelines, May 1997.

## 53.06 LIVE MUSIC ENTERTAINMENT VENUES

28/09/2020
VC183

### Purpose

To recognise that live music is an important part of the State's culture and economy.

To encourage the retention of existing and the development of new live music entertainment venues.

To protect live music entertainment venues from the encroachment of noise sensitive residential uses.

To ensure that noise sensitive residential uses are satisfactorily protected from unreasonable levels of live music and entertainment noise.

To ensure that the primary responsibility for noise attenuation rests with the agent of change.

### 53.06-1 Application

28/09/2020
VC183

This clause applies to an application required under any zone of this scheme to use land for, or to construct a building or construct or carry out works associated with:

- A live music entertainment venue.
- A noise sensitive residential use that is within 50 metres of a live music entertainment venue.
- A noise sensitive residential use that is in an area specified in clause 1.0 of the schedule to this clause

This clause does not apply to:

- The extension of an existing dwelling.
- A noise sensitive residential use that is in an area specified in clause 2.0 of the schedule to this clause.

### 53.06-2 Meaning of terms

14/12/2023
VC253

In this clause:

- ***live music entertainment venue*** means:
  - a food and drink premises, nightclub, function centre or residential hotel that includes live music entertainment
  - a rehearsal studio
  - any other venue used for the performance of music and specified in clause 3.0 of the schedule to this clause, subject to any specified condition or limitation.
- ***noise sensitive residential use*** means a community care accommodation, dwelling, residential aged care facility, residential village, retirement village, rooming house or small second dwelling.

### 53.06-3 Requirements to be met

04/05/2022
VC210

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 the Environment Protection Regulations under the *Environment Protection Act 2017* and the incorporated Noise Protocol (Publication 1826, Environment Protection Authority, November 2020)
- 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 (consistent with EPA Publication 1826).

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.

## 53.06-4 Application requirements

28/09/2020
VC183

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

- A site analysis, including plans detailing:
  - the existing and proposed layout of the use, buildings or works, including all external windows and doors
  - the location of any doors, windows and open space areas of existing properties in close proximity to the site.
- If the application is associated with a noise sensitive residential use:
  - the location of any live music entertainment venues within 50 metres of the site
  - the days and hours of operation of identified venues.
- If the application is associated with a live music entertainment venue:
  - the location of any noise sensitive residential uses within 50 metres of the site
  - the days and hours of operation of that venue
  - the times during which live music will be performed.
- Details of existing and proposed acoustic attenuation measures.
- An assessment of the impact of the proposal on the functioning of live music venues.

If in the opinion of the responsible authority an application requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

## 53.06-5 Decision guidelines

28/09/2020
VC183

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

- The extent to which the siting, layout, design and construction minimise the potential for noise impacts.
- Whether existing or proposed noise sensitive residential uses will be satisfactorily protected from unreasonable live music and entertainment noise.
- Whether the proposal adversely affects any existing uses.
- The social and economic significance of an existing live music entertainment venue.
- The impact of the proposal on the functioning of live music venues.

18/02/2021
GC175

# SCHEDULE TO CLAUSE 53.06 LIVE MUSIC ENTERTAINMENT VENUES

## 1.0

04/05/2022
VC210

## Areas to which Clause 53.06 does apply

| Name of area | Description |
|---|---|
| None specified | |

## 2.0

04/05/2022
VC210

## Areas to which Clause 53.06 does not apply

| Name of area | Description |
|---|---|
| None specified | |

## 3.0

04/05/2022
VC210

## Other venues to which Clause 53.06 applies

| Name of venue | Address | Condition or limitation |
|---|---|---|
| None specified | | |

## 53.07 SHIPPING CONTAINER STORAGE

31/07/2018
VC148

### 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.

## 53.07-1 Decision guidelines

20/01/2022
VC205

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 Transport Zone 2 or a Transport Zone 3.
  - 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.

## 53.08 CATTLE FEEDLOT

31/07/2018
VC148

### 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.

## 53.08-1 Requirements to be met

31/07/2018
VC148

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.

## 53.09 POULTRY FARM

11/04/2019
VC156

### 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.

### 53.09-1 Application

21/09/2018
VC150

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.

### 53.09-2 Permit not required – Outdoor range area for existing broiler farm

21/09/2018
VC150

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.

### 53.09-3 Requirement – Broiler farm

21/09/2018
VC150

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.

### 53.09-4 Exemption from notice and review

11/04/2019
VC156

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**

| Chicken numbers | Minimum distance to a building used for a sensitive use (accommodation, child care centre, education centre and hospital) | Minimum distance to land in a residential zone |
|---|---|---|
| 1,000 chickens or less | 50 metres | 200 metres |
| More than 1,000 chickens | 100 metres | 400 metres |

## 53.09-5 Notice of an application

21/09/2018
VC150

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.

## 53.09-6 Decision guidelines

21/09/2018
VC150

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).

## 53.10 USES AND ACTIVITIES WITH POTENTIAL ADVERSE IMPACTS

26/05/2020
VC175

### Purpose

To identify those types of uses and activities, which if not appropriately designed and located, may cause offence or unacceptable risk to the neighbourhood.

## 53.10-1 Threshold distance

26/09/2023
VC246

The threshold distance referred to in the table to this clause is the shortest distance from any part of the land to:

- land (not a road) in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone; or
- land used for a hospital, an education centre or a corrective institution; or
- land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution.

An application to use land for an industry, utility installation or warehouse for a purpose listed in the table to this clause must be referred to the Environment Protection Authority under section 55 of the Act if the threshold distance is not to be met or no threshold distance is specified.

**Table to Clause 53.10-1**

| Type of use or activity (purpose) | Threshold distance (metres) |
|---|---|
| **Basic metal products** | |
| Iron or steel production: | |
| ▪ up to 1,000,000 tonnes per year | 500 |
| ▪ exceeding 1,000,000 tonnes per year | 1,000 |
| Non-ferrous metal production: | |
| ▪ up to 100 tonnes per year | 100 |
| ▪ between 100 and 2,000 tonnes per year | 300 |
| ▪ exceeding 2,000 tonnes per year | 500 |
| ▪ aluminium by electrolysis | 2,000 |
| **Chemical, petroleum and coal products** | |
| Ammunition, explosives and fireworks production | 1,000 |
| Biocides production and storage | 1,000 |
| Briquette production | 300 |
| Chemical product manufacture other than listed within this group | 300 |
| Coke processing | 500 |
| Cosmetics and toiletries production | 100 |

| Type of use or activity (purpose) | Threshold distance (metres) |
|---|---|
| Fertiliser production | 1,000 |
| Gasworks | 1,000 |
| Industrial gases production | 1,000 |
| Organic and inorganic industrial chemicals production other than those listed within this group | 2,000 |
| Other petroleum or coal production | 500 |
| Paints and inks manufacture, blending and mixing exceeding 2,000 tonnes per year | 500 |
| Petroleum refinery | 2,000 |
| Pharmaceutical and veterinary chemical production | 1,000 |
| Polyester and synthetic resins production, exceeding 2,000 tonnes per year | 1,000 |
| Rubber production: | |
| ▪ synthetic rubber, exceeding 2,000 tonnes per year | 1,000 |
| ▪ using either organic solvents or carbon black | 300 |
| ▪ using sulphur | 1,000 |
| Soap and detergent production | 500 |
| **Fabricated metal products** | |
| Abrasive blast cleaning | 500 |
| Boiler maker | 100 |
| Metal coating and finishing | 500 |
| Structural or sheet metal production | 500 |
| **Food and beverages** | |
| Alcoholic and non-alcoholic beverage production, exceeding 5,000 litres per day | 500 |
| Animal processing | 1,000 |
| Bakery (other than one ancillary to a shop): | |
| ▪ exceeding 200 tonnes per year | 100 |
| ▪ night-time operations, exceeding 200 tonnes per year | 500 |
| Flour mill, exceeding 200 tonnes per year | 250 |
| Food production other than those listed within this group: | |
| ▪ exceeding 200 tonnes per year | 250 |

| Type of use or activity (purpose) | Threshold distance (metres) |
|---|---|
| ▪ including frying, drying or roasting, exceeding 200 tonnes per year | 500 |
| Grain and stockfeed mill and handling facility | |
| ▪ with meat meals or tallow | 500 |
| ▪ no meat meals or tallow | 250 |
| Maltworks, exceeding 200 tonnes per year | 500 |
| Manufacture of milk products, exceeding 200 tonnes per year | 300 |
| Milk depot | 100 |
| Pet food production | 500 |
| Production of vegetable oils and animal fats using solvents, exceeding 200 tonnes per year | 500 |
| Seafood processor, exceeding 200 tonnes per year | 500 |
| Smallgoods production: | |
| ▪ exceeding 200 tonnes per year | 100 |
| ▪ including smoking and drying, exceeding 200 tonnes per year | 500 |
| **Miscellaneous manufacturing** | |
| Printing and coating works with heated curing ovens | 500 |
| Rendering and casings works | 1,000 |
| **Non-metallic mineral products** | |
| Bitumen batching plant | 1,000 |
| Cement production in amounts: | |
| ▪ up to 5,000 tonnes per year | 300 |
| ▪ between 5,000 and 150,000 tonnes per year | 500 |
| ▪ exceeding 150,000 tonnes per year | 1,000 |
| Cement, lime, clay bricks, tiles and pipe refractories, with a design production rate exceeding 10,000 tonnes per year: | 500 |
| Concrete batching plant, with a production rate exceeding 5,000 tonnes per year | 300 |
| Glass and glass production including glass wool and fibreglass | 500 |
| Plaster or plaster articles production, exceeding 5,000 tonnes per year | 200 |
| Rock wool manufacture | 500 |

| Type of use or activity (purpose) | Threshold distance (metres) |
|---|---|
| Solar salt manufacture | 1,000 |
| **Other premises** | |
| Automotive body, paint and interior repair | 100 |
| Rural industry handling, processing or packing agricultural produce | 300 |
| **Paper and paper products** | |
| Paper or paper pulp production: | |
| ▪ involving combustion of sulphur or sulphur containing materials | 5,000 |
| ▪ from semi-processed materials | 100 |
| ▪ from prepared cellulose and rags | 200 |
| ▪ by other methods than above | None specified |
| **Recreational, personal and other services** | |
| Dry cleaning for commercial and institutional customers, or in bulk quantities | 100 |
| Laundry for commercial and institutional customers, or in bulk quantities | 100 |
| **Textiles** | |
| Carpet backing with latex | 500 |
| Dyeing or finishing of cotton, linen and woollen yarns and textiles | 300 |
| Leather and artificial leather goods production | 300 |
| Leather tanning and dressing: | |
| ▪ up to 250 tonnes per year | 300 |
| ▪ exceeding 250 tonnes per year | 2,000 |
| Rope, cordage and twine production | 100 |
| Treatment or production of natural and synthetic fibres and textiles | 1,000 |
| Treatment or production of textiles using carbon disulphide | 500 |
| Wool scouring | 200 |
| **Transport and storage** | |
| Bus depot | 200 |
| Depot for refuse collection vehicles | 100 |
| Storage of bulk volatile organic compounds in quantities greater than 1,000 tonnes | 1,000 |

| Type of use or activity (purpose) | Threshold distance (metres) |
|---|---|
| Storage of petroleum products and crude oil in tanks exceeding 2,000 tonnes capacity: | |
| ▪ with fixed roofs | 300 |
| ▪ with floating roofs | 100 |
| Storage of wet-salted or unprocessed hides | 250 |
| **Waste, recycling and resource recovery** | |
| Chemical or oil recycling | 1,000 |
| Combustion, treatment or bio-reaction of waste to produce energy | None specified |
| Composting and other organic materials recycling | None specified |
| Container deposit scheme centre exceeding 1,000 square metres gross floor area | 200 |
| Hazardous waste storage or treatment | 1,000 |
| Landfill | None specified |
| Other recourse recovery or recycling operations | None specified |
| Soil conditioning or blending | None specified |
| Transfer station (other than Automated collection point and Container deposit scheme centre): | |
| ▪ accepting organic wastes | 500 |
| ▪ other | 200 |
| Used plastics treatment or processing | 500 |
| Waste tyre recycling and re-treading | 1,000 |
| Vehicle recycling or disposal | 500 |
| **Water and wastewater** | |
| Sewage treatment plant, exceeding a design or actual flow rate of 5,000 litres per day | None specified |
| Water treatment plant | None specified |
| **Wood, wood products and furniture** | |
| Charcoal production: | |
| ▪ by the retort process | 500 |
| ▪ other than by the retort process | 1,000 |
| Joinery | 100 |

| Type of use or activity (purpose) | Threshold distance (metres) |
|---|---|
| Sawmill, wood products and furniture | 500 |
| Wood preservation plant: | |
| up to 10,000 cubic metres of timber per year | 100 |
| exceeding 10,000 cubic metres of timber per year | 300 |

## 53.11 TIMBER PRODUCTION

31/07/2018
VC148

### 53.11-1 Timber production on Crown land

31/07/2018
VC148

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.

### 53.11-2 Timber production to comply with the Code of Practice for Timber Production

20/03/2023
VC229

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 2014 (as amended 2022)* (Department of Environment, Land, Water and Planning, 2022). 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.

### 53.11-3 Road repairs

31/07/2018
VC148

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*.

### 53.11-4 Decision guidelines

31/07/2018
VC148

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.

## 53.12 RACING DOG HUSBANDRY

08/08/2019
VC159

### Purpose

To ensure the use and development of land for racing dog husbandry is consistent with orderly and proper planning.

### 53.12-1 Requirement

08/08/2019
VC159

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.

### 53.12-2 Exemption from notice and review

31/07/2018
VC148

An application to which the requirement in Clause 53.12-1 applies is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if the approved measures specified in *Planning requirements for racing dog keeping and training* (Department of Environment, Land, Water and Planning, August 2017) are met.

## 53.13 RENEWABLE ENERGY FACILITY (OTHER THAN WIND ENERGY FACILITY)

17/09/2019
VC161

### Purpose

To facilitate the establishment and expansion of renewable energy facilities, in appropriate locations, with minimal impact on the amenity of the area.

### 53.13-1 Application

17/09/2019
VC161

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).

### 53.13-2 Application requirements

01/07/2021
VC203

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 Development Licence, Operating Licence, Permit or Registration 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.
    - the impact of the proposal on any species listed under the *Flora and Fauna Guarantee Act 1988* or *Environment Protection and Biodiversity Conservation Act 1999*.
    - 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.

## 53.13-3 Decision guidelines

28/10/2022
VC224

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- 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.
- The impact of the proposal on the protection of declared irrigation districts.
- The impact of the proposal on the natural environment and natural systems.
- The impact of the proposal on the road network.
- *Solar Energy Facilities Design and Development Guideline* (Department of Environment, Land, Water and Planning, October 2022).

## 53.13-4 Amendment VC161 transitional provisions

17/09/2019
VC161

Clauses 19.01-2S and 53.13 of this planning scheme, as in force immediately before the approval date of Amendment VC161, continue to apply to an application to use or develop land for a renewable energy facility (other than a wind energy facility) lodged before the approval date of Amendment VC161.

Clauses 14.02-3S and 66.02-12 of this planning scheme do not apply to an application to use or develop land for a renewable energy facility (other than a wind energy facility) lodged before the approval date of Amendment VC161.

## 53.14 RESOURCE RECOVERY

31/07/2018
VC148

### Purpose

To facilitate the establishment and expansion of a Transfer station and/or a Materials recycling facility in appropriate locations with minimal impact on the environment and amenity of the area.

### 53.14-1 Application

31/07/2018
VC148

This clause applies to all land used and developed or proposed to be used and developed for:

- A Transfer station;
- A Materials recycling facility.

### 53.14-2 Application requirements

01/07/2021
VC203

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.
  - Whether a Development Licence, Operating Licence, Permit or Registration is required from the Environment Protection Authority.
- An assessment of:
  - Potential amenity impacts such as noise, odour, emissions to air, land or water, vibration, dust, light spill, visual impact.
  - The impact of traffic generation on local roads.

### 53.14-3 Decision Guidelines

28/04/2026
VC232

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 *Victorian Recycling Infrastructure Plan* (Department of Energy, Environment and Climate Action, October 2024).
- Relevant guidelines applicable to the application including the guideline for *Designing, Constructing and Operating Composting Facilities* (Environment 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).

## 53.15 STATEMENT OF UNDERLYING PROVISIONS

31/07/2018
VC148

### 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.

## 53.15-01 Application

31/07/2018
VC148

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.

11/08/2022
C248wynd

# SCHEDULE TO CLAUSE 53.15 STATEMENT OF UNDERLYING PROVISIONS

## 1.0

11/08/2022
C248wynd

## Incorporated statement

| Land | Incorporated Document |
|---|---|
| Land reserved for the Outer Metropolitan Ring and the E6 Transport Corridor. | Statement of Underlying Provisions - Land reserved for the Outer Metropolitan Ring and the E6 Transport Corridor, July 2010 (updated May 2012). |

## 53.16 PIG FARM

11/04/2019
VC156

### 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.

## 53.16-1 Application

21/09/2018
VC150

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.

## 53.16-2 Exemption from notice and review

04/05/2022
VC210

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**

| Pig Class | Mass Range (kg) | Age Range (weeks) | SPU Factor |
|---|---|---|---|
| **Gilt** | 100 – 160 | 24 -30 | 1.8 |
| **Boar** | 100 – 300 | 24 – 128 | 1.6 |
| **Gestating sow** | 160 – 230 | - | 1.6 |
| **Lactating sow** | 160 – 230 | - | 2.5 |
| **Sucker** | 1.4 – 8 | 0 – 4 | 0.1 |
| **Weaner** | 8 – 25 | 4 – 10 | 0.5 |
| **Grower** | 24 – 55 | 10 – 16 | 1.0 |
| **Finisher** | 55 – 100 | 16 – 24 | 1.6 |

| Pig Class | Mass Range (kg) | Age Range (weeks) | SPU Factor |
|---|---|---|---|
| **Heavy Finisher** | 100 – 130 | 24 -30 | 1.8 |

*Note: Adapted from the National Environmental Guidelines for Piggeries 2010*

## 53.16-3 Decision guidelines

21/09/2018
VC150

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).

## 53.17 RESIDENTIAL AGED CARE FACILITY

14/12/2023
VC253

### 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 or small second dwellings.

## 53.17-1 Application

25/02/2025
VC257

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, Housing Choice and Transport Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

## 53.17-2 Application requirements

26/10/2018
VC152

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.

## 53.17-3 Development requirements

25/02/2025
VC257

### 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.

In the Housing Choice and Transport Zone the maximum building height must not exceed:

- 21.5 metres for land shown on a planning scheme map as **HCTZ1**.
- 16 metres for land shown on a planning scheme map as **HCTZ2**.

### Street setback

Walls of buildings should be set back from streets the distance specified in the table:

| Development context | Minimum setback from front street (metres) | Minimum setback from a side street (metres) |
|---|---|---|
| There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner. | 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. | Not applicable |
| There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner. | The 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. | Not applicable |
| There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner. | 6 metres for streets in a Transport Zone 2 and 4 metres for other streets. | Not applicable |
| 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 | Front walls of new development fronting the side street of a corner site should be setback at |

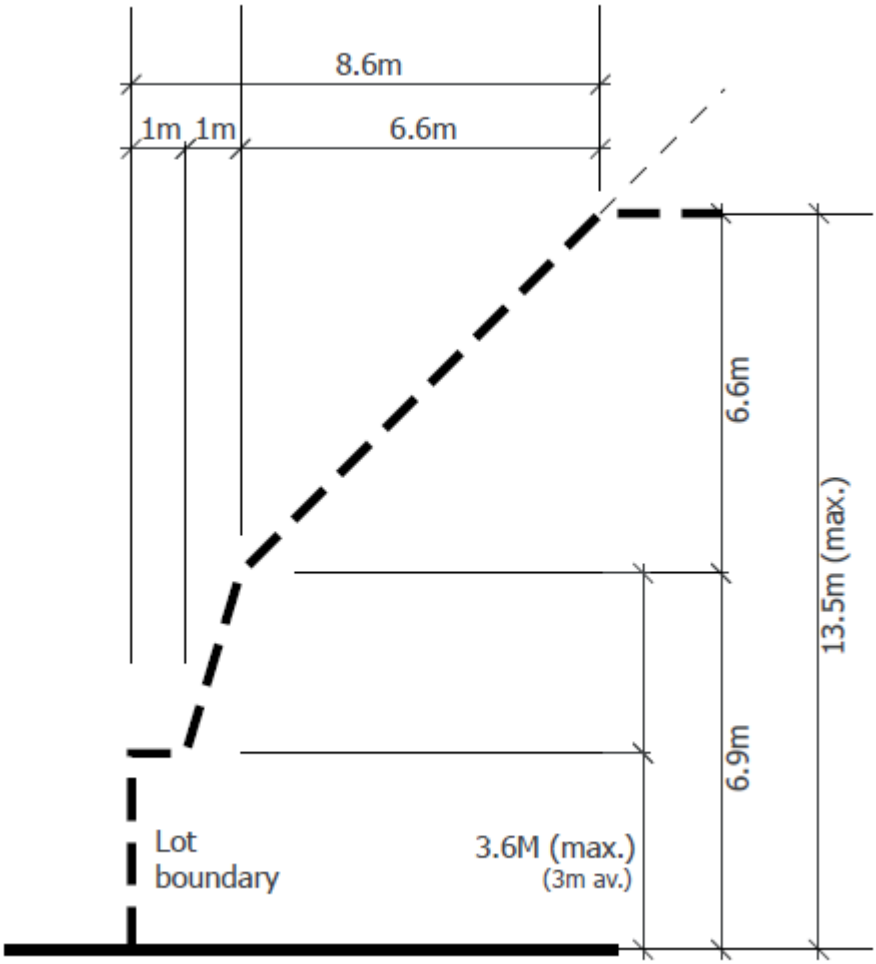
| Development context | Minimum setback from front street (metres) | Minimum setback from a side street (metres) |
|---|---|---|
| | of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser. This does not include a porte cochère.<br>If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Transport Zone 2 and 4 metres for other streets. | least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 4 metres, whichever is the lesser.<br>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 1metre, 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.

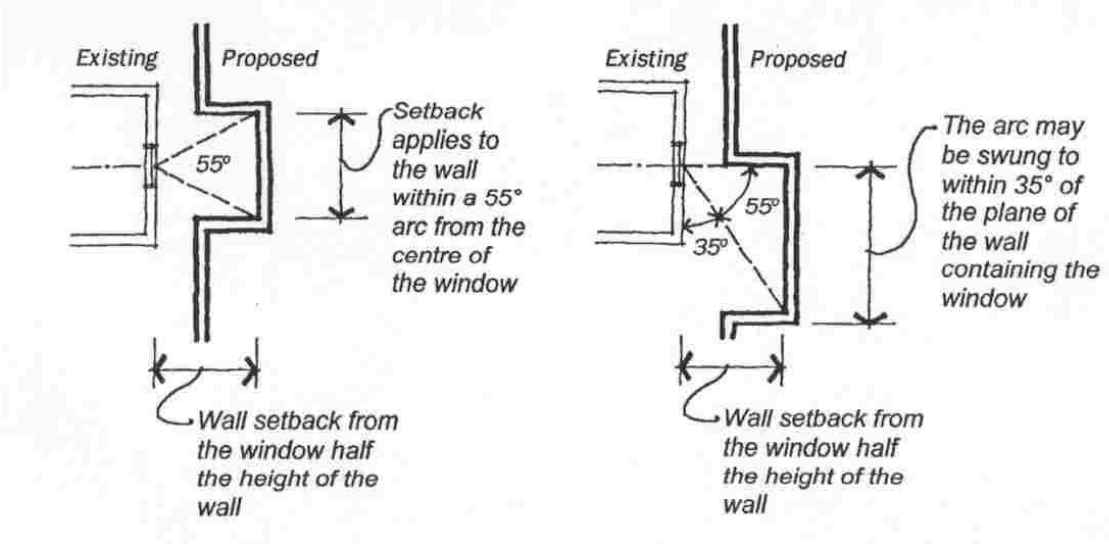
The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

### 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.

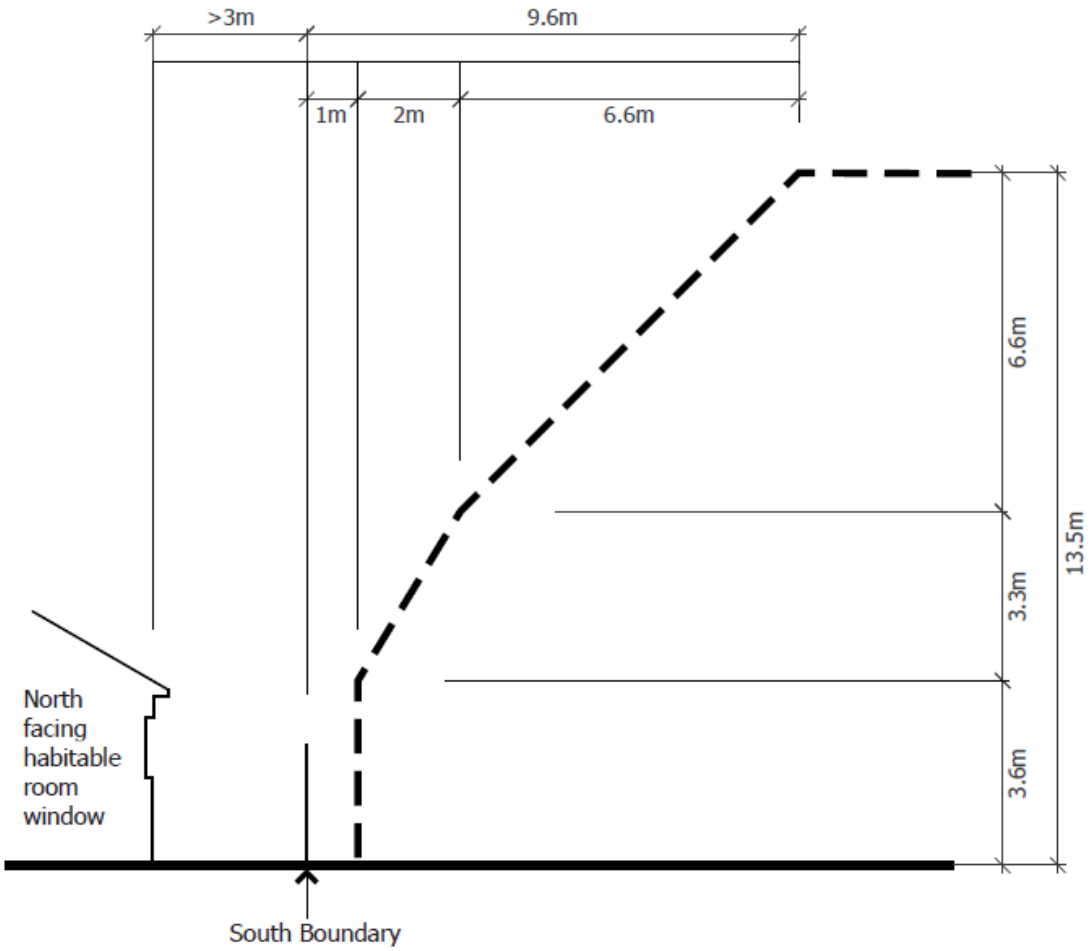
Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the 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 or small second dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.




### Overshadowing open space

Where sunlight to the secluded private open space of an existing dwelling or small second 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 or small second dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

### Overshadowing solar energy systems

Buildings should be sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings or small second dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.

### Overlooking

A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling or small second 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 or small second dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:

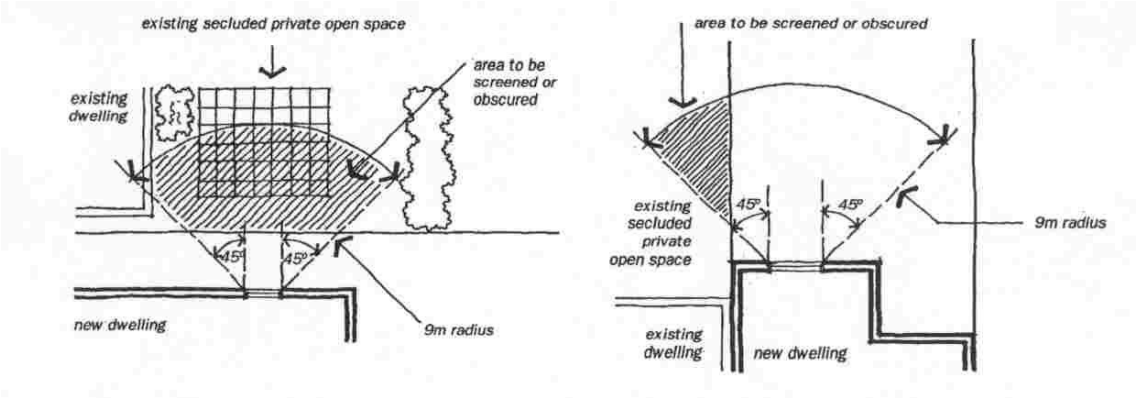
- Offset a minimum of 1.5 metres from the edge of one window to the edge of the other.
- Have sill heights of at least 1.2 metres above floor level.
- Have fixed, obscure glazing in any part of the window below 1.2 metres above floor level.
- Have permanently fixed external screens to at least 1.2 metres above floor level and be no more than 25 per cent transparent.

Obscure glazing in any part of the window below 1.2 metres above floor level may be openable provided that there are no direct views as specified in this standard.

Screens used to obscure a view should be:

- Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.
- Permanent, fixed and durable.
- Designed and coloured to blend in with the development.

This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.




### Noise impacts

Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings or small second 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 Transport Zone 2; and
- 1.5 metres in height on all other streets.

## 53.17-4 Decision guidelines

14/12/2023
VC253

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.
- 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 or small second dwellings.
- The proposed amenity for future residents of the residential aged care facility.
- The effect of overshadowing on an appropriately located existing rooftop solar energy system on an adjoining lot.

## 53.18 STORMWATER MANAGEMENT IN URBAN DEVELOPMENT

26/10/2018
VC154

### 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.

## 53.18-1 Application

28/10/2022
VC224

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, Transport Zone 2, Transport Zone 3, Rural Activity Zone, Rural Conservation Zone, Rural Living Zone, Urban Floodway Zone or Urban Growth Zone (Part A – No precinct structure plan applies).
- 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.

### Transitional provisions

Clause 53.18 of this scheme, as in force immediately before the approval date of Amendment VC224, 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.

## 53.18-2 Operation

26/10/2018
VC154

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

26/10/2018
VC154

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

04/02/2026
VC265

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 management guidance* (Environment Protection Authority - Publication 1739.1, 2021).
- 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 Exceedance 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 Vave < 0.35 m2/s (where, da = average depth in metres and Vave = 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.

## 53.18-5 Stormwater management objectives for buildings and works

04/02/2026
VC265

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:

- Meet the current best practice performance objectives for stormwater quality as contained in the *Urban stormwater management guidance* (Environment Protection Authority - Publication 1739.1, 2021).
- 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.

## 53.18-6 Site management objectives

26/10/2018
VC154

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.

## 53.18-7 Decision guidelines

26/10/2018
VC154

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.

## 53.19 NON-GOVERNMENT SCHOOLS

03/12/2019
VC165

### Purpose

To facilitate new non-government schools.

To facilitate upgrades and extensions to existing non-government schools.

### 53.19-1 Application

04/12/2020
VC180

This clause applies to an application under any provision of this scheme, other than a VicSmart application, to use or develop land for a primary school, secondary school, or education centre that is ancillary to, carried out in conjunction with, and on the same land or contiguous land in the same ownership as, a primary school or secondary school.

### 53.19-2 Exemption from review

04/12/2020
VC180

An application to which Clause 53.19 applies is exempt from the decision requirements of section 64(1), (2), and (3), and the review rights of section 82(1) of the Act.

### 53.19-3 Transitional provisions

04/12/2020
VC180

Clause 53.19 of this scheme, as in force immediately before the approval date of Amendment VC180, continues to apply to:

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

## 53.20 HOUSING BY OR ON BEHALF OF HOMES VICTORIA

14/12/2023
VC253

### Purpose

To facilitate the development of well-designed social housing and affordable housing to meet existing and future needs.

To increase the social housing and affordable housing stock in Victoria.

To ensure the development of housing by or on behalf of the Chief Executive Officer, Homes Victoria does not unreasonably impact on the amenity of adjoining dwellings or small second dwellings.

### 53.20-1 Application

04/02/2026
VC265

This clause applies to an application under a provision of a residential zone (other than the Low Density Residential Zone) to construct or extend a dwelling, or to construct or extend a front fence, if the application is made by or on behalf of the Chief Executive Officer, Homes Victoria.

This clause does not apply to an application that meets the requirements of clause 53.23-1 or clause 53.24-1.

In this clause, ***Chief Executive Officer, Homes Victoria*** means 'Chief Executive Officer, Homes Victoria' as defined in the *Housing Act 1983* and the body corporate established under the *Housing Act 1983*.

### 53.20-2 Operation

14/12/2023
VC253

The provisions of this clause prevail over any inconsistent provision in this planning scheme.

An application to construct or extend a dwelling, or to construct or extend a front fence, should meet the standards in Clause 53.20-6.

An application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development, should meet the standards in Clause 53.20-6 and Clause 53.20-7 except for the standard in:

- Clause 53.20-6.5.
- Clause 53.20-6.10 for an apartment development of 5 or more storeys.

The standards in Clause 53.20-6 and Clause 53.20-7 should normally be met. However, an alternative design solution may be considered if the responsible authority is satisfied that the proposal does not unreasonably impact on the amenity of an existing dwelling or small second dwelling on the site or on an adjacent site.

### 53.20-3 Exemption from planning scheme provisions

04/02/2026
VC265

The following provisions of this planning scheme do not apply:

- The Municipal Planning Strategy or Municipal Strategic Statement and the Planning Policy Framework.
- An application requirement or decision guideline of a zone.
- A requirement to meet Clauses 54, 55, 57 and 58.
- A schedule to a zone except for a specified building height requirement.
- Clauses 52.06 and 65.

## 53.20-4 Exemption from notice and review

20/12/2021
VC207

An application under any provision of this scheme is exempt from the notice requirements of section 52(1) (a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

## 53.20-5 Application requirements

20/03/2023
VC229

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

- Where the application is made on behalf of the Chief Executive Officer, Homes Victoria, a letter from Homes Victoria confirming that the application is made on behalf of the Chief Executive Officer, Homes Victoria.
- An urban context report. The urban context report may use a site plan, photographs or other techniques and must include an accurate description of:
  - Lot boundaries, site shape, size, orientation and easements on the subject site.
  - Levels and contours of the site and the difference in levels between the site and adjoining properties.
  - The location and height of existing buildings on the site and adjoining properties.
  - The use of adjoining buildings.
  - The location of secluded private open space of adjoining properties and the location of trees, fences and other landscape elements.
  - Solar access to the site and to adjoining properties.
  - Street frontage features such as poles, street lights, street trees and kerb crossovers.
  - The location of local shops, public transport services and public open spaces within walking distance.
  - Movement systems through and around the site.
  - Any other notable feature or characteristic of the site.
  - An assessment of the characteristics of the area including:
    - Any environmental features such as vegetation, topography and significant views.
    - The pattern of subdivision.
    - Street design and landscape.
    - The pattern of development.
    - Building form, scale and rhythm.
    - Connection to the public realm.
    - Architectural style, building details and materials.
    - Significant off-site noise sources.
    - For an apartment application, the relevant NatHERS climate zones.
    - Social and economic activity.
    - Any other notable or cultural characteristics of the area.
- A design response. The design response must explain how the proposed design:
  - Responds to any relevant planning provision.
  - Derives from and responds to the urban context report.

- The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings.

## 53.20-6 Development standards

04/02/2026
VC265

### 53.20-6.1 Infrastructure

Development should be connected to reticulated services, including reticulated sewerage, drainage and electricity.

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.

### 53.20-6.2 Street setback

Walls of buildings should be set back from streets at least the distance specified in Table 1. Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.

**Table 1 Street setback**

| Development context | Minimum setback from front street (metres) | Minimum setback from a side street (metres) |
|---|---|---|
| There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner. | The same distance as the setback of the front wall of either existing building on the abutting allotments facing the front street or 7 metres, whichever is the lesser. | Not applicable. |
| There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner. | The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 7 metres, whichever is the lesser. | Not applicable. |
| There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner. | 6 metres for streets in a Transport Zone 2 and 4 metres for other streets. | Not applicable. |
| 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 7 metres, whichever is the lesser. | 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. |

| 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 Transport Zone 2, and 4 metres for other streets. | 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. |

### 53.20-6.3 Site coverage

The site area covered by buildings should not exceed 60 per cent.

### 53.20-6.4 Permeability

The site area covered by the pervious surfaces should be at least 20 percent of the site.

### 53.20-6.5 Energy efficiency

Buildings should be:

- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings or small second dwellings on adjoining lots is not unreasonably reduced.
- Sited and designed to ensure that the performance of existing roof top solar energy systems on dwellings or small second dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing roof top solar energy system must exist at the date the application is lodged.

Living areas and private open space should be located on the north side of the development, if practicable.

Developments should be designed so that solar access to north-facing windows is maximised.

### 53.20-6.6 Safety

Entrances to dwellings should not be obscured or isolated from the street and internal accessways.

Planting which creates unsafe spaces along streets and accessways should be avoided.

Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.

Private spaces within developments should be protected from inappropriate use as public thoroughfares.

### 53.20-6.7 Access

Vehicle crossovers should be minimised.

Car parking entries should be consolidated, minimised in size, integrated with the façade and where practicable located at the side or rear of the building.

Pedestrian and cyclist access should be clearly delineated from vehicle access.

The location of crossovers should maximise pedestrian safety and the retention of on-street car parking spaces and street trees.

Developments must provide for access for service, emergency and delivery vehicles.

### 53.20-6.8 Parking location

Car parking facilities should:

- Be reasonably close and convenient to dwellings.
- Be secure.
- Be well ventilated if enclosed.

Shared accessways or car parks of other dwellings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.

### 53.20-6.9 Car parking

A minimum 0.6 car spaces should be provided to each dwelling. Car spaces may be covered or uncovered.

If in calculating the number of car parking spaces the result is not a whole number, the required number of car parking spaces is to be rounded down to the nearest whole number greater than 1.

#### Accessway design

Accessways must:

- Be at least 3 metres wide.
- Have an internal radius of at least 4 metres at changes of direction or intersection or be at least 4.2 metres wide.
- Allow vehicles parked in the last space of a dead-end accessway in public carparks to exit in a forward direction with one manoeuvre.
- Provide at least 2.1 metres headroom beneath overhead obstructions, calculated for a vehicle with a wheel base of 2.8 metres.
- If the accessway serves four or more car spaces or connects to a road in a Transport Zone 2 or a Transport Zone 3, the accessway must be designed so that cars can exit the site in a forward direction.
- Provide a passing area at the entrance at least 6.1 metres wide and 7 metres long if the accessway serves ten or more carparking spaces and is either more than 50 metres long or connects to a road in a Transport Zone 2 or a Transport Zone 3.
- Have a corner splay or area at least 50 percent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.

#### Car parking spaces

Car parking spaces and accessways must have the minimum dimensions as outlined in Table 2.

**Table 2: Minimum dimensions of car parking spaces and accessways**

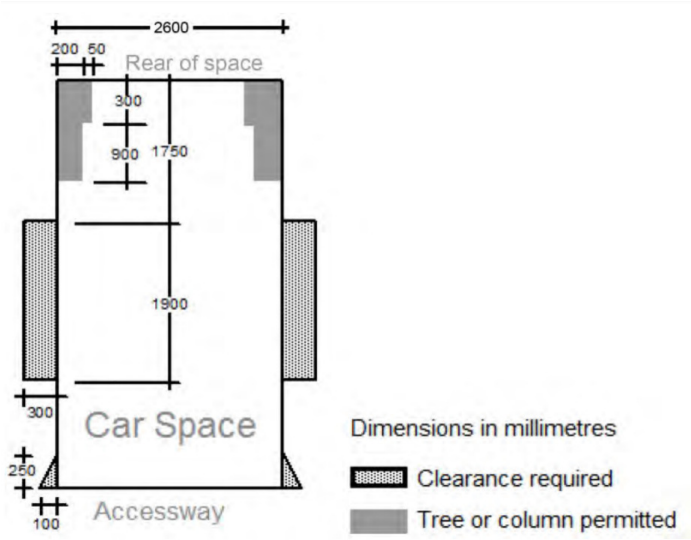
| Angle of car parking spaces to access way | Accessway width | Car space width | Car space length |
|---|---|---|---|
| **Parallel** | 3.6 m | 2.3 m | 6.7 m |
| **45º** | 3.5 m | 2.6 m | 4.9 m |
| **60º** | 4.9 m | 2.6 m | 4.9 m |
| **90º** | 6.4 m | 2.6 m | 4.9 m |
| | 5.8 m | 2.8 m | 4.9 m |
| | 5.2 m | 3.0 m | 4.9 m |
| | 4.8 m | 3.2 m | 4.9 m |

*Note: Some dimensions in Table 2 vary from those shown in the Australian Standard AS2890.1-2004 (off street). The dimensions shown in Table 2 allocate more space to aisle widths and less to marked spaces to provide improved operation and access. The dimensions in Table 2 are to be used in preference to the Australian Standard AS2890.1-2004 (off street) except for disabled spaces which must achieve Australian Standard AS2890.6-2009 (disabled).*

A wall, fence, column, tree, tree guard or any other structure that abuts a car space must not encroach into the area marked 'clearance required' on Diagram 1, other than:

- A column, tree or tree guard, which may project into a space if it is within the area marked 'tree or column permitted' on Diagram 1.
- A structure, which may project into the space if it is at least 2.1 metres above the space.

**Diagram 1 Clearance to car parking spaces**




Car spaces in garages or carports must be at least 6 metres long and 3.5 metres wide for a single space and 5.5 metres wide for a double space measured inside the garage or carport.

Where parking spaces are provided in tandem (one space behind the other) an additional 500mm in length must be provided between each space.

Disabled car parking spaces must be designed in accordance with Australian Standard AS2890.6-2009 (disabled) and the Building Code of Australia. Disabled carparking spaces may encroach into an accessway width specified in Table 2 by 500mm.

### Gradients

Accessway grades must not be steeper than 1:10 (10 percent) within 5 metres of the frontage to ensure safety for pedestrians and vehicles. The design must have regard to the wheel base of the vehicle being designed for; pedestrian and vehicular traffic volumes; the nature of the carpark; and the slope and configuration of the vehicle crossover at the site frontage. This does not apply to accessways serving three dwellings or less.

Ramps (except within 5 metres of the frontage) must have the maximum grades as outlined in Table 3 and be designed for vehicles travelling in a forward direction.

**Table 3: Ramp gradients**

| Type of car park | Length of ramp | Maximum grade |
|---|---|---|
| **Public car parks** | 20 metres or less | 1:5 (20%) |
| | longer than 20 metres | 1:6 (16.7%) |
| **Private or residential car parks** | 20 metres or less | 1:4 (25%) |
| | longer than 20 metres | 1:5 (20%) |

Where the difference in grade between two sections of ramp or floor is greater that 1:8 (12.5 per cent) for a summit grade change, or greater than 1:6.7 (15 percent) for a sag grade change, the ramp must include a transition section of at least 2 metres to prevent vehicles scraping or bottoming.

Plans must include an assessment of grade changes of greater than 1:5.6 (18 percent) or less than 3 metres apart for clearances, to the satisfaction of the responsible authority.

### Mechanical parking

Mechanical parking may be used to meet the carparking requirement provided:

- At least 25 percent of the mechanical carparking spaces can accommodate a vehicle height of at least1.8 metres.
- Carparking spaces that require the operation of the system are not allocated to visitors unless used in a valet parking situation.
- The design and operation is to the satisfaction of the responsible authority.

### Urban design

Ground level carparking, garage doors and accessways must not visually dominate public space.

Carparking within buildings (including visible portions of partly submerged basements) must be screened or obscured where possible, including through the use of occupied tenancies, landscaping, architectural treatments and art works.

Design of carparks must take into account their use as entry points to the site.

Design of new internal streets in developments must maximise on street parking opportunities.

### Safety

Car parking must be well lit and clearly signed.

The design of carparks must maximise natural surveillance and pedestrian visibility from adjacent buildings.

Pedestrian access to carparking areas from the street must be convenient.

Pedestrian routes through car parking areas and building entries and other destination points must be clearly marked and separated from traffic in high activity parking areas.

### Landscaping

The layout of car parking areas must provide for water sensitive urban design treatment and landscaping.

Landscaping and trees must be planted to provide shade and shelter, soften the appearance of ground level car parking and aid in the clear identification of pedestrian paths.

Ground level carparking spaces must include trees planted with flush grilles. Spacing of trees must be determined having regard to the expected size of the selected species at maturity.

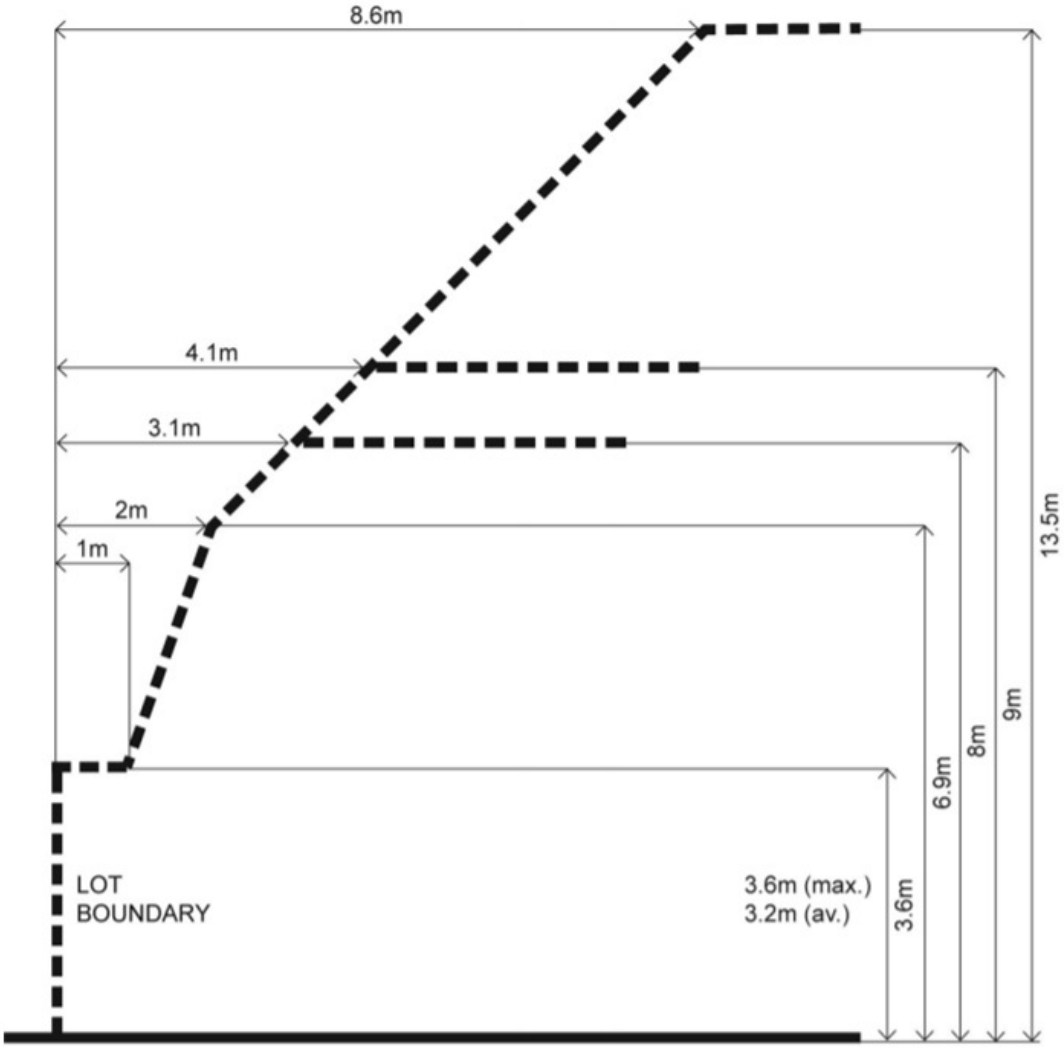
## 53.20-6.10 Side and rear setbacks

A new building not on or within 200mm of a boundary to a residential zone should be set back from side or rear boundaries 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. Diagram 2 details the standard.

Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.

Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.

**Diagram 2 Side and rear setbacks**




## 53.20-6.11 Walls on boundaries

A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary for a length of more than:

- 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or
- Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports whichever is the greater.

A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.

A building on a boundary includes a building set back up to 200mm from a boundary.

The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

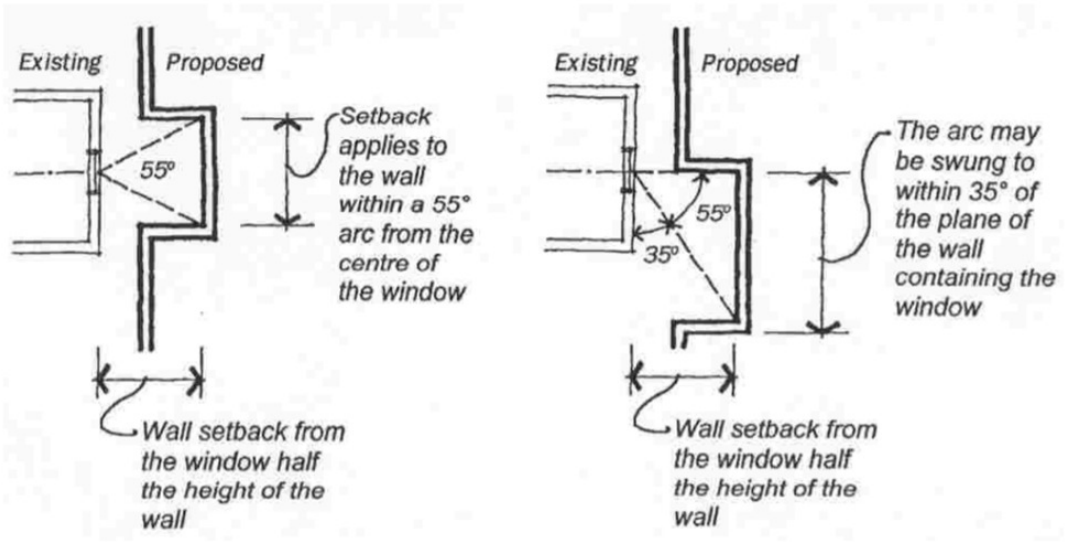
### 53.20-6.12 Daylight to existing windows

Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.

Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.

Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.

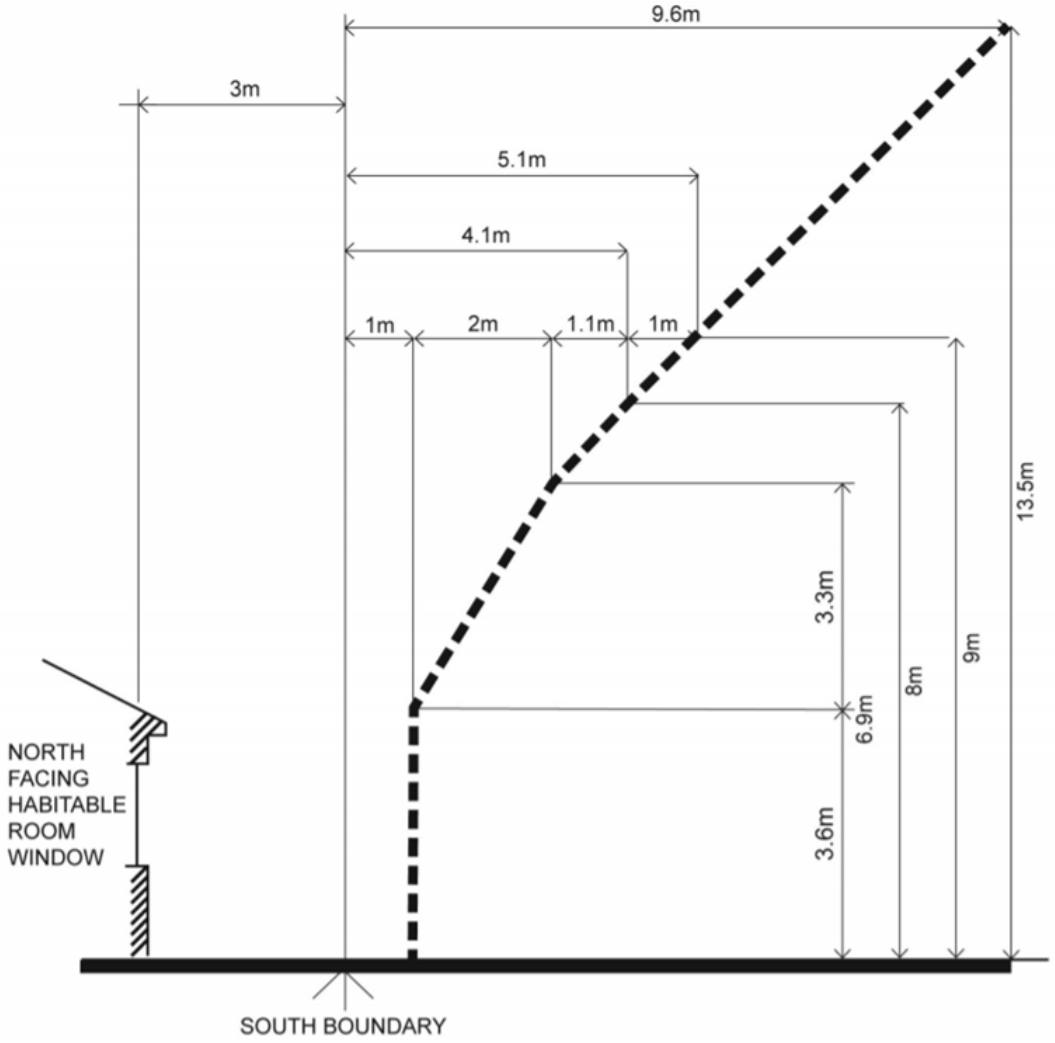
**Diagram 3 Daylight to existing windows**




### 53.20-6.13 North-facing windows

If a north-facing habitable room window of an existing dwelling or a small second dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.

**Diagram 4 North-facing windows**




### 53.20-6.14 Overshadowing open space

Where sunlight to the secluded private open space of an existing dwelling or small second 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 or small second dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

### 53.20-6.15 Overlooking

A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling or small second 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 an existing dwelling or small second dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:

- Offset a minimum of 1.5 metres from the edge of one window to the edge of the other.
- Have sill heights of at least 1.7 metres above floor level.
- Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level.
- Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.

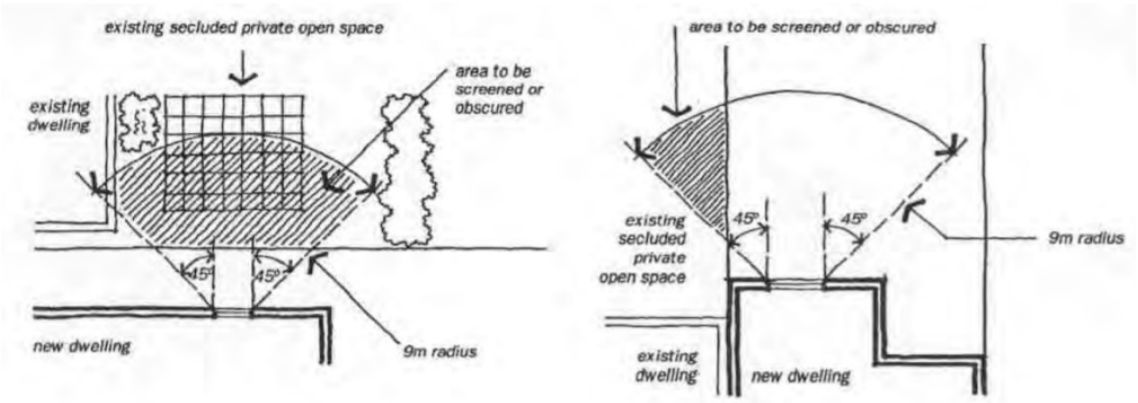
Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.

Screens used to obscure a view should be:

- Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.
- Permanent, fixed and durable.
- Designed and coloured to blend in with the development.

This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.

**Diagram 5 Overlooking open space**




## 53.20-6.16 Noise impacts

Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings or small second dwellings.

Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties.

Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.

## 53.20-6.17 Daylight to new windows

A window in a habitable room should be located to face:

- An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or
- A verandah provided it is open for at least one third of its perimeter, or
- A carport provided it has two or more open sides and is open for at least one third of its perimeter.

### 53.20-6.18 Private open space

A dwelling (other than an apartment) should have private open space consisting of:

- An area of secluded private open space with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room; or
- A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room; or
- A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.

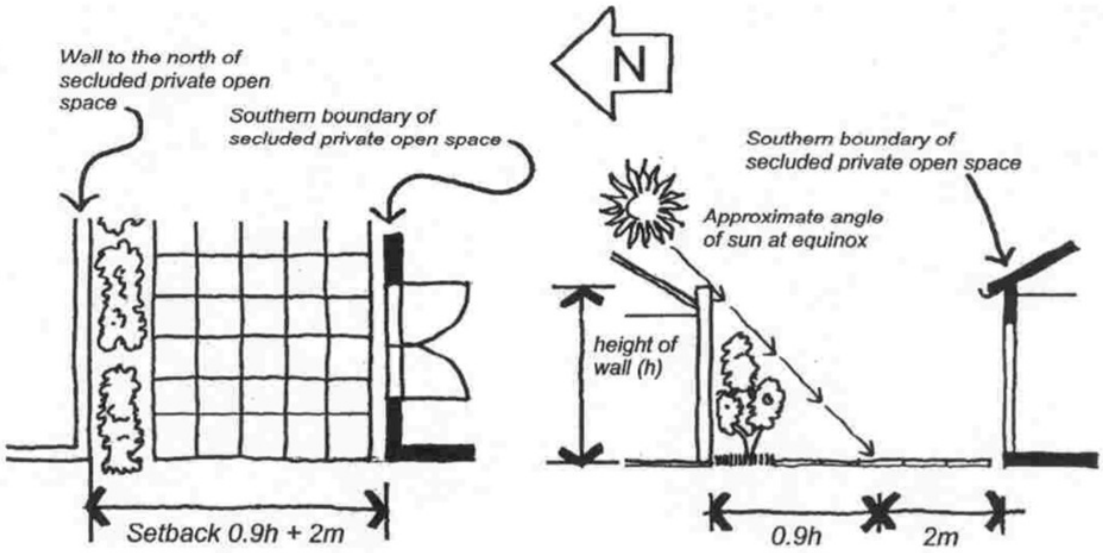
Secluded private open space may be located in the front setback if it is no more than 30% of the street frontage.

### 53.20-6.19 Solar access to open space

The private open space should be located on the north side of the dwelling if appropriate.

The southern boundary of secluded private open space should be set back from any wall on the north of the space at least (2 + 0.9h) metres, where 'h' is the height of the wall.

**Diagram 6 Solar access to open space**




### 53.20-6.20 Storage

Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.

### 53.20-6.21 Front fence

A front fence within 3 metres of a street should not exceed a maximum height of:

- 2 metres for streets in a Transport Zone 2.
- 1.5 metres in other streets or where secluded private open space is proposed within the front setback, the front fence may reach a height of up to 1.8 metres for not more than 30% of the length of the boundary.

### 53.20-6.22 Common property

Developments should clearly delineate public, communal and private areas.

Common property, where provided, should be functional and capable of efficient management.

### 53.20-6.23 Site services

Development should provide space (including easements where required) for site services to be installed and maintained efficiently and economically.

Meters and utility services should be designed as an integrated component of the building or landscape.

Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.

Mailboxes and other site facilities should be adequate in size, durable, weather-protected, located for convenient access and integrated into the overall design of the development.

## 53.20-7 Development standards for apartments

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### 53.20-7.1 Energy efficiency

Buildings should be:

- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings or small second dwellings on adjoining lots is not unreasonably reduced.
- Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings or small second dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.

Living areas and private open space should be located on the north side of the development, if practicable.

Developments should be designed so that solar access to north-facing windows is optimised.

Dwellings located in a climate zone identified in Table 4 should not exceed the maximum NatHERS annual cooling load.

**Table 4 Cooling load**

| NatHERS climate zone | NatHERS maximum cooling load<br>MJ/M$^2$ per annum |
|---|---|
| Climate zone 21 Melbourne | 30 |
| Climate zone 22 East Sale | 22 |
| Climate zone 27 Mildura | 69 |
| Climate zone 60 Tullamarine | 22 |
| Climate zone 62 Moorabbin | 21 |
| Climate zone 63 Warrnambool | 21 |

| NatHERS climate zone | NatHERS maximum cooling load<br>MJ/M$^2$ per annum |
|---|---|
| Climate zone 64 Cape Otway | 19 |
| Climate zone 66 Ballarat | 23 |

*Note: Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).*

### 53.20-7.2 Communal open space

A development of 10 or more dwellings should provide a minimum area of communal outdoor open space of 30 square metres.

If a development contains 13 or more dwellings, the development should also provide an additional minimum area of communal open space of 2.5 square metres per dwelling or 220 square metres, whichever is the lesser. This additional area may be indoors or outdoors and consist of multiple separate areas of communal open space.

Each area of communal open space should be:

- Accessible to all residents.
- A useable size, shape and dimension.
- Capable of efficient management.
- 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 or small second dwellings.
- Any area of communal outdoor open space should be landscaped and include canopy cover and trees.

### 53.20-7.3 Solar access to communal outdoor open space

The communal outdoor open space should be located on the north side of a building, if appropriate.

At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.

### 53.20-7.4 Landscaping

Development should retain existing trees and canopy cover.

Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.

Development should:

- Provide the canopy cover and deep soil areas specified in Table 5. Existing trees can be used to meet the canopy cover requirements of Table 5.
- Provide canopy cover through canopy trees that are:

  - Located in an area of deep soil specified in Table 6. Where deep soil cannot be provided trees should be provided in planters specified in Table 6.
  - Consistent with the canopy diameter and height at maturity specified in Table 7.
  - Located in communal outdoor open space or common areas or street frontages.
- Comprise smaller trees, shrubs and ground cover, including flowering native species.
- Include landscaping, such as climbing plants or smaller plants in planters, in the street frontage and in outdoor areas, including communal outdoor open space.
- Shade outdoor areas exposed to summer sun through landscaping or shade structures, and use paving and surface materials that lower surface temperatures and reduce heat absorption.
- Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water.
- Protect any predominant landscape features of the area.
- Take into account the soil type and drainage patterns of the site.
- Provide a safe, attractive and functional environment for residents.
- Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.

**Table 5 Canopy cover and deep soil requirements**

| Site area | Canopy cover | Deep soil |
|---|---|---|
| 1000 square metres or less | 5% of site area<br>Include at least 1 Type A tree | 5% of site area or 12 square metres whichever is the greater |
| 1001 – 1500 square metres | 50 square metres plus 20% of site area above 1,000 square metres<br>Include at least 1 Type B tree | 7.5% of site area |
| 1501 – 2500 square metres | 150 square metres plus 20% of site area above 1,500 square metres<br>Include at least 2 Type B trees or 1 Type C tree | 10% of site area |
| 2501 square metres or more | 350 square metres plus 20% of site area above 2,500 square metres<br>Include at least 2 Type B trees or 1 Type C tree | 15% of site area |

**Table 6 Soil requirements for trees**

| Tree type | Tree in deep soil | Tree in planter | |
|---|---|---|---|
| | Area of deep soil | Volume of planter soil | Depth of planter soil |

| Tree type | Tree in deep soil | Tree in planter | |
|---|---|---|---|
| A | 12 square metres (min. plan dimension 2.5 metres) | 12 cubic metres (min. plan dimension of 2.5 metres) | 0.8 metre |
| B | 49 square metres (min. plan dimension 4.5 metres) | 28 cubic metres (min. plan dimension of 4.5 metres) | 1 metre |
| C | 121 square metres (min. plan dimension 6.5 metres) | 64 cubic metres (min. plan dimension of 6.5 metres) | 1.5 metres |

*Note: Where multiple trees share the same section of soil the total required amount of soil can be reduced by 5% for every additional tree, up to a maximum reduction of 25%*

**Table 7 Tree types**

| Tree type | Minimum canopy diameter at maturity | Minimum height at maturity |
|---|---|---|
| A | 4 metres | 6 metres |
| B | 8 metres | 8 metres |
| C | 12 metres | 12 metres |

### 53.20-7.5 Integrated water and stormwater management

Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.

The stormwater management system should be:

- Designed to meet the current best practice performance objectives for stormwater quality as contained in the *Urban stormwater management guidance* (Environment Protection Authority - Publication 1739.1, 2021).
- Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.

### 53.20-7.6 Building setback

The built form of the development should respect the existing urban context and respond to the features of the site.

Buildings should be set back from side and rear boundaries, and other buildings within the site to:

- Ensure adequate daylight into new habitable room windows.
- Avoid direct views into habitable room windows and private open space of new and existing dwellings or small second dwellings. Developments should avoid relying on screening to reduce views.
- Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.

### 53.20-7.7 Noise impacts

Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings or small second 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 or small second 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 8 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 8 Noise influence area**

| Noise Source | Noise influence area |
|---|---|
| **Zone interface** | |
| Industry | 300 metres from the Industrial 1, 2 and 3 zone boundary |
| **Roads** | |
| Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume | 300 metres from the nearest trafficable lane |
| **Railways** | |
| Railway servicing passengers in Victoria | 80 metres from the centre of the nearest track |
| Railway servicing freight outside Metropolitan Melbourne | 80 metres from the centre of the nearest track |
| Railway servicing freight in Metropolitan Melbourne | 135 metres from the centre of the nearest track |

*Note: The noise influence area should be measured from the closest part of the building to the noise source.*

### 53.20-7.8 Accessibility

At least 50 per cent of dwellings should have:

- A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.
- A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.

- A main bedroom with access to an adaptable bathroom.
- At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table 9.

**Table 9 Bathroom design**

| | Design option A | Design option B |
|---|---|---|
| Door opening | A clear 850mm wide door opening. | A clear 820mm wide door opening located opposite the shower |
| Door design | Either:<br>▪ A slide door, or<br>▪ A door that opens outwards, or<br>▪ A door that opens inwards that is clear of the circulation area and has readily removable hinges. | Either:<br>▪ A slide door, or<br>▪ A door that opens outwards, or<br>▪ A door that opens inwards and has readily removable hinges. |
| Circulation area | A clear circulation area that is:<br>▪ A minimum area of 1.2 metres by 1.2 metres.<br>▪ Located in front of the shower and the toilet.<br>▪ Clear of the toilet, basin and the door swing.<br>The circulation area for the toilet and shower can overlap. | A clear circulation area that is:<br>▪ A minimum width of 1 metre.<br>▪ The full length of the bathroom and a minimum length of 2.7 metres.<br>▪ Clear of the toilet and basin.<br>The circulation area can include a shower area. |
| Path to circulation area | A clear path with a minimum width of 900mm from the door opening to the circulation area. | Not applicable. |
| Shower | A hobless (step-free) shower. | A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening. |
| Toilet | A toilet located in the corner of the room. | A toilet located closest to the door opening and clear of the circulation area. |

### 53.20-7.9 Building entry and circulation

Entries to dwellings and buildings should:

- Be visible and easily identifiable.
- Provide shelter, a sense of personal address and a transitional space around the entry.

The layout and design of buildings should:

- Clearly distinguish entrances to residential and non-residential areas.

- Provide windows to building entrances and lift areas.
- Provide visible, safe and attractive stairs from the entry level to encourage use by residents.
- Provide common areas and corridors that:
  - Include at least one source of natural light and natural ventilation.
  - Avoid obstruction from building services.
  - Maintain clear sight lines.

### 53.20-7.10 Private open space

A dwelling should have private open space consisting of at least one of the following:

- An area at ground level of 25 square metres, with a minimum dimension of 3 metres and convenient access from a living room.
- An area on a podium or other similar base of at least 15 square metres, with a minimum dimension of 3 metres at a podium or other similar base and convenient access from a living room.
- A balcony with at least the area and dimensions specified in Table 10 and convenient access from a living room.
- An area on a roof 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 minimum balcony area specified in Table 10 should be increased by at least 1.5 square metres.

If the finished floor level of a dwelling is 40 metres or more above ground level, the requirements of Table 10 do not apply if at least the area specified in Table 11 is provided as living area or bedroom area in addition to the minimum area specified in Table 13 or Table 14.

**Table 10 Balcony size**

| Dwelling type | Minimum area | Minimum dimension |
|---|---|---|
| Studio or 1 bedroom dwelling | 8 square metres | 1.8 metres |
| 2 bedroom dwelling | 8 square metres | 2 metres |
| 3 or more bedroom dwelling | 12 square metres | 2.4 metres |

**Table 11 Additional living area or bedroom area**

| Dwelling type | Additional area |
|---|---|
| Studio or 1 bedroom dwelling | 8 square metres |
| 2 bedroom dwelling | 8 square metres |
| 3 or more bedroom dwelling | 12 square metres |

### 53.20-7.11 Storage

Each dwelling should have convenient access to usable and secure storage space.

The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table 9.

**Table 12 Storage**

| Dwelling type | Total minimum storage volume | Minimum storage volume within the dwelling |
|---|---|---|
| Studio | 8 cubic metres | 5 cubic metres |
| 1 bedroom dwelling | 10 cubic metres | 6 cubic metres |
| 2 bedroom dwelling | 14 cubic metres | 9 cubic metres |
| 3 or more bedroom dwelling | 18 cubic metres | 12 cubic metres |

### 53.20-7.12 Waste and recycling

Developments should include dedicated areas for:

- Waste and recycling enclosures which are:
  - Adequate in size, durable, waterproof and blend in with the development.
  - Adequately ventilated.
  - Located and designed for convenient access by residents and made easily accessible to people with limited mobility.
- Adequate facilities for bin washing. These areas should be adequately ventilated.
- Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate.
- Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.
- Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.
- Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.

Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:

- Be designed to meet the better practice design options specified in *Waste Management and Recycling in Multi-unit Developments* (Sustainability Victoria, 2019).
- Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.

### 53.20-7.13 Functional layout

Bedrooms should:

- Meet the minimum internal room dimensions specified in Table 13.
- Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.

Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimension and area specified in Table 14.

**Table 13 Bedroom dimensions**

| Bedroom type | Minimum width | Minimum depth | Minimum area |
|---|---|---|---|
| Main bedroom | 3 metres | 3.4 metres | 10.2 sqm |
| All other bedrooms | 3 metres | 3 metres | 9 sqm |

**Table 14 Living area dimensions**

| Dwelling type | Minimum width | Minimum area |
|---|---|---|
| Studio and 1 bedroom dwelling | 3.3 metres | 10 sqm |
| 2 or more bedroom dwelling | 3.6 metres | 12 sqm |

### 53.20-7.14 Room depth

Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.

The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:

- The room combines the living area, dining area and kitchen.
- The kitchen is located furthest from the window.
- The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.

The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.

### 53.20-7.15 Windows

Habitable rooms should have a window in an external wall of the building.

A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky. The secondary area should be:

- A minimum width of 1.2 metres.
- A maximum depth of 1.5 times the width, measured from the external surface of the window.

### 53.20-7.16 Natural ventilation

The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.

At least 40 per cent of dwellings should provide effective cross ventilation that has:

- A maximum breeze path through the dwelling of 18 metres.
- A minimum breeze path through the dwelling of 5 metres.
- Ventilation openings with approximately the same area.

The breeze path is measured between the ventilation openings on different orientations of the dwelling.

### 53.20-7.17 Integration with the street

Development should be oriented to front existing and proposed streets.

Along street frontages, development should:

- Incorporate pedestrian entries, windows, balconies or other active spaces.
- Limit blank walls.
- Limit high front fencing, unless consistent with the existing urban context.
- Provide low and visually permeable front fences, where proposed.
- Conceal car parking and internal waste collection areas from the street.

Development next to existing public open space should be designed to complement the open space and facilitate passive surveillance.

### 53.20-7.18 External walls and materials

External walls should be finished with materials that:

- Do not easily deteriorate or stain.
- Weather well over time.
- Are resilient to the wear and tear from their intended use.

External wall design should facilitate safe and convenient access for maintenance.

### 53.20-7.19 Wind impacts

Development should:

- not cause unsafe wind conditions specified in Table 15 in public land, publicly accessible areas on private land, private open space and communal open space; and
- achieve comfortable wind conditions specified in Table 15 in public land and publicly accessible areas on private land

within a distance of half the greatest length of the building, or half the total height of the building measured outwards on the horizontal plane from the ground floor building façade, whichever is greater.

Trees and landscaping should not be used to mitigate wind impacts. This does not apply to sitting areas, where trees and landscaping may be used to supplement fixed wind mitigation elements.

Wind mitigation elements, such as awnings and screens should be located within the site boundary, unless consistent with the existing urban context or preferred future development of the area.

**Table 15: Wind conditions**

| Unsafe | Comfortable |
|---|---|
| Annual maximum 3 second gust wind speed exceeding 20 metres per second with a probability of exceedance of 0.1% considering at least 16 wind directions. | Hourly mean wind speed or gust equivalent mean speed (3 second gust wind speed divided by 1.85), from all wind directions combined with probability of exceedance less than 20% of the time, equal to or less than: |

| Unsafe | Comfortable |
|---|---|
| | ▪ 3 metres per second for sitting areas.<br>▪ 4 metres per second for standing areas.<br>▪ 5 metres per second for walking areas. |

## 53.20-9 Transitional provision

20/03/2023
VC229

The development standards for apartments at clause 53.20-6 and clause 53.20-7 introduced by Amendment VC207, do not apply to an application to construct or extend a dwelling, or to construct or extend a front fence if:

- Funded wholly or partly, under Victoria's Big Housing Build program;
- The application is made by or on behalf of the Chief Executive Officer, Homes Victoria; and
- The written confirmation from Homes Victoria or the Chief Executive Officer, Homes Victoria that the application is funded, either wholly or partly, under Victoria's Big Housing Build program has been signed before 30 June 2022.

## 53.20-10 Decision guidelines

14/12/2023
VC253

Before deciding on an application, the responsible authority must consider, as appropriate:

- How the proposed development responds to the site and context description.
- Where a development standard of this clause is not met, the impact on the amenity of the adjoining dwellings or small second dwellings of varying the standard.
- The effect of overshadowing on an appropriately located existing rooftop solar energy system on an adjoining lot.

## 53.21 STATE TRANSPORT PROJECTS

17/02/2022
VC200

### Purpose

To facilitate the delivery of transport projects carried out by or on behalf of the State of Victoria.

### 53.21-1 Application

19/11/2025
VC297

This clause applies to an application under any provision of this planning scheme, other than a VicSmart application or an application to subdivide land, made by or on behalf of the Head, Transport for Victoria, the Secretary to the Department of Transport and Planning or the Suburban Rail Loop Authority.

### 53.21-2 Exemption from review

17/02/2022
VC200

An application to which clause 53.21 applies is exempt from the decision requirements of section 64(1), (2), and (3), and the review rights of section 82(1) of the Act.

## 53.22 SIGNIFICANT ECONOMIC DEVELOPMENT

20/09/2023
VC242

### Purpose

To prioritise and facilitate the planning, assessment and delivery of projects that will make a significant contribution to Victoria's economy and provide substantial public benefit, including jobs for Victorians.

To provide for the efficient and effective use of land and facilitate use and development with high quality urban design, architecture and landscape architecture.

## 53.22-1 Application

04/07/2025
VC258

The provisions of this clause prevail over any inconsistent provision in this planning scheme.

This clause applies to an application under any provision of this planning scheme if all the following are met:

- The applicant submits written confirmation that the application is an application to which this clause applies.
- The conditions corresponding to a category in Table 1 are met.

This clause does not apply to an application to subdivide land, other than an application to subdivide land that includes either:

- A renewable energy facility; or
- A utility installation used to:
  - Transmit or distribute electricity; or
  - Store electricity if the installed capacity is 1 megawatt or greater.

In this clause, ***Invest Victoria*** means the body called 'Invest Victoria', established as an Administrative Office in relation to the Department of Jobs, Skills, Industry and Regions under an Order made under section 11 of the *Public Administration Act 2004*.

**Table 1**

| Category | Condition |
|---|---|
| **Category 1** | The application must include a use specified in Table 2 and the conditions corresponding to that use must be met.<br><br>If the application includes more than one use in Table 2, only one use must meet the corresponding conditions, except where the application includes an energy generation facility or transport terminal, in which case all conditions corresponding to those uses must be met.<br><br>The application must not include a use that requires a permit if that use is not specified in Table 2.<br><br>Information demonstrating the likely feasibility of the proposed development is provided to the satisfaction of the Minister for Planning. This must include written advice from the Chief Executive Officer or delegate, Invest Victoria. This does not apply to an application for the use or development of land for an energy |

| Category | Condition |
|---|---|
| | generation facility, renewable energy facility, transport terminal, utility installation or warehouse (fuel depot). |
| **Category 2** | The application must include a use specified in Table 2. The conditions corresponding to that use do not need to be met. The application may also include a use that is not specified in Table 2.<br>The proposed use or development must be:<br>▪ carried out by or on behalf of, or jointly or in partnership with, the State of Victoria or a public authority; or<br>▪ funded, or partly funded, by the State of Victoria, the Commonwealth or a public authority; or<br>▪ carried out on Crown land. |
| **Category 3** | The application must include a use specified in Table 2. The conditions corresponding to that use do not need to be met. The application may also include a use that is not specified in Table 2.<br>The Minister for Planning has advised in writing that they are satisfied the proposed use or development of land is of significance having regard to the:<br>▪ Purpose of clause 53.22.<br>▪ Estimated cost of development.<br>▪ Extent to which the development supports or implements planning policy.<br>Information demonstrating the likely feasibility of the proposed development is provided to the satisfaction of the Minister for Planning. This must include written advice from the Chief Executive Officer or delegate, Invest Victoria. |

**Table 2**

| Use | Condition |
|---|---|
| **Camping and caravan park**<br>**Group accommodation**<br>**Food and drink premises (other than bar, convenience restaurant and take away food premises)**<br>**Leisure and recreation**<br>**Place of assembly**<br>**Recreational boat facility**<br>**Residential hotel** | The estimated cost of the proposed development as specified in a report prepared by a suitably qualified quantity surveyor must be one of the following to the satisfaction of the Minister for Planning:<br>▪ At least $10 million if any part of the land is in metropolitan Melbourne.<br>▪ At least $5 million if the land is not in metropolitan Melbourne. |

| Use | Condition |
|---|---|
| **Winery** | |
| **Agriculture**<br>**Data centre**<br>**Industry**<br>**Research centre**<br>**Saleyards** | The estimated cost of the proposed development as specified in a report prepared by a suitably qualified quantity surveyor must be one of the following to the satisfaction of the Minister for Planning:<br>▪ At least $20 million if any part of the land is in metropolitan Melbourne.<br>▪ At least $10 million if the land is not in metropolitan Melbourne. |
| **Hospital**<br>**Medical centre**<br>**Warehouse** | The estimated cost of the proposed development as specified in a report prepared by a suitably qualified quantity surveyor must be one of the following to the satisfaction of the Minister for Planning:<br>▪ At least $30 million if any part of the land is in metropolitan Melbourne; or<br>▪ At least $10 million if the land is not in metropolitan Melbourne. |
| **Tertiary institution** | The estimated cost of the proposed development as specified in a report prepared by a suitably qualified quantity surveyor must be one of the following to the satisfaction of the Minister for Planning:<br>▪ At least $30 million if any part of the land is in metropolitan Melbourne; or<br>▪ At least $20 million if the land is not in metropolitan Melbourne. |
| **Transport terminal** | Must only be used to transport gas. |
| **Retail premises (other than food and drink premises)** | The estimated cost of the proposed development as specified in a report prepared by a suitably qualified quantity surveyor must be one of the following to the satisfaction of the Minister for Planning:<br>▪ At least $100 million if any part of the land is in metropolitan Melbourne; or<br>▪ At least $20 million if the land is not in metropolitan Melbourne. |
| **Earth and energy resources industry (other than extractive industry, mining, mineral exploration, petroleum exploration, petroleum production and stone exploration)** | The estimated cost of the proposed development as specified in a report prepared by a suitably qualified quantity surveyor must be at least $30 million to the satisfaction of the Minister for Planning. |
| **Extractive industry** | The estimated value of the resource to be extracted must be at least $30 million to the satisfaction of the Minister for Planning. |

| Use | Condition |
|---|---|
| **Mining and mineral exploration** | The estimated cost of the proposed development as specified in a report prepared by a suitably qualified quantity surveyor must be at least $10 million to the satisfaction of the Minister for Planning. |
| **Office** | Must meet one of the following to the satisfaction of the Minister for Planning:<br>▪ The combined gross floor area of all buildings (excluding basement and above ground car parking facilities) associated with the proposed use or development must be at least 10,000 square metres if any part of the land is in metropolitan Melbourne; or<br>▪ The combined gross floor area of all buildings (excluding basement and above ground car parking facilities) associated with the proposed use or development must be at least 5,000 square metres if the land is not in metropolitan Melbourne. |
| **Renewable energy facility** | An installed capacity of 1 megawatt or greater must be proposed. |
| **Energy generation facility** | An installed capacity of 1 megawatt or greater must be proposed.<br>Must only be a gas-powered energy generation facility. |
| **Utility installation (other than data centre)** | A utility installation used to:<br>▪ Transmit or distribute electricity; or<br>▪ Store electricity if the installed capacity is 1 megawatt or greater; or<br>▪ Transmit or distribute gas.<br>must be proposed. |

## 53.22-2 Planning scheme requirements

04/07/2025
VC258

The responsible authority may waive or vary any of the following:

- Any building height or setback requirement.
- Any application requirement in this planning scheme if in the opinion of the responsible authority the requirement is not relevant to the assessment of the application.

This does not apply to the following:

- A decision that would be inconsistent with an approved Statement of Planning Policy for a declared area; and
- A requirement in clauses 45.07, 45.08 or 51.03, or in any schedule to those clauses.

## 53.22-3 Application requirements

04/07/2025
VC258

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

- A report or other documents demonstrating the likely feasibility of the development.
- A report prepared by a suitably qualified quantity surveyor which specifies the estimated cost of the development.
- For extractive industry, a report prepared by a suitably qualified person specifying the estimated value of the resource to be extracted.

## 53.22-4 Exemption from review

20/09/2023
VC242

An application under any provision of this planning scheme is exempt from the decision requirements of sections 64(1), (2) and (3), and the review rights of sections 82(1) of the Act.

## 53.22-5 Decision guidelines

04/07/2025
VC258

Before deciding on an application the responsible authority must consider, as appropriate:

- The purpose of the clause.
- The views of the Office of the Victorian Government Architect.

## 53.22-6 Transitional provision

20/09/2023
VC242

Clause 53.22 does not apply to:

- An application for a permit lodged before the approval date of Amendment VC242.
- 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 VC242.

## 53.23 SIGNIFICANT RESIDENTIAL DEVELOPMENT WITH AFFORDABLE HOUSING

04/07/2025
VC258

### Purpose

To facilitate residential development that contributes to the provision of affordable housing to meet existing and future needs.

To facilitate the redevelopment and renewal of public housing stock to meet existing and future needs.

To facilitate residential development carried out by the State of Victoria or jointly or in partnership with the private sector, including via innovative funding, investment and partnership approaches.

To facilitate residential development with high quality urban design, architecture and landscape architecture.

To provide opportunities for non-residential use and development in association with residential development.

## 53.23-1 Application

04/07/2025
VC258

The provisions of this clause prevail over any inconsistent provision in this planning scheme.

This clause applies to an application under any provision of this planning scheme if all of the following are met:

- The applicant submits written confirmation that the application is an application to which this clause applies.
- The application includes the proposed use or development of land for accommodation (other than camping and caravan park, group accommodation, residential hotel and small second dwelling).
- The conditions corresponding to a category in Table 1 are met.

This clause does not apply to an application to subdivide land.

In this clause:

- ***Chief Executive Officer, Homes Victoria*** means 'Chief Executive Officer, Homes Victoria' as defined in the *Housing Act 1983* and the body corporate established under the *Housing Act 1983*.
- ***Invest Victoria*** means the body called 'Invest Victoria', established as an Administrative Office in relation to the Department of Jobs, Skills, Industry and Regions under an Order made under section 11 of the *Public Administration Act 2004*.

**Table 1**

| Category | Condition |
|---|---|
| **Category 1** | The estimated cost of the proposed development of land for accommodation (other than camping and caravan park, group accommodation, residential hotel and small second dwelling) as specified in a report prepared by a suitably qualified quantity surveyor must be one of the following to the satisfaction of the Minister for Planning:<br>▪ At least $50 million if any part of the land is in metropolitan Melbourne.<br>▪ At least $15 million if the land is not in metropolitan Melbourne. |

| Category | Condition |
|---|---|
| | The application includes an affordable housing report required under clause 53.23-3 that demonstrates how the affordable housing contribution specified in clause 53.23-4 (being at least 10 per cent of the total number of dwellings in the proposed development provided as affordable housing or an alternative contribution towards the provision of affordable housing) is intended to be provided if a permit is granted.<br><br>Information demonstrating the likely feasibility of the proposed development is provided to the satisfaction of the Minister for Planning. This must include written advice from the Chief Executive Officer or delegate, Invest Victoria. |
| **Category 2** | The proposed use or development of land for accommodation (other than camping and caravan park, group accommodation, residential hotel and small second dwelling) will be:<br>▪ carried out by or on behalf of, or jointly or in partnership with, the State of Victoria or a public authority; or<br>▪ funded, or partly funded, by the State of Victoria, the Commonwealth or a public authority; or<br>▪ carried out on Crown land.<br><br>If the application is made by or on behalf of the Chief Executive Officer, Homes Victoria, the proposed development includes at least 10 dwellings. |
| **Category 3** | The Minister for Planning has advised in writing that they are satisfied the proposed use or development of land for accommodation (other than camping and caravan park, group accommodation, residential hotel and small second dwelling) is of significance having regard to:<br>▪ The purpose of clause 53.23.<br>▪ Whether a contribution towards affordable housing is proposed.<br>▪ The estimated cost of the proposed development.<br>▪ The location of the proposed development and whether it has convenient access to jobs, services, infrastructure and community facilities.<br>▪ Whether the design, liveability and sustainability of the proposed development is exemplary. |

| Category | Condition |
|---|---|
| | Information demonstrating the likely feasibility of the proposed development is provided to the satisfaction of the Minister for Planning. This must include written advice from the Chief Executive Officer or delegate, Invest Victoria. |

## 53.23-2 Planning scheme requirements

04/07/2025
VC258

The responsible authority may waive or vary any of the following:

- A minimum garden area requirement.
- Any building height or setback requirement.
- A condition opposite a use in Section 2 in a zone or a schedule to a zone.
- Any application requirement in this planning scheme if in the opinion of the responsible authority the requirement is not relevant to the assessment of the application.

This does not apply to the following:

- A decision that would be inconsistent with an approved Statement of Planning Policy for a declared area; and
- A requirement in clauses 45.07, 45.08 or 51.03, or in any schedule to those clauses.

Clauses 45.09 and 52.06 of this planning scheme do not apply to a use or development proposed in an application where:

- the proposed development will be funded, or partly funded, by the State of Victoria or the Commonwealth; or
- the application is made by or on behalf of the Chief Executive Officer, Homes Victoria.

The provisions of clauses 54.05-2, 55.03-5, 57.03-5 and 58.05-3 of this planning scheme do not apply to:

- an application for a proposed development funded, or partly funded, by the State of Victoria or the Commonwealth; or
- an application made by or on behalf of the Chief Executive Officer, Homes Victoria.

An application for a proposed development that will be funded, or partly funded, by the State of Victoria or the Commonwealth, or an application made by or on behalf of the Chief Executive Officer, Homes Victoria should meet the following standards:

- A minimum 0.6 car parking spaces should be provided to each dwelling. Car parking spaces may be covered or uncovered. If in calculating the number of car parking spaces the result is not a whole number, the required number of car parking spaces is to be rounded down to the nearest whole number greater than 1. Car parking for other land uses in the proposed development must be to the satisfaction of the responsible authority.
- A dwelling (other than an apartment) should have private open space consisting of:
  - an area of secluded private open space with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room; or

  - a balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room; or
  - a roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.
- Secluded private open space may be located in the front setback if it is no more than 30 per cent of the street frontage.

## 53.23-3 Application requirements

04/07/2025
VC258

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

- A report prepared by a suitably qualified quantity surveyor which specifies the estimated cost of the proposed development of land for accommodation to the satisfaction of the Minister for Planning.
- A report (affordable housing report) that outlines how a proposed contribution to the provision of affordable housing is intended to be provided should a permit be granted, including the following:
  - The nature of the proposed contribution.
  - The methodology for the delivery of the proposed contribution.
  - The proposed monetary value of the contribution (as a percentage of the estimated cost of the proposed development of land for accommodation).
- If the application includes a non-residential use or development, information about the purpose of the use and the types of activities proposed to be carried out.
- An application for a use or development that will be funded, or partly funded, by Homes Victoria must be accompanied by a letter from the Chief Executive Officer or delegate, Homes Victoria, consenting generally or conditionally to the application being made.
- An application for a use or development that will be funded, or partly funded, by the Commonwealth, must be accompanied by a letter from the Chief Executive Officer, Housing Australia confirming the funding.

## 53.23-4 Permit condition requirement

04/07/2025
VC258

The responsible authority must include the following condition in deciding to grant a permit:

*"Before the use or development of the land begins, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, the owner of the land must enter into an agreement with the responsible authority under section 173 of the Act, in a form to the satisfaction of the responsible authority, that provides for a contribution towards affordable housing (affordable housing contribution) by way of either of the following options:*

- *At least 10 per cent of the total number of dwellings in the development must be provided as affordable housing for sale or lease to a registered housing agency or to Homes Victoria. The details of when and how the affordable housing will be delivered and the total value of the affordable housing contribution must be set out in the agreement. The affordable housing dwellings provided should be representative of the approved dwelling mix to the satisfaction of the responsible authority.*
- *An alternative contribution towards the provision of affordable housing must be provided to the satisfaction of the responsible authority. The details of when and how the alternative contribution is to be made and the total value of the affordable housing contribution must be set out in the agreement to the satisfaction of the responsible authority.*

*The land owner must pay the responsible authority's reasonable costs of the preparation, execution, registration and ending of the section 173 agreement (where applicable)."*

The above requirement to include a condition does not apply if any of the following apply:

- The responsible authority is satisfied that an agreement exists with the State of Victoria or a public authority for the provision of at least 10 per cent of the total number of dwellings in the development as affordable housing and:
  - the use or development will be carried out by or on behalf of, or jointly or in partnership with, the State of Victoria or a public authority; or
  - the development will be funded, or partly funded, by the State of Victoria, the Commonwealth or a public authority; or
  - the development will be carried out on Crown land.
- The conditions corresponding to Category 3 in Table 1 are met and a contribution towards affordable housing is not proposed.

## 53.23-5 Exemption from review

20/09/2023
VC242

An application under any provision of this planning scheme is exempt from the decision requirements of sections 64(1), (2) and (3), and the review rights of sections 82(1) of the Act.

## 53.23-6 Decision guidelines

04/07/2025
VC258

Before deciding on an application the responsible authority must consider, as appropriate:

- The purpose of the clause.
- The views of the Office of the Victorian Government Architect.

## 53.23-7 Transitional provision

20/09/2023
VC242

Clause 53.23 does not apply to:

- An application for a permit lodged before the approval date of Amendment VC242.
- 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 VC242.

## 53.24 FUTURE HOMES

22/09/2023
VC243

### Purpose

To facilitate apartment developments that incorporate exemplar designs approved under the Future Homes project.

To facilitate apartment developments that increase the density and diversity of housing to respond to Victoria's population growth.

To facilitate apartment developments that are exemplary in their design, liveability and sustainability.

## 53.24-1 Application

28/02/2025
VC274

The provisions of this clause prevail over any inconsistent provision in this planning scheme.

This clause applies to an application under clause 32.08-7 of the General Residential Zone or clause 32.10-5 of the Housing Choice and Transport Zone to construct two or more dwellings on a lot, or to construct a front fence in association with the construction of two or more dwellings on a lot, if all of the following requirements are met:

- The development must be an apartment development.
- The design of the apartment development must use a licenced exemplar design approved under the Future Homes project overseen by the Department of Transport and Planning.
- Any part of the land:
  - Must be within 800 metres of a passenger railway station; or
  - Must be within 800 metres of a metropolitan, major or neighbourhood activity centre in Metropolitan Melbourne; or
  - Must be within 800 metres of an activity centre outside Metropolitan Melbourne; and
  - Must not be within a Heritage Overlay or Neighbourhood Character Overlay.

For the purposes of this clause, the distance from an activity centre must be measured from:

- the boundary of the activity centre specified, shown, described or otherwise indicated in this planning scheme; or
- if the boundary of the activity centre is not specified, shown, described or otherwise indicated in this planning scheme, the boundary of any Activity Centre Zone, commercial zone, Mixed Use Zone or Precinct Zone.

For the purposes of this clause, the distance from a passenger railway station must be measured from the closest point to a station platform.

## 53.24-2 Meaning of terms

26/09/2023
VC246

An activity centre outside Metropolitan Melbourne means a:

- Central Activity District
- Central Business District
- City Centre
- Major Activity Centre
- Primary Activity Centre
- Principal Activity Centre
- Principal Centre

- Regional Activity Centre
- Regional Centre
- Regional Retail Centre

## 53.24-3 Pre-application referral requirements

25/02/2025
VC257

If an application under clause 32.08-7 or 32.10-5 is required to be referred in accordance with section 55 of the Act to a referral authority specified in clause 66, the following requirements must be met:

- The development for which the application is made 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 development.

If the proposed development requires a permit under a provision of this planning scheme other than clause 32.08-7 of the General Residential Zone or clause 32.10-5 of the Housing Choice and Transport Zone and an application for that permit is required to be referred in accordance with section 55 of the Act to a referral authority specified in clause 66, the following requirements must be met:

- The development for which the application is made 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 development.

## 53.24-4 Application requirements

03/12/2024
VC269

An application must be accompanied by:

- A neighbourhood and site description.
- A design response.
- A landscape plan.

### Neighbourhood and site description

The neighbourhood and site description may use a site plan, photographs or other techniques and must include:

- Site shape, size, orientation, levels and easements.
- 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 private open space and habitable room windows of surrounding properties that have an outlook to the site.
- Solar access to the site and adjoining properties.
- Views to and from the site.
- Street frontage features such as poles, street trees and kerb crossovers.
- The pattern of development of the neighbourhood, including the average street setback for the development site (approximately 150 metres either side).
- 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 features or characteristics of the site and area.

#### Design response

The design response must address the development standards of clause 53.24 and the principles, objectives, requirements and targets of the *Building future homes adaptation guide* (Department of Transport and Planning, 2023).

#### Landscape plan

The landscape plan must include:

- The location of significant trees existing on and adjacent to the site and any significant trees removed from the site 12 months prior to the application being made.
- The location and details of proposed vegetation, including canopy trees on the site.
- A planting schedule that demonstrates compliance with the deep soil and canopy cover requirements.
- Details of the soil type, drainage patterns and irrigation system of the site.

### 53.24-5 Exemption from planning scheme requirements

31/03/2025
VC267

The requirements of clauses 45.09, 52.06 and 52.34 of the planning scheme do not apply to a development under this clause.

An application is exempt from any application requirement in the General Residential Zone or any application requirements specified in a schedule to the General Residential Zone or the Housing Choice and Transport Zone.

An application is exempt from and is not required to meet the requirements of clauses 55, 57 and 58.

#### Matters to be considered

In deciding an application, the responsible authority must not consider, and is exempt from considering:

- The Municipal Planning Strategy and Planning Policy Framework.
- The purpose of the General Residential Zone or the Housing Choice and Transport Zone.
- Any decision guideline in the General Residential Zone, or a schedule to the General Residential Zone or the Housing Choice and Transport Zone.
- The decision guidelines in clause 65.

### 53.24-6 Exemption from review

25/02/2025
VC257

An application under clause 32.08-7 or 32.10-5 is exempt from the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

### 53.24-7 Development standards

03/12/2024
VC269

A development must meet all of the following development standards.

### 53.24-7.1 Car parking

03/12/2024
VC269

Car parking spaces must be provided at:

- a rate of at least 0.6 spaces per dwelling; rounded down to the closest whole number or
- if the land is in a Parking Overlay and the overlay specifies a lower car parking rate for a dwelling, the applicable rate in the overlay.

Mechanical parking may be used to meet the car parking requirement provided the dimensions of the mechanical parking system meets the standards for a B99 vehicle in Australian Standard AS/NZS 2890.1:2004, Parking facilities - Off-street car parking (Standards Australia, 2004).

### 53.24-7.2 Bicycle parking

03/12/2024
VC269

Bicycle parking spaces must be provided at a rate of:

- at least 1 space per dwelling for residents.
- at least 1 space per 5 dwellings for visitors.

At least 20 percent of bicycle parking spaces for residents must be provided as horizontal spaces.

All visitor bicycle parking spaces must be provided as horizontal spaces and be located to provide convenient access from surrounding bicycle routes and main building entrances.

### 53.24-7.3 Communal open space

03/12/2024
VC269

A development of 10 or more dwellings must provide a minimum area of communal outdoor open space of 30 square metres.

If a development contains 13 or more dwellings, the development must also provide an additional minimum area of communal open space of 2.5 square metres per dwelling or 220 square metres, whichever is the lesser. This additional area may be indoors or outdoors and consist of multiple separate areas of communal open space.

Each area of communal open space must be:

- Accessible to all residents.
- Of a useable size, shape and dimension.
- Capable of efficient management.
- Located to:
  - Provide passive surveillance, where appropriate.
  - Provide outlook for as many dwellings as practicable.
  - Limit overlooking into habitable rooms and private open space of new dwellings.
  - Minimise noise impacts on new and existing dwellings.

Any area of communal outdoor open space must be landscaped and where possible include canopy cover and trees.

At least 50 per cent or 125 square metres, whichever is the lesser, of the primary area of communal outdoor open space must receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.

### 53.24-7.4 Environmentally sustainable design

03/12/2024
VC269

A development must achieve:

- At least a 7.5 star NatHERS average (area-weighted across all dwellings).
- At least a 6.5 star NatHERS for an individual dwelling.
- An excellence, or equivalent score, in environmentally sustainable design as outlined in the Building Future Homes Adaptation Guide.

- 100 percent Stormwater Treatment Objective-Relative Measure (STORM) rating for the site.

## 53.24-7.5 Accessibility

03/12/2024
VC269

At least 50 per cent of dwellings must be designed to meet all of the following accessibility design standards.

### Dwelling access

- A slip resistant continuous step-free pathway must be provided from the street and car parking area to the dwelling entry door.
- The pathway must have a minimum clear width of 1.2 metres, no steps, a maximum gradient of 1:14 and a cross fall not steeper than 1:40.
- Where ramps with landings are required as part of the pathway, landings must be no less than 1.2 metres in length, and gate and door swings must not overlap this minimum landing requirements.
- Landings must be provided at the start and end of ramps.
- Where there is a change in height of 190 millimetres or less at an apartment entrance, a step ramp with a gradient not steeper than 1:10 may be used.
- Car parking spaces must provide:
  - A level surface with a gradient not exceeding 1:40 in any direction.
  - A vertical clearance over the parking space of at least 2.5 metres free of obstructions (the 2.5 m clearance is not required where mechanical parking is used).

### Dwelling entrance

- The entrance to the dwelling must have:
  - A clear opening width of at least 850 millimetres.
  - A level, and step-free transition and threshold.
  - A level landing on the arrival side of the entrance door of at least 1.35 metres x 1.35 metres.

### Internal doors and passageways

- Doorways to rooms must have a clear opening width of at least 850 millimetres.
- Doorways to rooms must have a level, step-free transition and threshold.
- The dwelling must have clear passageways and corridors with a minimum width of 1.2 metres.

### Toilets and showers

- At least one toilet must be located on the entry level of the dwelling and must have:
  - A secure fixing surface to enable future installation of grab rails.
  - A minimum 1.2 metre x 1.2 metre circulation area located in front of the toilet that is clear of the basin and the door swing.
- The toilet must be located in:
  - the corner of the room if it is in a bathroom with the centreline of the pan 450 to 460 millimetres from the adjacent wall; or
  - a room with a minimum width of 1.2 metres if it is in a room separate to the bathroom.
- A least one bathroom must be located on the entry level of the dwelling and must have a hobless, step-free shower that:

  - Has a removable shower screen.
  - Has a minimum clear internal dimensions of 900 millimetres x 900 millimetres.
  - Has a minimum 1.2 metres x 1.2 metres clear circulation area located in front of the shower.
  - Is located in the corner of the room to enable future installation of grab rails.
- A secure fixing surface must be provided at all toilets, showers and baths to enable future installation of grab rails. This requirement may be met by either:
  - walls that are constructed of solid masonry or concrete; or
  - providing additional wall framing or structure lining behind the finished wall surface.

**Kitchen laundry**

- The kitchen and laundry must have a minimum 1.2 metres clear circulation area in front of appliances and benches.
- Floor finishes must extend under appliances and cabinets to allow for future modifications.

## 53.24-7.6 Building entry and circulation

03/12/2024
VC269

Common corridors and passageways providing access to a dwelling entry must have a minimum width of 1.2 metres.

Entries to dwellings and buildings must:

- 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 must:

- Clearly distinguish entrances to residential and non-residential areas.
- Provide windows to building entrances and lift areas.
- Provide visible, safe and attractive stairs from the entry level to encourage use by residents.
- Provide common areas and corridors that:
  - Include at least one source of natural light and natural ventilation.
  - Avoid obstruction from building services.
  - Maintain clear sight lines.

## 53.24-7.7 Storage

03/12/2024
VC269

Each dwelling must have convenient access to usable and secure storage space.

The total minimum storage space (including kitchen, bathroom and bedroom storage) must meet the requirements specified in Table 1.

**Table 1: Storage**

| Dwelling type | Total minimum storage volume | Minimum storage volume within the dwelling |
|---|---|---|
| Studio | 8 cubic metres | 5 cubic metres |
| 1 bedroom dwelling | 10 cubic metres | 6 cubic metres |
| 2 bedroom dwelling | 14 cubic metres | 9 cubic metres |

| Dwelling type | Total minimum storage volume | Minimum storage volume within the dwelling |
|---|---|---|
| 3 or more bedroom dwelling | 18 cubic metres | 12 cubic metres |

## 53.24-7.8 Functional layout

03/12/2024
VC269

Bedrooms must:

- Meet the minimum internal room dimensions specified in Table 2.
- Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.

**Table 2:Bedroom dimensions**

| Bedroom type | Minimum width | Minimum depth |
|---|---|---|
| Main bedroom | 3 metres | 3.4 metres |
| All other bedrooms | 3 metres | 3 metres |

Living areas (excluding dining and kitchen areas) must meet the minimum internal room dimensions specified in Table 3.

**Table 3: Living area dimension and area**

| Dwelling type | Minimum width | Minimum depht |
|---|---|---|
| Studio or 1 bedroom dwelling | 3.3 metres | 10 square metres |
| 2 or more bedroom dwelling | 3.6 metres | 12 square metres |

## 53.24-7.9 Room depth

03/12/2024
VC269

Single aspect habitable rooms must 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 must be measured from the external surface of the habitable room window to the rear wall of the room.

## 53.24-7.10 Windows

03/12/2024
VC269

Habitable rooms must 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 must be:

- A minimum width of 1.2 metres.
- A maximum depth of 1.5 times the width, measured from the external surface of the window.

## 53.24-7.11 Natural ventilation

03/12/2024
VC269

The design and layout of dwellings must maximise openable windows, doors or other ventilation devices in external walls of the building.

All dwellings must provide effective natural ventilation. Effective natural ventilation includes cross ventilation, single sided ventilation or mechanically assisted ventilation.

For cross ventilation:

- 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 must be measured between the ventilation openings on different orientations of the dwelling.

## 53.24-7.12 Deep soil and canopy cover

03/12/2024
VC269

A development must:

- Provide the canopy cover and deep soil areas specified in Table 4 (existing trees can be used to meet the canopy cover requirements of Table 4).
- Provide canopy cover through canopy trees that are:
  - Located in an area of deep soil specified in Table 5, or where deep soil cannot be provided, located in planters specified in Table 5.
  - Consistent with the canopy diameter and height at maturity specified in Table 6.
  - Located in communal outdoor open space or common areas or street frontages.
  - Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water.
  - Take into account the soil type and drainage patterns of the site.

**Table 4: Canopy cover and deep soil requirements**

| Site area | Canopy area | Deep soil |
|---|---|---|
| 1000 square metres or less | 5% of site area<br>Include at least 1 Type A tree | 5% of site area or 12 square metres whichever is the greater |
| 1001 – 1500 square metres | 50 square metres plus 20% of site area above 1,000 square metres<br>Include at least 1 Type B tree | 7.5% of site area |
| 1501 – 2500 square metres | 150 square metres plus 20% of site area above 1,500 square metres<br>Include at least 2 Type B trees or 1 Type C tree | 10% of site area |
| 2501 square metres or more | 350 square metres plus 20% of site area above 2,500 square metres<br>Include at least 2 Type B trees or 1 Type C tree | 15% of site area |

**Table 5: Soil requirements for trees**

| Tree type | Tree in deep soil<br>Area of deep soil | Tree in planter | |
|---|---|---|---|
| | | Volume of soil planter | Depth of soil planter |
| A | 12 square metres<br>(min. plan dimension 2.5 metres) | 12 cubic metres<br>(min. plan dimension of 2.5 metres) | 0.8 metre |
| B | 49 square metres<br>(min. plan dimension 4.5 metres) | 28 cubic metres<br>(min. plan dimension of 4.5 metres) | 1 metre |
| C | 121 square metres<br>(min. plan dimension 6.5 metres) | 64 cubic metres<br>(min. plan dimension of 6.5 metres) | 1.5 metres |

*Note* *Where multiple trees share the same section of soil the total required amount of soil can be reduced by 5% for every additional tree, up to a maximum reduction of 25%.*

**Table 6: Tree types**

| Tree type | Minimum canopy diameter at maturity | Minimum height at maturity |
|---|---|---|
| A | 4 metres | 6 metres |
| B | 8 metres | 8 metres |
| C | 12 metres | 12 metres |

## 53.24-8 Decision guidelines

03/12/2024
VC269

Before deciding on an application the responsible authority must consider the purpose of this clause.

## 53.25 GREAT DESIGN FAST TRACK

07/04/2025
VC280

### Purpose

To facilitate innovative dwelling, apartment and mixed-use residential development.

To facilitate development that increases the density and diversity of dwellings to respond to Victoria's population growth.

To facilitate the development of dwellings with convenient access to public transport, and community, retail and other services.

To facilitate development that is of a high quality in its design, liveability and sustainability.

## 53.25-1 Application

07/04/2025
VC280

The provisions of this clause prevail over any inconsistent provision in this planning scheme.

This clause applies to an application under any provision of this planning scheme for the development of land, or the use and development of land, (other than the subdivision of land), if all of the following are met:

- The applicant submits written confirmation that the application is an application to which this clause applies.
- The application includes the construction of at least eight dwellings.
- Any proposed building contains at least two storeys and not more than eight storeys.
- The proposed development achieves a minimum NatHERS rating of:
  - 8.0 stars average, with no individual dwelling less than 6.5 stars for apartment developments.
  - 7.5 stars for all other dwellings.
- Each proposed dwelling provides effective natural ventilation, which includes cross ventilation, single sided ventilation or mechanically assisted ventilation.
- The Minister for Planning has advised in writing that they are satisfied the proposed use or development of land for accommodation (other than camping and caravan park, group accommodation, residential hotel and small second dwelling) is of significance having regard to:
  - The purpose of clause 53.25.
  - Whether the quality of the design, liveability and sustainability of the proposed development meets the design principles published by the Minister for Planning on the Department's Internet site for the purposes of clause 53.25 ('the design principles').
  - The location of the proposed development and whether it has convenient access to jobs, services, infrastructure and community facilities.
- Information demonstrating that the proposed development meets the design principles is provided to the satisfaction of the Minister for Planning. This must include written advice from the Office of the Victorian Government Architect to the satisfaction of the Minister for Planning.
- Information demonstrating the likely feasibility of the proposed development is provided to the satisfaction of the Minister for Planning. This must include written advice from the Chief Executive Officer or delegate, Invest Victoria (Department of Jobs, Skills, Industry and Regions) to the satisfaction of the Minister for Planning.

## 53.25-2 Planning scheme requirements

07/04/2025
VC280

The responsible authority may waive or vary any of the following in relation to an application or a proposed use or development:

- A minimum garden area requirement.
- Any building height or setback requirement.
- A condition opposite a use in Section 2 in a zone or a schedule to a zone.

A decision to waive or vary any of the matters above does not apply:

- where it would be inconsistent with an approved Statement of Planning Policy for a declared area; or
- to a requirement in clauses 45.07, 45.08 or 51.03, or in any schedule to those clauses.

The responsible authority may waive or vary any of the requirements of clauses 45.09, 52.06 and 52.34 of this planning scheme in relation to an application or a proposed use or development.

An application is exempt from an application requirement in this planning scheme if in the opinion of the responsible authority the requirement is not relevant to the assessment of the application.

Clauses 52.20, 53.20, 53.23 and 53.24 of this planning scheme do not apply to an application to which this clause applies.

## 53.25-3 Application requirements

07/04/2025
VC280

If the application includes a non-residential use or development, information about the purpose of the use and the types of activities proposed to be carried out must accompany the application, as appropriate.

## 53.25-4 Exemption from review

07/04/2025
VC280

An application under any provision of this planning scheme is exempt from the decision requirements of sections 64(1), (2) and (3), and the review rights of section 82(1) of the Act.

## 53.25-5 Decision guidelines

07/04/2025
VC280

Before deciding on an application, in addition to the decision guidelines elsewhere in this planning scheme including in clause 65, the responsible authority must consider, as appropriate:

- The purpose of the clause.
- The views of the Office of the Victorian Government Architect.

## 53.25-6 Transitional provision

07/04/2025
VC280

Clause 53.25 does not apply to:

- An application for a permit lodged before the approval date of Amendment VC280.
- 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 VC280.

54
11/09/2025
VC292

# ONE DWELLING ON A LOT OR A SMALL SECOND DWELLING ON A LOT

## Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To encourage residential development that provides reasonable standards of amenity for existing and new residents.

To encourage residential development that responds to the site and the surrounding area.

## Application

Provisions in this clause apply to the classes of applications specified in clauses:

- 32.04-5 and 32.04-6, Mixed Use Zone,
- 32.05-6 and 32.05-7, Township Zone,
- 32.07-4 and 32.07-5, Residential Growth Zone,
- 32.08-5 and 32.08-6, General Residential Zone,
- 32.09-5 and 32.09-6, Neighbourhood Residential Zone,
- 32.10-3 and 32.10-4, Housing Choice and Transport Zone,
- 43.05-2, Neighourhood Character Overlay, associated with one dwelling on a lot, in a Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Housing Choice and Transport Zone, Mixed Use Zone or Township Zone.

The objectives contained in clauses 54.02-8 and 54.03-5 do not apply to one dwelling on a lot.

The objectives contained in clauses 54.02-7, 54.03-1, 54.03-3, 54.05-3 and 54.05-4 do not apply to a small second dwelling.

## Operation

The provisions of this clause contain:

- **Objectives**. An objective describes the outcome to be achieved in the completed development.
- **Standards**. A standard contains the requirements to meet the corresponding objective.

  If a zone or a schedule to a zone specifies a standard that modifies the standard set out in this clause, the modified standard 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 standard that modifies the standard set out in this clause, or a modified standard in the zone or a schedule to the zone, the modified standard 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 standard that modifies the standard set out in this clause, or a modified standard in the zone or a schedule to the zone, the modified standard in the schedule to the overlay applies.
- **Decision guidelines.** If a standard is not met, the decision guidelines set out the matters that the responsible authority must consider before deciding if the corresponding objective is met.

## Requirements

A development must meet all of the applicable objectives contained in this clause.

If a development meets a standard:

- The corresponding objective is deemed to be met;
- The responsible authority is not required to consider the corresponding decision guidelines.

If a development does not meet a standard, the responsible authority must consider the applicable decision guidelines in determining whether the corresponding objective is met.

### Exemptions

Despite any other provision of this planning scheme, in determining applications to which this clause applies, the responsible authority is exempt from and is not required to consider:

- The Municipal Planning Strategy and Planning Policy Framework, unless an applicable decision guideline specifies otherwise.
- The purpose or decision guidelines of the relevant zone, unless an applicable decision guideline specifies otherwise.
- The decision guidelines in Clause 65, unless an applicable decision guideline specifies otherwise.

If there is any inconsistency between the requirements of this clause and another provision of this planning scheme, this clause prevails.

An application to which this clause applies is exempt from the requirements of:

- Section 60(1)(b), (e), (f), (1A) and (1B) of the Act; and
- Section 84B(2)(b) to (jb) of the Act.

## 54.01 APPLICATION REQUIREMENTS

08/09/2025
VC282

An application to which this clause applies must be accompanied by:

- A site description.
- A design response.
- A written statement outlining which standards are met and which are not met. If a standard is not met, the written statement must include an explanation of how the development meets the corresponding objective having regard to the corresponding decision guidelines.

### 54.01-1 Site description

08/09/2025
VC282

The neighbourhood and site description may use a site plan, photographs or other techniques and must accurately describe:

- The built form, scale and character of surrounding development including front fencing.
- 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 existing trees 5 metres in height or greater, with a trunk circumference of 0.5 metres or greater at 1.4 metres above ground level, on the site.
- Any cut and filled areas of soil, where known.
- Street frontage features such as poles, services, street trees and kerb crossovers.
- The location of any existing domestic solar energy system on the roof of a dwelling, apartment development or residential building on surrounding properties.

If in the opinion of the responsible authority a requirement of the site description is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

### 54.01-2 Design response

08/09/2025
VC282

The design response must explain how the proposed design derives from and responds to the site description.

The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings.

The design response must include a landscape plan that details the proposed:

- Retention and planting of canopy trees,
- Planting of other vegetation including location, species, number and size at maturity of vegetation,
- Where required, areas of deep soil and root barriers,
- Irrigation system to support existing and planted vegetation including details of any alternative water supply sources,
- Selection of vegetation that responds to the site’s environment and geographic factors.

If in the opinion of the responsible authority a design response requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.

## 54.02 NEIGHBOURHOOD CHARACTER

08/09/2025
VC282

### 54.02-1 Street setback objective

08/09/2025
VC282

To ensure that the setbacks of buildings from a street respond to the existing or preferred neighbourhood character and make efficient use of the site.

#### Standard A2-1

Walls of buildings are set back from streets:

- At least the distance specified in a schedule to the zone if the distance specified in the schedule is less than the distance specified in Table A2-1; or
- If no distance is specified in a schedule to the zone, the distance specified in Table A2-1.

Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.

**Table A2-1 Street setback**

| Development context | Minimum setback from front street | Minimum setback from a side street |
|---|---|---|
| There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner. | The same distance as the lesser front wall setback of the existing buildings on the abutting allotments facing the front street or 6 metres, whichever is the lesser. | Not applicable |
| There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner. | The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 6 metres, whichever is the lesser. | Not applicable |
| There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner. | 6 metres for streets in a Transport Zone 2 and 4 metres for other streets. | Not applicable |
| 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 6 metres, whichever is the lesser.<br><br>If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Transport Zone 2 and 4 metres for other streets. | Front walls of new development fronting the side street of a corner site are 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.<br><br>Side walls of new development on a corner site are 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. |

### 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 the siting of the building is constrained by the shape, dimensions, slope or other conditions of the site.
- 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.
- Whether a different setback affects the ability to retain or plant canopy trees.

## 54.02-2 Building height objective

08/09/2025
VC282

To ensure that the height of buildings respond to the existing or preferred neighbourhood character.

### Standard A2-2

The maximum building height does 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 does 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 does not exceed 10 metres.

### 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.

## 54.02-3 Side and rear setbacks objective

08/09/2025
VC282

To ensure that the height and setback of a building from a boundary responds to the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings or small second dwellings.

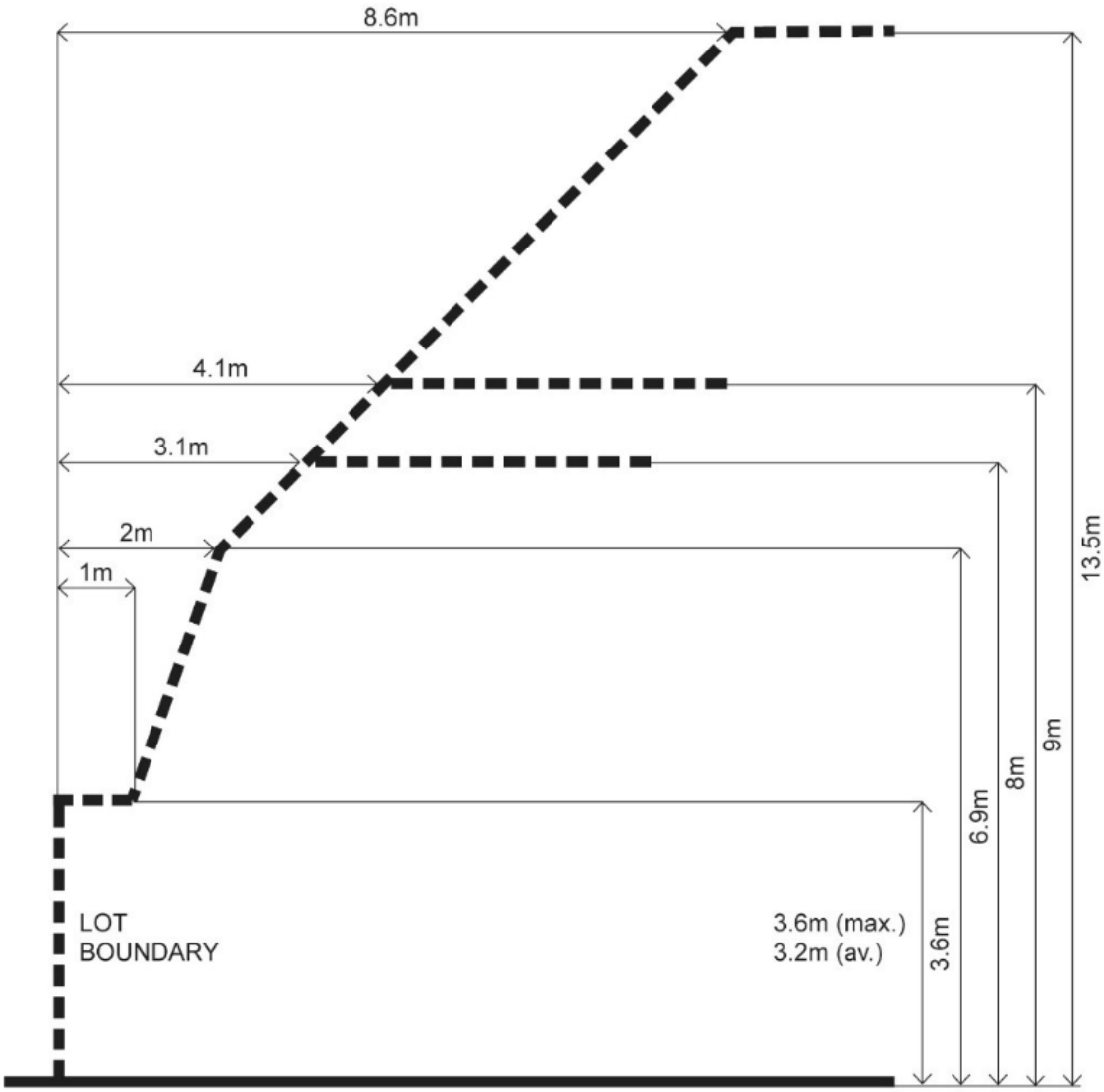
### Standard A2-3

A new building not on or within 200mm of a boundary is set back from side or rear boundaries at least 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, facias, 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 side and rear setbacks.

Landings that have 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 side and rear setbacks.

**Diagram A2-3 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 private open space of existing dwellings or small second 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.
- Whether a different setback in a rear yard affects the ability to retain or plant canopy trees.

## 54.02-4 Walls on boundaries objective

08/09/2025
VC282

To ensure that the location, length and height of a wall on a boundary responds to the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings and small second dwellings.

### Standard A2-4

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 does not abut the boundary for a length that exceeds the greater of the following distances:

- 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or
- The length of existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot.

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 does 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 or small second 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.

## 54.02-5 Site coverage objective

08/09/2025
VC282

To ensure that the site coverage responds to the existing or preferred neighbourhood character and responds to the features of the site.

### Standard A2-5

The site area covered by buildings does 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, the percentage specified in Table A2-5.

If the maximum site coverage is specified in a schedule to a zone, it must be greater than the percentage specified in Table A2-5.

**Table A2-5 Site coverage**

| Zone | Area |
|---|---|
| Neighbourhood Residential Zone<br>Township Zone | 60 per cent |
| General Residential Zone | 65 per cent |
| Residential Growth Zone<br>Mixed Use Zone<br>Housing Choice and Transport Zone | 70 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.
- Whether a different area of site coverage affects the ability to retain or plant canopy trees.

## 54.02-6 Tree canopy objectives

08/09/2025
VC282

To provide tree canopy that responds to the neighbourhood character of the area and reduces the visual impact of buildings on the streetscape.

To preserve existing canopy cover and support the provision of new canopy cover.

To ensure new canopy trees are climate responsive, support biodiversity, wellbeing and amenity, and help reduce urban heat.

### Standard A2-6

Provide a minimum number of trees as specified in Table A2-6.

**Table A2-6 Minimum tree requirement**

| Site area | Tree |
|---|---|
| 100 square metres or less | One tree |
| Above 100 square metres to 200 square metres | Two trees |
| Above 200 square metres to 300 square metres | Three trees |

A tree must meet the following:

- Reach a height of at least 6 metres at maturity.

- Achieve a canopy width of at least 4 metres at maturity.
- Planted in a minimum deep soil area of 12 square metres with a minimum plan dimension 2.5 metres or in a planter with a minimum volume of 12 cubic metres with a minimum depth of 0.8 metres of planter soil.

Existing trees to be retained meet all of the following:

- Has a height of at least 5 metres,
- Has a trunk circumference of 0.5 metres or greater at 1.4 metres above ground level,
- Has a trunk that is located at least 4 metres from proposed buildings.

Existing trees that are retained can be used to satisfy the tree canopy requirement.

Any tree required to be planted under this standard must be of species to the satisfaction of the responsible authority, having regard to the location and relevant geographic factors.

### 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 site context and design response.
- The extent to which the existing and proposed canopy trees contribute to a greener environment and reduce urban heat.
- Whether the growth characteristics of existing trees and proposed canopy trees will provide the required canopy cover.
- The suitability of the planting location, deep soil areas and planter soil volume for proposed canopy trees.
- Whether the species of canopy tree is suited to the soil conditions of the site.
- Whether an alternative combination of the canopy trees will provide the required canopy cover.

## 54.02-7 Front fences objective

08/09/2025
VC282

To encourage front fence design that responds to the existing or preferred neighbourhood character.

### Standard A2-7

A front fence within 3 metres of a street is:

- 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 A2-7.

**Table A2-7 Maximum front fence height**

| Street context | Maximum front fence height |
|---|---|
| Streets in a Transport Zone 2 | 2 metres |
| Other streets | 1.5 metres |

This standard does not apply to a small second dwelling.

### 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.

## 54.02-8 Building setback for small second dwellings objective

08/09/2025
VC282

To ensure that small second dwellings are sited to respond to the existing or preferred neighbourhood character.

### Standard A2-8

Walls of a small second dwelling are set back behind the front wall of the existing dwelling on the lot, facing the frontage.

Porches, pergolas, verandahs, and eaves do not encroach into the setback of this standard.

### 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 visual impact of the building when viewed from the street and from adjoining properties.

## 54.03 LIVEABILITY

08/09/2025
VC282

### 54.03-1 Street integration objective

08/09/2025
VC282

To integrate the layout of development with the street to support the safety and amenity of residents.

#### Standard A3-1

Where a development fronts a street, a vehicle accessway or abuts public open space, passive surveillance is provided by a direct view from a balcony or a habitable room window to each street, vehicle accessway and public open space.

This standard does not apply to a small second dwelling.

#### 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.

### 54.03-2 Private open space objective

08/09/2025
VC282

To provide adequate private open space for the reasonable recreation and service needs of residents.

#### Standard A3-2

A dwelling or small second dwelling has private open space of an area and dimensions specified in a schedule to the zone.

If no area or dimension is specified in a schedule to the zone, a dwelling has private open space with direct access from a living area, dining area or kitchen consisting of:

- An area of 20 per cent of the area of the lot, but not less than 25 square metres. At least one part of the private open space consists of secluded private open space with a minimum area of 25 square metres and a minimum dimension of 3 metres width; or
- A balcony with at least the area and dimensions specified in Table A3-2; or
- An area on a roof of at least 10 square metres, with a minimum dimension of 2 metres width.

If the area and dimensions of the private open space or secluded private open space is specified in a schedule to the zone;

- The area and dimensions specified for private open space and secluded private open space must be less than the area and dimensions specified in this standard, and
- The area and dimensions specified for a balcony or an area on a roof must be less than the area and dimensions specified in this standard.

A small second dwelling has a secluded private open space consisting of an area of 8 square metres with a minimum dimension of 1.6 metres and convenient access from a living area, dining area or kitchen.

If a cooling or heating unit is located in the secluded private open space or private open space the required area is increased by 1.5 square metres.

Where ground level private open space is provided an area for clothes drying is provided.

**Table A3-2 Private open space for a balcony**

| Orientation of dwelling | Dwelling type | Minimum area | Minimum dimension |
|---|---|---|---|
| North (between north 20 degrees west to north 30 degrees east) | All | 8 square metres | 1.7 metres |
| South (between south 30 degrees west to south 20 degrees east) | All | 8 square metres | 1.2 metres |
| Any other orientation | 1 bedroom dwelling | 8 square metres | 1.8 metres |
| | 2 bedroom dwelling | 8 square metres | 2 metres |
| | 3 bedroom dwelling | 12 square metres | 2.4 metres |

### 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.

## 54.03-3 Solar access to open space objective

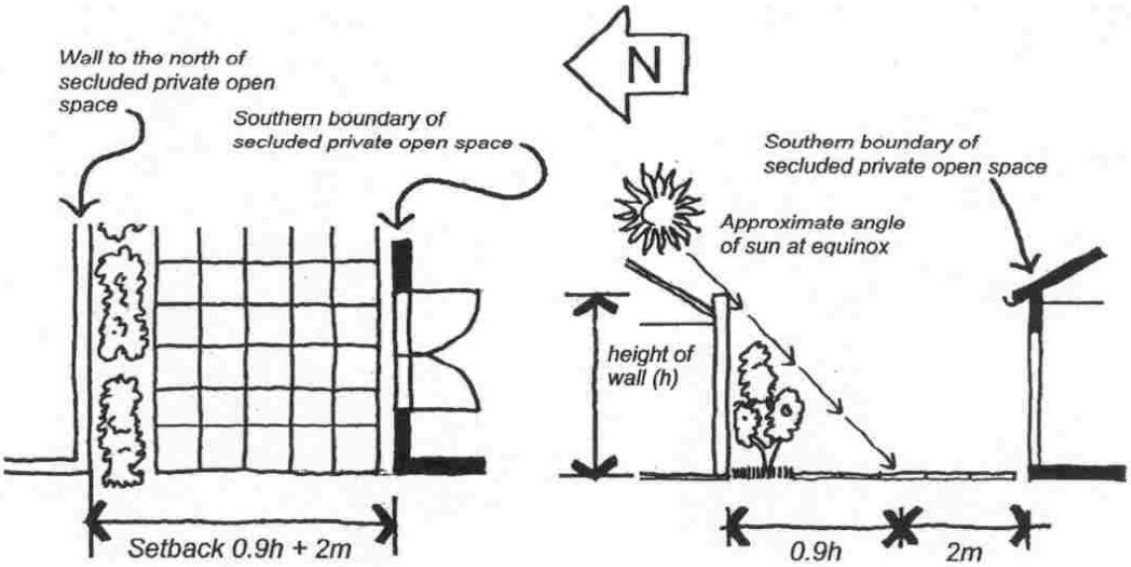
08/09/2025
VC282

To allow solar access into the secluded private open space of new dwellings.

### Standard A3-3

The southern boundary of secluded private open space is 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 A3-3 Solar access to open space**




This standard does not apply to a small second dwelling.

### 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.

## 54.03-4 Daylight to new windows objectives

08/09/2025
VC282

To allow adequate daylight into new habitable room windows.

### Standard A3-4

A window in an external wall of the building is provided to all habitable rooms.

Habitable rooms in a dwelling have a window that faces:

- 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.
- The extent to which habitable rooms are 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.
- Whether there are other windows in the habitable room which have access to daylight.

## 54.03-5 Safety and accessibility for small second dwellings objective

08/09/2025
VC282

To ensure access to a small second dwelling is safe, convenient and meets the needs of residents.

### Standard A3-5

A small second dwelling is provided with a clear and unobstructed path from the frontage that:

- Has a minimum width of at least 1 metre, with no encroachments. If the path is longer than 30 metres, the minimum width of the path is at least 1.8 metres.
- Has a minimum clear height of at least 2 metres, with no encroachments.
- Has a gradient no steeper than 1 in 14.
- Has a cross fall no steeper than 1 in 40.
- Is sealed or has an all-weather access.

### Decision guidelines

Before deciding on an application, the responsible authority must consider the safety and accessibility of the small second dwelling.

## 54.04 EXTERNAL AMENITY

08/09/2025
VC282

### 54.04-1 Daylight to existing windows objective

08/09/2025
VC282

To allow adequate daylight into existing habitable room windows.

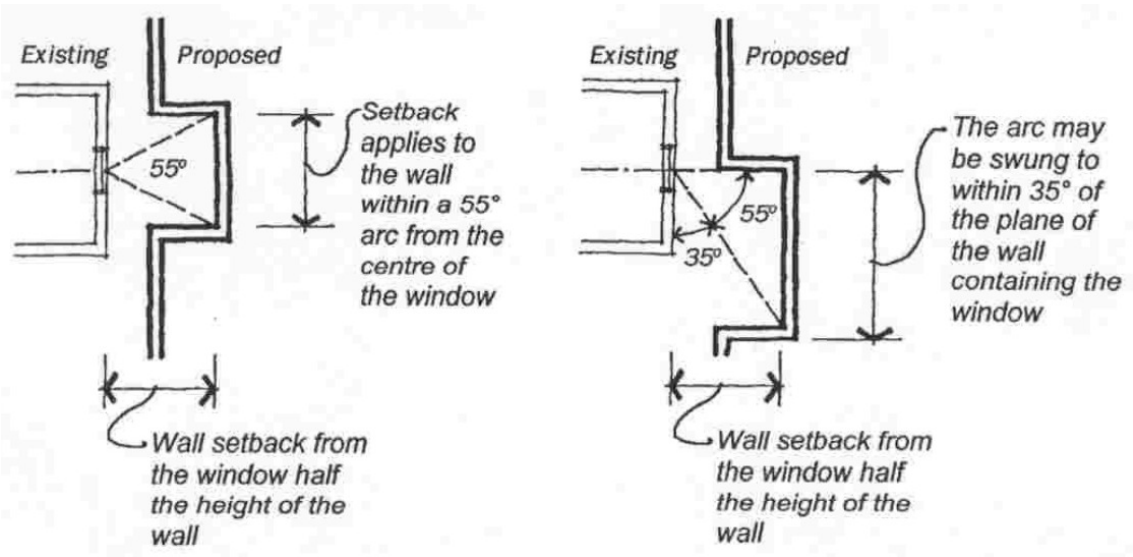
#### Standard A4-1

Buildings opposite an existing habitable room window 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 are 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 A4-1 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 or small second 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 or small second dwellings.

### 54.04-2 Existing north-facing windows objective

08/09/2025
VC282

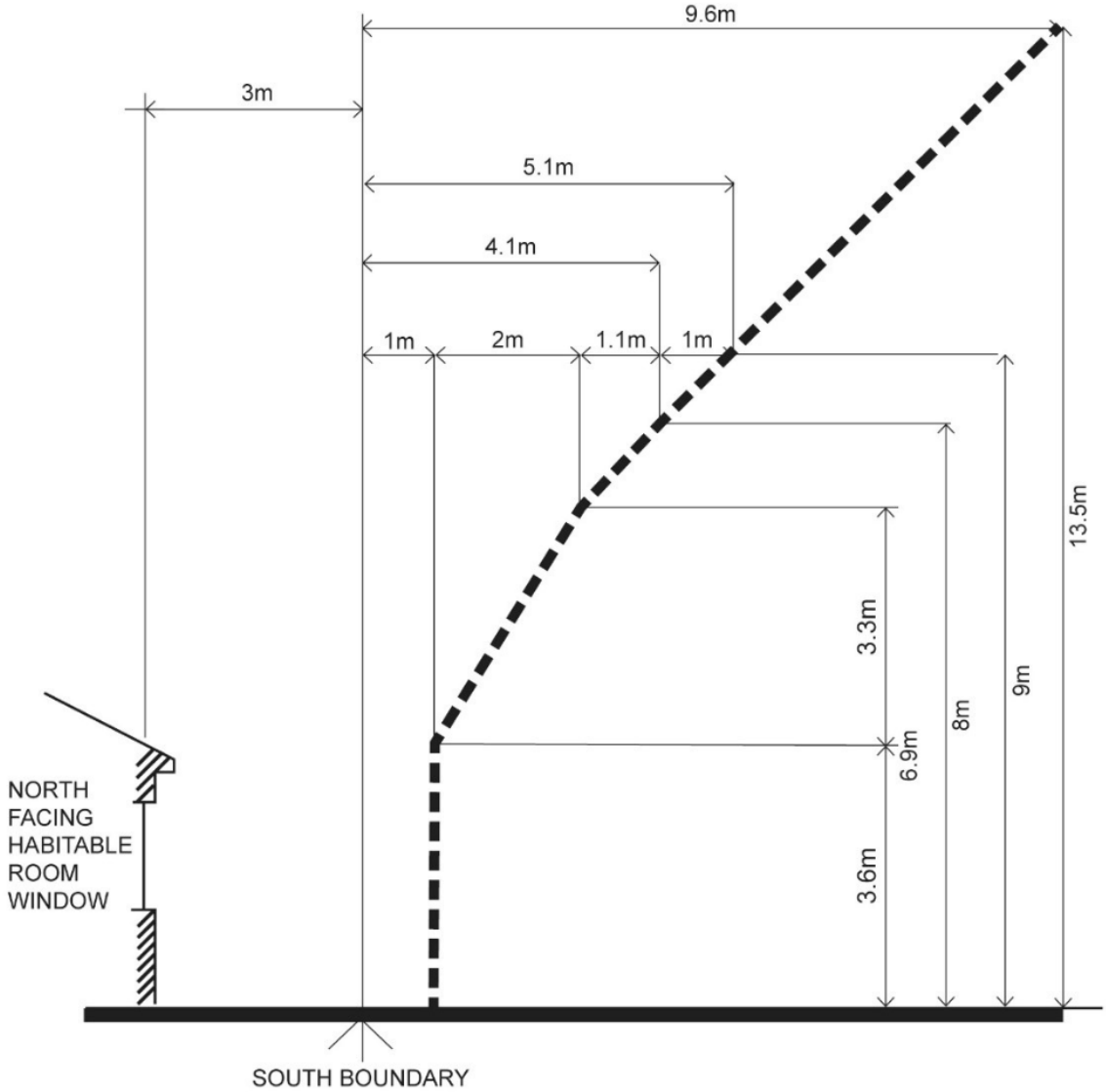
To allow adequate solar access to existing north-facing habitable room windows.

#### Standard A4-2

Where a north-facing habitable room window of a neighbouring dwelling or small second dwelling is within 3 metres of a boundary on an abutting lot, a new building is to be set back from the boundary by at least 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. This setback is to be provided for a distance of at least 3 metres from the edge of each side of the window.

For this standard a north-facing window is a window with an axis perpendicular to its surface oriented from north 20 degrees west to north 30 degrees east.

**Diagram A4-2 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 or small second dwelling.
- The impact on the amenity of existing dwellings or small second dwellings.

## 54.04-3 Overshadowing secluded open space objective

08/09/2025
VC282

To ensure buildings do not significantly overshadow existing secluded private open space.

**Standard A4-3**

The area of secluded private open space that is not overshadowed by the new development is greater than 50 per cent, or 25 square metres with a minimum dimension of 3 metres, whichever is the lesser area, for a minimum of five hours between 9 am and 3 pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling or small second dwelling is less than the requirements of this standard, the amount of sunlight will 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 or small second dwellings.
- Existing sunlight penetration to the secluded private open space of the existing dwelling or small second dwelling.
- The time of day that sunlight will be available to the secluded private open space of the existing dwelling or small second dwelling.
- The effect of a reduction in sunlight on the existing use of the existing secluded private open space.

## 54.04-4 Overlooking objective

08/09/2025
VC282

To limit views into existing secluded private open space and habitable room windows.

### Standard A4-4

In Clause 54.04-4 a habitable room does not include a bedroom.

A habitable room window, balcony, terrace, deck or patio is located and designed to avoid direct views into the secluded private open space of an existing dwelling or small second dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views are 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 that is located with a direct view into a habitable room window of an existing dwelling or small second dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio:

- Is offset a minimum of 1.5 metres from the edge of one window to the edge of the other; or
- Has sill heights of at least 1.7 metres above floor level; or
- Has fixed, obscure glazing in any part of the window below 1.7 metre above floor level; or
- Has permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent; or
- Has fixed elements that prevent the direct view, such as horizontal ledges or vertical fins.

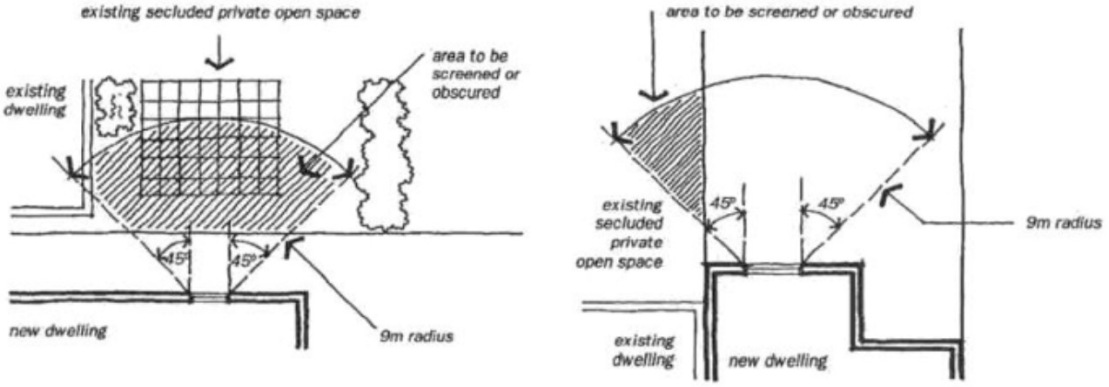
Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.

Screens used to obscure a view are:

- 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 A4-4 Overlooking




### 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 or small second dwellings.
- The internal daylight to and amenity of the proposed dwelling or small second dwelling.

# 54.05 SUSTAINABILITY

08/09/2025
VC282

## 54.05-1 Permeability objectives

08/09/2025
VC282

To reduce the impact of increased stormwater run-off on the drainage system and downstream waterways.

To facilitate on-site stormwater infiltration.

To contribute to urban cooling.

### Standard A5-1

The site area covered by the pervious surfaces is at least 20 percent 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 practicality of achieving the minimum site coverage of pervious surfaces.

## 54.05-2 Overshadowing domestic solar energy systems objective

08/09/2025
VC282

To ensure that the height and setback of a building from a boundary allows reasonable solar access to existing domestic solar energy systems on the roofs of buildings.

### Standard A5-2

Any part of a new building that will reduce the sunlight at any time between 9 am and 4 pm on 22 September to an existing domestic solar energy system on the roof of a building on an adjoining lot be set back from the boundary to that lot by at least 1 metre at 3.6 metres above ground level, plus 0.3 metres for every metre of building height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

This standard applies to an existing building in a Township Zone, General Residential Zone or Neighbourhood Residential Zone.

In Clause 54.05-2 domestic solar energy system means a domestic solar energy system that existed at the date the application was lodged.

### Decision guidelines

Before deciding on an application, the responsible authority must consider whether the domestic solar energy system has been sited to optimise efficiency and protection from overshadowing.

## 54.05-3 Rooftop solar energy generation area objective

08/09/2025
VC282

To support the future installation of appropriately sited rooftop solar energy systems for a dwelling.

### Standard A5-3

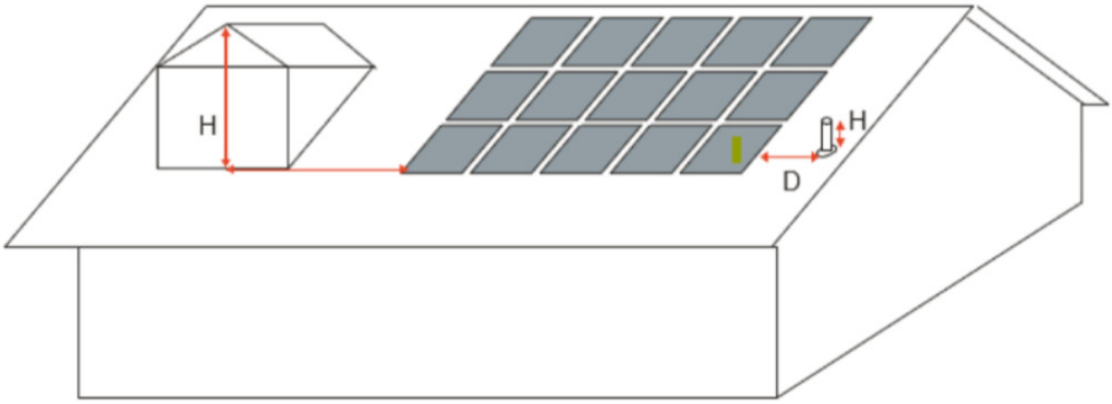
In Clause 54.05-3 rooftop solar energy area means an area provided on the roof of a dwelling to enable the future installation of a solar energy system.

An area on the roof is capable of siting a rooftop solar energy area for each dwelling which:

- Has a minimum dimension of 1.7 metres.
- Has a minimum area in accordance with Table A5-3.
- Is oriented to the north, west or east.

- Is positioned on the top two thirds of a pitched roof.
- Can be a contiguous area or multiple smaller areas.
- Is free of obstructions on the roof of the dwelling within twice the height of each obstruction (H), measured horizontally (D) from the centre point of the base of the obstruction to the nearest point of the rooftop solar energy area.

**Diagram A5-3 Allowable distance between obstructions and the rooftop solar energy area**




Obstructions located south of all points of the rooftop solar energy area are not subject to the horizontal distance requirements.

**Table A5-3 Minimum rooftop solar energy generation area**

| Number of bedrooms | Minimum roof area |
|---|---|
| 1 bedroom dwelling | 15 square metres |
| 2 or 3 bedroom dwelling | 26 square metres |
| 4 or more bedroom dwelling | 34 square metres |

This standard does not apply to a small second dwelling.

### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The size and orientation of the building.
- The availability of solar access to the rooftop.
- The extent to which the rooftop solar energy generation area is overshadowed by existing buildings, other permanent structures or equipment on the rooftop.

## 54.05-4 Solar protection to new north-facing windows objective

08/09/2025
VC282

To encourage external shading of north facing windows to minimise summer heat gain.

### Standard A5-4

North facing windows are shaded by eaves, fixed horizontal shading devices or fixed awnings with a minimum horizontal depth of 0.25 times the window height.

This standard does not apply to a small second dwelling.

### Decision guidelines

Before deciding on an application, the responsible authority considers:

- The design response.
- The size and orientation of the lot.
- The type and useability of external solar shading devices, including alternative design responses.

# 55 TWO OR MORE DWELLINGS ON A LOT AND RESIDENTIAL BUILDINGS OF THREE STOREYS OR LESS

16/04/2026
VC300

## Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To encourage residential development that provides reasonable standards of amenity for existing and new residents.

To encourage residential development that responds to the site and the surrounding area.

## Application

Provisions in this clause apply to the classes of applications specified in clauses:

- 32.04-7, Mixed Use Zone,
- 32.05-8, Township Zone,
- 32.07-6, Residential Growth Zone,
- 32.08-7, General Residential Zone,
- 32.09-7, Neighbourhood Residential Zone,
- 32.10-5, Housing Choice and Transport Zone.

The objective contained in clause 55.03-1 does not apply to a development of less than 10 dwellings.

The objective contained in clause 55.05-3 does not apply to an apartment development or residential building.

The objectives contained in clauses 55.03-12 and 55.05-7 do not apply to the construction or extension of:

- A dwelling that is not in, or does not form part of, an apartment development; or
- A residential building.

## Operation

The provisions of this clause contain:

- **Objectives**. An objective describes the outcome to be achieved in the completed development.
- **Standards**. A standard contains the requirements to meet the corresponding objective.

  If a zone or a schedule to a zone specifies a standard that modifies the standard set out in this clause, the modified standard 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 standard that modifies the standard set out in this clause, or a modified standard in the zone or a schedule to the zone, the modified standard 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 standard that modifies the standard set out in this clause, or a modified standard in the zone or a schedule to the zone, the modified standard in the schedule to the overlay applies.
- **Decision guidelines**. If a standard is not met, the decision guidelines set out the matters that the responsible authority must consider before deciding if the corresponding objective is met.

## Requirements

A development must meet all of the applicable objectives contained in this clause.

If a development meets a standard:

- The corresponding objective is deemed to be met;
- The responsible authority is not required to consider the corresponding decision guidelines.

If a development does not meet a standard, the responsible authority must consider the applicable decision guidelines in determining whether the corresponding objective is met.

### Exemptions

Despite any other provision of this planning scheme, in determining applications to which this clause applies, the responsible authority is exempt from and is not required to consider:

- The Municipal Planning Strategy and Planning Policy Framework, unless an applicable decision guideline specifies otherwise.
- The purpose or decision guidelines of the relevant zone, unless an applicable decision guideline specifies otherwise.
- The decision guidelines in Clause 65, unless an applicable decision guideline specifies otherwise.

If there is any inconsistency between the requirements of this clause and another provision of this planning scheme, this clause prevails.

An application to which this clause applies is exempt from the requirements of:

- Section 60(1)(b), (e), (f), (1A) and (1B) of the Act; and
- Section 84B(2)(b) to (jb) of the Act.

## 55.01 APPLICATION REQUIREMENTS

31/03/2025
VC267

An application to which this clause applies must be accompanied by:

- A site description.
- A design response.
- A written statement outlining which standards are met and which are not met. If a standard is not met, the written statement must include an explanation of how the development meets the corresponding objective having regard to the corresponding decision guidelines.

### 55.01-1 Site description

31/03/2025
VC267

The neighbourhood and site description may use a site plan, photographs or other techniques and must accurately describe:

- The built form, scale and character of surrounding development including front fencing.
- 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 existing trees 5 metres in height or greater, with a trunk circumference of 0.5 metres or greater at 1.4 metres above ground level, on the site.
- Any cut and filled areas of soil, where known.
- Street frontage features such as poles, services, street trees and kerb crossovers.
- The location of any existing domestic solar energy system on the roof of a dwelling, apartment development or residential building on surrounding properties.

If in the opinion of the responsible authority a requirement of the site description is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

### 55.01-2 Design response

31/03/2025
VC267

The design response must explain how the proposed design derives from and responds to the site description.

The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings.

The design response must include a landscape plan that details the proposed:

- Retention and planting of canopy trees,
- Planting of other vegetation including location, species, number and size at maturity of vegetation,
- Where required, areas of deep soil and root barriers,
- Irrigation system to support existing and planted vegetation including details of any alternative water supply sources,
- Selection of vegetation that responds to the site’s environment and geographic factors,
- A plan showing the location of site services, clothes drying and storage.

If in the opinion of the responsible authority a design response requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.

## 55.02 NEIGHBOURHOOD CHARACTER

31/03/2025
VC267

### 55.02-1 Street setback objectives

31/03/2025
VC267

To ensure that the setbacks of buildings from a street respond to the existing or preferred neighbourhood character and make efficient use of the site.

#### Standard B2-1

Walls of buildings are set back from streets:

- At least the distance specified in a schedule to the zone if the distance specified in the schedule is less than the distance specified in Table B2-1; or
- If no distance is specified in a schedule to the zone, the distance specified in Table B2-1.

Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.

**Table B2-1 Street setback**

| Development context | Minimum setback from front street | Minimum setback from a side street |
|---|---|---|
| There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner. | The same distance as the lesser front wall setback of the existing buildings on the abutting allotments facing the front street or 6 metres, whichever is the lesser. | Not applicable |
| There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner. | The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 6 metres, whichever is the lesser. | Not applicable |
| There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner. | 6 metres for streets in a Transport Zone 2 and 4 metres for other streets. | Not applicable |
| 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 6 metres, whichever is the lesser.<br><br>If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Transport Zone 2 and 4 metres for other streets. | Front walls of new development fronting the side street of a corner site are 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.<br><br>Side walls of new development on a corner site are setback the same distance as the setback of the front wall of any existing |

| Development context | Minimum setback from front street | Minimum setback from a side street |
|---|---|---|
| | | 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 the siting of the building is constrained by the shape, dimensions, slope or other conditions of the site.
- 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.
- Whether a different setback affects the ability to retain or plant canopy trees.

## 55.02-2 Building height objective

31/03/2025
VC267

To ensure that the height of buildings respond to the existing or preferred neighbourhood character.

### Standard B2-2

The maximum building height does 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 does 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 does not exceed 10 metres.

### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- Any maximum building height specified in the zone, a schedule to the zone or an overlay applying to the land.
- The design response.
- The effect of the slope of the site on the height of the building.
- The relationship between the proposed building height and the height of existing adjacent buildings.
- The visual impact of the building when viewed from the street and from adjoining properties.

## 55.02-3 Side and rear setbacks objective

02/04/2025
VC276

To ensure that the height and setback of a building from a boundary responds to the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings or small second dwellings.

### Standard B2-3

A new building not on or within 200mm of a boundary is set back from side or rear boundaries in accordance with either B2-3.1 or B2-3.2.

Standard B2-3 is met if the building is set back in accordance with either B2-3.1 or B2-3.2, rather than needing to comply with both of these provisions:

- B2-3.1:
  The building is set back at least 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.
- B2-3.2:
  If the boundary is not to the south of the building, the building is set back at least 3 metres up to a height not exceeding 11 metres and at least 4.5 metres for a height over 11 metres.
  If the boundary is to the south of the building, the building is set back at least 6 metres up to a height not exceeding 11 metres and at least 9 metres for a height over 11 metres between south 30 degrees west to south 30 degrees east.

Sunblinds, verandahs, porches, eaves, facias, 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 side and rear setbacks.

Landings that have 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 side and rear setbacks.

**Diagram B2-3.1 Side and rear setbacks**

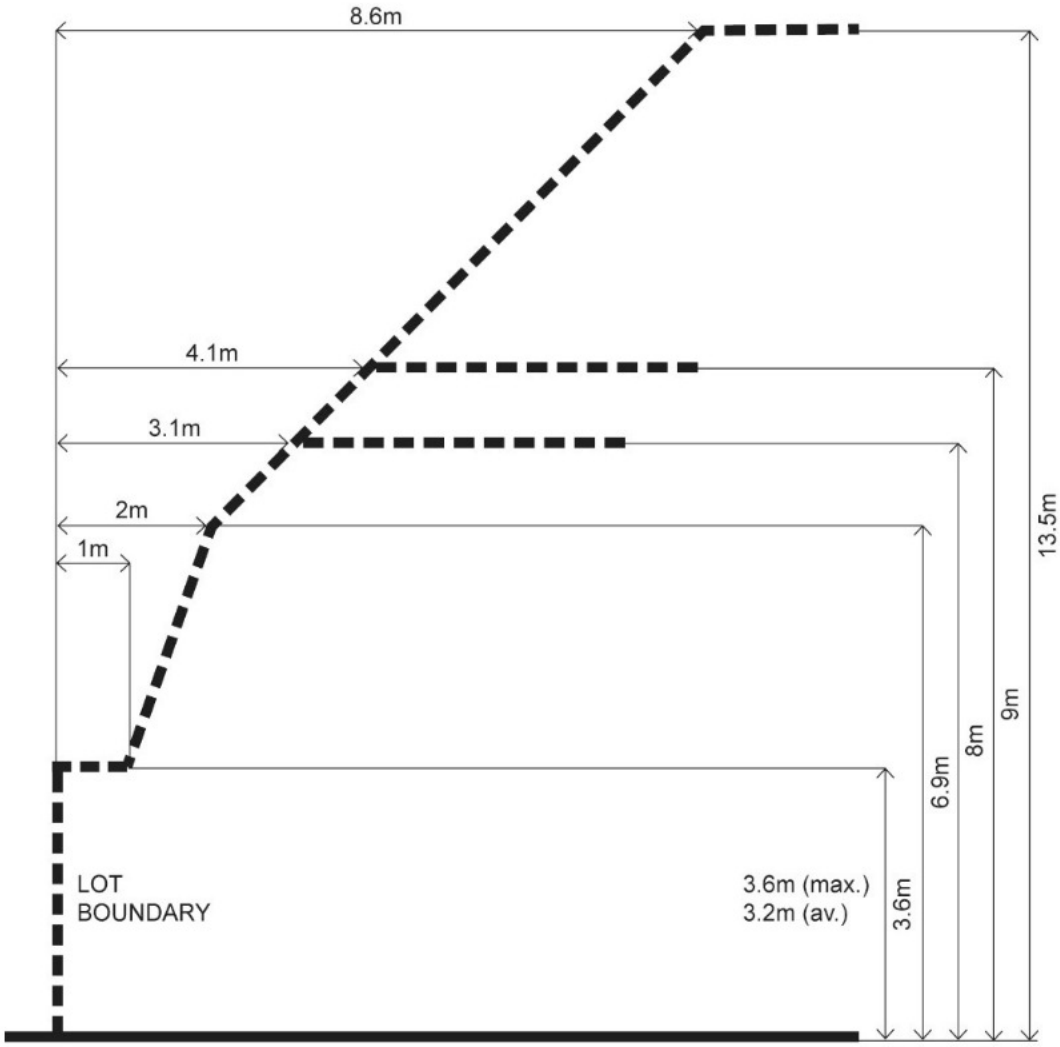
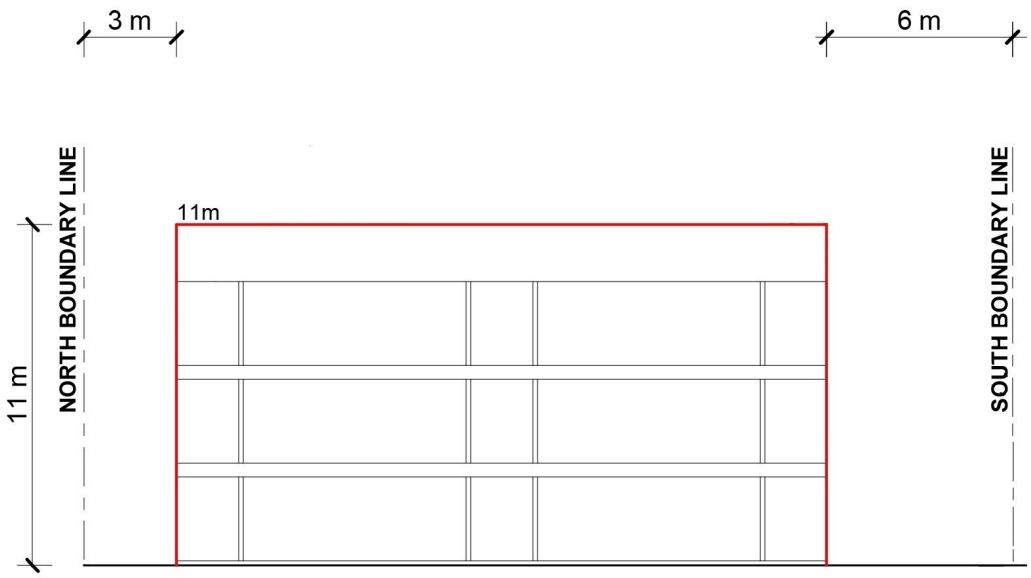



**Diagram B2-3.2 Side and rear setbacks**



### 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 private open space of existing dwellings or small second 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.
- Whether a different setback in a rear yard affects the ability to retain or plant canopy trees.

## 55.02-4 Walls on boundaries objectives

31/03/2025
VC267

To ensure that the location, length and height of a wall on a boundary responds to the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings and small second dwellings.

### Standard B2-4

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 does not abut the boundary for a length that exceeds the greater of the following distances:

- 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or
- The length of existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot.

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 does 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 or small second 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.

## 55.02-5 Site coverage objective

31/03/2025
VC267

To ensure that the site coverage responds to the existing or preferred neighbourhood character and responds to the features of the site.

### Standard B2-5

The site area covered by buildings does 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, the percentage specified in Table B2-5.

If the maximum site coverage is specified in a schedule to a zone, it must be greater than the percentage specified in Table B2-5.

**Table B2-5 Site coverage**

| Zone | Area |
|---|---|
| Neighbourhood Residential Zone<br><br>Township Zone | 60 per cent |
| General Residential Zone | 65 per cent |
| Residential Growth Zone<br>Mixed Use Zone<br>Housing Choice and Transport Zone | 70 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.
- Whether a different area of site coverage affects the ability to retain or plant canopy trees.

## 55.02-6 Access objective

31/03/2025
VC267

To ensure the number and design of vehicle crossovers responds to the neighbourhood character.

### Standard B2-6

The width of accessways or car spaces (other than to a rear lane) does not exceed:

- 33 per cent of the street frontage; or
- 40 per cent of the street frontage if the width of the street frontage is less than 20 metres.

The number of access points to a road in a Transport Zone 2 or a Transport Zone 3 is not increased.

The location of a vehicle crossover or accessway does not encroach the tree protection zone of an existing tree, that is proposed to be retained in a road by more than 10 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 reduction of on-street car parking spaces.
- Whether a different accessway width, number of access points or encroachment of an existing tree affects the ability to retain or plant canopy trees on the site or footpath.

## 55.02-7 Tree canopy objectives

31/03/2025
VC267

To provide tree canopy that responds to the neighbourhood character of the area and reduces the visual impact of buildings on the streetscape.

To preserve existing canopy cover and support the provision of new canopy cover.

To ensure new canopy trees are climate responsive, support biodiversity, wellbeing and amenity, and help reduce urban heat.

### Standard B2-7

Provide a minimum canopy cover as specified in Table B2-7.1.

**Table B2-7.1 Canopy cover**

| Site area | Canopy cover |
|---|---|
| 1000 square metres or less | 10% of site area |
| More than 1000 square metres | 20% of site area |

Existing trees to be retained meet all of the following:

- Has a height of at least 5 metres,
- Has a trunk circumference of 0.5 metres or greater at 1.4 metres above ground level,
- Has a trunk that is located at least 4 metres from proposed buildings.

The minimum canopy cover is met using any combination of trees specified in Table B2-7.2.

Existing trees that are retained can be used in calculating canopy cover.

**Table B2-7.2 Tree type, canopy cover, deep soil and planter requirements**

| Tree type | Minimum canopy diameter at maturity | Minimum height at maturity | Minimum mature canopy cover | Tree in deep soil<br>Area of deep soil | Tree in planter<br>Volume of planter | Minimum depth of planter soil |
|---|---|---|---|---|---|---|
| A | 4 metres | 6 metres | 12.6 sqm | 12 square metres<br>(min. plan dimension 2.5 metres) | 12 cubic metres<br>(min. plan dimension 2.5 metres) | 0.8 metre |

| Tree type | Minimum canopy diameter at maturity | Minimum height at maturity | Minimum mature canopy cover | Tree in deep soil<br>Area of deep soil | Tree in planter<br>Volume of planter | Minimum depth of planter soil |
|---|---|---|---|---|---|---|
| B | 8 metres | 8 metres | 50.3 sqm | 49 square metres<br>(min. plan dimension 4.5 metres) | 28 cubic metres<br>(min. plan dimension 4.5 metres) | 1 metre |
| C | 12 metres | 12 metres | 113.1 sqm | 121 square metres<br>(min. plan dimension 6.5 metres) | 64 cubic metres<br>(min. plan dimension 6.5 metres) | 1.5 metre |

Provide at least one new or retained tree in the front setback and the rear setback.

Trees are located in either:

- An area of deep soil as specified in Table B2-7.2; or
- A planter as specified in Table B2-7.2.

Any tree required to be planted under this standard must be of species to the satisfaction of the responsible authority, having regard to the location and relevant geographic factors.

#### 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 site context and design response.
- The extent to which the existing and proposed canopy trees contribute to a greener environment and reduce urban heat.
- Whether the growth characteristics of existing trees and proposed canopy trees will provide the required canopy cover.
- The suitability of the planting location, deep soil areas and planter soil volume for proposed canopy trees.
- Whether the species of canopy tree is suited to the soil conditions of the site.

## 55.02-8 Front fences objective

31/03/2025
VC267

To encourage front fence design that responds to the existing or preferred neighbourhood character.

#### Standard B2-8

A front fence within 3 metres of a street is:

- 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 B2-8.

**Table B2-8 Maximum front fence height**

| Street context | Maximum front fence height |
|---|---|
| Streets in a Transport Zone 2 | 2 metres |
| Other streets | 1.5 metres |

### 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.

# 55.03 LIVEABILITY

31/03/2025
VC267

## 55.03-1 Dwelling diversity objective

31/03/2025
VC267

To encourage a range of dwelling sizes and types in developments of ten or more dwellings.

### Standard B3-1

Developments include at least:

- One dwelling that contains a kitchen, bath or shower, bedroom and a toilet and wash basin at ground floor level for every 10 dwellings.
- One dwelling that includes no more and no less than 2 bedrooms for every 10 dwellings.
- One dwelling that includes no more and no less than 3 bedrooms for every 10 dwellings.

### Decision guidelines

Before deciding on an application, the responsible authority must consider whether the development provides a range of dwelling sizes and types to meet diverse household needs.

## 55.03-2 Parking location objective

31/03/2025
VC267

To minimise the impact of vehicular noise within developments on residents.

### Standard B3-2

Habitable room windows with sill heights of less than 3 metres above ground level are setback from accessways and car parks by at least:

- 1.5 metres; or
- If there is a solid fence with a height of at least 1.5 metres between the accessway or car park and the window, 1 metre; or
- 1 metre where window sills are at least 1.5 metres above ground level.

This standard is met if an accessway or relevant car parking space is used exclusively by the resident of the building with the habitable room.

### Decision guidelines

Before deciding on an application, the responsible authority must consider the design response.

## 55.03-3 Street integration objective

31/03/2025
VC267

To integrate the layout of development with the street to support the safety and amenity of residents.

### Standard B3-3

Where a development fronts a street, a vehicle accessway or abuts public open space:

- Passive surveillance is provided by a direct view from a balcony or a habitable room window to each street, vehicle accessway and public open space.
- The total cumulative width of all site services to be located within 3 metres of a street, do not take up more than 20 per cent of the width of the frontage and are screened from view from the street or located behind a fence. Screens or fences are to provide no more than 25 per cent transparency.

Lighting is provided to all external accessways and paths.

Mailboxes are provided for each dwelling and can be communally located.

### 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.

## 55.03-4 Entry objectives

31/03/2025
VC267

To provide each dwelling, apartment development or residential building with its own sense of identity.

To provide entries with weather protection, safe design, natural light and ventilation.

### Standard B3-4

#### Dwellings (other than a dwelling in or forming part of an apartment development) and residential buildings

Each dwelling and each residential building has a ground level entry door that:

- Has a direct line of sight from a street, accessway or shared walkway.
- Is not accessed through a garage.
- Has an external covered area of at least 1.44 square metres with a minimum dimension of least 1.2 metres over the entry door.

#### Apartment development and residential building with a shared entry

An apartment development and each residential building has:

- A ground level entry door, gate or walkway with a direct line of sight from a street, accessway or shared walkway.
- An external covered area of at least 1.44 square metres with a minimum dimension of least 1.2 metres over the entry door to the building.
- Shared corridors and common areas have at least one source of natural light and natural ventilation.

### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Whether the entry is visible and easily identifiable from streets and other public areas.
- Whether the entry provides shelter, a sense of address and a transitional space around the entry.

## 55.03-5 Private open space objectives

31/03/2025
VC267

To provide adequate private open space for the reasonable recreation and service needs of residents.

### Standard B3-5

A dwelling or residential building has private open space of an area and dimensions specified in a schedule to the zone.

If no area or dimension is specified in a schedule to the zone, a dwelling or residential building has private open space with direct access from a living area, dining area or kitchen consisting of:

- An area of 25 square metres of secluded private open space, with a minimum dimension of 3 metres width; or
- A balcony with at least the area and dimensions specified in Table B3-5; or

- An area on a podium or similar of at least 15 square metres, with a minimum dimension of 3 metres width; or
- An area on a roof of at least 10 square metres, with a minimum dimension of 2 metres width.

If the area and dimensions of the private open space or secluded private open space is specified in a schedule to the zone;

- The area and dimensions specified in the schedule must be 25 square metres or less; and
- The area and dimensions specified for a podium, balcony or an area on a roof must be less than the area and dimensions specified in this standard.

If a cooling or heating unit is located in the secluded private open space or private open space the required area is increased by 1.5 square metres.

Where ground level private open space is provided an area for clothes drying is provided.

**Table B3-5 Private open space for a balcony**

| Orientation of dwelling | Dwelling type | Minimum area | Minimum dimension |
|---|---|---|---|
| North (between north 20 degrees west to north 30 degrees east) | All | 8 square metres | 1.7 metres |
| South (between south 30 degrees west to south 20 degrees east) | All | 8 square metres | 1.2 metres |
| Any other orientation | Studio or 1 bedroom dwelling | 8 square metres | 1.8 metres |
| | 2 bedroom dwelling | 8 square metres | 2 metres |
| | 3 bedroom dwelling | 12 square metres | 2.4 metres |

### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability of the private open space, including its size and accessibility.
- The availability of and access to public or communal open space.
- The orientation of the lot to the street and the sun.

## 55.03-6 Solar access to open space objective

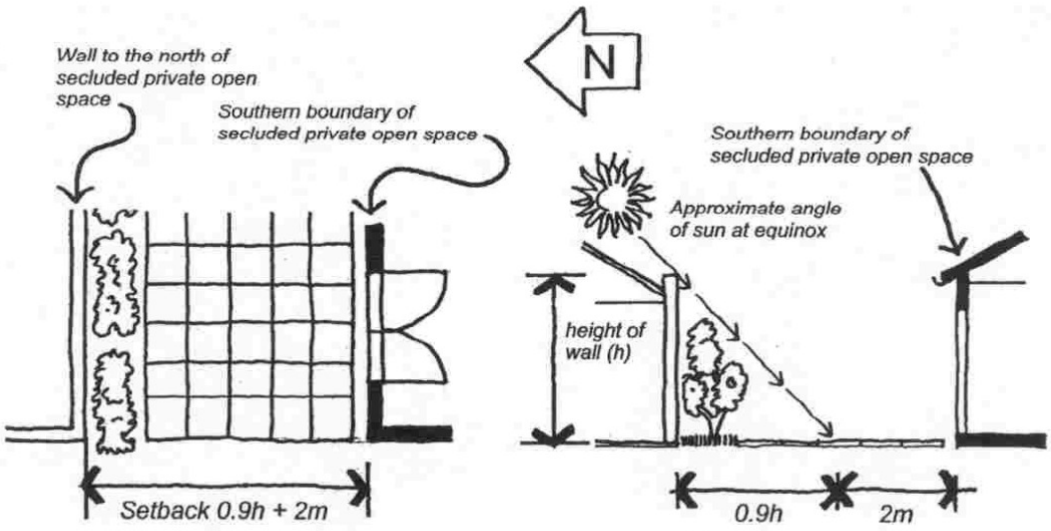
31/03/2025
VC267

To allow solar access into the secluded private open space of new dwellings and residential buildings.

### Standard B3-6

The southern boundary of secluded private open space is 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 B3-6 Solar access to open space**




### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and amenity of the secluded private open space based on the sunlight it will receive.

## 55.03-7 Functional layout objective

02/04/2025
VC276

To ensure dwellings provide functional areas that meet the needs of residents.

### Standard B3-7

Bedrooms:

- Meet the minimum internal room dimensions specified in Table B3-7.1; and
- Provide an additional area of at least 0.8 square metres to accommodate a wardrobe.

**Table B3-7.1 Bedroom dimensions**

| Bedroom type | Minimum width | Minimum depth |
|---|---|---|
| Main bedroom | 3 metres | 3.4 metres |
| All other bedrooms | 3 metres | 3 metres |

Living areas (excluding dining and kitchen areas) meet the minimum internal room dimensions specified in Table B3-7.2.

**Table B3-7.2 Living area dimensions**

| Dwelling type | Minimum width | Minimum area |
|---|---|---|
| Studio and 1 bedroom dwelling | 3.3 metres | 10 sqm |
| 2 or more bedroom dwelling | 3.6 metres | 12 sqm |

### Decision guideline

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and amenity of habitable rooms.

## 55.03-8 Room depth objective

31/03/2025
VC267

To allow adequate daylight into single aspect habitable rooms.

### Standard B3-8

The depth of a single aspect habitable room does not exceed 2.5 times the ceiling height measured from the external surface of the habitable room window to the rear wall of the room.

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; and
- The kitchen is located furthest from the window; and
- 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; and
- An overhang extends no more than 2m beyond the window of the single aspect habitable room.

In Clause 55.03-8 a single aspect habitable room is a habitable room with windows on only one wall.

### 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 the layout, siting, size and orientation of habitable rooms.
- Any overhang above habitable room windows that limits daylight access.

## 55.03-9 Daylight to new windows objective

31/03/2025
VC267

To allow adequate daylight into new habitable room windows.

### Standard B3-9

#### Dwelling (other than a dwelling in or forming part of an apartment development)

A window in an external wall of the building is provided to all habitable rooms.

Habitable rooms in a dwelling have a window that faces:

- 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.

#### Dwelling in or forming part of an apartment development

A window in an external wall of the building is provided to all habitable rooms.

Where daylight to a bedroom is provided from a smaller secondary area within the bedroom, the secondary area is to have:

- A minimum width of 1.2 metres.
- A maximum depth of 1.5 times the width, measured from the external surface of the window.
- A window clear to the sky.

#### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which habitable rooms are 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.
- Whether there are other windows in the habitable room which have access to daylight.

### 55.03-10 Natural ventilation objectives

31/03/2025
VC267

To encourage natural ventilation of dwellings.

To allow occupants to effectively manage natural ventilation of dwellings.

#### Standard B3-10

#### Dwelling (other than a dwelling in or forming part of an apartment development)

Dwellings have openable windows, doors or other ventilation devices in external walls of the building that provide:

- 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 size.

The breeze path is measured between the ventilation openings on different orientations of the dwelling.

#### Dwelling in or forming part of an apartment development

At least 40 per cent of dwellings have openable windows, doors or other ventilation devices in external walls of the building that provide:

- 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 size.

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 and layout of the dwelling maximises opportunities for cross ventilation.
- Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling and site context.

## 55.03-11 Storage objective

31/03/2025
VC267

To provide adequate storage facilities for each dwelling.

### Standard B3-11

#### Dwelling (other than a dwelling in or forming part of an apartment development)

Each dwelling has exclusive access to at least 6 cubic metres of externally accessible storage space.

#### Dwelling in or forming part of an apartment development

Each dwelling has exclusive access to storage at least the total minimum storage volume that is specified in Table B3-11.

**Table B3-11 Storage**

| Dwelling type | Total minimum storage volume | Minimum storage volume within the dwelling |
|---|---|---|
| Studio | 8 cubic metres | 5 cubic metres |
| 1 bedroom dwelling | 10 cubic metres | 6 cubic metres |
| 2 bedroom dwelling | 14 cubic metres | 9 cubic metres |
| 3 or more bedroom dwelling | 18 cubic metres | 12 cubic metres |

### 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.

## 55.03-12 Accessibility for apartment developments objective

31/03/2025
VC267

To ensure the design of dwellings meets the needs of people with limited mobility.

### Standard B3-12

At least 50 per cent of dwellings in or forming part of an apartment development 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 B3-12.

**Table B3-12 Bathroom design**

| | Design option A | Design option B |
|---|---|---|
| Door opening | A clear 850mm wide door opening. | A clear 820mm wide door opening located opposite the shower. |
| Door design | Either:<br>▪ A slide door, or<br>▪ A door that opens outwards, or<br>▪ A door that opens inwards that is clear of the circulation area and has readily removable hinges. | Either:<br>▪ A slide door, or<br>▪ A door that opens outwards, or<br>▪ A door that opens inwards and has readily removable hinges. |
| Circulation area | A clear circulation area that is:<br>▪ A minimum area of 1.2 metres by 1.2 metres.<br>▪ Located in front of the shower and the toilet.<br>▪ Clear of the toilet, basin and the door swing.<br>The circulation area for the toilet and shower can overlap. | A clear circulation area that is:<br>▪ A minimum width of 1 metre.<br>▪ The full length of the bathroom and a minimum length of 2.7 metres.<br>▪ Clear of the toilet and basin.<br>The circulation area can include a shower area. |
| Path to circulation area | A clear path with a minimum width of 900mm from the door opening to the circulation area. | Not applicable. |
| Shower | A hobless (step-free) shower. | A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening. |
| Toilet | A toilet located in the corner of the room. | A toilet located closest to the door opening and clear of the circulation area. |

## 55.04 EXTERNAL AMENITY

31/03/2025
VC267

### 55.04-1 Daylight to existing windows objective

31/03/2025
VC267

To allow adequate daylight into existing habitable room windows.

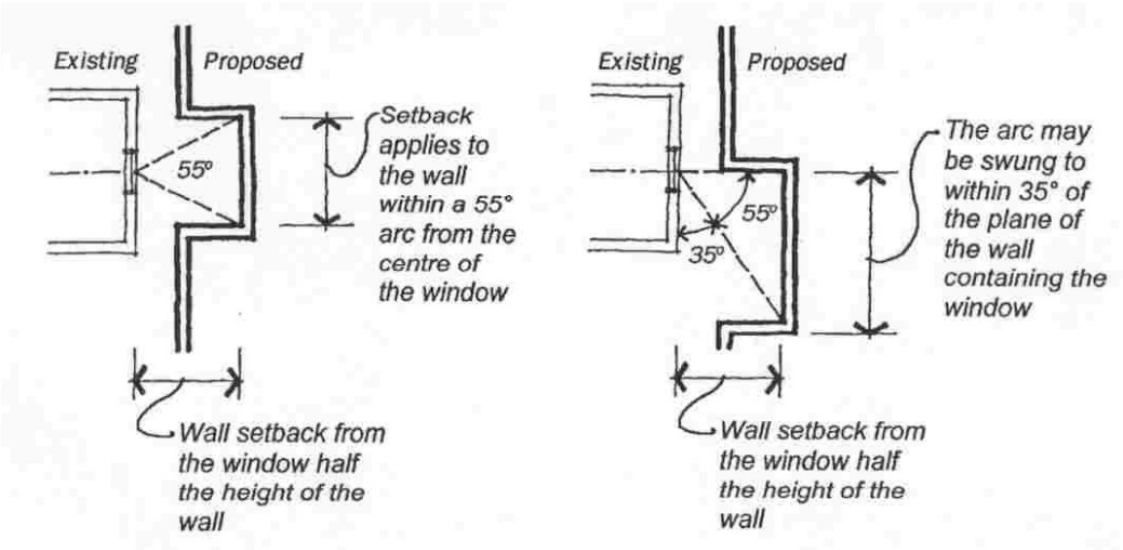
#### Standard B4-1

Buildings opposite an existing habitable room window 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 are 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 B4-1 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 or small second 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 or small second dwellings.

### 55.04-2 Existing north-facing windows objective

02/04/2025
VC276

To allow adequate solar access to existing north-facing habitable room windows.

#### Standard B4-2

Where a north-facing habitable room window of a neighbouring dwelling or small second dwelling is within 3 metres of a boundary on an abutting lot:

- A new building is to be set back from the boundary by at least 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. This setback is to be provided for a distance of at least 3 metres from the edge of each side of the window.
- For new buildings that meet the Standard B2-3.2 setback, the building is set back from the boundary by at least 6 metres up to a height not exceeding 11 metres and at least 9 metres for a height over 11 metres between south 30 degrees west to south 30 degrees east. This setback is to be provided for a distance of at least 3 metres from the edge of each side of the window.

For this standard a north-facing window is a window with an axis perpendicular to its surface oriented from north 20 degrees west to north 30 degrees east.

**Diagram B4-2.1 North-facing windows**

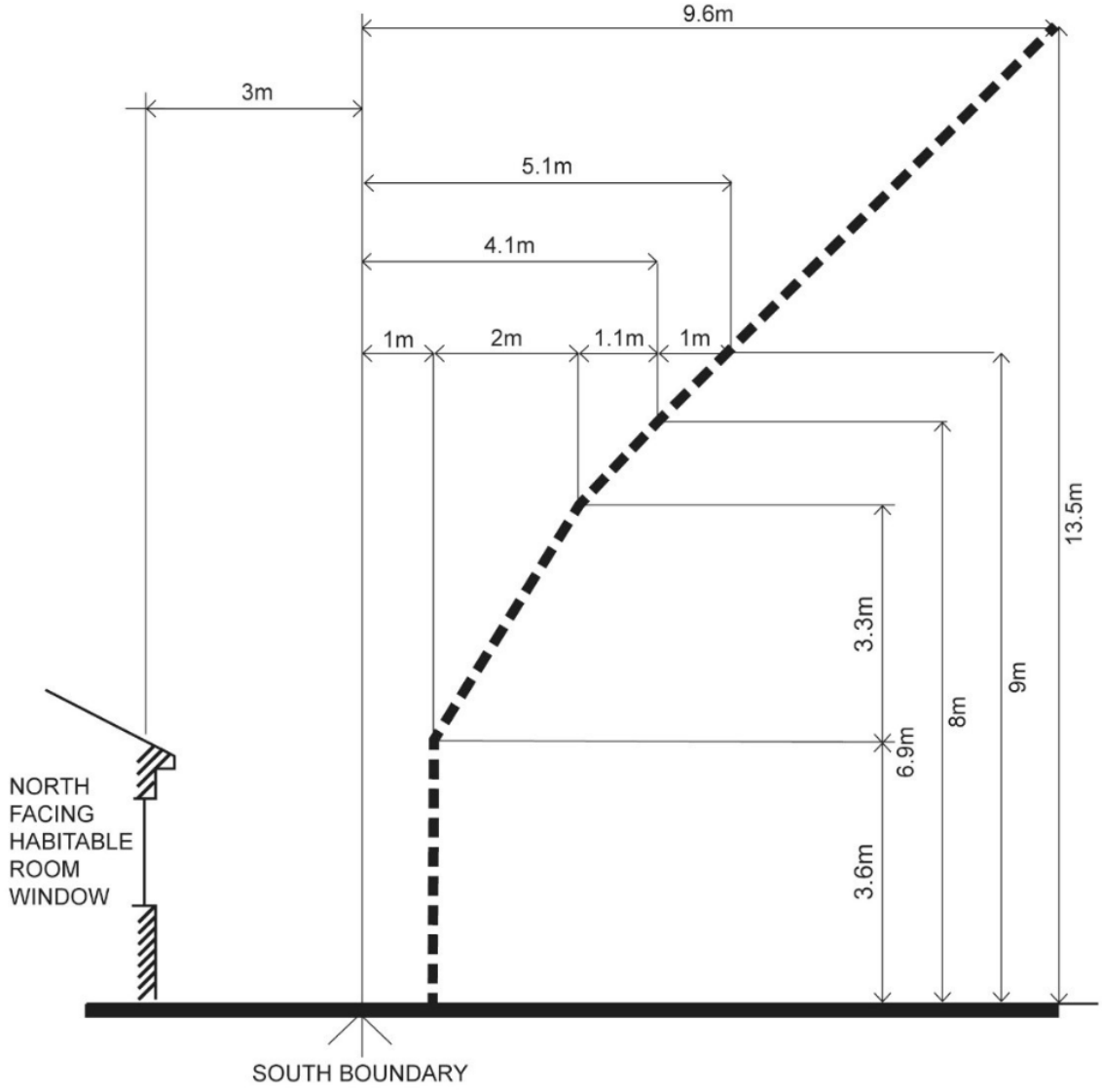
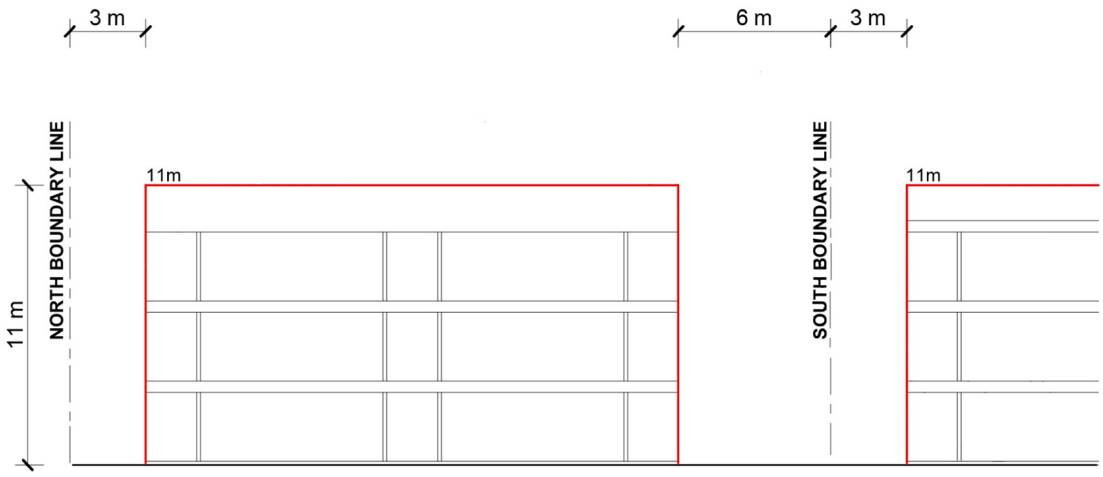


**Diagram B4-2.2 North-facing windows**




### 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 or small second dwelling.
- The impact on the amenity of existing dwellings or small second dwellings.

## 55.04-3 Overshadowing secluded open space objective

02/04/2025
VC276

To ensure buildings do not significantly overshadow existing secluded private open space.

### Standard B4-3

The area of secluded private open space that is not overshadowed by the new development is greater than 50 per cent, or 25 square metres with a minimum dimension of 3 metres, whichever is the lesser area, for a minimum of five hours between 9 am and 3 pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling or small second dwelling is less than the requirements of this standard, the amount of sunlight will 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 or small second dwellings.
- Existing sunlight penetration to the secluded private open space of the existing dwelling or small second dwelling.
- The time of day that sunlight will be available to the secluded private open space of the existing dwelling or small second dwelling.
- The effect of a reduction in sunlight on the existing use of the existing secluded private open space.

## 55.04-4 Overlooking objective

31/03/2025
VC267

To limit views into existing secluded private open space and habitable room windows.

### Standard B4-4

In Clause 55.04-4 a habitable room does not include a bedroom.

A habitable room window, balcony, podium, terrace, deck or patio is located and designed to avoid direct views into the secluded private open space of an existing dwelling or small second dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views are 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 that is located with a direct view into a habitable room window of an existing dwelling or small second dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio:

- Is offset a minimum of 1.5 metres from the edge of one window to the edge of the other; or
- Has sill heights of at least 1.7 metres above floor level; or
- Has fixed, obscure glazing in any part of the window below 1.7 metre above floor level; or
- Has permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent; or
- Has fixed elements that prevent the direct view, such as horizontal ledges or vertical fins.

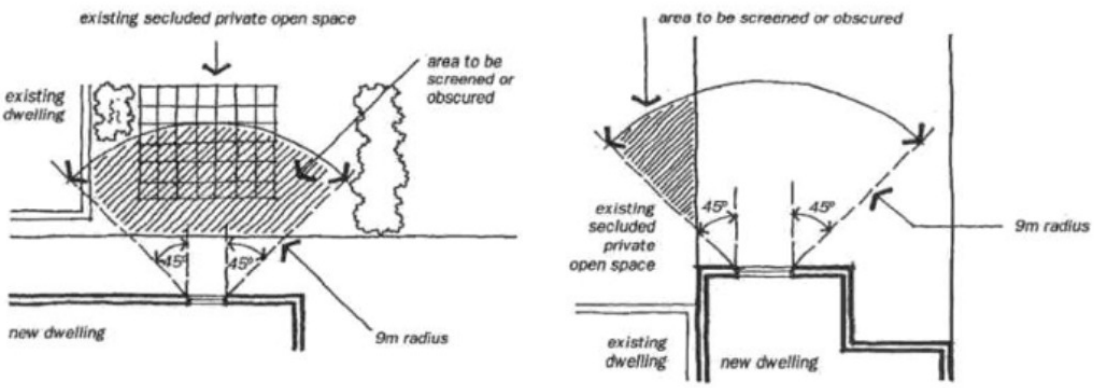
Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.

Screens used to obscure a view are:

- 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 B4-4 Overlooking**




### 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 or small second dwellings.
- The internal daylight to and amenity of the proposed dwelling, residential building or small second dwelling.

## 55.04-5 Internal views objective

31/03/2025
VC267

To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.

### Standard B4-5

In Clause 55.04-5 a habitable room does not include a bedroom.

Within the development, a habitable room window, balcony, terrace, deck or patio that is located with a direct view into the secluded private open space of another dwelling:

- Is offset a minimum of 1.5 metres from the edge of the secluded private open space; or
- Has a sill height of at least 1.7 metres above floor level; or
- Has a fixed, visually obscure balustrade to at least 1.7 metre above floor level; or
- Has permanently fixed external screens to at least 1.7 metres above floor level; or.
- Has fixed elements that prevent the direct view, such as horizontal ledges or vertical fins.

Direct views are measured at a height of 1.7 metres above floor level and within:

- A 45 degree horizontal angle from the edge of the new window or balcony.
- A 45 degree angle in the downward direction.

Screens provided for overlooking are no more than 25 per cent transparent. Screens may be openable provided that this does not allow direct views as specified in this standard.

### Decision guideline

Before deciding on an application, the responsible authority must consider the design response.

# 55.05 SUSTAINABILITY

31/03/2025
VC267

## 55.05-1 Permeability and stormwater management objective

04/02/2026
VC265

To reduce the impact of increased stormwater run-off on the drainage system and downstream waterways.

To facilitate on-site stormwater infiltration.

To encourage stormwater management that maximises the retention and reuse of stormwater.

To contribute to urban cooling.

### Standard B5-1

The site area covered by the pervious surfaces is at least 20 percent of the site.

The development includes a stormwater management system designed to:

- Meet the best practice quantitative performance objectives for stormwater quality specified in the *Urban stormwater management guidance* (EPA Publication 1739.1, 2021) of:
  - Suspended solids 80% reduction in mean annual load.
  - Total phosphorus and Total Nitrogen 45% reduction in mean annual load.
  - Litter 70% reduction of mean annual load.

    **Note:**

    A certificate generated from a stormwater assessment tool including Stormwater Treatment Objective - Relative Measurement (STORM), Model for Urban Stormwater Improvement Conceptualisation (MUSIC) or an equivalent product accepted by the responsible authority may be used to demonstrate the performance objectives for stormwater quality are met.

- Direct flows of stormwater into treatment areas, garden areas, tree pits and permeable surfaces, with drainage of residual flows to the legal point of discharge.

### 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.

## 55.05-2 Overshadowing domestic solar energy systems objective

31/03/2025
VC267

To ensure that the height and setback of a building from a boundary allows reasonable solar access to existing domestic solar energy systems on the roofs of buildings.

### Standard B5-2

Any part of a new building that will reduce the sunlight at any time between 9am and 4 pm on 22 September to an existing domestic solar energy system on the roof of a building on an adjoining lot be set back from the boundary to that lot by at least 1 metre at 3.6 metres above ground level, plus 0.3 metres for every metre of building height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

This standard applies to an existing building in a Township Zone, General Residential Zone or Neighbourhood Residential Zone.

In Clause 55.05-2 domestic solar energy system means a domestic solar energy system that existed at the date the application was lodged.

### Decision guidelines

Before deciding on an application, the responsible authority must consider whether the domestic solar energy system has been sited to optimise efficiency and protection from overshadowing.

## 55.05-3 Rooftop solar energy generation area objective

31/03/2025
VC267

To support the future installation of appropriately sited rooftop solar energy systems for a dwelling.

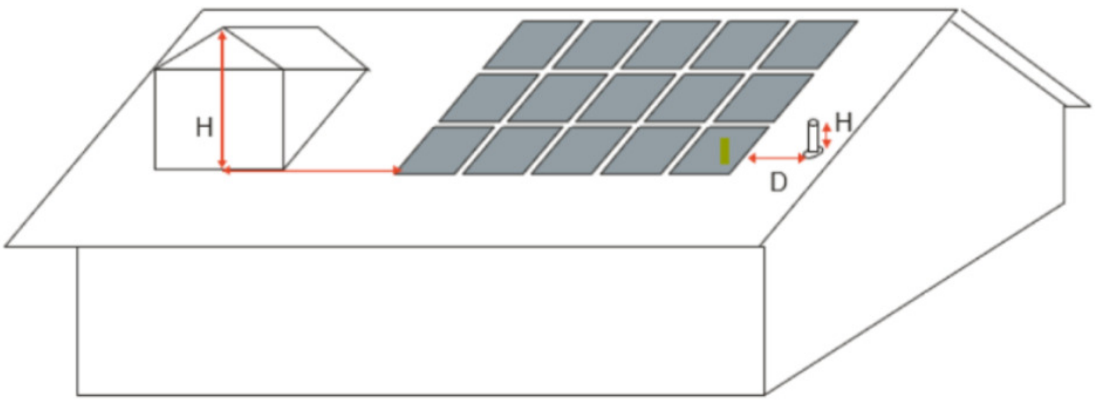
### Standard B5-3

In Clause 55.05-3 rooftop solar energy area means an area provided on the roof of a dwelling to enable the future installation of a solar energy system.

An area on the roof is capable of siting a rooftop solar energy area for each dwelling which:

- Has a minimum dimension of 1.7 metres.
- Has a minimum area in accordance with Table B5-3.
- Is oriented to the north, west or east.
- Is positioned on the top two thirds of a pitched roof.
- Can be a contiguous area or multiple smaller areas.
- Is free of obstructions on the roof of the dwelling within twice the height of each obstruction (H), measured horizontally (D) from the centre point of the base of the obstruction to the nearest point of the rooftop solar energy area.

**Diagram B5-3 Allowable distance between obstructions and the rooftop solar energy area**




Obstructions located south of all points of the rooftop solar energy area are not subject to the horizontal distance requirements.

**Table B5-3 Minimum rooftop solar energy generation area**

| Number of bedrooms | Minimum roof area |
|---|---|
| 1 bedroom dwelling | 15 square metres |
| 2 or 3 bedroom dwelling | 26 square metres |

| Number of bedrooms | Minimum roof area |
|---|---|
| 4 or more bedroom dwelling | 34 square metres |

This standard does not apply to apartments and residential buildings.

### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The size and orientation of the building.
- The availability of solar access to the rooftop.
- The extent to which the rooftop solar energy generation area is overshadowed by existing buildings, other permanent structures or equipment on the rooftop.

## 55.05-4 Solar protection to new north-facing windows objective

31/03/2025
VC267

To encourage external shading of north facing windows to minimise summer heat gain.

### Standard B5-4

North facing windows are shaded by eaves, fixed horizontal shading devices or fixed awnings with a minimum horizontal depth of 0.25 times the window height.

### Decision Guidelines

Before deciding on an application, the responsible authority considers:

- The design response.
- The size and orientation of the lot.
- The type and useability of external solar shading devices, including alternative design responses.

## 55.05-5 Waste and recycling objectives

31/03/2025
VC267

To ensure dwellings are designed to facilitate waste recycling.

To ensure that waste and recycling facilities are accessible and are of sufficient size to manage organic and general waste, and mixed and glass recycling.

To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity.

### Standard B5-5

#### Dwelling (other than a dwelling in or forming part of an apartment development)

The development includes an individual bin storage area for each dwelling, or a shared bin storage area for use by each dwelling, of at least the applicable area, depth and height specified in Table B5-5.1.

#### Table B5-5.1 Bin storage

| Type of bin storage area | Minimum area | Minimum depth | Minimum height |
|---|---|---|---|
| Individual bin storage area for a dwelling. | 1.8 square metres | 0.8 metre | 1.8 metres |

| Type of bin storage area | Minimum area | Minimum depth | Minimum height |
|---|---|---|---|
| Shared bin storage area for 3 dwellings or less. | 5.4 square metres | 0.8 metre | 1.8 metres |
| Shared bin storage area for 4 or more dwellings. | 1 square metre per dwelling plus 4 square metres | 0.8 metre | 1.8 metres |

If the development includes a shared bin storage area:

- The shared bin storage area:
  - Is located within 40 metres of a kerbside collection point.
  - Includes a tap for bin washing.
- There is a continuous path of travel free of steps and obstructions from dwellings to the bin storage area.

Where access is provided for private bin collection on the land the design of access ways must allow the vehicle to enter and exit in a forward direction.

Each dwelling includes an internal waste and recycling storage space of at least 0.07 cubic metres with a minimum depth of 250 millimetres.

**Dwelling in or forming part of an apartment development**

The development includes a shared bin storage area for use by each dwelling of at least the applicable area, depth and height specified in Table B5-5.2.

**Table B5-5.2 Apartment bin storage**

| Number of dwellings | Minimum area | Minimum depth | Minimum height |
|---|---|---|---|
| 15 or less dwellings | 0.7 square metres per dwelling in a shared waste storage area | 0.8 metres | 2.7 metres |
| 16 to 55 dwellings | 0.5 square metres per dwelling, plus 5 square metres in a shared waste storage area. | 1 metre | 2.7 metres |
| 56 or more dwellings | 0.5 square metres per dwelling in a shared waste storage area. | 1 metre | 2.7 metres |

Enclosed bin storage areas are ventilated by:

- Natural ventilation openings to the external air with an area of at least 5 per cent of the area for bin storage area; or
- A mechanical exhaust ventilation system.

A tap and drain is provided to wash bins.

A continuous path of travel is provided from each dwelling to bin storage areas.

Each dwelling includes an internal waste and recycling storage space of at least 0.07 cubic metres with a minimum depth of 250 millimetres.

### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response, including a Waste Management Plan.
- Any relevant waste and recycling objective, policy or statement set out in this planning scheme.
- The functionality and accessibility of waste and recycling facilities, including for people with limited mobility.
- Whether facilities are provided for on-site reuse or management of food and garden organics through composting or other waste recovery.
- Whether waste and recycling facilities are designed to meet the better practice design options specified in Waste management and recycling in multi-unit developments (Sustainability Victoria, 2019).

## 55.05-6 Noise impacts objective

31/03/2025
VC267

To minimise the impact of mechanical plant noise located in the development.

### Standard B5-6

Mechanical plant, including mechanical car storage and lift facilities are not located immediately adjacent to bedrooms of new or existing dwellings or small second dwellings, unless a solid barrier is in place to provide a line of sight barrier to transmission of noise and the location of all relevant bedrooms.

### Decision guideline

Before deciding on an application, the responsible authority must consider:

- The design response.
- Whether the impact of potential noise sources within a development have been mitigated through design, location and siting.
- Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling or small second dwelling and the site context.

## 55.05-7 Energy efficiency for apartment developments objectives

31/03/2025
VC267

To achieve energy efficient dwellings and buildings.

To ensure dwellings achieve adequate thermal efficiency.

### Standard B5-7

Dwellings in or forming part of an apartment development located in a climate zone identified in Table B5-7 do not exceed the maximum NatHERS annual cooling load.

| NatHERS climate zone | NatHERS maximum cooling load MJ/M$^2$ per annum |
|---|---|
| Climate zone 21 Melbourne | 30 |
| Climate zone 22 East Sale | 22 |
| Climate zone 27 Mildura | 69 |
| Climate zone 60 Tullamarine | 22 |
| Climate zone 62 Moorabbin | 21 |

| NatHERS climate zone | NatHERS maximum cooling load<br>MJ/M$^2$ per annum |
|---|---|
| Climate zone 63 Warrnambool | 21 |
| Climate zone 64 Cape Otway | 19 |
| Climate zone 66 Ballarat | 23 |

**Note:**

Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).

### Decision Guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The size, orientation and layout of the site.
- The availability of solar access to north-facing windows on the site.
- The annual cooling load for each dwelling.

56
25/02/2025
VC257

# 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, Housing Choice and Transport 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.

## 56.01 SUBDIVISION SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE

16/01/2018
VC142

### 56.01-1 Subdivision site and context description

16/01/2018
VC142

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.

### 56.01-2 Subdivision design response

09/10/2006
VC42

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.

## 56.02 POLICY IMPLEMENTATION

09/10/2006
VC42

### 56.02-1 Strategic implementation objective

09/10/2006
VC42

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.

## 56.03 LIVEABLE AND SUSTAINABLE COMMUNITIES

19/09/2017
VC132

### 56.03-1 Compact and walkable neighbourhoods objectives

09/10/2006
VC42

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.

### 56.03-2 Activity centre objective

09/10/2006
VC42

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.

## 56.03-3 Planning for community facilities objective

20/03/2023
VC229

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 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.

## 56.03-4 Built environment objective

09/10/2006
VC42

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.

## 56.03-5 Neighbourhood character objective

09/10/2006
VC42

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.

# 56.04 LOT DESIGN

09/10/2006
VC42

## 56.04-1 Lot diversity and distribution objectives

09/10/2006
VC42

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.

## 56.04-2 Lot area and building envelopes objective

08/09/2025
VC282

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 A2-3 and A2-4 of Clause 54 in relation to the adjoining lot, and
- The building envelope must not regulate siting matters covered by Standards A4-1 to A4-4 (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.

## 56.04-3 Solar orientation of lots objective

09/10/2006
VC42

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.

## 56.04-4 Street orientation objective

09/10/2006
VC42

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.

## 56.04-5 Common area objectives

09/10/2006
VC42

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.

## 56.05 URBAN LANDSCAPE

01/10/2009
VC58

### 56.05-1 Integrated urban landscape objectives

09/10/2006
VC42

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.

### 56.05-2 Public open space provision objectives

01/10/2009
VC58

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.

# 56.06 ACCESS AND MOBILITY MANAGEMENT

18/06/2010
VC62

## 56.06-1 Integrated mobility objectives

18/06/2010
VC62

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.

## 56.06-2 Walking and cycling network objectives

09/10/2006
VC42

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.

## 56.06-3 Public transport network objectives

09/10/2006
VC42

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.

## 56.06-4 Neighbourhood street network objective

14/05/2021
VC198

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 Head, Transport for Victoria'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.

## 56.06-5 Walking and cycling network detail objectives

09/10/2006
VC42

To design and construct footpaths, shared path and cycle path networks that are safe, comfortable, well constructed and accessible for people with disabilities.

To design footpaths to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.

### Standard C18

Footpaths, shared paths, cycle paths and cycle lanes should be designed to:

- Be part of a comprehensive design of the road or street reservation.
- Be continuous and connect.
- Provide for public transport stops, street crossings for pedestrians and cyclists and kerb crossovers for access to lots.
- Accommodate projected user volumes and mix.
- Meet the requirements of Table C1.
- Provide pavement edge, kerb, channel and crossover details that support safe travel for pedestrians, footpath bound vehicles and cyclists, perform required drainage functions and are structurally sound.
- Provide appropriate signage.
- Be constructed to allow access to lots without damage to the footpath or shared path surfaces.
- Be constructed with a durable, non-skid surface.
- Be of a quality and durability to ensure:
  - Safe passage for pedestrians, cyclists, footpath bound vehicles and vehicles.
  - Discharge of urban run-off.
  - Preservation of all-weather access.
  - Maintenance of a reasonable, comfortable riding quality.
  - A minimum 20 year life span.

- Be accessible to people with disabilities and include tactile ground surface indicators, audible signals and kerb ramps required for the movement of people with disabilities.

## 56.06-6 Public transport network detail objectives

09/10/2006
VC42

To provide for the safe, efficient operation of public transport and the comfort and convenience of public transport users.

To provide public transport stops that are accessible to people with disabilities.

### Standard C19

Bus priority measures must be provided along arterial roads forming part of the existing or proposed Principal Public Transport Network in Metropolitan Melbourne and the regional public transport network outside Metropolitan Melbourne to the requirements of the relevant roads authority.

Road alignment and geometry along bus routes should provide for the efficient, unimpeded movement of buses and the safety and comfort of passengers.

The design of public transport stops should not impede the movement of pedestrians.

Bus and tram stops should have:

- Surveillance from streets and adjacent lots.
- Safe street crossing conditions for pedestrians and cyclists.

Safe pedestrian crossings on arterial roads and at schools including the provision of traffic controls as required by the roads authority.

- Continuous hard pavement from the footpath to the kerb.
- Sufficient lighting and paved, sheltered waiting areas for forecast user volume at neighbourhood centres, schools and other locations with expected high patronage.
- Appropriate signage.

Public transport stops and associated waiting areas should be accessible to people with disabilities and include tactile ground surface indicators, audible signals and kerb ramps required for the movement of people with physical disabilities.

## 56.06-7 Neighbourhood street network detail objective

15/09/2008
VC49

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.

**56.06-8**
**18/06/2010**
**VC62**

## 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.

| | |
|---|---|
| **Traffic volume**[1] | 300vpd |
| **Target speed**[2] | 10kph |
| **Carriageway width**[3] **& parking provision within street reservation** | 5.5m[6] wide with no parking spaces to be provided.<br>Appropriately signed. |
| **Verge width**[4] | No verge required. |
| **Kerbing**[5] | |
| **Footpath provision** | None<br>Carriageway designed as a shared zone and appropriately signed. |
| **Cycle path provision** | None |

#### Access Place

A minor street providing local residential access with shared traffic, pedestrian and recreation use, but with pedestrian priority.

| | |
|---|---|
| **Traffic volume**[1] | 300vpd to1000vpd |
| **Target speed**[2] | 15kph |
| **Carriageway width**[3] **& parking provision within street reservation** | 5.5m wide with 1 hard standing verge parking space per 2 lots.<br>or<br>5.5m wide with parking on carriageway - one side.<br>Appropriately signed. |
| **Verge width**[4] | 7.5m minimum total width.<br>For services provide a minimum of 3.5m on one side and a minimum of 2.5m on the other. |

| | |
|---|---|
| **Kerbing[5]** | Semi-mountable rollover or flush and swale or other water sensitive urban design treatment area. |
| **Footpath provision** | Not required if serving 5 dwellings or less and the carriageway is designed as a shared zone and appropriately signed.<br>or<br>1.5m wide footpath offset a minimum distance of 1m from the kerb. |
| **Cycle path provision** | None |

### Access Street - Level 1

A street providing local residential access where traffic is subservient, speed and volume are low and pedestrian and bicycle movements are facilitated.

| | |
|---|---|
| **Traffic volume[1]** | 1000vpd to 2000vpd |
| **Target speed[2]** | 30kph |
| **Carriageway width[3] & parking provision within street reservation** | 5.5m wide with1 hard standing verge parking space per 2 lots. |
| **Verge width[4]** | 4m minimum each side |
| **Kerbing[5]** | Semi-mountable rollover or flush and swale or other water sensitive urban design treatment area. |
| **Footpath provision** | 1.5m wide footpaths on both sides.<br>Footpaths should be widened to 2.0m in vicinity of a school, shop or other activity centre.<br>Be offset a minimum distance of 1m from the kerb. |
| **Cycle path provision** | Carriageway designed as a shared zone and appropriately signed. |

### Access Street - Level 2

A street providing local residential access where traffic is subservient, speed and volume are low and pedestrian and bicycle movements are facilitated.

| | |
|---|---|
| **Traffic volume[1]** | 2000vpd to 3000vpd |
| **Target speed[2]** | 40kph |
| **Carriageway width[3] & parking provision within street reservation** | 7m-7.5m wide with parking on both sides of carriageway |
| **Verge width[4]** | 4.5m minimum each side |
| **Kerbing[5]** | Semi-mountable rollover or flush and swale or other water sensitive urban design treatment area. |
| **Footpath provision** | 1.5m wide footpaths on both sides.<br>Footpaths should be widened to 2.0m in vicinity of a school, shop or other activity centre. |

| | |
|---|---|
| | Be offset a minimum distance of 1m from the kerb. |
| **Cycle path provision** | Carriageway designed as a shared zone and appropriately signed. |

### Connector Street - Level 1

A street that carries higher volumes of traffic. It connects access places and access streets through and between neighbourhoods.

| | |
|---|---|
| **Traffic volume[1]** | 3000 vpd |
| **Target speed[2]** | 50 kph[7] reduced to 40 kph at schools and 20 kph at pedestrian and cycle crossing points. |
| **Carriageway width[3], cycle lane provision, parking provision and bus stops within street reservation** | ▪ 3.5m minimum lane width in each direction of travel.<br>▪ 4.0m minimum lane width at approaches to and departures from roundabouts and T-intersections.<br>▪ For on-street cycling, increase the minimum clear carriageway in each direction by:<br>– 0.7m where the trafficable carriageway is shared by cyclists but no dedicated bicycle lane is marked on the carriageway; or<br>– 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<br>– 1.7m where a dedicated 1.7m wide bicycle lane is marked on the carriageway.<br>▪ 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.<br>▪ Bus stops at the kerbside, not indented within the verge. |
| **Verge width[4]** | 4.5m minimum each side. |
| **Kerbing[5]** | Semi-mountable rollover or flush and swale or other water sensitive urban design treatment area. |
| **Footpath provision** | ▪ 1.5m wide footpaths on both sides.<br>▪ Footpath widened to a minimum 2.0m in the vicinity of a school, shop, public transport stop or other activity centre.<br>▪ Footpaths offset a minimum distance of 1m from the kerb. |

### Connector Street - Level 2

A street that carries higher volumes of traffic. It connects access places and access streets through and between neighbourhoods.

| | |
|---|---|
| **Traffic volume[1]** | 3,000 vpd to 7,000 vpd |
| **Target speed[2]** | 60 kph[8] or 50km/h reduced to 40kph at schools. |

| | |
|---|---|
| **Carriageway width[3], cycle lane provision, parking provision and bus stops within street reservation** | ▪ 3.5m minimum lane width in each direction of travel.<br>▪ 4.0m minimum lane width at approaches to and departures from roundabouts and T-intersections.<br>▪ 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.<br>▪ 8.0m minimum carriageway width at approaches to and departures from roundabouts and T-intersections where there are two lanes in each direction separated by an non-trafficable central medium.<br>▪ For on-street cycling, increase the minimum clear carriageway in each direction by:<br>– 0.7m where the trafficable carriageway is shared by cyclists but no dedicated bicycle lane is marked on the carriageway; or<br>– 1.7m where a dedicated 1.7m wide dedicated bicycle lane is marked on the carriageway<br>– 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<br>– 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.<br>▪ 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.<br>▪ Bus stops located at the kerbside, not indented within the verge. |
| **Verge width[4]** | ▪ 6m minimum each side (plus central median). |
| **Kerbing[5]** | ▪ Semi-mountable rollover or flush and swale or other water sensitive urban design treatment area. |
| **Footpath and cycle path provision** | ▪ 1.5m wide footpath on each side and 1.7m bicycle lanes on the carriageway; or<br>▪ 2.5m wide shared foot and cycle path on both sides and no dedicate bicycle lanes marked on the carriageway.<br>▪ Footpaths widened to a minimum of 2.0m in the vicinity of a school, shop, public transport stop or other activity centre.<br>▪ Footpaths or shared foot and cycle paths offset a minimum distance of 1m from the kerb. |

## Arterial Road

| | |
|---|---|
| **Traffic volume[1]** | Greater than 7000vpd |
| **Target speed[2]** | Arterial road design as required by the relevant roads authority. |
| **Carriageway width[3] & parking provision within street reservation** | Arterial road design as required by the relevant roads authority. |

| | |
|---|---|
| **Verge width**[4] | Arterial road design as required by the relevant roads authority. |
| **Kerbing**[5] | Arterial road design as required by the relevant roads authority. |
| **Footpath & cycle path provision** | 3m wide shared path on each side or as otherwise required by the relevant roads authority. |

### Key to Table C1

1. Indicative maximum traffic volume for 24-hour period. These volumes depend upon location. Generation rates may vary between existing and newly developing areas.
2. Target speed is the desired speed at which motorists should travel. This is not necessarily the design speed and is not greater than the marked legal speed limit.
3. Width is measured from kerb invert to kerb invert. Widening may be required at bends to allow for wider vehicle paths using appropriate Australian Standards for on street and off-street parking but should not negate the function of bends serving as slow points.
4. Verge width includes footpaths. Additional width may be required to accommodate a bicycle path.
5. Where drainage is not required a flush pavement edge treatment can be used. Layback kerbs are preferred for safety reasons. Upright kerbs may be considered for drainage purposes or in locations where on-street parking should be clearly defined and parking within the verge is not desired.
6. Turning requirements to access and egress parking on abutting lots may require additional carriageway width. The recommended carriageway width of 5.5m will provide adequate access to a standard 3.5m wide single garage built to the property line.
7. 50kph is the default urban speed limit in Victoria.
8. Target speed must not exceed the legal speed limit.

# 56.07 INTEGRATED WATER MANAGEMENT

29/10/2015
VC101

## 56.07-1 Drinking water supply objectives

09/10/2006
VC42

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.

## 56.07-2 Reused and recycled water objective

20/03/2023
VC229

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.
- Provided to the boundary of all lots in the subdivision where required by the relevant water authority.

## 56.07-3 Waste water management objective

01/07/2021
VC203

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 a domestic waste water management plan adopted by the relevant council.

Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.

## 56.07-4 Stormwater management objectives

04/02/2026
VC265

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 management guidance* (Environment Protection Authority - Publication 1739.1, 2021).
- Designed to ensure that flows downstream of the subdivision site are restricted to pre-development levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts.
- Designed to contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.

The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design.

For all storm events up to and including the 20% Average Exceedence Probability (AEP) standard:

- Stormwater flows should be contained within the drainage system to the requirements of the relevant authority.
- Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall.

For storm events greater than 20% AEP and up to and including 1% AEP standard:

- Provision must be made for the safe and effective passage of stormwater flows.
- All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority.
- Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria $d_a V_{ave} < 0.35\ m^2/s$ (where, $d_a$ = average depth in metres and $V_{ave}$ = average velocity in metres per second).

The design of the local drainage network should:

- Ensure stormwater is retarded to a standard required by the responsible drainage authority.
- Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, stormwater should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge.
- Ensure that inlet and outlet structures take into account the effects of obstructions and debris build up. Any surcharge drainage pit should discharge into an overland flow in a safe and predetermined manner.
- Include water sensitive urban design features to manage stormwater in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs.

Any flood mitigation works must be designed and constructed in accordance with the requirements of the relevant floodplain management authority.

## 56.08 SITE MANAGEMENT

09/10/2006
VC42

### 56.08-1 Site management objectives

09/10/2006
VC42

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.

# 56.09 UTILITIES

22/08/2014
VC118

## 56.09-1 Shared trenching objectives

22/08/2014
VC118

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.

## 56.09-2 Electricity and telecommunications objectives

01/01/2024
VC250

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.

## 56.09-3 Fire hydrants objective

15/09/2008
VC49

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.

## 56.09-4 Public lighting objective

09/10/2006
VC42

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.

57
16/04/2026
VC300

# TWO OR MORE DWELLINGS ON A LOT AND RESIDENTIAL BUILDINGS OF FOUR TO SIX STOREYS

## Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To encourage residential development that provides reasonable standards of amenity for existing and new residents.

To support residential development consistent with the future urban development of the area.

## Application

Provisions in this clause apply to the classes of applications specified in clauses:

- 32.04-7, Mixed Use Zone,
- 32.05-8, Township Zone (on land within the urban growth boundary in metropolitan Melbourne),
- 32.07-6, Residential Growth Zone,
- 32.10-5, Housing Choice and Transport Zone.

The objectives contained in clause 57.04-1 do not apply to a development that meets standards E2-2 and E2-3.

The objectives contained in clause 57.04-2 do not apply to a development that meets standard E2-2.

## Operation

The provisions of this clause contain:

- **Objectives.** An objective describes the outcome to be achieved in the completed development.
- **Standards.** A standard contains the requirements to meet the corresponding objective.

  If a zone or a schedule to a zone specifies a standard that modifies the standard set out in this clause, the modified standard, as specified in the zone or schedule to the zone applies.

  If the land is included in an overlay, other than a Neighbourhood Character Overlay, and a schedule to the overlay specifies a standard that modifies the standard set out in this clause, or a modified standard in the zone or a schedule to the zone, the modified standard in the schedule to the overlay applies.
- **Decision guidelines.** If a standard is not met, the decision guidelines set out the matters that the responsible authority must consider before deciding if the corresponding objective is met.

## Requirements

A development must meet all of the applicable objectives contained in this clause.

If a development meets a standard:

- The corresponding objective is deemed to be met
- The responsible authority is not required to consider the corresponding decision guidelines.

If a development does not meet a standard, the responsible authority must consider the applicable decision guidelines in determining whether the corresponding objective is met.

## Exemptions

Despite any other provision of this planning scheme, in determining applications to which this clause applies, the responsible authority is exempt from and is not required to consider:

- The Municipal Planning Strategy and Planning Policy Framework, unless an applicable decision guideline specifies otherwise.
- The purpose or decision guidelines of the relevant zone, unless an applicable decision guideline specifies otherwise.
- The decision guidelines in clause 65, unless an applicable decision guideline specifies otherwise.

If there is any inconsistency between the requirements of this clause and another provision of this planning scheme, this clause prevails.

An application to which this clause applies is exempt from the requirements of:

- Section 60(1)(b), (e), (f), (1A) and (1B) of the Act; and
- Section 84B(2)(b) to (jb) of the Act.

## 57.01 APPLICATION REQUIREMENTS

16/04/2026
VC300

An application to which this clause applies must be accompanied by:

- A site description.
- A design response.
- A written statement outlining which standards are met and which are not met. If a standard is not met, the written statement must include an explanation of how the development meets the corresponding objective having regard to the corresponding decision guidelines.

### 57.01-1 Site description

16/04/2026
VC300

The site description may use a site plan, photographs or other techniques and must accurately describe:

- The built form and scale of surrounding development including front fencing.
- Site shape, size, orientation and easements.
- Levels 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 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 6 metres.
- Solar access to the site and to surrounding properties.
- Location of existing trees 5 metres in height or greater, with a trunk circumference of 0.5 metres or greater at 1.4 metres above ground level, on the site.
- Any cut and filled areas of soil, where known.
- Street frontage features such as poles, services, street trees and kerb crossovers.
- Off-site noise sources.
- The relevant NatHERS climate zones (as identified in clause 57.05-4).

If in the opinion of the responsible authority a requirement of the site description is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

### 57.01-2 Design response

16/04/2026
VC300

The design response must explain how the proposed design:

- Responds to the future urban development of the area.
- Derives from and responds to the site description.
- Specifies suitable materials and finish for the external walls.

The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings.

The design response must include a landscape plan that details the proposed:

- Retention and planting of canopy trees.
- Planting of other vegetation including location, species, number and size at maturity of vegetation.
- Where required, areas of deep soil and root barriers.

- Irrigation system to support existing and planted vegetation including details of any alternative water supply sources.
- Selection of vegetation that responds to the site's environment and geographic factors.
- Location of site services.

If in the opinion of the responsible authority a design response requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.

## 57.02 URBAN CONTEXT

16/04/2026
VC300

### 57.02-1 Street setback objectives

16/04/2026
VC300

To ensure that the setbacks of buildings from a street provide space for canopy trees and make efficient use of the site.

To ensure that the setbacks of buildings from a street respond to the future urban development of the area.

#### Standard E2-1

Walls of buildings are 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 E2-1.

Entry canopies, pergolas and awnings for windows or doors may encroach up to 1.5 metres into the setbacks of this standard.

**Table E2-1 Street setback**

| Minimum setback from front street | Minimum setback from side street |
|---|---|
| 4.5 metres | 3 metres |

#### 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.
- Whether the siting of the building is constrained by the shape, dimensions, slope or other conditions of the site.
- Whether a different setback would be more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots.
- Whether a different setback affects the ability to retain or plant canopy trees.

### 57.02-2 Side and rear setbacks objectives

17/04/2026
VC308

To ensure the setback of a building from a boundary provides sufficient space for canopy trees and landscaping.

To ensure the setback of a building from a boundary responds to the future urban development of the area and limits the impact on the amenity of existing dwellings and small second dwellings.

#### Standard E2-2

A new building not on or within 200mm of a boundary is set back from side or rear boundaries at least 4.5 metres.

If the boundary is to the south of the building, the building is set back at least 6 metres up to a height not exceeding 13.5 metres and at least 12 metres for a height over 13.5 metres between south 30 degrees west to south 30 degrees east.

Sunblinds, awnings, privacy screens, eaves, facias, gutters, rainwater goods, flues, pipes, domestic water tanks, heating or cooling equipment or other services may encroach not more than 0.5 metres into the side and rear setbacks.

Stairways and ramps (including landings) that are less than 1 metre above the ground level may encroach into the side and rear setbacks.

Pergolas and shade sails may encroach into the side and rear setbacks.

**Diagram E2-2.1 Side and rear setbacks**

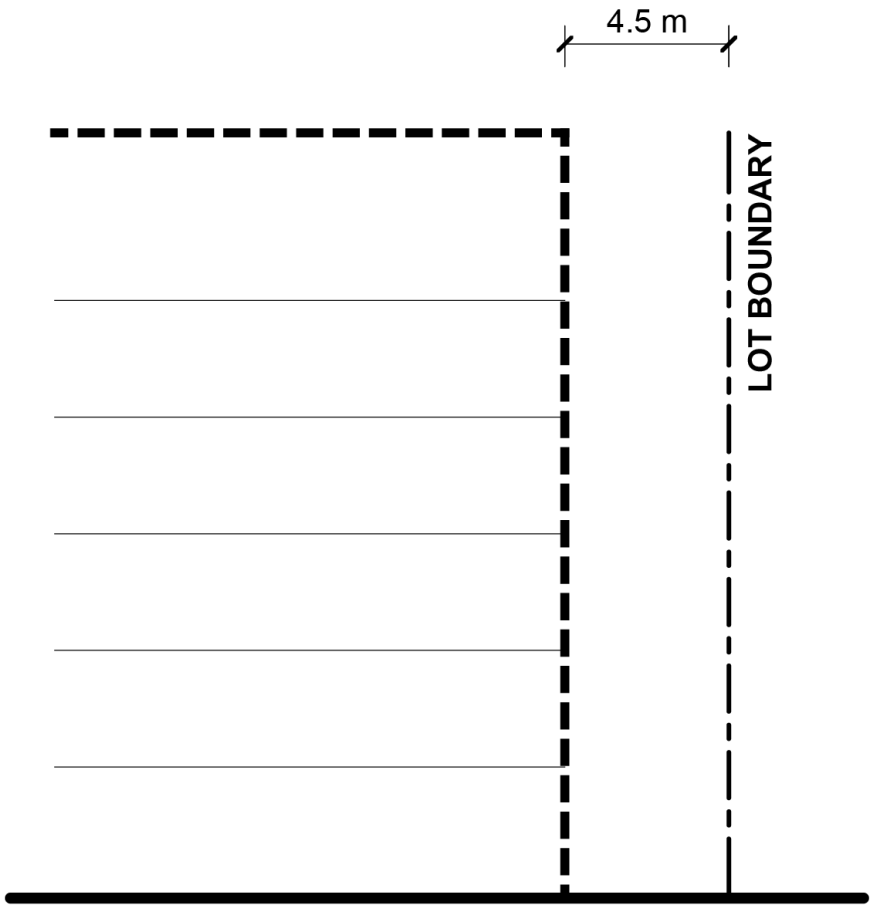
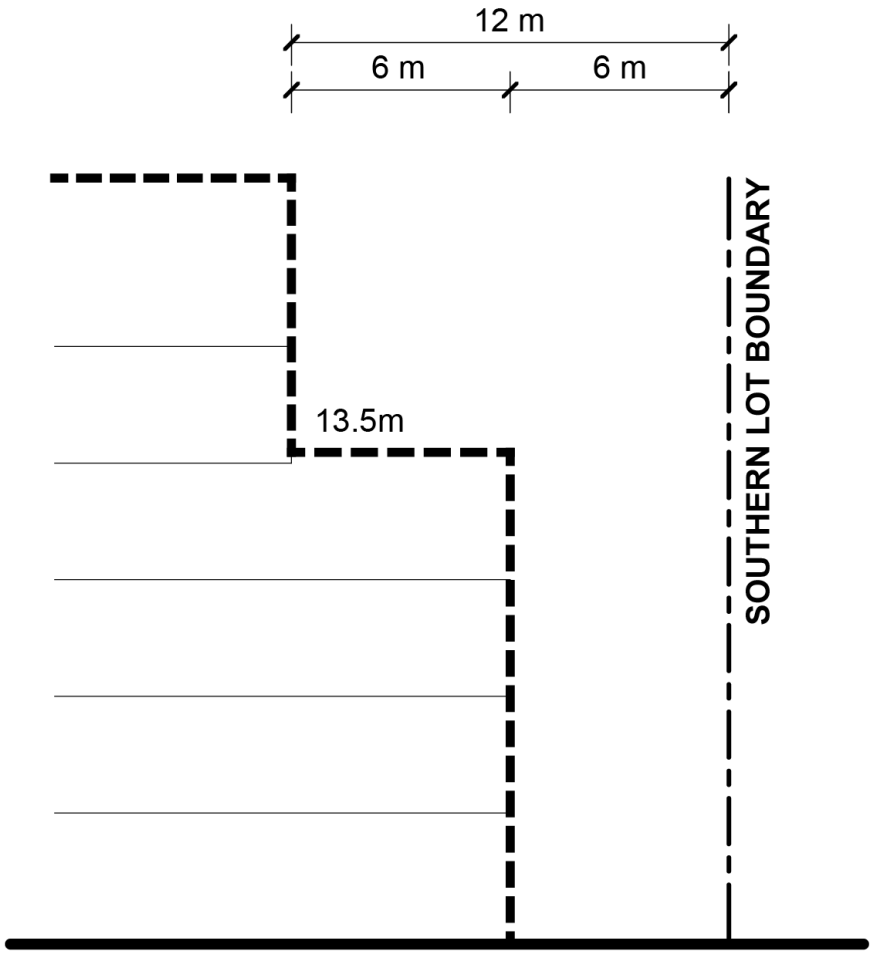


**Diagram E2-2.2 Side and rear setbacks to a southern boundary**




**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.
- Whether the boundary abuts a public open space and how the interface responds to the public open space.
- The impact on the amenity of the habitable room windows and private open space of existing dwellings or small second dwellings.
- The relationship between the setbacks and those of existing adjacent buildings, including the interface with laneways.
- Whether a different setback would be more appropriate, considering the slope of the land and effective height of the building in relation to adjoining properties.
- Whether a different setback in a rear yard affects the ability to provide landscaping or retain or plant canopy trees.

## 57.02-3 Walls on boundaries objective

16/04/2026
VC300

To ensure that the location, length and height of a wall on a boundary responds to the future urban development of the area and limits the impact on the amenity of existing dwellings and small second dwellings.

### Standard E2-3

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 does not abut the boundary for a length that exceeds the greater of the following distances:

- 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or
- The length of existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot.

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 does not exceed 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 urban design objective, policy or statement set out in this scheme.
- The design response.
- The extent to which walls on boundaries are part of the site context or contribute to the future urban development of the area.
- The orientation of the boundary.
- The impact on the amenity of existing dwellings or small second dwellings.
- 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 location of existing light courts and habitable room windows.

## 57.02-4 Site coverage objective

16/04/2026
VC300

To ensure that the site coverage responds to the future urban development of the area and to the features of the site.

### Standard E2-4

The site area covered by buildings does 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, 70 per cent.

### 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.

- Any constraints imposed by existing development or the features of the site.
- Whether a different area of site coverage affects the ability to retain or plant canopy trees.
- Whether the arrangement of buildings on the site is efficient and allows for separation between buildings.

## 57.02-5 Access objectives

16/04/2026
VC300

To ensure the number and design of vehicle crossovers responds to the future urban development of the area.

To ensure that vehicle crossovers are designed and located to provide safe access for pedestrians, cyclists and other vehicles.

### Standard E2-5

The width of accessways or car spaces (other than to a rear lane) does not exceed:

- 33 per cent of the street frontage; or
- 40 per cent of the street frontage if the width of the street frontage is less than 20 metres.

The number of access points to a road in a Transport Zone 2 or a Transport Zone 3 is not increased.

The location of a vehicle crossover or accessway does not encroach the tree protection zone of an existing tree that is proposed to be retained in a road by more than 10 per cent.

### 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 impact on the street.
- The impact on the safety of pedestrians or cyclists.
- The reduction of on-street car parking spaces.
- Whether a different accessway width, number of access points or encroachment of an existing tree affects the ability to retain or plant canopy trees on the site or footpath.

## 57.02-6 Tree canopy objectives

16/04/2026
VC300

To provide tree canopy and landscaping that responds to the future urban development of the area.

To preserve existing tree canopy cover and support the provision of new canopy cover.

To ensure new canopy trees are climate responsive, support biodiversity, wellbeing and amenity, and help reduce urban heat.

To ensure that basements allow for space for deep soil planting at the front of a site.

### Standard E2-6

Basements of a building are setback at least 3 metres from the frontage and at least one other boundary.

Provide a minimum canopy cover as specified in Table E2-6.1.

### Table E2-6.1 Canopy cover

| Site area | Canopy cover |
|---|---|
| 1000 square metres or less | 10% of site area |

| Site area | Canopy cover |
|---|---|
| More than 1000 square metres | 20% of site area |

Existing trees to be retained meet all of the following:

- Has a height of at least 5 metres.
- Has a trunk circumference of 0.5 metres or greater at 1.4 metres above ground level.
- Has a trunk that is located at least 4 metres from proposed buildings.

The minimum canopy cover is met using any combination of trees specified in Table E2-6.2.

Existing trees that are retained can be used in calculating canopy cover.

**Table E2-6.2 Tree type, canopy cover, deep soil and planter requirements**

| Tree type | Minimum canopy diameter at maturity | Minimum height at maturity | Minimum mature canopy cover | Tree in deep soil<br>Area of deep soil | Tree in planter<br>Volume of planter | Minimum depth of planter soil |
|---|---|---|---|---|---|---|
| A | 4 metres | 6 metres | 12.6 square metres | 12 square metres<br>(min. plan dimension 2.5 metres) | 12 cubic metres<br>(min. plan dimension 2.5 metres) | 0.8 metres |
| B | 8 metres | 8 metres | 50.3 square metres | 49 square metres<br>(min. plan dimension 4.5 metres) | 28 cubic metres<br>(min. plan dimension 4.5 metres) | 1 metre |
| C | 12 metres | 12 metres | 113.1 square metres | 121 square metres<br>(min. plan dimension 6.5 metres) | 64 cubic metres<br>(min. plan dimension 6.5 metres) | 1.5 metres |

Provide at least one new or retained tree in the front setback and the rear setback.

Trees are located in either:

- An area of deep soil as specified in Table E2-6.2; or
- A planter as specified in Table E2-6.2

Any tree required to be planted under this standard must be of species to the satisfaction of the responsible authority, having regard to the location and relevant geographic factors.

### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant urban design objective, landscaping or environmental policy, objective, strategy or statement set out in this planning scheme.
- The site context and design response.
- The extent to which the existing and proposed canopy trees contribute to a greener environment and reduce urban heat.
- Whether the growth characteristics of existing trees and proposed canopy trees will provide the required canopy cover.
- The suitability of the proposed location and deep soil area for proposed canopy trees.

- Whether the species of canopy tree is suited to the soil conditions of the site.
- The suitability of the proposed landscaping in communal outdoor open space.

## 57.02-7 Front fences objective

16/04/2026
VC300

To encourage front fence design that responds to the future urban development of the area.

### Standard E2-7

A front fence within 3 metres of a street is:

- The maximum height and transparency specified in a schedule to the zone, or
- If no maximum height or transparency is specified in a schedule to the zone, the maximum height and transparency specified in Table E2-7.

Transparency is measured as the percentage of the fence that is open when viewed perpendicular to the fence line.

**Table E2-7 Maximum front fence height**

| Street context | Maximum front fence height | Minimum front fence transparency |
|---|---|---|
| Streets in a Transport Zone 2 | 2 metres | 25% |
| Other streets | 1.5 metres | 25% |

### 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 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.

## 57.03 LIVEABILITY

16/04/2026
VC300

### 57.03-1 Parking location objective

16/04/2026
VC300

To minimise the impact of vehicular noise within developments on residents.

#### Standard E3-1

Habitable room windows with sill heights of less than 3 metres above ground level are setback from accessways and car parks by at least:

- 1.5 metres; or
- If there is a solid fence with a height of at least 1.5 metres between the accessway or car park and the window, 1 metre; or
- 1 metre where window sills are at least 1.5 metres above ground level.

#### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The need for landscaping adjacent to the accessway and car park.

### 57.03-2 Street integration objectives

16/04/2026
VC300

To integrate the layout of development with the street and open spaces to support the safety and amenity of residents.

To support development that activates and provides passive surveillance to streets and public open spaces.

#### Standard E3-2

Development is oriented to front a street.

Where a development fronts a street or abuts public open space:

- Passive surveillance is provided by a direct view from at least one balcony or habitable room window at each storey of the building to each street and public open space.
- The total cumulative width of all site services located within 3 metres of a street, do not take up more than 20 per cent of the width of the frontage.

Pedestrian entries are located on street frontages.

Car parking and internal waste collection areas are visually concealed from the street.

Lighting is provided to all external accessways and paths.

One mailbox is provided for each dwelling, and at least one parcel locker is provided for every five dwellings. Mailboxes and parcel lockers are communally located.

#### 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 design of screening for services.
- Whether the pedestrian entry is to an active frontage.

## 57.03-3 Building entry and circulation objectives

16/04/2026
VC300

To provide safe, weather protected building entries with a sense of address.

To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.

To ensure internal common circulation areas provide adequate access to daylight and natural ventilation.

### Standard E3-3

An apartment development or residential building has:

- A ground level entry door, gate or walkway with a direct line of sight from a street.
- An external covered area over the entry door to the building of at least 1.44 square metres with a minimum dimension of 1.2 metres.

Pedestrian building entries are separated from vehicle entry points.

Shared corridors and common areas:

- Have at least one source of natural light and natural ventilation.
- Are unobstructed by building services; and
- Have a clear sightline from the building entry to the lift lobby area at ground level.

### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Whether the building entry is visible and easily identifiable from streets and other public areas.
- Whether the entry provides shelter, a sense of address and a transitional space around the entry.
- The useability and amenity of internal common areas and circulation spaces based on daylight access and the natural ventilation they will receive.
- The level of passive surveillance to the street, public open space and communal space.
- The length of corridors and any concealed areas.

## 57.03-4 Private open space objective

17/04/2026
VC308

To provide adequate private open space for the reasonable recreation and service needs of residents.

### Standard E3-4

A dwelling or residential building has private open space with direct access from a living area, dining area or kitchen consisting of:

- An area of 15 square metres of private open space at ground level or on a podium, with a minimum dimension of 2.4 metres width; or
- A balcony with at least the area and dimensions specified in Table E3-4; or
- An area on a roof of at least 10 square metres, with a minimum dimension of 2 metres width.

If a cooling or heating unit is located in the private open space, the required area is increased by 1.5 square metres.

**Table E3-4 Private open space for a balcony**

| Dwelling type | Minimum area | Minimum length (parallel to the external wall) | Minimum width |
|---|---|---|---|
| Studio or 1 bedroom dwelling | 8 square metres | 3 metres | 1.8 metres |
| 2 bedroom dwelling | 8 square metres | 3 metres | 2 metres |
| 3 or more bedroom dwelling | 12 square metres | 3 metres | 2.4 metres |

### 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.

## 57.03-5 Communal space objectives

17/04/2026
VC308

To provide communal space that meets the recreation and amenity needs of residents.

To ensure that communal space is accessible, practical, attractive and easily maintained.

To ensure that communal space is integrated with the layout of the development and enhances resident amenity.

### Standard E3-5

A development of 10 or more dwellings includes communal space accessible to all residents of at least:

- 2.5 square metres per dwelling; or
- 25 per cent of the site area, whichever is the lesser.

This may consist of multiple separate areas of communal space.

This may include indoor communal space or outdoor communal space.

If outdoor communal space is provided, 50 per cent of the area or 25 square metres whichever is the greater, is not overshadowed for a minimum of two hours between 9 am and 3 pm on 22 September.

### 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 availability of and access to public open space.
- The useability of the communal space, including its size and accessibility.

## 57.03-6 Functional layout objective

17/04/2026
VC308

To ensure dwellings provide functional areas that meet the needs of residents.

### Standard E3-6

Bedrooms:

- Meet the minimum internal room dimensions specified in Table E3-6.1; and
- Provide an additional area of at least 0.8 square metres to accommodate a wardrobe.

**Table E3-6.1 Bedroom dimensions**

| Bedroom type | Minimum width | Minimum depth |
|---|---|---|
| Main bedroom | 3 metres | 3.4 metres |
| All other bedrooms | 3 metres | 3 metres |

Living areas (excluding dining and kitchen areas) meet the minimum internal room dimensions specified in Table E3-6.2.

**Table E3-6.2 Living area dimensions**

| Dwelling type | Minimum width | Minimum area |
|---|---|---|
| Studio and 1 bedroom dwelling | 3.3 metres | 10 square metres |
| 2 or more bedroom dwelling | 3.6 metres | 12 square metres |

### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and amenity of habitable rooms

## 57.03-7 Room depth objective

16/04/2026
VC300

To allow adequate daylight into single aspect habitable rooms.

### Standard E3-7

The depth of a single aspect habitable room does not exceed 2.5 times the ceiling height measured from the external surface of the habitable room window to the rear wall of the room.

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 is measured from the external surface of the habitable room window to the rear wall of the room.

For the purposes of clause 57.03-7 a single aspect habitable room is a habitable room with windows on only one wall.

### 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 the layout, siting, size and orientation of habitable rooms.
- Any overhang above habitable room windows that limits daylight access.

## 57.03-8 Daylight to new windows objective

16/04/2026
VC300

To allow adequate daylight into new habitable room windows.

### Standard E3-8

Habitable rooms are to have a window in an external wall of the building.

A habitable room window is not located in a basement.

Where daylight to a bedroom is provided from a smaller secondary area within the bedroom, the secondary area is to have:

- A minimum width of 1.2 metres.
- A maximum depth of 1.5 times the width, measured from the external surface of the window.
- A window clear to the sky.

### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which habitable rooms are 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.
- Whether there are other windows in the habitable room which have access to daylight.

## 57.03-9 Natural ventilation objectives

16/04/2026
VC300

To encourage natural ventilation of dwellings.

To allow occupants to effectively manage natural ventilation of dwellings.

### Standard E3-9

At least 40 per cent of dwellings have openable windows, doors or other ventilation devices in external walls of the building that provide:

- 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 size.

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 and layout of the dwelling maximises opportunities for cross ventilation.
- Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling and site context.

## 57.03-10 Storage objective

16/04/2026
VC300

To provide adequate storage facilities for each dwelling.

### Standard E3-10

Each dwelling has exclusive access to storage at least the total minimum storage volume that is specified in Table E3-10.

**Table E3-10 Storage**

| Dwelling type | Total minimum storage volume | Minimum storage volume within the dwelling |
|---|---|---|
| Studio | 8 cubic metres | 5 cubic metres |
| 1 bedroom dwelling | 10 cubic metres | 6 cubic metres |
| 2 bedroom dwelling | 14 cubic metres | 9 cubic metres |
| 3 or more bedroom dwelling | 18 cubic metres | 12 cubic metres |

### 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.

## 57.03-11 Accessibility objective

16/04/2026
VC300

To ensure the design of dwellings meets the needs of people with limited mobility.

### Standard E3-11

At least 50 per cent of dwellings 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 E3-11

**Table E3-11 Bathroom design**

| | Design option A | Design option B |
|---|---|---|
| Door opening | A clear 850mm wide door opening. | A clear 820mm wide door opening located opposite the shower. |
| Door design | Either:<br>▪ A slide door, or | Either:<br>▪ A slide door, or |

| | Design option A | Design option B |
|---|---|---|
| | ▪ A door that opens outwards, or<br>▪ A door that opens inwards that is clear of the circulation area and has readily removable hinges. | ▪ A door that opens outwards, or<br>▪ A door that opens inwards and has readily removable hinges. |
| Circulation area | A clear circulation area that is:<br>▪ A minimum area of 1.2 metres by 1.2 metres.<br>▪ Located in front of the shower and the toilet.<br>▪ Clear of the toilet, basin and the door swing.<br>The circulation area for the toilet and shower can overlap. | A clear circulation area that is:<br>▪ A minimum width of 1 metre.<br>▪ The full length of the bathroom and a minimum length of 2.7 metres.<br>▪ Clear of the toilet and basin.<br>The circulation area can include a shower area. |
| Path to circulation area | A clear path with a minimum width of 900mm from the door opening to the circulation area. | Not applicable. |
| Shower | A hobless (step-free) shower. | A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening. |
| Toilet | A toilet located in the corner of the room. | A toilet located closest to the door opening and clear of the circulation area. |

### Decision guidelines

None specified.

## 57.03-12 Building separation within a site objective

16/04/2026
VC300

To ensure that the separation between buildings (other than a light court) within a site provides a reasonable outlook and adequate daylight to new dwellings, and sufficient space for canopy trees and landscaping.

### Standard E3-12

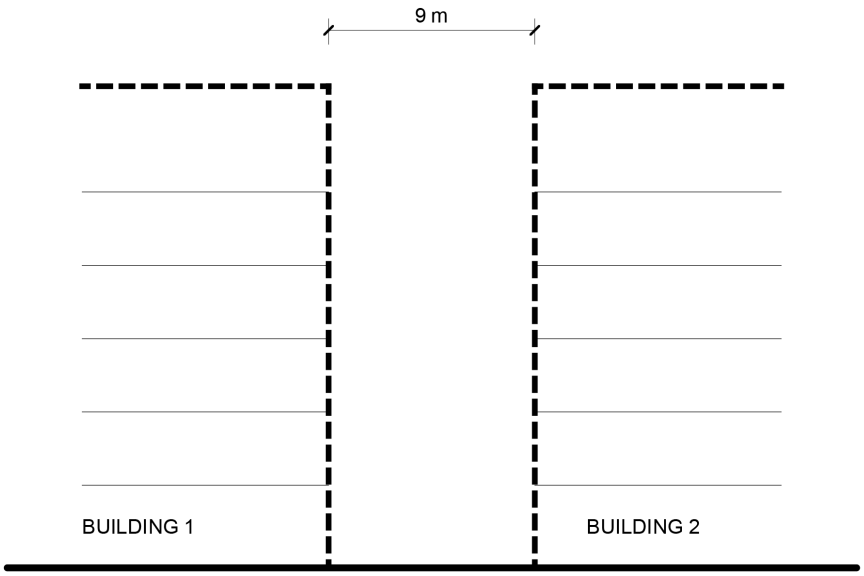
Walls of buildings that contain a habitable room window or balcony are set back from other walls of buildings on a site by at least 9 metres. This does not apply to a wall that forms part of a light court.

Sunblinds, awnings, privacy screens, eaves, facias, gutters, rainwater goods, flues, pipes, domestic water tanks, heating or cooling equipment or other services may encroach up to 0.5 metres into the building separation setback.

Stairways and ramps (including landings) that are less than 1 metre above the ground level may encroach into the building separation setback.

Pergolas and shade sails may encroach into the building separation setback.

**Diagram E3-12 Building separation within a site**




### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The design, function and layout of the building separation setback.
- Whether the building separation setback provides reasonable outlook and adequate daylight to new dwellings.
- Views between private open spaces and habitable room windows.
- Whether a different building separation setback affects the ability to retain or plant canopy trees.

## 57.03-13 Light courts objective

16/04/2026
VC300

To ensure that a light court provides adequate daylight into a new bedroom or non-habitable room window.

### Standard E3-13

A light court:

- Has a minimum dimension of at least 4.5 metres and an area of at least 20.25 square metres.
- Has a maximum dimension of 6 metres and a maximum area of 36 square metres.
- Is enclosed by the wall of a building for at least 75 per cent of its perimeter.
- Is clear to the sky.
- Is not the primary source of daylight to a living room or private open space.

### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.

- Whether the light court provides adequate daylight to a new bedroom or non-habitable room window.
- The arrangement of windows facing the light court.

## 57.04 EXTERNAL AMENITY

16/04/2026
VC300

### 57.04-1 Overshadowing secluded private open space objective

16/04/2026
VC300

To ensure that any part of a building that does not meet standards E2-2 and E2-3 does not significantly overshadow existing secluded private open space.

#### Standard E4-1

The area of secluded private open space that is not overshadowed by the new development is greater than 50 per cent, or 25 square metres with a minimum dimension of 3 metres, whichever is the lesser area, for a minimum of five hours between 9 am and 3 pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling or small second dwelling is less than the requirements of this standard, the amount of sunlight is not further reduced.

This standard does not apply to any part of a new building that meets standards E2-2 and E2-3.

#### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the amenity of existing dwellings or small second dwellings.
- Existing sunlight penetration to the secluded private open space of the existing dwelling or small second dwelling.
- The time of day that sunlight will be available to the secluded private open space of the existing dwelling or small second dwelling.
- The effect of a reduction in sunlight on the existing use of the existing secluded private open space.

### 57.04-2 Overlooking objective

17/04/2026
VC308

To limit views from any part of a building that does not meet standard E2-2 into existing secluded private open space and habitable room windows.

#### Standard E4-2

A habitable room window, balcony, podium, terrace, deck or patio is located and designed to avoid direct views into the secluded private open space of an existing dwelling or small second dwelling within a horizontal distance of 6 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views are 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 1.5 metres above floor level.

A habitable room window, balcony, terrace, deck or patio located with a direct view into a habitable room window of an existing dwelling or small second dwelling within a horizontal distance of 6 metres (measured at ground level) of the window, balcony, terrace, deck or patio:

- Is offset a minimum of 1.5 metres from the edge of one window to the edge of the other; or
- Has a sill height of at least 1.5 metres above floor level; or
- Has fixed, obscure glazing in any part of the window below 1.5 metre above floor level; or
- Has permanently fixed external screens to at least 1.5 metres above floor level and be no more than 25 per cent transparent; or
- Has fixed elements that prevent the direct view, such as horizontal ledges or vertical fins.

Obscure glazing in any part of the window below 1.5 metres above floor level may be openable provided that there are no direct views as specified in this standard.

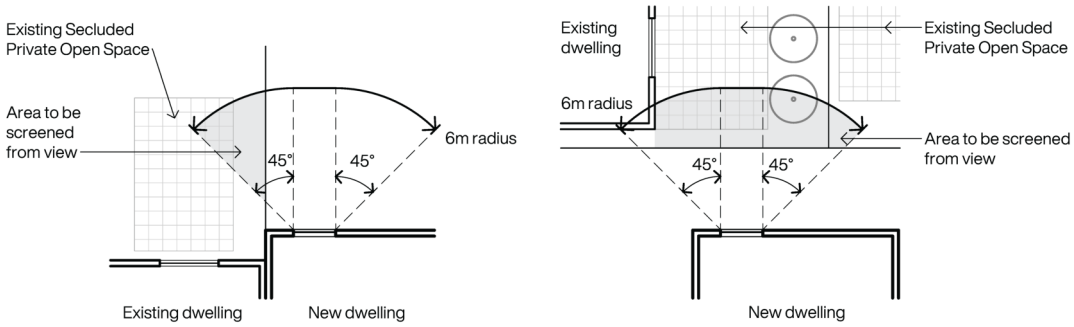
Screens used to obscure a view are:

- 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 1.5 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.

This standard does not apply to a new habitable room window, balcony, terrace, deck or patio that is located in any part of a building that meets standard E2-2.

**Diagram E4-2 Overlooking**




**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 or small second dwellings.
- The internal daylight to and amenity of the proposed dwelling, residential building or small second dwelling.
- The orientation and location of windows to limit views.

## 57.05 SUSTAINABILITY

16/04/2026
VC300

### 57.05-1 Permeability and stormwater management objectives

17/04/2026
VC308

To reduce the impact of increased stormwater run-off on the drainage system and downstream waterways.

To facilitate on-site stormwater infiltration.

To encourage stormwater management that maximises the retention and reuse of stormwater.

To contribute to urban cooling.

#### Standard E5-1

The site area covered by the pervious surfaces is at least 20 percent of the site.

Buildings are connected to a non-potable dual pipe reticulate water supply, where available from the water authority.

The development includes a stormwater management system designed to:

- Meet the best practice quantitative performance objectives for stormwater quality specified in the *Urban stormwater management guidance* (EPA Publication 1739.1, 2021) of:
  - Suspended solids 80% reduction in mean annual load.
  - Total phosphorus and Total Nitrogen 45% reduction in mean annual load.
  - Litter 70% reduction of mean annual load.

    *Note: A certificate generated from a stormwater assessment tool including STORM, MUSIC or an equivalent product accepted by the responsible authority may be used to demonstrate the performance objectives for stormwater quality are met.*

- Direct flows of stormwater into treatment areas, garden areas, tree pits and permeable surfaces, with drainage of residual flows to the legal point of discharge.

#### 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.
- 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.

### 57.05-2 Waste and recycling objectives

16/04/2026
VC300

To ensure dwellings are designed to facilitate waste recycling.

To ensure that waste and recycling facilities are accessible and are of sufficient size to manage organic and general waste, and mixed and glass recycling.

To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity.

#### Standard E5-2

The development includes a shared bin storage area for use by each dwelling of at least the applicable area, depth and height specified in Table E5-2.

**Table E5-2 Bin storage**

| Number of dwellings | Minimum area | Minimum depth | Minimum height |
|---|---|---|---|
| 15 or less dwellings | 0.7 square metres per dwelling in a shared waste storage area | 0.8 metres | 2.7 metres |
| 16 to 55 dwellings | 0.5 square metres per dwelling, plus 5 square metres in a shared waste storage area. | 1 metre | 2.7 metres |
| 56 or more dwellings | 0.5 square metres per dwelling in a shared waste storage area. | 1 metre | 2.7 metres |

Enclosed bin storage areas are ventilated by:

- Natural ventilation openings to the external air with an area of at least 5 per cent of the area for bin storage area; or
- A mechanical exhaust ventilation system.

A tap and drain are provided to wash bins.

A continuous path of travel is provided from each dwelling to bin storage areas.

Each dwelling includes an internal waste and recycling storage space of at least 0.07 cubic metres with a minimum depth of 250 millimetres.

### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response, including a Waste Management Plan.
- Any relevant waste and recycling objective, policy or statement set out in this planning scheme.
- The functionality and accessibility of waste and recycling facilities, including for people with limited mobility.
- Whether facilities are provided for on-site reuse or management of food and garden organics through composting or other waste recovery.
- Whether waste and recycling facilities are designed to meet the better practice design options specified in *Waste management and recycling in multi-unit developments* (Sustainability Victoria, 2019).

## 57.05-3 Noise impacts objectives

17/04/2026
VC308

To minimise the impact of mechanical plant noise located in the development.

To contain noise sources in developments that may affect existing dwellings.

To protect residents from external and internal noise sources.

### Standard E5-3

Mechanical plant, including mechanical car storage, lift facilities, building services, non-residential uses, car parking, communal areas are not located immediately adjacent to bedrooms of new or existing dwellings or small second dwellings, unless a solid barrier is in place to provide a line of sight barrier to transmission of noise and the location of all relevant bedrooms.

Buildings within a noise influence area specified in Table E5-3 are 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 are assessed in unfurnished rooms with a finished floor and the windows closed.

**Table E5-3 Noise influence area**

| Noise source | Noise influence area |
|---|---|
| **Zone interface** | |
| Industry | 300 metres from the Industrial 1, 2 and 3 zone boundary |
| **Roads** | |
| Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume | 300 metres from the nearest trafficable lane |
| **Railways** | |
| Railways servicing passengers in Victoria | 80 metres from the centre of the nearest track |
| Railway servicing freight outside metropolitan Melbourne | 80 metres from the centre of the nearest track |
| Railway servicing freight in metropolitan Melbourne | 135 metres from the centre of the nearest track |

### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- 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 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.

## 57.05-4 Energy efficiency objectives

16/04/2026
VC300

To achieve energy efficient dwellings and buildings.

To ensure dwellings achieve adequate thermal efficiency.

### Standard E5-4

Dwellings located in a climate zone identified in Table E5-4 do not exceed the maximum NatHERS annual cooling load.

**Table E5-4 Cooling load**

| NatHERS climate zone | NatHERS maximum cooling load MJ/M$^2$ per annum |
|---|---|
| Climate zone 21 Melbourne | 30 |
| Climate zone 22 East Sale | 22 |

| NatHERS climate zone | NatHERS maximum cooling load MJ/M$^2$ per annum |
|---|---|
| Climate zone 27 Mildura | 69 |
| Climate zone 60 Tullamarine | 22 |
| Climate zone 62 Moorabbin | 21 |
| Climate zone 63 Warrnambool | 21 |
| Climate zone 64 Cape Otway | 19 |
| Climate zone 66 Ballarat | 23 |

*Note: Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).*

### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The size, orientation and layout of the site.
- The availability of solar access to north-facing windows on the site.
- The annual cooling load for each dwelling.

58
16/04/2026
VC300

# 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 seven storeys or more, excluding a basement, and is in the General Residential Zone, Residential Growth Zone, Housing Choice and Transport 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, Activity Centre Zone or Precinct 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.

# 58.01 URBAN CONTEXT REPORT AND DESIGN RESPONSE

16/01/2018
VC142

## 58.01-1 Application requirements

13/04/2017
VC136

An application must be accompanied by:

- An urban context report.
- A design response.

## 58.01-2 Urban context report

16/01/2018
VC142

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.

## 58.01-3 Design response

20/12/2021
VC174

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.
- Selects materials and finishes for the external walls.
- 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.

## 58.02 URBAN CONTEXT

31/07/2018
VC148

### 58.02-1 Urban context objectives

13/04/2017
VC136

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.

### 58.02-2 Residential policy objectives

31/07/2018
VC148

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 Municipal Planning Strategy and the Planning Policy Framework.
- The design response.

### 58.02-3 Dwelling diversity objective

13/04/2017
VC136

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.

### 58.02-4 Infrastructure objectives

01/01/2024
VC250

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 and electricity, 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, a Land Capability Assessment on the risks to human health and the environment of an on-site wastewater management system constructed, installed or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017*.
- 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.

## 58.02-5 Integration with the street objective

20/12/2021
VC174

To integrate the layout of development with the street.

To support development that activates street frontage.

### Standard D5

Development should be oriented to front existing and proposed streets.

Along street frontage, development should:

- Incorporate pedestrian entries, windows, balconies or other active spaces.
- Limit blank walls.
- Limit high front fencing, unless consistent with the existing urban context.
- Provide low and visually permeable front fences, where proposed.
- Conceal car parking and internal waste collection areas from the street.

Development next to existing public open space should be designed to complement the open space and facilitate passive surveillance.

### 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.

## 58.03 SITE LAYOUT

31/07/2018
VC148

### 58.03-1 Energy efficiency objectives

14/12/2023
VC253

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 or small second 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

| NatHERS climate zone | NatHERS maximum cooling load MJ/M$^2$ per annum |
|---|---|
| Climate zone 21 Melbourne | 30 |
| Climate zone 22 East Sale | 22 |
| Climate zone 27 Mildura | 69 |
| Climate zone 60 Tullamarine | 22 |
| Climate zone 62 Moorabbin | 21 |
| Climate zone 63 Warrnambool | 21 |
| Climate zone 64 Cape Otway | 19 |
| Climate zone 66 Ballarat | 23 |

*Note: Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).*

#### 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.

## 58.03-2 Communal open space objective

14/12/2023
VC253

To provide communal open space that meets the recreation and amenity needs of residents.

To ensure that communal open space is accessible, practical, attractive, easily maintained.

To ensure that communal open space is integrated with the layout of the development and enhances resident amenity.

### Standard D7

A development of 10 or more dwellings should provide a minimum area of communal outdoor open space of 30 square metres.

If a development contains 13 or more dwellings, the development should also provide an additional minimum area of communal open space of 2.5 square metres per dwelling or 220 square metres, whichever is the lesser. This additional area may be indoors or outdoors and may consist of multiple separate areas of communal open space.

Each area of communal open space should be:

- Accessible to all residents.
- A useable size, shape and dimension.
- Capable of efficient management.
- 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 and existing small second dwellings.

Any area of communal outdoor open space should be landscaped and include canopy cover and trees.

### 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 availability of and access to public open space.

## 58.03-3 Solar access to communal outdoor open space objective

13/04/2017
VC136

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.

## 58.03-4 Safety objective

13/04/2017
VC136

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.

## 58.03-5 Landscaping objectives

15/03/2024
VC256

To provide landscaping that supports the existing or preferred urban context of the area and reduces the visual impact of buildings on the streetscape.

To preserve existing canopy cover and support the provision of new canopy cover.

To ensure landscaping is climate responsive, supports biodiversity, wellbeing and amenity and reduces urban heat.

### Standard D10

Development should retain existing trees and canopy cover.

Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.

Development should:

- Provide the canopy cover and deep soil areas specified in Table D2. Existing trees can be used to meet the canopy cover requirements of Table D2.
- Provide canopy cover through canopy trees that are:
  - Located in an area of deep soil specified in Table D3. Where deep soil cannot be provided trees should be provided in planters specified in Table D3.
  - Consistent with the canopy diameter and height at maturity specified in Table D4.
  - Located in communal outdoor open space or common areas or street frontages.
- Comprise smaller trees, shrubs and ground cover, including flowering native species.
- Include landscaping, such as climbing plants or smaller plants in planters, in the street frontage and in outdoor areas, including communal outdoor open space.
- Shade outdoor areas exposed to summer sun through landscaping or shade structures and use paving and surface materials that lower surface temperatures and reduce heat absorption.
- Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water.
- Protect any predominant landscape features of the area.

- Take into account the soil type and drainage patterns of the site.
- Provide a safe, attractive and functional environment for residents.
- Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.

**Table D2 Canopy cover and deep soil requirements**

| Site area | Canopy cover | Deep soil |
|---|---|---|
| 1000<br>square metres or less | 5% of site area<br>Include at least 1 Type A tree | 5% of site area or 12 square metres whichever is the greater |
| 1001 - 1500<br>square metres | 50 square metres plus 20% of site area above 1,000 square metres<br>Include at least 1 Type B tree | 7.5% of site area |
| 1501 - 2500 square metres | 150 square metres plus 20% of site area above 1,500 square metres<br>Include at least 2 Type B trees or 1 Type C tree | 10% of site area |
| 2501<br>square metres or more | 350 square metres plus 20% of site area above 2,500 square metres<br>Include at least 2 Type B trees or 1 Type C tree | 15% of site area |

**Table D3 Soil requirements for trees**

| Tree type | Tree in deep soil<br>Area of deep soil | Tree in planter<br>Volume of planter soil | Depth of planter soil |
|---|---|---|---|
| A | 12 square metres<br>(min. plan dimension 2.5 metres) | 12 cubic metres<br>(min. plan dimension of 2.5 metres) | 0.8 metre |
| B | 49 square metres<br>(min. plan dimension 4.5 metres) | 28 cubic metres<br>(min. plan dimension of 4.5 metres) | 1 metre |
| C | 121 square metres<br>(min. plan dimension 6.5 metres) | 64 cubic metres<br>(min. plan dimension of 6.5 metres) | 1.5 metre |

*Note: Where multiple trees share the same section of soil the total required amount of soil can be reduced by 5% for every additional tree, up to a maximum reduction of 25%.*

**Table D4 Tree type**

| Tree type | Minimum canopy diameter at maturity | Minimum height at maturity |
|---|---|---|
| A | 4 metres | 6 metres |
| B | 8 metres | 8 metres |
| C | 12 metres | 12 metres |

### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character, landscaping or environmental policy, objective, strategy or statement set out in this planning scheme.
- The design response.
- The health of any trees to be removed.
- The suitability of the proposed location, deep soil area and planter volume for canopy trees.
- The suitability of the proposed landscaping in communal outdoor open space.
- The type and quantity of canopy cover, including any alternatives to trees.
- The soil type and drainage patterns of the site.
- The ongoing management of landscaping, including any irrigation systems.

## 58.03-6 Access objective

20/12/2021
VC174

To ensure that vehicle crossovers are designed and located to provide safe access for pedestrians, cyclists and other vehicles.

To ensure the vehicle crossovers are designed and located to minimise visual impact.

### Standard D11

Vehicle crossovers should be minimised.

Car parking entries should be consolidated, minimised in size, integrated with the façade and where practicable located at the side or rear of the building.

Pedestrian and cyclist access should be clearly delineated from vehicle access.

The location of crossovers should maximise pedestrian safety and the retention of on-street car parking spaces and street trees.

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 street.
- The impact on the safety of pedestrians or cyclists.
- The reduction of on-street car parking spaces.
- The effect on any significant vegetation on the site and road reserve.

## 58.03-7 Parking location objectives

13/04/2017
VC136

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.

## 58.03-8 Integrated water and stormwater management objectives

04/02/2026
VC265

To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.

To facilitate stormwater collection, utilisation and infiltration within the development.

To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.

### Standard D13

Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.

Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.

The stormwater management system should be:

- Designed to meet the current best practice performance objectives for stormwater quality as contained in the *Urban stormwater management guidance* (Environment Protection Authority - Publication 1739.1, 2021).
- 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.

## 58.04 AMENITY IMPACTS

13/04/2017
VC136

### 58.04-1 Building setback objectives

14/12/2023
VC253

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 and existing small second 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 and existing small second 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 and existing small second dwellings.
- The existing extent of overlooking into existing dwellings or small second dwellings and private open space.
- Whether the development meets the objectives of Clause 58.

### 58.04-2 Internal views objective

13/04/2017
VC136

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.

## 58.04-3 Noise impacts objectives

14/12/2023
VC253

To contain noise sources in developments that may affect existing dwellings or small second 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 or small second 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 D5 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 D5 Noise influence area

| Noise source | Noise influence area |
|---|---|
| **Zone interface** | |
| Industry | 300 metres from the Industrial 1, 2 and 3 zone boundary |
| **Roads** | |
| Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume | 300 metres from the nearest trafficable lane |
| **Railways** | |
| Railway servicing passengers in Victoria | 80 metres from the centre of the nearest track |
| Railway servicing freight outside Metropolitan Melbourne | 80 metres from the centre of the nearest track |
| Railway servicing freight in Metropolitan Melbourne | 135 metres from the centre of the nearest track |

*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 or small second dwelling and the site context.

## 58.04-4 Wind impacts objective

04/05/2022
VC210

To ensure the built form, design and layout of development does not generate unacceptable wind impacts within the site or on surrounding land.

### Standard D17

Development of five or more storeys, excluding a basement should:

- not cause unsafe wind conditions specified in Table D6 in public land, publicly accessible areas on private land, private open space and communal open space; and
- achieve comfortable wind conditions specified in Table D6 in public land and publicly accessible areas on private land

within a distance of half the greatest length of the building, or half the total height of the building measured outwards on the horizontal plane from the ground floor building façade, whichever is greater.

Trees and landscaping should not be used to mitigate wind impacts. This does not apply to sitting areas, where trees and landscaping may be used to supplement fixed wind mitigation elements.

Wind mitigation elements, such as awnings and screens should be located within the site boundary, unless consistent with the existing urban context or preferred future development of the area.

### Table D6 Wind conditions

| Unsafe | Comfortable |
|---|---|
| Annual maximum 3 second gust wind speed exceeding 20 metres per second with a probability of exceedance of 0.1% considering at least 16 wind directions. | Hourly mean wind speed or gust equivalent mean speed (3 second gust wind speed divided by 1.85), from all wind directions combined with probability of exceedance less than 20% of the time, equal to or less than:<br>▪ 3 metres per second for sitting areas,<br>▪ 4 metres per second for standing areas,<br>▪ 5 metres per second for walking areas. |

### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The urban context report.
- The design response.

- The safety, functionality and amenity of public, private and communal open space areas.
- Whether it has been demonstrated by a suitably qualified specialist that the development will not generate unacceptable wind impacts within the site or on surrounding land.

## 58.05 ON-SITE AMENITY AND FACILITIES

13/04/2017
VC136

### 58.05-1 Accessibility objective

04/05/2022
VC210

To ensure the design of dwellings meets the needs of people with limited mobility.

#### Standard D18

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 D7.

#### Table D7 Bathroom design

| | Design option A | Design option B |
|---|---|---|
| Door opening | A clear 850mm wide door opening. | A clear 820mm wide door opening located opposite the shower. |
| Door design | Either:<br>▪ A slide door, or<br>▪ A door that opens outwards, or<br>▪ A door that opens inwards that is clear of the circulation area and has readily removable hinges. | Either:<br>▪ A slide door, or<br>▪ A door that opens outwards, or<br>▪ A door that opens inwards and has readily removable hinges. |
| Circulation area | A clear circulation area that is:<br>▪ A minimum area of 1.2 metres by 1.2 metres.<br>▪ Located in front of the shower and the toilet.<br>▪ Clear of the toilet, basin and the door swing.<br>The circulation area for the toilet and shower can overlap. | A clear circulation area that is:<br>▪ A minimum width of 1 metre.<br>▪ The full length of the bathroom and a minimum length of 2.7 metres.<br>▪ Clear of the toilet and basin.<br>The circulation area can include a shower area. |
| Path to circulation area | A clear path with a minimum width of 900mm from the door opening to the circulation area. | Not applicable. |
| Shower | A hobless (step-free) shower. | A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening. |
| Toilet | A toilet located in the corner of the room. | A toilet located closest to the door opening and clear of the circulation area. |

### 58.05-2 Building entry and circulation objectives

04/05/2022
VC210

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 D19

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.

## 58.05-3 Private open space objective

04/05/2022
VC210

To provide adequate private open space for the reasonable recreation and service needs of residents.

### Standard D20

A dwelling should have private open space consisting of at least one of the following:

- An area at ground level of at least 25 square metres, with a minimum dimension of 3 metres and convenient access from a living room.
- A balcony with at least the area and dimensions specified in Table D8 and convenient access from a living room.
- An area on a podium or other similar base of at least 15 square metres, with a minimum dimension of 3 metres and convenient access from a living room.
- An area on a roof 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 minimum balcony area specified in Table D8 should be increased by at least 1.5 square metres.

If the finished floor level of a dwelling is 40 metres or more above ground level, the requirements of Table D8 do not apply if at least the area specified in Table D9 is provided as living area or bedroom area in addition to the minimum area specified in Table D11 or Table D12 in Standard D25.

**Table D8 Balcony size**

| Orientation of dwelling | Dwelling type | Minimum area | Minimum dimension |
|---|---|---|---|
| North (between north 20 degrees west to north 30 degrees east) | All | 8 square metres | 1.7 metres |
| South (between south 30 degrees west to south 30 degrees east) | All | 8 square metres | 1.2 metres |
| Any other orientation | Studio or 1 bedroom dwelling | 8 square metres | 1.8 metres |
| | 2 bedroom dwelling | 8 square metres | 2 metres |
| | 3 or more bedroom dwelling | 12 square metres | 2.4 metres |

**Table D9 Additional living area or bedroom area**

| Dwelling type | Additional area |
|---|---|
| Studio or 1 bedroom dwelling | 8 square metres |
| 2 bedroom dwelling | 8 square metres |
| 3 or more bedroom dwelling | 12 square metres |

### 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, noise exposure, the wind conditions and the sunlight it will receive.
- The availability of and access to public or communal open space.
- The useability and functionality of any additional living area or bedroom area, including its size and layout.

## 58.05-4 Storage objective

04/05/2022
VC210

To provide adequate storage facilities for each dwelling.

### Standard D21

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 D10.

**Table D10 Storage**

| Dwelling type | Total minimum storage volume | Minimum storage volume within the dwelling |
|---|---|---|
| Studio | 8 cubic metres | 5 cubic metres |
| 1 bedroom dwelling | 10 cubic metres | 6 cubic metres |

| Dwelling type | Total minimum storage volume | Minimum storage volume within the dwelling |
|---|---|---|
| 2 bedroom dwelling | 14 cubic metres | 9 cubic metres |
| 3 or more bedroom dwelling | 18 cubic metres | 12 cubic metres |

### 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.

## 58.06 DETAILED DESIGN

13/04/2017
VC136

### 58.06-1 Common property objectives

04/05/2022
VC210

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 D22

Developments should clearly delineate public, communal and private areas.

Common property, where provided, should be functional and capable of efficient management.

### 58.06-2 Site services objectives

04/05/2022
VC210

To ensure that site services are accessible and can be installed and maintained.

To ensure that site services and facilities are visually integrated into the building design or landscape.

#### Standard D23

Development should provide adequate space (including easements where required) for site services to be installed and maintained efficiently and economically.

Meters and utility services should be designed as an integrated component of the building or landscape.

Mailboxes and other site facilities should be adequate in size, durable, water-protected, located for convenient access and integrated into the overall design of the development.

#### Decision guideline

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.

### 58.06-3 Waste and recycling objectives

04/05/2022
VC210

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 D24

Developments should include dedicated areas for:

- Waste and recycling enclosures which are:
  - Adequate in size, durable, waterproof and blend in with the development.
  - Adequately ventilated.
  - Located and designed for convenient access by residents and made easily accessible to people with limited mobility.
- Adequate facilities for bin washing. These areas should be adequately ventilated.
- Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate.

- Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.
- Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.
- Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.

Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:

- Be designed to meet the better practice design options specified in *Waste Management and Recycling in Multi-unit Developments* (Sustainability Victoria, 2019).
- Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.

### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- Any relevant waste and recycling objective, policy or statement set out in this scheme.

## 58.06-4 External walls and materials objective

04/05/2022
VC210

To ensure external walls use materials appropriate to the existing urban context or preferred future development of the area.

To ensure external walls endure and retain their attractiveness.

### Standard D25

External walls should be finished with materials that:

- Do not easily deteriorate or stain.
- Weather well over time.
- Are resilient to the wear and tear from their intended use.

External wall design should facilitate safe and convenient access for maintenance.

### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant building design and urban design objective, policy or statement set out in this scheme.
- The urban context report.
- The design response.

## 58.07 INTERNAL AMENITY

13/04/2017
VC136

### 58.07-1 Functional layout objective

04/05/2022
VC210

To ensure dwellings provide functional areas that meet the needs of residents.

#### Standard D26

Bedrooms should:

- Meet the minimum internal room dimensions specified in Table D11.
- Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.

**Table D11 Bedroom dimensions**

| Bedroom type | Minimum width | Minimum depth |
|---|---|---|
| Main bedroom | 3 metres | 3.4 metres |
| All other bedrooms | 3 metres | 3 metres |

Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table D12.

**Table D12 Living area dimensions**

| Dwelling type | Minimum width | Minimum area |
|---|---|---|
| Studio and 1 bedroom dwelling | 3.3 metres | 10 sqm |
| 2 or more bedroom dwelling | 3.6 metres | 12 sqm |

#### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability, functionality and amenity of habitable rooms.

### 58.07-2 Room depth objective

04/05/2022
VC210

To allow adequate daylight into single aspect habitable rooms.

#### Standard D27

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 Windows objective

04/05/2022
VC210

To allow adequate daylight into new habitable room windows.

### Standard D28

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 Natural ventilation objectives

04/05/2022
VC210

To encourage natural ventilation of dwellings.

To allow occupants to effectively manage natural ventilation of dwellings.

### Standard D29

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.

# 59 VICSMART APPLICATIONS AND REQUIREMENTS

31/07/2018
VC148

## 59.01 REALIGN THE COMMON BOUNDARY BETWEEN TWO LOTS

31/07/2018
VC148

### 59.01-1 Information requirements

01/07/2021
VC203

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 Capability Assessment which demonstrates that each lot is capable of treating and retaining all wastewater and the risks to human health and the environment of a on-site wastewater management system constructed, installed or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017*.
- 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.

### 59.01-2 Decision guidelines

31/07/2018
VC148

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.

## 59.02 SUBDIVISION OF BUILDINGS AND CAR PARKING SPACES

31/07/2018
VC148

### 59.02-1 Information requirements

01/07/2021
VC203

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 Capability Assessment which demonstrates that each lot is capable of treating and retaining all wastewater and manage the risks to human health and the environment of an on-site wastewater management system constructed, installed or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017*.
- 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.

### 59.02-2 Decision guidelines

31/07/2018
VC148

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.

# 59.03 FRONT FENCE IN A RESIDENTIAL ZONE

31/07/2018
VC148

## 59.03-1 Information requirements

31/07/2018
VC148

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.

## 59.03-2 Decision guidelines

31/07/2018
VC148

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.

## 59.04 BUILDINGS AND WORKS IN A ZONE (EXCEPT A RURAL ZONE)

31/07/2018
VC148

### 59.04-1 Information requirements

08/09/2025
VC282

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:
    - A2-3 Side and rear setbacks.
    - A2-4 Walls on boundaries.
    - A4-1 Daylight to existing windows.
    - A4-2 Existing north-facing windows.
    - A4-3 Overshadowing secluded open space.

- A4-4 Overlooking.
- A5-2 Overshadowing domestic solar energy systems.

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.

## 59.04-2 Decision guidelines

31/07/2018
VC148

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.

## 59.05 BUILDINGS AND WORKS IN AN OVERLAY

31/07/2018
VC148

### 59.05-1 Information requirements

08/09/2025
VC282

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 Significant Landscape Overlay, a written description of the proposal including:
  - How the proposal responds to the landscape significance and objectives specified in a schedule to the overlay.
  - The impact of the proposed buildings and works on the significance of the landscape.
- 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 Clauses 54.02-1, 54.02-2, 54.02-3, 54.02-4, 54.02-5, 54.02-7, 54.03-1, 54.04-1, 54.04-2, 54.05-1, 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.

### 59.05-2 Decision guidelines

31/07/2018
VC148

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.

## 59.06 REMOVE, DESTROY OR LOP ONE TREE

20/03/2023
VC229

### 59.06-1 Information requirements

31/07/2018
VC148

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.

### 59.06-2 Decision guidelines

31/07/2018
VC148

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.

## 59.07 APPLICATIONS UNDER A HERITAGE OVERLAY

31/07/2018
VC148

### 59.07-1 Information requirements

04/11/2022
VC226

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 system (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 planning scheme.
  - If lopping of a tree is proposed, the reason for the lopping, the extent of lopping and an arborist report.
- The proposed colour schedule and nature of any materials and finishes.
- A photograph of the area affected by the proposal including any building, outbuilding, fence or tree which may be affected by the proposal.
- A photograph of the subject site and adjoining properties along the street frontage.
- If subdivision is proposed, the location, shape and size of the proposed lots to be created.
- If a sign is proposed:
  - The location, size and design of the proposed sign on the site or building.
  - The location and size of existing signage on the site including details of any signs to be retained or removed.
- If a solar energy system is proposed that is visible from a street (other than a lane) or public park, measures proposed to minimise the visibility of the system and protect the structural integrity of heritage features.

### 59.07-2 Decision guidelines

04/11/2022
VC226

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.
- Any relevant local heritage policy set out in the planning 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.

**Solar energy systems**

- Any relevant building design or energy policy set out in the Planning Policy Framework.
- Whether the proposed solar energy system can be sited to minimise visibility from a street or public park without significantly impacting its performance.
- Whether the proposed solar energy system can be designed to minimise the impact on the significance, character or appearance of the heritage place.

## 59.08 APPLICATIONS UNDER A SPECIAL BUILDING OVERLAY

31/07/2018
VC148

### 59.08-1 Information requirements

31/07/2018
VC148

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.

### 59.08-2 Decision guidelines

31/07/2018
VC148

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.

# 59.09 SIGNS

31/07/2018
VC148

## 59.09-1 Information requirements

31/07/2018
VC148

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).

## 59.09-2 Decision guidelines

31/07/2018
VC148

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.

## 59.10 CAR PARKING

31/07/2018
VC148

### 59.10-1 Information requirements

31/07/2018
VC148

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.

### 59.10-2 Decision guidelines

31/07/2018
VC148

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.

# 59.11 TWO LOT RESIDENTIAL SUBDIVISION

16/10/2025
VC288

## 59.11-1 Information requirements

16/10/2025
VC288

An application must be accompanied by the following information as appropriate:

- A copy of title for the land and a copy of any registered restrictive covenant.
- A site and context description in accordance with clause 59.11-1.1.
- A design response in accordance with clause 59.11-1.2.

### 59.11-1.1 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.
- Location and details of trees and other significant vegetation.
- Location and use of existing buildings on the site.
- Location and dimensions of easements on the site.
- Location of vehicle and pedestrian access, car parking, storage areas (including waste bin storage) and private open space on the site.
- Soil conditions of the site, including any land affected by contamination, erosion, salinity, acid sulphate soils or fill.
- Location of adjacent roads and street frontage features such as poles, infrastructure pits, street trees and kerb crossovers.
- Location of drainage and other utilities.
- Noise and odour sources or other external influences.
- Adjacent uses.
- Any other factor affecting the capacity to develop the site including whether the site is affected by inundation.

### 59.11-1.2 Design response

The design response must explain how the proposed design:

- Derives from and responds to the site and context description.
- Meets the following objectives of clause 56:
  - Clause 56.04-2 Lot area and building envelopes objective.
  - Clause 56.04-5 Common area objective.
  - Clause 56.06-8 Lot access objective.
  - Clause 56.07-4 Stormwater management objective.

The design response must include a dimensioned plan to scale showing:

- The layout of the subdivision in context with the surrounding area, including the boundaries, dimensions and areas of the proposed lots.
- Proposed common property, easements, and vehicle and pedestrian access.
- If a proposed lot contains an existing dwelling proposed to be retained, the location and dimensions of the private open space, vehicle access and car parking for that dwelling.

## 59.11-2 Decision guidelines

16/10/2025
VC288

In assessing an application the responsible authority must consider as appropriate:

- The objectives and standards in the following clauses:
  - Clause 56.04-2 Lot area and building envelopes objective.
  - Clause 56.04-5 Common area objective.
  - Clause 56.06-8 Lot access objective.
  - Clause 56.07-4 Stormwater management objective.
- The area and dimensions of each lot in the subdivision.
- The suitability of the land for subdivision.
- The provision of private open space, car parking and access for a lot containing an existing dwelling proposed to be retained.
- The location, dimensions and gradient of proposed vehicle access.
- The effect of development on the use or development of other land which has a common means of drainage.
- The provision of off-street parking.
- The provision and location of common property.
- The effect on the environment, human health and amenity of the area.
- The degree of flood or erosion associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

## 59.12 TWO LOT SUBDIVISION IN A RURAL ZONE

31/07/2018
VC148

### 59.12-1 Information requirements

31/07/2018
VC148

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.

### 59.12-2 Decision guidelines

31/07/2018
VC148

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*.

## 59.13 BUILDINGS AND WORKS IN A RURAL ZONE

31/07/2018
VC148

### 59.13-1 Information requirements

31/07/2018
VC148

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.

### 59.13-2 Decision guidelines

03/02/2022
VC199

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, 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.

## 59.14 [NO CONTENT]

08/09/2025
VC282

## 59.15 LOCAL VICSMART APPLICATIONS

31/07/2018
VC148

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.

11/08/2022
C248wynd

# SCHEDULE TO CLAUSE 59.15 LOCAL VICSMART APPLICATIONS

## 1.0

11/08/2022
C248wynd

### Table 1 Classes of VicSmart application under zone provisions

| Name of zone or class of zone | Class of application | Permit requirement provision | Information requirements and decision guidelines |
|---|---|---|---|
| None specified | | | |

## 2.0

11/08/2022
C248wynd

### Table 2 Classes of VicSmart application under overlay provisions

| Name of overlay or class of overlay | Class of application | Permit requirement provision | Information requirements and decision guidelines |
|---|---|---|---|
| None specified | | | |

## 3.0

11/08/2022
C248wynd

### Table 3 Classes of VicSmart application under particular provisions

| Name of particular provision | Class of application | Permit requirement provision | Information requirements and decision guidelines |
|---|---|---|---|
| None specified | | | |

## 59.16 INFORMATION REQUIREMENTS AND DECISION GUIDELINES FOR LOCAL VICSMART APPLICATIONS

31/07/2018
VC148

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.

31/07/2018
VC148

# SCHEDULE TO CLAUSE 59.16 INFORMATION REQUIREMENTS AND DECISION GUIDELINES FOR LOCAL VICSMART APPLICATIONS

## 1.0 Information requirements

31/07/2018
VC148

None specified

## 2.0 Decision guidelines

31/07/2018
VC148

None specified

# 60 GENERAL PROVISIONS

31/07/2018
VC148

This section sets out provisions about existing uses, decision guidelines, referral of applications and other matters.

## 61 [NO CONTENT]

31/07/2018
VC148

# 62 GENERAL EXEMPTIONS

31/07/2018
VC148

## 62.01 USES NOT REQUIRING A PERMIT

14/12/2023
VC253

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.
- 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.
- The use of land for environmental monitoring (including monitoring groundwater, noise or air quality) carried out by or on behalf of the Head, Transport for Victoria.
- The use of land for an Electorate office.
- The use of land for a moveable unit as defined in the *Housing Act 1983*, carried out by or on behalf of the Chief Executive Officer, Homes Victoria.

## 62.02 BUILDINGS AND WORKS

15/03/2019
VC157

Clauses 62.02-1 and 62.02-2 set out exemptions from permit requirements in this scheme relating to the construction of a building or the construction or carrying out of works. These exemptions do not apply to the removal, destruction or lopping of trees and the removal of vegetation. Exemptions for vegetation removal are set out in Clause 62.02-3.

### 62.02-1 Buildings and works not requiring a permit

14/12/2023
VC253

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 Development Licence, Operating Licence or notice under the *Environment Protection Act 2017*.
- Buildings and works for a telecommunications facility exempt from a permit under clause 52.19-1.
- 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 or small second dwelling.
- The construction, alteration, removal or demolition of an observational bore where a licence has been issued for those works under Part 5 of the *Water Act 1989*.

- Any works associated with the use of land for earth and energy resources industry if the conditions of Clause 52.08 are met.
- A crop support or protection structure associated with horticulture, including a trellis, cloche, net and shadecloth. It does not include a structure with a solid roof or solid wall such as a glass house or igloo.
- An annexe attached to a movable caravan located on land used for a camping and caravan park.
- Works associated with geotechnical testing or service proving.
- Buildings and works associated with the use of land in a road to trade from a stall, stand, motor vehicle, trailer, barrow or other similar device.
- The construction of or putting up for display a sign consistent with the requirements of Clause 52.05-10.
- Temporary buildings and works associated with environmental monitoring (including monitoring groundwater, noise or air quality) constructed or carried out by or on behalf of the Head, Transport for Victoria.

## 62.02-2 Buildings and works not requiring a permit unless specifically required by the planning scheme

14/12/2023
VC253

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.
- Buildings and works associated with a railway, railway station or tramway constructed or carried out by or on behalf of the Head, Transport for Victoria. If the buildings or works are on land in an Urban Floodway Zone, Floodway Overlay, Land Subject to Inundation Overlay, Special Building Overlay and will redirect or obstruct the water flow path, they must be constructed and carried out to the satisfaction of the relevant floodplain management authority.
- 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 moveable unit as defined in the *Housing Act 1983*, carried out by or on behalf of the Chief Executive Officer, Homes Victoria.
- 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 or small second 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 or small second 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 or small second 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 system 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 or small second dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar.
- An electric vehicle charging station.

This does not apply if a permit is specifically required for any of these matters.

## 62.02-3 Vegetation removal

30/08/2006
VC40

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.

# 62.03 EVENTS AND OUTDOOR DINING ON PUBLIC LAND

27/06/2025
VC275

## 62.03-1 Events

27/06/2025
VC275

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.

## 62.03-2 Outdoor dining

27/06/2025
VC275

In this clause:

***Dining*** means the consumption of food or drink, including liquor. It includes the preparation or sale of food or drink, including liquor, for immediate consumption on, or off, the land.

### Exemption from planning scheme requirements

Any requirement in this scheme relating to the use of land, the construction of a building, the construction or carrying out of works, or provision of car parking, including preparation of a car parking plan under Clause 52.06, does not apply to:

- The use of a road or other public land for outdoor dining if the use is associated with the use of adjoining land and is authorised under a local law or by the public land manager.
- Street and park furniture including, seats, tables, marquees, covered and uncovered pergolas or similar shade sails, bollards, traffic control devices and platforms associated with outdoor dining in a road or other public land on adjoining land and is authorised under a local law or by the public land manager.

## 62.04 SUBDIVISIONS NOT REQUIRING A PERMIT

28/03/2018
VC145

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.

## 62.05 DEMOLITION

17/02/2022
VC200

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.

Any requirement in this planning scheme (other than a requirement in a Heritage Overlay) relating to the demolition or removal of a building or works does not apply to the demolition of removal of a building or works associated with a car park, railway, railway station or tramway carried out by or on behalf of the Head, Transport for Victoria.

## 62.06 DELIVERY OF ESSENTIAL GOODS PERMIT CONDITION EXEMPTION

28/10/2022
VC224

The purpose of this exemption is to enable additional flexibility for deliveries of essential goods if the time within which a delivery may be carried out is regulated by a permit condition.

In this exemption, ***delivery*** includes loading, dispatching and unloading.

This exemption applies to the delivery of food, drink, groceries, medicine, or cleaning, sanitising, health, hygiene, medical or personal protection equipment, supplies, or products, or the like.

Despite any condition of a permit that specifies a period of time within which a delivery may be carried out, a delivery may be carried out for up to 1 hour before the start of the specified period and 1 hour after the end of the specified period.

*Example:* *If a condition of a permit only allows deliveries between the hours of 7am and 10pm, the delivery may be carried out under this exemption after 6am and up until 11pm.*

# 63 EXISTING USES

28/03/2018
VC145

## 63.01 EXTENT OF EXISTING USE RIGHTS

28/03/2018
VC145

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.

## 63.02 CHARACTERISATION OF USE

31/07/2018
VC148

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.

## 63.03 EFFECT OF DEFINITIONS ON EXISTING USE RIGHTS

28/03/2018
VC145

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.

## 63.04 SECTION 1 USES

28/03/2018
VC145

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.

## 63.05 SECTIONS 2 AND 3 USES

28/03/2018
VC145

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.

## 63.06 EXPIRATION OF EXISTING USE RIGHTS

28/03/2018
VC145

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.

## 63.07 COMPLIANCE WITH CODES OF PRACTICE

28/03/2018
VC145

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.

## 63.08 ALTERNATIVE USE

28/03/2018
VC145

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.

## 63.09 SHOP CONDITIONS

28/03/2018
VC145

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.

## 63.10 DAMAGED OR DESTROYED BUILDINGS OR WORKS

28/03/2018
VC145

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.

## 63.11 PROOF OF CONTINUOUS USE

12/02/2024
VC254

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 a period of 15 years at any time before 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 before or during the 15 year period, unless any of the following apply:

- 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.
- The use ceased between the end of the 15 year period and the date of the application or proceeding.

## 63.12 DECISION GUIDELINES

28/03/2018
VC145

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.

# 64 GENERAL PROVISIONS FOR USE AND DEVELOPMENT OF LAND

28/03/2018
VC145

## 64.01 LAND USED FOR MORE THAN ONE USE

28/03/2018
VC145

If land is used for more than one use and one is not ancillary to the other, each use must comply with this scheme.

## 64.02 LAND USED IN CONJUNCTION WITH ANOTHER USE

28/03/2018
VC145

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.

## 64.03 SUBDIVISION OF LAND IN MORE THAN ONE ZONE

28/03/2018
VC145

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.

## 65 DECISION GUIDELINES

28/03/2018
VC145

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.

## 65.01 APPROVAL OF AN APPLICATION OR PLAN

09/12/2021
VC204

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.
- Any significant effects the environment, including the contamination of land, may have on the use or development.
- The Municipal Planning Strategy and the Planning Policy Framework.
- 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 environment, human health and 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.
- The impact the use or development will have on the current and future development and operation of the transport system.

This clause does not apply to a VicSmart application.

## 65.02 APPROVAL OF AN APPLICATION TO SUBDIVIDE LAND

15/03/2024
VC256

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 owners corporation.
- The availability and provision of utility services, including water, sewerage, drainage, electricity, and, where the subdivision is not a residential subdivision, 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.
- The impact the development will have on the current and future development and operation of the transport system.

This clause does not apply to a VicSmart application.

66
14/05/2021
VC198

# REFERRAL AND NOTICE PROVISIONS

## Scope

These provisions set out the kinds of applications which must be referred under section 55 of the Act or for which notice must be given under section 52(1)(c) of the Act. The provisions do not apply to the seeking of advice about an application or where a responsible authority may choose to give notice under another sub-section of section 52(1) of the Act.

These provisions also specify when a plan must be referred under section 8(1)(a) of the *Subdivision Act 1988*.

## Referrals

Applications of the kind listed in Clauses 66.01, 66.02, 66.03 and 66.04 must be referred to the person or body specified as a referral authority in accordance with section 55 of the Act.

Any requirement for referral under this or another clause does not apply if:

- In the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the referral authority, or the referral authority has considered the proposal for which the application is made within the past three months and has stated in writing that it does not object to the granting of the permit for the proposal; or
- The application is for the use or development of land for extractive industry or mining and a copy of a work plan or variation to an approved work plan accompanying the application was given to the referral authority (other than the Head, Transport for Victoria) under section 77TE of the *Mineral Resources (Sustainable Development) Act 1990.*

## Notice

Notice of an application of the kind listed in Clauses 66.05 and 66.06 must be given in accordance with section 52(1)(c) of the Act to the person or body specified as a person or body to be notified.

Any requirement for notice under this or another clause does not apply if, in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the person or body to be notified.

## 66.01 SUBDIVISION REFERRALS

30/10/2025
VC291

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.

| Kind of application | Referral authority | Type of referral authority |
|---|---|---|
| To subdivide land other than:<br>▪ A boundary realignment.<br>▪ The subdivision of an existing building already connected to services.<br>▪ A two lot subdivision.<br>▪ The subdivision of land into lots each containing an existing dwelling or car parking space. | The relevant water, drainage or sewerage authority<br>The relevant electricity supply or distribution authority<br>The relevant gas supply authority only where the subdivision is proposed to connect a lot to a reticulated gas supply system. | Determining referral authority<br>Determining referral authority<br>Determining referral authority |
| To subdivide land outside the metropolitan fire district which creates a road, where the requirements of Clause 56.09-3 are not met. | The relevant fire authority | Determining referral authority |
| To subdivide land if the only access to a lot is over Crown land which has not been reserved or proclaimed as a road. | Minister administering the *Land Act 1958* | Determining referral authority |
| To subdivide land crossed by a gas transmission pipeline or a gas transmission pipeline easement. | The relevant gas supply authority | Determining referral authority |
| To subdivide land within 60 metres of a major electricity transmission line (220 Kilovolts or more) or an electricity transmission easement. | The relevant electricity transmission authority | Determining referral authority |
| To subdivide a heritage place of which all or part is included in the Victorian Heritage Register. | The Executive Director specified in the *Heritage Act 2017* | Determining referral authority |

*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.*

### 66.01-1 Mandatory conditions for subdivision permits

04/08/2022
VC221

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 (where it is proposed to be connected) 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.

## 66.01-2 Referrals under the Subdivision Act – certification of plans

15/09/2008
VC49

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.

## 66.02 USE AND DEVELOPMENT REFERRALS

31/07/2018
VC148

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.

### 66.02-1 Environment Protection Authority Licence

04/05/2022
VC210

| Kind of application | Referral authority | Type of referral authority |
|---|---|---|
| For a use or development requiring any of the following:<br>▪ A Development Licence or Operating Licence in accordance with Part 4.4 of the *Environment Protection Act 2017*.<br>▪ Amendment of a licence in accordance with Part 4.3 of the *Environment Protection Act 2017*. | Environment Protection Authority | Determining referral authority |

### 66.02-2 Native vegetation

30/10/2025
VC291

| Kind of application | Referral authority | Type of referral authority |
|---|---|---|
| ▪ 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 Energy, Environment and Climate Action, 2025).<br>▪ To remove, destroy or lop native vegetation if a property vegetation plan applies to the site.<br>▪ To remove, destroy or lop native vegetation on Crown land which is occupied or managed by the responsible authority. | Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*) | Recommending referral authority |

### 66.02-3 Cattle feedlot

25/05/2017
VC133

| Kind of application | Referral authority | Type of referral authority |
|---|---|---|
| To use or develop land for a cattle feedlot. | Minister for Agriculture | Determining referral authority |
| | 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* | Determining referral authority |
| | If the number of cattle is 5000 or more, the Environment Protection Authority | Determining referral authority |

## 66.02-4 Major electricity line or easement

25/05/2017
VC133

| Kind of application | Referral authority | Type of referral authority |
|---|---|---|
| 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. | The relevant electricity transmission authority | Determining referral authority |

## 66.02-5 Special water supply catchment area

22/11/2024
VC263

| Kind of application | Referral authority | Type of referral authority |
|---|---|---|
| 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 declared Special Area classified as a Special Water Supply Catchment Area under the *Catchment and Land Protection Act 1994* and which provides water to a domestic supply.<br><br>This does not apply to an application for a sign, fence, roadworks or unenclosed building or works ancillary to a dwelling. | The relevant water board or water supply authority | Determining referral authority |

## 66.02-6 Timber production

25/05/2017
VC133

| Kind of application | Referral authority | Type of referral authority |
|---|---|---|
| ▪ To use or develop land for timber production by establishing a plantation.<br>▪ 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. | Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*) | Determining referral authority |

## 66.02-7 Industry, utility installation or warehouse

14/01/2025
VC237

| Kind of application | Referral authority | Type of referral authority |
|---|---|---|
| ▪ To use land for an industry, utility installation or warehouse for a purpose listed in the table to Clause 53.10 with no threshold distance specified or if the threshold distance is not to be met. | Environment Protection Authority | Determining referral authority |
| ▪ To use land for an industry, utility installation or warehouse if any of the following apply:<br>– A fire protection quantity is exceeded under the Dangerous Goods (Storage and Handling) Regulations 2022. | The Victorian WorkCover Authority | Determining referral authority |

| Kind of application | Referral authority | Type of referral authority |
|---|---|---|
| – A notification is required under the Occupational Health and Safety Regulations 2017.<br>– A licence is required under the Dangerous Goods (Explosives) Regulations 2011.<br>– A licence is required under Dangerous Goods (HCDG) Regulations 2016 and the use is not associated with agriculture. | | |
| ▪ To construct a building or construct or carry out works on land used for an industry, utility installation or warehouse if the area of the buildings and works will increase by more than 25 per cent and any of the following apply:<br>– A fire protection quantity is exceeded under the Dangerous Goods (Storage and Handling) Regulations 2022.<br>– A notification is required under the Occupational Health and Safety Regulations 2017.<br>– A licence is required under the Dangerous Goods (Explosives) Regulations 2011.<br>– A licence is required under the Dangerous Goods (HCDG) Regulations 2016 and the use is not associated with agriculture. | The Victorian WorkCover Authority | Determining referral authority |

## 66.02-8 Extractive industry

22/03/2022
VC219

| Kind of application | Referral authority | Type of referral authority |
|---|---|---|
| ▪ To use or develop land for extractive industry. | Secretary to the Department administering the *Heritage Act 2017*.<br>Secretary to the Department administering the *Mineral Resources (Sustainable Development) Act 1990* | Determining referral authority |
| ▪ To use or develop land for accommodation in a rural zone if the building or works associated with the accommodation is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*. | Secretary to the Department administering the *Mineral Resources (Sustainable Development) Act 1990* | Recommending referral authority |
| ▪ To use or develop land for extractive industry on Crown land or land abutting Crown land, other than a government road. | Secretary to the Department administering the *Land Act 1958*, *Crown Land (Reserves) Act 1978*, *National Parks Act 1975* and *Forests Act 1958* | Determining referral authority |

| Kind of application | Referral authority | Type of referral authority |
|---|---|---|
| ▪ To use or develop land for extractive industry:<br>– In Special Areas declared under Section 27 of the *Catchment and Land Protection Act 1994*.<br>– 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.<br>– 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. | Secretary to the Department administering the *Catchment and Land Protection Act 1994* | Determining referral authority |
| ▪ To use or develop land for extractive industry:<br>– In areas with communities or taxa listed or critical habitat determined under the *Flora and Fauna Guarantee Act 1988*.<br>– On land which has been identified in this scheme as containing sites of flora or fauna significance. | Secretary to the Department administering the *Flora and Fauna Guarantee Act 1988* | Determining referral authority |
| ▪ To use or develop land for extractive industry on land which has been identified in this scheme as flood prone. | Secretary to the Department administering Section 201 of the *Water Act 1989* | Determining referral authority |
| ▪ To use or develop land for extractive industry if the land is intended to be used for land fill at a future date. | Environment Protection Authority | Determining referral authority |
| ▪ To use or develop land for extractive industry:<br>– On land which abuts a local road which intersects with a road declared as a freeway or an arterial road under the *Road Management Act 2004* and if the development is expected to increase traffic movement at the intersection of the local road and the declared road by ten percent or more.<br>– On land which abuts a road declared as a freeway or an arterial road under the *Road Management Act 2004*. This does not apply to a development which generates less than one hundred commercial trips per day, with roadworks at the entrance to the site built in accordance with the requirements of the Head, Transport for Victoria and the declared road is not a freeway. | Head, Transport for Victoria | Determining referral authority |

## 66.02-9 Geothermal energy extraction

25/05/2017
VC133

| Kind of application | Referral authority | Type of referral authority |
|---|---|---|
| To use or develop land for geothermal energy extraction. | Secretary to the Department administering the *Geothermal Energy Resources Act 2005* | Determining referral authority |

## 66.02-10 Greenhouse gas sequestration

25/05/2017
VC133

| Kind of application | Referral authority | Type of referral authority |
|---|---|---|
| To use or develop land for greenhouse gas sequestration. | Secretary to the Department administering the *Greenhouse Gas Geological Sequestration Act 2008* | Determining referral authority |

## 66.02-11 Land use and transport integration

09/12/2021
VC204

| Kind of application | Referral authority | Type of referral authority |
|---|---|---|
| An application to subdivide land, to construct a building or to construct or carry out works for any of the following:<br>▪ A residential development comprising 60 or more dwellings or lots.<br>▪ A residential building comprising 60 or more lodging rooms.<br>▪ A residential village comprising 60 or more dwellings.<br>▪ A retirement village comprising 60 or more dwellings or lots.<br>▪ A new retail premises of 4000 or more square metres of leasable floor area.<br>▪ 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.<br>▪ An office development of 10,000 or more square metres of leasable floor area.<br>▪ A place of assembly comprising 400 or more seats or 600 or more square metres of gross floor area.<br>▪ An education centre.<br>▪ A major sports and recreation facility.<br>▪ Any alteration or development of public transport infrastructure or stops, unless undertaken for the Head, Transport for Victoria.<br>This does not apply to:<br>▪ Buildings and works associated with an existing place of assembly, education centre, major sports and recreation facility or retirement village.<br>▪ A development consistent with an adopted Structure Plan that has been prepared in consultation with and endorsed by the Head, Transport for Victoria. | Head, Transport for Victoria | Determining referral authority |

## 66.02-12 Declared irrigation districts

17/09/2019
VC161

| Kind of application | Referral authority | Type of referral authority |
|---|---|---|
| An application to use or develop land for a renewable energy facility located within an irrigation district declared under Part 6A of the *Water Act 1989.* | Secretary to the Department administering the *Water Act 1989.* | Recommending referral authority |

## 66.02-13 State transport projects

17/02/2022
VC200

| Kind of application | Referral authority | Type of referral authority |
|---|---|---|
| An application to which clause 53.21 applies. | The municipal council for the municipal district within which the proposed use or development will be carried out. | Recommending referral authority. |

## 66.02-14 Freeway service centre

20/03/2023
VC229

| Kind of application | Referral authority | Type of referral authority |
|---|---|---|
| To use or develop land for a Freeway service centre. | Head, Transport for Victoria | Determining referral authority |

## 66.03 REFERRAL OF PERMIT APPLICATIONS UNDER OTHER STATE STANDARD PROVISIONS

05/05/2026
VC248

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.

| Clause | Kind of application | Referral authority | Type of referral authority |
|---|---|---|---|
| Clause 36.03-5 (PCRZ) | An application for the use or development of an Emergency services facility. | Secretary to the Department of Energy, Environment and Climate Action | Determining referral authority |
| Clause 37.03-5 (UFZ) | An application under the zone within the waterway management district of Melbourne Water Corporation. | Melbourne Water Corporation | Determining referral authority |
| | An application under the zone outside the waterway management district of Melbourne Water Corporation. | Relevant floodplain management authority | Recommending referral authority |
| Clause 37.07-5 (UGZ) | An application under the zone within Metropolitan Melbourne. | Victorian Planning Authority | Determining referral authority |
| | An application under the zone outside Metropolitan Melbourne. | Secretary to the Department administering the *Planning and Environment Act 1987* | Determining referral authority |
| Clause 44.02-8 (SMO) | An application under the overlay and any site capability report. | Secretary to the Department of Energy, Environment and Climate Action | Determining referral authority |
| Clause 44.03-6 (FO) | An application under the overlay within the waterway management district of Melbourne Water Corporation. | Melbourne Water Corporation | Determining referral authority |
| | An application under the overlay outside the waterway management district of Melbourne Water Corporation. | Relevant floodplain management authority | Recommending referral authority |
| Clause 44.04-7 (LSIO) | An application under the overlay within the waterway management district of Melbourne Water Corporation. | Melbourne Water Corporation | Determining referral authority |
| | An application under the overlay outside the waterway management district of Melbourne Water Corporation. | Relevant floodplain management authority | Recommending referral authority |
| Clause 44.05-6 (SBO) | An application under the overlay within the waterway management district of Melbourne Water Corporation. | Melbourne Water Corporation | Determining referral authority |

| Clause | Kind of application | Referral authority | Type of referral authority |
|---|---|---|---|
| | An application under the overlay outside the waterway management district of Melbourne Water Corporation. | Relevant floodplain management authority | Recommending referral authority |
| Clause 44.06-6 (BMO) | An application to construct a building or carry out works associated with a dwelling.<br>This does not apply to a non-habitable outbuilding ancillary to a dwelling that meets the requirements of Table 5 to Clause 53.02-5. | Relevant fire authority | Recommending referral authority |
| | An application to subdivide land. | Relevant fire authority | Recommending referral authority |
| | An application under the overlay other than an application to construct a building or carry out works associated with a dwelling or an application to subdivide land. | Relevant fire authority | Determining referral authority |
| Clause 44.07-6 (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. | Head, Transport for Victoria | Determining referral authority |
| Clause 52.05-3 | An application to display an animated or electronic sign within 60 metres of a freeway or arterial road declared under the *Road Management Act 2004.* | Head, Transport for Victoria | Determining referral authority |
| Clause 52.29-4 | 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 *Road Management Act 2004*, land owned by the Head, Transport for Victoria for the purpose of a road, or land in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority and the acquisition is for the purpose of a road. | Head, Transport for Victoria | Determining referral authority |
| | Any other application under the Clause. | Owner of, or the acquiring authority for, the adjacent land in the Transport Zone 2 or the Public Acquisition Overlay | Determining referral authority |

| Clause | Kind of application | Referral authority | Type of referral authority |
|---|---|---|---|
| Clause 52.32 | An application to amend a permit under section 72 or 97I of the *Planning and Environment Act 1987* for a wind energy facility if the application amends or removes conditions or requirements for operational wind turbine noise. | Environment Protection Authority Victoria | Recommending referral authority |
| Clause 53.24 | An application to which Clause 53.24 applies. | Secretary to the Department of Transport and Planning | Determining referral authority |

## 66.04 REFERRAL OF PERMIT APPLICATIONS UNDER LOCAL PROVISIONS

28/03/2018
VC145

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.

04/09/2020
C219wynd

# SCHEDULE TO CLAUSE 66.04 REFERRAL OF PERMIT APPLICATIONS UNDER LOCAL PROVISIONS

1.0
28/04/2026
VC232

## Referral of permit applications under local provisions

| Clause | Kind of application | Referral authority | Type of referral authority |
|---|---|---|---|
| Clause 3.0 of Schedule 2 to Clause 37.07 (UGZ) | An application under the zone. | Public Transport Development Authority | Determining referral authority |
| Clause 2.5 of Schedule 3 to Clause 37.07 (UGZ) | An application under the zone. | Secretary to the Department administering the *Mineral Resources (Sustainable Development) Act 1990* | Determining referral authority |
| Clause 2.6 of Schedule 6 to Clause 37.07 (UGZ) | An application under the zone. | Secretary to the Department administering the *Mineral Resources (Sustainable Development) Act 1990* | Determining referral authority |
| Schedule 6 to Clause 37.07 (UGZ) | An application to subdivide land containing conservation area as shown in Map 1 to Schedule 6 as 'Encumbered Land for Conservation.' | Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*) | Determining referral authority |
| Schedule 8 to Clause 37.07 (UGZ) | An application to subdivide land containing conservation area as shown in Map 1 to Schedule 8 as 'Growling Grass Frog Conservation Area' or ' Proposed Werribee Township Regional Park GGF Conservation Area.' | Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*) | Determining referral authority |
| Schedule 9 to Clause 37.07 (UGZ) | An application to subdivide land containing conservation area as shown in Map 1 to Schedule 9 as 'Growling Grass Frog Conservation Area.' | Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*) | Determining referral authority |
| Schedule 10 to Clause 37.07 (UGZ) | An application to subdivide land containing conservation area as shown in Map 1 to Schedule 10 as 'Conservation Area (Encumbered).' | Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*) | Determining referral authority |
| Clause 2.9 of Schedule 10 to Clause 37.07 (UGZ) | An application required to be referred under Schedule 10 to Clause 37.07. | Victorian Planning Authority | Determining referral authority |

| Clause | Kind of application | Referral authority | Type of referral authority |
|---|---|---|---|
| | An application to subdivide land containing conservation area as shown in Map 1 to Schedule 11 as ‘Conservation Area (Encumbered)’ or ‘ Proposed Werribee Township Regional Park - GGF Conservation Area (Encumbered).’ | Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*) | Determining referral authority |
| Schedule 11 to Clause 37.07 (UGZ) | An application to subdivide land containing conservation area as shown in Map 1 to Schedule 11 as 'Conservation Area (Encumbered)' or 'Proposed Werribee Township Regional Park - GGF Conservation Area (Encumbered).' | Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*) | Determining referral authority |
| Clause 2.8 of Schedule 11 to the Clause 37.07 (UGZ) | An application required to be referred under Schedule 11 to Clause 37.07. | Victorian Planning Authority | Determining referral authority |
| Schedule 16 to Clause 37.07 (UGZ) | An application to use land, or to construct a building, within 500 metres of the property boundary of the land containing the quarry at Argoona Road, Mambourin, subject to Work Authority 43 (WA43) under the *Mineral Resources (Sustainable Development) Act 1990*. | Secretary to the Department administering the *Mineral Resources (Sustainable Development) Act 1990* | Determining referral authority |
| Schedule 16 to Clause 37.07 (UGZ) | An application to subdivide land containing conservation area as shown in Plan 1 to Schedule 16 as ‘BCS<br>Conservation Area 13.’ | Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*) | Determining referral authority |
| Clause 5.0 of Schedule 2 to Clause 42.01 (ESO) | An application required under Schedule 2 to Clause 42.01. | Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*) | Determining referral authority |
| Clause 5.0 of Schedule 3 to Clause 42.01 (ESO) | An application required under Schedule 3 to Clause 42.01. | Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*) | Determining referral authority |

| Clause | Kind of application | Referral authority | Type of referral authority |
|---|---|---|---|
| Clause 5.0 of Schedule 4 to Clause 42.01 (ESO) | An application required under Schedule 4 to Clause 42.01. | Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*) | Determining referral authority |
| Clause 5.0 of Schedule 5 to Clause 42.01 (ESO) | An application required under Schedule 5 to Clause 42.01 | Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*) | Determining referral authority |
| Clause 5.0 of Schedule 6 to Clause 42.01 (ESO) | An application required under Schedule 6 to Clause 42.01 | Melbourne Water | Recommending referral authority |
| Schedule 1 to Clause 44.07 (SRO) | An application for any use listed in section 3.0 of the schedule. | Secretary to the Department administering the *Mineral Resources (Sustainable Development) Act 1990* | Determining referral authority |
| Schedule 1 to Clause 44.07 (SRO) | An application under a zone to use or develop land for extractive industry. | Head, Transport for Victoria | Determining referral authority |
| Schedule 2 to Clause 44.07 (SRO) | An application for any use listed in section 3.0 of the schedule. | Secretary to the Department administering the *Mineral Resources (Sustainable Development) Act 1990* | Determining referral authority |

## 66.05 NOTICE OF PERMIT APPLICATIONS UNDER STATE STANDARD PROVISIONS

01/07/2025
VC286

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.

| Clause | Kind of application | Person or body to be notified |
|---|---|---|
| Clause 35.07 | An application to use or develop land for accommodation within one kilometre from the nearest title boundary of land subject to:<br>▪ A permit for a wind energy facility; or<br>▪ An application for a permit for a wind energy facility; or<br>▪ An incorporated document approving a wind energy facility; or<br>▪ A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the *Environment Effects Act 1978*. | The owners and occupiers of land subject to:<br>▪ A permit for a wind energy facility; or<br>▪ An application for a permit for a wind energy facility; or<br>▪ An incorporated document approving a wind energy facility; or<br>▪ A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the *Environment Effects Act 1978*. |
| Clause 45.08-6 | An application to use or subdivide land, or to construct a building or construct or carry out works. | The airport lessee company of Melbourne Airport in accordance with the Commonwealth *Airports Act 1996* |
| Clause 52.09-7 | An application to use or subdivide land or construct a building for accommodation, education centre or hospital:<br>▪ Within an Extractive Industry Interest Area.<br>▪ 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*.<br>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*.<br>These requirements do not apply to:<br>▪ An application to extend a building or works.<br>▪ An application that is required to be referred to the Secretary of the Department administering the *Mineral Resources (Sustainable Development) Act 1990* under section 55 of the Act. | The Secretary of the Department administering the *Mineral Resources (Sustainable Development) Act 1990* |
| Clause 52.09-7 | An application to use or develop land for accommodation in a rural zone if the building or works associated with the accommodation is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*. | The owners and occupiers of land subject to a work authority that has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990.* |

| Clause | Kind of application | Person or body to be notified |
|---|---|---|
| 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 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 67.02-2 | An application which except for the provisions of clause 67.01, would be made to the Minister in accordance with section 96 of the Act. This does not apply to an application:<br>▪ To which the exemption from notice and review in clause 52.31-2 applies.<br>▪ To construct or put up for display a sign.<br>▪ To remove, destroy or lop native vegetation under clause 52.17.<br>▪ If a permit is only required under the Bushfire Management Overlay, Floodway Overlay, Land Subject to Inundation Overlay, Salinity Management Overlay or Special Building Overlay. | The owners and occupiers of adjoining land<br>The National Trust of Australia (Victoria), if the application relates to land on which there is a building classified by the Trust |
| Clause 67.02-2 | An application to remove, destroy or lop native vegetation under clause 52.17 which, except for the provisions of clause 67.01, would be made to the Minister in accordance with section 96 of the Act. This does not apply if the application must be referred to the Secretary under section 55 of the Act. | Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*) |

## 66.06 NOTICE OF PERMIT APPLICATIONS UNDER LOCAL PROVISIONS

28/03/2018
VC145

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.

04/09/2020
C219wynd

# SCHEDULE TO CLAUSE 66.06 NOTICE OF PERMIT APPLICATIONS UNDER LOCAL PROVISIONS

1.0
24/04/2026
GC263

## Notice of permit applications under local provisions

| Clause | Kind of application | Person or body to be notified |
|---|---|---|
| Clause 3.2 of Schedule 6 to 37.07 | Any application required under Clause 3.2 of Schedule 6 to Clause 37.07. | Owner and occupier of the egg farm site at 170-198 Bulban Road, Werribee |
| Clause 5.0 of Schedule 7 to 37.07 | Any application specified under Clause 5.0 of Schedule 7 to Clause 37.07 | Licensee of the Brooklyn to Lara Transmission Gas Pipeline |
| Schedule 16 to 37.07 | Any application to use land or construct a building or carry out works associated with any of the following uses, within the 571m 'high pressure gas transmission pipeline measurement length' shown on Plan 3 in the incorporated *Quandong Precinct Structure Plan, November 2018:*<br>▪ Accommodation (other than a Dwelling, Dependent person's unit)<br>▪ Education centre<br>▪ Hospital<br>▪ Medical centre<br>▪ Place of assembly<br>▪ Retail premises<br>▪ Service station | Owner and licensee of the Brooklyn to Lara Gas Transmission Pipeline |
| Schedule 16 to 37.07 | Any application to use land or construct a building or carry out works associated with any of the following uses, within the 158m 'gas city gate measurement length' shown on Plan 3 in the incorporated *Quandong Precinct Structure Plan, November 2018:*<br>▪ Accommodation (other than a Dwelling, Dependent person's unit)<br>▪ Education centre<br>▪ Hospital<br>▪ Medical centre<br>▪ Place of assembly<br>▪ Retail premises<br>▪ Service station | Owner and operator of the Wyndham Vale Gas City Gate |

| Clause | Kind of application | Person or body to be notified |
|---|---|---|
| Schedule to Clause 35.04 (GWZ) | An application under the zone to use or develop land for extractive industry on land in Schedule 1 to the State Resource Overlay. | The Registered Aboriginal Party of the identified Country as assessed and registered by the Victorian Aboriginal Heritage Council in accordance with the *Aboriginal Heritage Act 2006.* |
| Schedule 2 to Clause 35.07 (FZ) | An application under the zone to use or develop land for extractive industry on land in Schedule 1 to the State Resource Overlay. | The Registered Aboriginal Party of the identified Country as assessed and registered by the Victorian Aboriginal Heritage Council in accordance with the *Aboriginal Heritage Act 2006.* |
| Schedule 1 to Clause 36.01 (PUZ1) | An application under the zone to use or develop land for extractive industry on land in Schedule 1 to the State Resource Overlay. | The Registered Aboriginal Party of the identified Country as assessed and registered by the Victorian Aboriginal Heritage Council in accordance with the *Aboriginal Heritage Act 2006.* |
| Schedule 6 to the Special Use Zone (SUZ6) | An application under the zone to use or develop land for extractive industry on land in Schedule 1 to the State Resource Overlay. | The Registered Aboriginal Party of the identified Country as assessed and registered by the Victorian Aboriginal Heritage Council in accordance with the *Aboriginal Heritage Act 2006.* |

# 67 LAND OWNED OR PERMIT REQUIRED BY RESPONSIBLE AUTHORITIES

14/09/2021
VC211

## 67.01 EXEMPTIONS FROM SECTION 96(1) AND 96(2) OF THE ACT

24/01/2020
VC160

In accordance with section 6(2)(ka) of the Act, the following classes of use and development are exempted from section 96(1) and 96(2) of the Act:

### Class 1

Use of land for:

Car park, camping and caravan park, community facility (including child care centre, maternal and infant welfare centre, neighbourhood house, place of assembly and toilet block), dwelling, extractive industry, hospital, industry, leisure and recreation, office, residential village, retail premises or service station.

### Class 2

Development of land for:

A Class 1 use, demolition of a building or works, lighting and floodlighting of a recreation facility or building, sign or advertisement or subdivision.

### Class 3

Any other use or development.

## 67.02 NOTICE REQUIREMENTS AND EXEMPTION

14/09/2021
VC211

### 67.02-1 Application

14/09/2021
VC211

This clause applies to an application which, except for the provisions of clause 67.01, would be made to the Minister in accordance with section 96 of the Act.

### 67.02-2 Notice requirements

14/09/2021
VC211

In accordance with section 52(1)(c) of the Act, notice of an application 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:

- To which the exemption from notice and review in clause 52.31-2 applies.
- To construct or put up for display a sign.
- To remove, destroy or lop native vegetation under clause 52.17.
- If a permit is only required under the Bushfire Management Overlay, Floodway Overlay, Land Subject to Inundation Overlay, Salinity Management Overlay or Special Building Overlay.

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 must be given to the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*).

This does not apply if the application must be referred to the Secretary under section 55 of the Act.

### 67.02-3 Exemption from notice

14/09/2021
VC211

An application to construct or put up for display a sign on land managed, occupied or owned by the responsible authority is exempt from the notice requirement of section 52(1)(a) of the Act.

# 70 OPERATIONAL PROVISIONS

31/07/2018
VC148

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.

# 71 OPERATION OF THIS PLANNING SCHEME

31/07/2018
VC148

# 71.01 OPERATION OF THE MUNICIPAL PLANNING STRATEGY

31/07/2018
VC148

## 71.01-1 Municipal Planning Strategy

24/01/2020
VC160

The Municipal Planning Strategy at Clause 02 provides an overview of important local planning issues in an introductory context, sets out the vision for future use and development in the municipality and establishes strategic directions about how the municipality is expected to change through the implementation of planning policy and the planning scheme.

A planning authority must take into account the Municipal Planning Strategy when it prepares an amendment to this planning scheme.

A responsible authority must take into account and give effect to the Municipal Planning Strategy when it makes a decision under this planning scheme.

## 71.01-2 Transitional

03/02/2022
VC199

If this planning scheme includes a Municipal Strategic Statement at Clause 21, the provisions of Clauses 23.01 and 23.02 apply.

# 71.02 OPERATION OF THE PLANNING POLICY FRAMEWORK

31/07/2018
VC148

## 71.02-1 Purpose of the Planning Policy Framework

31/07/2018
VC148

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.

## 71.02-2 Operation

24/01/2020
VC160

The Planning Policy Framework sets out the planning policies that form part of this planning scheme. It comprises Clauses 10 to 19.

A planning policy applies to all land subject to this planning scheme unless the policy specifies otherwise.

A planning policy provides guidance for decision making and can help the community to understand how the responsible authority will consider a proposal.

The consistent application of planning policy over time should achieve a desired outcome.

A planning authority must take into account the Planning Policy Framework when it prepares an amendment to this planning scheme.

A responsible authority must take into account and give effect to the Planning Policy Framework when it makes a decision under this planning scheme. This does not apply to policy guidelines and policy documents.

### Policy guidelines

A planning policy may include policy guidelines. Policy guidelines indicate how objectives can be met and how strategies can be implemented.

A responsible authority must take a relevant policy guideline into account when it makes a decision under this planning scheme, but is not required to give effect to it. If the responsible authority is satisfied that an alternative approach meets the objective, the alternative may be considered.

### Policy documents

A planning policy may include reference to a policy document. A policy document may be an incorporated, background and other document.

A background document listed in the table or the schedule to Clause 72.08 that applies to Clauses 10 to 19 is a policy document for applicable planning policies.

## 71.02-3 Integrated decision making

03/02/2022
VC199

Victorians have 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.

The Planning Policy Framework operates together with the remainder of the scheme to deliver integrated decision making. 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.

## 71.02-4 Transitional

31/07/2018
VC148

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.

## 71.03 OPERATION OF ZONES

31/07/2018
VC148

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.

### 71.03-1 Section 1 uses

31/07/2018
VC148

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.

### 71.03-2 Section 2 uses

31/07/2018
VC148

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.

### 71.03-3 Section 3 uses

31/07/2018
VC148

A use in Section 3 is prohibited.

## 71.04 OPERATION OF OVERLAYS

31/07/2018
VC148

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.

## 71.05 OPERATION OF PARTICULAR PROVISIONS

31/07/2018
VC148

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.

# 71.06 OPERATION OF VICSMART APPLICATIONS AND PROCESS

31/07/2018
VC148

## 71.06-1 VicSmart applications

16/10/2025
VC288

Any provision of this planning scheme may specify:

- Classes of application that are VicSmart applications to which clause 71.06 applies.
- Information and other 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.

## 71.06-2 VicSmart process

16/10/2025
VC288

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 and requirements specified for the relevant class of application.
  - The following requirements that would otherwise be applicable to an application if it were not a VicSmart application:
    - A public open space requirement in clause 53.01 or clause 43.06-8 or a schedule to those clauses.
    - A minimum garden area requirement and a maximum building height requirement in a residential zone or a schedule to a residential zone.
- 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.

Before deciding a VicSmart application to which clause 55 applies, the responsible authority must, if a standard in clause 55 is not met, consider the decision guidelines for the corresponding objective.

Before deciding a VicSmart application to which clause 54 applies, the responsible authority must, if a standard in clause 54 is not met, consider the decision guidelines for the corresponding objective.

# 72 ADMINISTRATION AND ENFORCEMENT OF THIS PLANNING SCHEME

31/07/2018
VC148

## 72.01 RESPONSIBLE AUTHORITY FOR THIS PLANNING SCHEME

17/09/2019
VC161

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.

### 72.01-1 Minister is responsible authority

04/07/2025
VC258

The Minister for Planning is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act, and endorsement of, approval of or being satisfied with matters required by a permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority, in relation to the use and development of land for a:

- Energy generation facility with an installed capacity of 1 megawatt or greater.
- Utility installation used to:
  - Transmit or distribute electricity.
  - Store electricity if the installed capacity is 1 megawatt or greater.
- Industry to manufacture hydrogen gas with a minimum production capacity of 410 kilograms of hydrogen per day, and any land use or development in conjunction with this use.
- Primary school or secondary school, or education centre that is ancillary to, carried out in conjunction with, and on the same land or contiguous land in the same ownership as, a primary school or secondary school, if any of the following apply:
  - There is no existing primary school or secondary school on the land.
  - The estimated cost of development is $3 million or greater.
- Primary school or secondary school for which an application was made to the Minister for Planning prior to the approval date of Amendment VC180.
- A use or development, other than the subdivision of land, carried out by or on behalf of the Head, Transport for Victoria or the Secretary to the Department of Transport and Planning.
- Use and development to which clause 52.20 applies.
- Development of 10 or more dwellings to which clause 53.20 applies.
- Construction or extension of an apartment development to which clause 53.20 applies.
- Construction or extension of a dwelling in or forming part of an apartment development to which clause 53.20 applies.
- Use or development to which clause 53.25 applies.

with the exception of the following:

- in relation to applications lodged, or permits issued, for the use and development of land for an energy generation facility (other than a renewable energy facility) or a utility installation (other than a utility installation used to store, transmit or distribute electricity generated by a renewable energy facility with an installed capacity of 1 megawatt or greater), under Division 1 of Part 4 of the Act prior to the approval date of Amendment VC192 , 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 1 of Part 4 of the Act, the Council is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act, and for matters required by the permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority.
- in relation to permits for the use and development of land for a wind energy facility issued prior to 2 April 2015 under Division 6 of Part 4 of the Act, the Council is the responsible authority for matters required by the permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority, subject to the operation of section 97H of the Act.
- in relation to applications lodged, or permits issued, for the use and development of land for a renewable energy facility (other than a wind energy facility) under Division 1 of Part 4 of the Act prior to the approval date of Amendment VC161, the Council is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act, and for matters required by the permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority.
- in relation to applications lodged, or permits issued, for the use and development of land for a utility installation used to store, transmit or distribute electricity generated by a renewable energy facility, under Division 1 of Part 4 of the Act prior to the approval date of Amendment VC161, the Council is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act, and for matters required by the permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority.
- in relation to an application made, or permit issued, for the use or development of land by the Head, Transport for Victoria or the Secretary to the Department of Transport and Planning, under Division 1 of Part 4 of the Act prior to the approval date of Amendment VC200, the Council is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act, and for matters required by the permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority.
- in relation to an application made, or permit issued, under Division 1 of Part 4 of the Act for the use and development of land for a primary school, secondary school, or education centre that is ancillary to, carried out in conjunction with, and on the same land or contiguous land in the same ownership as, a primary school or secondary school:
  - prior to the approval date of Amendment VC180; and
  - where clause 53.19 immediately in force before the approval date of Amendment VC180 did not apply,

  the Council is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act, and for matters required by the permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority.
- in relation to the use and development of land for a primary school, secondary school, or education centre that is ancillary to, carried out in conjunction with, and on the same land or contiguous land in the same ownership as, a primary school or secondary school, the Council is the responsible authority for matters required:
  - by clause 43.04 Development Plan Overlay to be done to the satisfaction of the responsible authority;
  - under Part 6 of the Act.

The Minister for Planning is the responsible authority for the following matters where clause 53.22 or 53.23 applies:

- matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act;

- matters under Division 2 of Part 9 of the Act where required under a permit in relation to the provision of the affordable housing contribution; and
- endorsement of, approval of or being satisfied with matters required by a permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority.

18/10/2018
C222

# SCHEDULE TO CLAUSE 72.01 RESPONSIBLE AUTHORITY FOR THIS PLANNING SCHEME

## 1.0 Responsible authority for administering and enforcing this planning scheme:

31/07/2018
VC148

The Wyndham 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:

18/10/2018
C222

### East Werribee Employment Precinct

The Minister for Planning is the responsible authority for considering and determining applications in accordance with Divisions 1, 1A, 2, and 3 of Part 4 of the *Planning and Environment Act 1987* and for approving matters required by the scheme to be done to the satisfaction of the responsible authority in the East Werribee Employment Precinct (see Map 1 to the Schedule to Clause 72.01) for matters limited to one or more of the following:

- Development with a building height of 3 storeys or greater.
- Use and/or development for 30 or more dwellings.
- Use and/or development with a gross floor area exceeding 2,000 square metres.
- Use and/or development where the estimated cost of development is more than $2,000,000.

The Minister for Planning is the responsible authority for the purposes of approving a development plan and associated plans, or amendments to a development plan and associated plans pursuant to Clause 4.0 of Schedule 14 to Clause 37.07.

The Minister for Planning is the responsible authority for the purposes of approving design requirements and guidelines pursuant to Clause 7.0 of Schedule 14 to Clause 37.07.

### Regional Rail Link Section 2

The Minister for Planning is the responsible authority for administering and enforcing:

- Clause 51.01 of the scheme in respect of the "Regional Rail Link Project Section 2 Incorporated Document, March 2015".
- Any other provision of the scheme as it applies to the use or development of land authorised by the Victorian Government for the Regional Rail Link Project.

### Applications under the Subdivision Act 1988

Despite anything to the contrary stated in this schedule, the Council of the City of Wyndham is the responsible authority for administering and enforcing the scheme for applications for subdivision or consolidation of land including buildings or airspace and other applications made under the *Subdivision Act 1988* within the municipal district of the City of Wyndham.

### West Gate Tunnel Project

The Minister for Planning is the responsible authority for administering and enforcing:

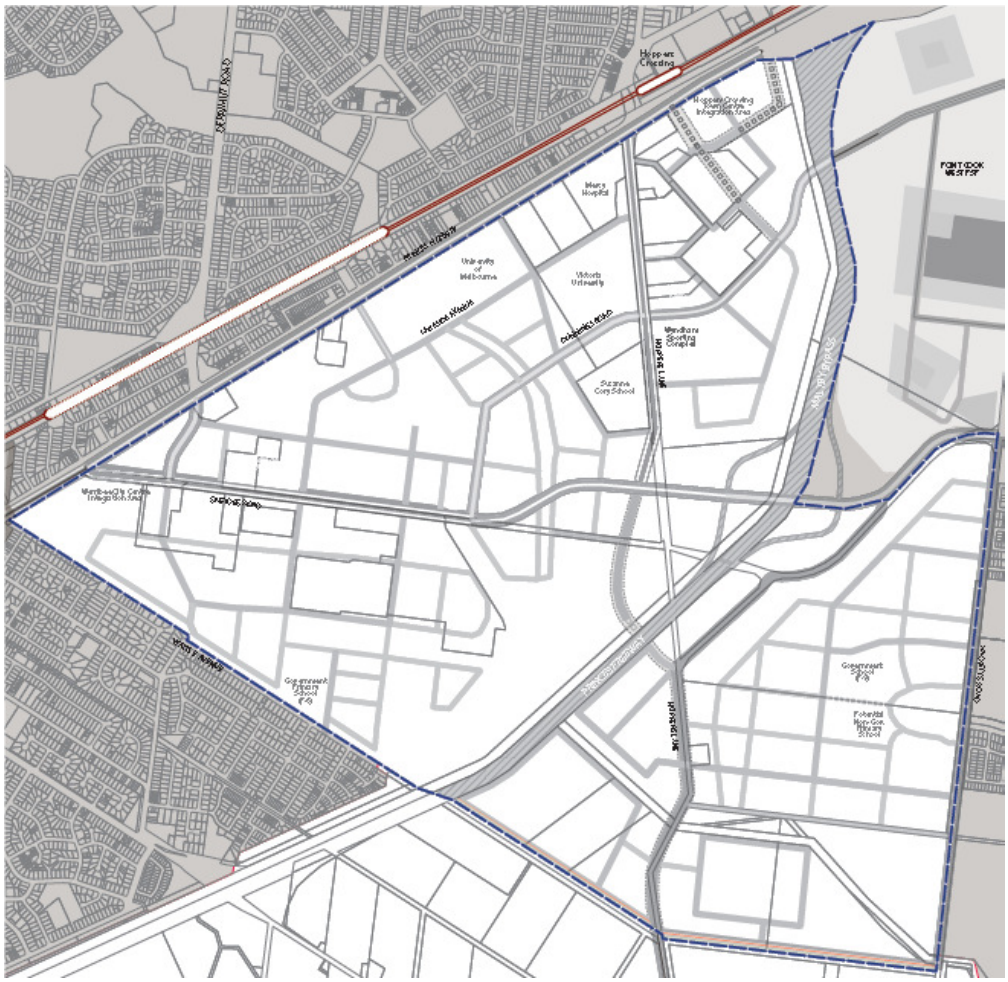
- Clause 51.01 of the scheme in respect of the "West Gate Tunnel Project Incorporated Document, December 2017".
- Any other provision of the scheme as it applies to the use or development of land for the West Gate Tunnel Project.

### Cherry Creek Youth Justice Revelopment Project

The Minister for Planning is the responsible authority for administering and enforcing:

- The use or development of land zoned Special Use Zone – Schedule 9 for the Cherry Creek Youth Justice Redevelopment Project.

**Map 1 – Schedule to Clause 72.01 – East Werribee Employment Precinct**



## 3.0 Person or responsible authority for issuing planning certificates:

31/07/2018
VC148

Minister for Planning.

## 4.0 Responsible authority for VicSmart and other specified applications:

22/09/2023
VC243

The Chief Executive Officer of Wyndham 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.

The Chief Executive Officer of Wyndham City Council is the responsible authority for considering and determining applications to which Clause 53.24 applies, in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the Act.

The Chief Executive Officer of Wyndham City Council is the responsible authority for considering and determining any application that the notice and review exemption in Clause 52.10-2 applies to, in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the Act.

## 72.02 WHAT AREA IS COVERED BY THIS PLANNING SCHEME?

31/07/2018
VC148

This planning scheme applies to the municipal district or other area specified in the schedule to this clause.

31/07/2018
VC148

# SCHEDULE TO CLAUSE 72.02 WHAT AREA IS COVERED BY THIS PLANNING SCHEME?

## 1.0 Area covered by this planning scheme:

31/07/2018
VC148

Municipal district of Wyndham City Council, together with the area of Wyndham Harbour which is outside municipal boundaries. The marina can be identified as all that area of land that forms part of Port Phillip Bay beyond low and high water mark from the southern point of Lot 1, LP222211P, 25 Duncans Road, Werribee South at the intersection of the crown foreshore reserve then following a line approximately 1070 metres north east along the foreshore, 75 metres south east, 245 metres south west, 385 metres south east into Phillip Bay and 1000 metres south west at 600 metres radius back to the shore line as identified in the zoning map to this scheme.

## 72.03 WHAT DOES THIS PLANNING SCHEME CONSIST OF?

31/07/2018
VC148

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'.*

18/10/2018
C222

# SCHEDULE TO CLAUSE 72.03 WHAT DOES THIS PLANNING SCHEME CONSIST OF?

## 1.0

20/01/2026
VC278

## Maps comprising part of this planning scheme:

- 1, 1DDO, 1DPO, 1ESO, 1HO, 1IPO, 1SRO, 1PAO
- 2, 2DDO, 2DCPO, 2DPO, 2ESO, 2HO, 2IPO, 2SRO, 2PAO, 2SCO, 2SLO
- 3, 3DDO, 3DCPO, 3DPO, 3HO, 3PAO
- 4, 4DDO, 4DCPO, 4DPO, 4ESO, 4HO, 4IPO, 4PAO, 4SLO, 4VPO
- 5, 5DCPO, 5DPO, 5HO, 5PAO, 5VPO, 5SCO
- 6, 6ESO, 6HO, 6LSIO, 6PAO, 6SBO, 6SCO, 6SLO
- 7, 7ESO, 7PAO
- 8, 8DDO, 8ESO, 8HO, 8IPO, 8SRO, 8PAO
- 9, 9DDO, 9DCPO, 9DPO, 9ESO, 9HO, 9IPO, 9LSIO, 9SRO, 9PAO, 9SLO
- 10, 10DDO, 10DPO, 10DCPO, 10ESO, 10HO, 10IPO, 10PAO, 10SLO
- 11, 11DCPO, 11DDO, 11DPO, 11PAO, 11IPO, 11SBO
- 12, 12DCPO, 12DDO, 12DPO, 12EAO, 12ESO, 12HO, 12LSIO, 12PAO, 12SBO, 12SLO
- 13, 13DCPO, 13DDO, 13EAO, 13ESO, 13HO, 13LSIO, 13PAO, 13SLO
- 14, 14DCPO, 14DDO, 14DPO, 14EAO, 14ESO, 14HO, 14LSIO, 14SRO, 14PAO
- 15, 15DCPO, 15DPO, 15EAO, 15ESO, 15HO, 15IPO, 15PAO, 15PO, 15SLO
- 16, 16DDO, 16DCPO, 16DPO, 16EAO, 16ESO, 16HO, 16PAO, 16PO, 16SLO
- 17, 17DCPO, 17DDO, 17DPO, 17HO, 17PAO
- 18, 18DPO, 18DCPO,18EAO, 18HO, 18LSIO, 18PAO, 18SLO
- 19, 19HO, 19SLO
- 20, 20ESO, 20HO, 20SRO, 20PAO, 20SCO
- 21, 21DDO, 21ESO, 21SRO, 21PAO, 21HO, 21SCO
- 22, 22ESO, 22HO, 22SLO
- 23, 23DPO, 23EAO, 23HO
- 24
- 25, 25ESO, 25SLO

## 72.04 INCORPORATED DOCUMENTS

18/12/2025
VC277

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

| Name of document | Introduced by: |
|---|---|
| *A 'Good Neighbour' Code of Practice for a Circus or Carnival* (Department of Infrastructure, October 1997) | NPS1 |
| *Apiary Code of Practice* (Department of Planning and Community Development, May 2011) | VC81 |
| *Australian Standard AS/NZS 2890.1:2004, Parking Facilities - Off-street Car Parking* (Standards Australia, 2004) | VC26 |
| *Australian Standard AS2890.3:2015, Parking Facilities Part 3: Bicycle Parking* (Standards Australia, 2015) | VC237 |
| *Building in Bushfire-Prone Areas* (Publication SAA HB36-1993, CSIRO & Standards Australia, May 1993) | NPS1 |
| *Car Parking Requirement Maps* (Department of Transport and Planning, December 2025) | VC277 |
| *Code of Practice for Bushfire Management on Public Land* (Department of Sustainability and Environment, June 2012) | VC101 |
| *Code of Practice for Timber Production 2014 (as amended 2022)* (Department of Environment, Land, Water and Planning, 2022) | VC229 |
| *Design Vehicles and Turning Path Templates* (Publication AP-34/95, Austroads, 1995) | VC12 |
| *Guide to Residential Streets and Paths* (Publication C&CCA T51-2004, Cement and Concrete Association of Australia, 2004) | VC26 |
| *Guide to Road Design, Part 6A: Pedestrian and Cycle Paths* (Austroads, 2021) | VC77 |
| *Guidelines for the Removal, Destruction or Lopping of Native Vegetation* (Department of Energy, Environment and Climate Action, 2025) | VC291 |
| *Industrial and Commercial Land Classifications* (Department of Transport and Planning, July 2025) | VC283 |
| *North Growth Corridor Plan* (Victorian Planning Authority, August 2012) | VC283 |
| *Local Government Planning Guide for Dry Land Salinity*(Department Conservation and Natural Resources, October 1995) | NPS1 |
| *Pavement Design - A Guide to the Structural Design of Road Pavements* (Austroads, 1992) | VC12 |
| *Planning Requirements for Racing Dog Keeping and Training* (Department of Environment, Land, Water and Planning, August 2017) | VC139 |
| *Principal Public Transport Network 2017* (Victorian Government, 2017) | VC132 |
| *Principal Public Transport Network Area Maps* (Victorian Government, August 2018) | VC151 |

| Name of document | Introduced by: |
|---|---|
| *Private Tennis Court Development Code of Practice* (Revision 1, Department of Infrastructure, March 1999) | VC5 |
| *South East Growth Corridor Plan* (Victorian Planning Authority, August 2012) | VC283 |
| *Sunbury Growth Corridor Plan* (Victorian Planning Authority, June 2012) | VC283 |
| *Victorian Code for Broiler Farms 2009 - Plus 2018 amendments* (Department of Primary Industries, 1999) | VC60 |
| *Victorian Code for Cattle Feedlots* (Department of Agriculture, Energy and Minerals, August 1995) | NPS1 |
| *Victorian Low Density Mobile Outdoor Poultry Farm Planning Permit Guidelines* (Department of Economic Development, Jobs, Transport and Resources, June 2018) | VC150 |
| *Victorian Low Density Mobile Outdoor Pig Farm Planning Permit Guidelines* (Department of Economic Development, Jobs, Transport and Resources, June 2018) | VC150 |
| *West Growth Corridor Plan* (Victorian Planning Authority, August 2012) | VC283 |

15/01/2024
VC249

# SCHEDULE TO CLAUSE 72.04 INCORPORATED DOCUMENTS

1.0
28/11/2024
GC206

## Incorporated documents

| Name of document | Introduced by: |
|---|---|
| 40 Wallace Avenue, Point Cook, Incorporated Document (Wyndham City Council, December 2015) | C206 |
| Alfred Road Precinct Structure Plan (Growth Areas Authority, April 2013) | C159 |
| Ballan Road Precinct Structure Plan (Metropolitan Planning Authority, March 2023) | C262wynd |
| Black Forest Road North Precinct Structure Plan (Metropolitan Planning Authority, December 2015) | C170 |
| Black Forest Road South Precinct Structure Plan (Growth Areas Authority, April 2013) | C169 |
| Black Forest Road South Native Vegetation Precinct Plan (Growth Areas Authority, April 2013) | C169 |
| Carter Avenue Precinct, Werribee - Heritage Design Guidelines (Heritage Alliance, 2019) | C236wynd |
| Carter Avenue Precinct, Werribee - Statement of Significance (Heritage Alliance, 2019) | C236wynd |
| *Cell B Development Contributions Plan* (Wyndham City Council, December 2023) | VC249 |
| Cherry Creek Youth Justice Redevelopment Project Incorporated Document (August 2018) | C222 |
| Coogee Energy Titanium Project - Native Vegetation Offsets (October 2014) | C196 |
| East Werribee Employment Precinct, Precinct Structure Plan (Metropolitan Planning Authority, September 2013, amended May 2022) | VC213 |
| East Werribee Employment Precinct, Native Vegetation Precinct Plan (Growth Areas Authority, September 2013) | C179 |
| *East Werribee Employment Precinct Development Contributions Plan* (Growth Areas Authority, December 2023) | VC249 |
| Eynesbury Station Incorporated Plan (September 2001) | C20 |
| Fibre Optic Project, Integrated Approval Requirements (Department of Infrastructure, December 2002) | VC17 |
| Lincoln Heath South Precinct Structure Plan (Metropolitan Planning Authority, September 2015) | C194 |
| Lot 2, LP138922, 391-395 Point Cook Road, Point Cook (April 2008) | C117 |
| Manor Estate Werribee - Statement of Significance (2019) | C236wynd |
| *Manor Lakes Development Contributions Plan* (Growth Areas Authority, December 2023) | VC249 |
| Manor Lakes Native Vegetation Precinct Plan (Growth Areas Authority, March 2012) | C154 |

| Name of document | Introduced by: |
|---|---|
| Manor Lakes Precinct Structure Plan (Growth Areas Authority, March 2012) | C154 |
| Melbourne Geelong Interconnection Project (June 2010) | C138 |
| Outer Suburban Arterial Roads - Western Package Incorporated Document (June 2017) | GC74 |
| Palmers Road and Robinsons Road Upgrade (Sayers Road to Western Freeway, Truganina) Incorporated Document (July 2012) | C121 |
| Point Cook Concept Plan, 2007 Addendum (Wyndham City Council, July 2012) | C91 |
| *Point Cook West Development Contributions Plan* (Growth Areas Authority, December 2023) | VC249 |
| Point Cook West Precinct Structure Plan and Native Vegetation Precinct Plan (Growth Areas Authority, October 2012, updated September 2013) | C193 |
| Quandong Precinct Structure Plan (Wyndham City Council, November 2018) | C219wynd |
| Rail Gauge Standardisation Project, Integrated Approval Requirements (Department of Infrastructure, December 2002) | VC17 |
| Regional Fast Rail Project, Integrated Approval Requirements (Department of Infrastructure, December 2002) | VC17 |
| Regional Rail Link Project Section 2 Incorporated Document (March 2015) | GC26 |
| Riverdale Precinct Structure Plan (Metropolitan Planning Authority, September 2014, amended May 2022) | VC213 |
| *Small Lot Housing Code* (Victorian Planning Authority, November 2019) | GC150 |
| *Small Lot Housing Code* (Victorian Planning Authority, November 2024) | GC206 |
| Statement of Underlying Provisions - Land reserved for the Outer Metropolitan Ring and the E6 Transport Corridor (Department of Planning and Community Development, May 2012) | C180 |
| *Tarneit North Precinct Structure Plan* (Metropolitan Planning Authority, August 2023) | C260wynd |
| *Tarneit West Development Contributions Plan* (Wyndham City Council, December 2023) | VC249 |
| The Laverton Employment Node and Major Activity Centre Incorporated Plan, July 2006 (Roberts Day, amended Version C, June 2015) | C199 |
| Truganina Cemetery Environmental Management Plan for Wyndham City Council (Native Vegetation Management Services, November 2004) | VC68 |
| Truganina Precinct Structure Plan (Metropolitan Planning Authority, September 2014, amended May 2022) | VC213 |
| Truganina Employment Precinct Development Contributions Plan (Growth Areas Authority, December 2009) | C124 |
| Truganina Employment Precinct Structure Plan (Growth Areas Authority, December 2009) | C124 |

| Name of document | Introduced by: |
|---|---|
| Truganina South Community Precinct Structure Plan, including the Truganina South Native Vegetation Precinct Plan (Growth Areas Authority, May 2011) | C123 |
| *Truganina South Precinct Development Contributions Plan* (Wyndham City Council, December 2023) | VC249 |
| Westbrook Precinct Structure Plan (Metropolitan Planning Authority, June 2014, amended May 2022) | VC213 |
| *Westmeadows Lane and Marquands Road Development Contributions Plan* (Wyndham City Council, December 2023) | VC249 |
| West Werribee Dual Water Supply Project Incorporated Document (February 2012) | C146 |
| Water for a Growing West Project Incorporated Document (July 2014) | GC18 |
| West Gate Tunnel Project Incorporated Document (December 2017) | GC93 |
| Wyndham A-League Stadium Project Incorporated Document (June 2022) | C261wynd |
| *Wyndham Harbour Development* (October 2012) | C156 |
| *Wyndham North Development Contributions Plan* (Metropolitan Planning Authority, July 2024) | C260wynd |
| *Wyndham North Development Contributions Plan Appendices* (Metropolitan Planning Authority, August 2023) | C260wynd |
| *Wyndham West Development Contributions Plan* (Metropolitan Planning Authority, January 2024) | C262wynd |

## 72.05 WHEN DID THIS PLANNING SCHEME BEGIN?

31/07/2018
VC148

This planning scheme began on the date specified in the schedule to this clause.

31/07/2018
VC148

# SCHEDULE TO CLAUSE 72.05 WHEN DID THIS PLANNING SCHEME BEGIN?

## 1.0 Date this planning scheme began:

31/07/2018
VC148

4 March 1999

## 72.06 EFFECT OF THIS PLANNING SCHEME

31/07/2018
VC148

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.

## 72.07 DETERMINATION OF BOUNDARIES

31/07/2018
VC148

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.

## 72.08 BACKGROUND DOCUMENTS

02/09/2025
VC283

The documents listed in the table and the schedule to this clause are background documents.

A background document may:

- Have informed the preparation of, or an amendment to, this planning scheme.
- Provide information to explain the context within which a provision has been framed.
- Assist the understanding of this planning scheme.

A background document does not form part of this planning scheme.

**Table to Clause 72.08**

| Name of background document | Amendment number - clause reference |
|---|---|
| *Central Highlands Regional Growth Plan* (Victorian Government, 2014) | VC106<br>Clauses 10 to 19 |
| *G21 Regional Growth Plan* (Geelong Region Alliance, 2013) | VC106<br>Clauses 10 to 19 |
| *Gippsland Regional Growth Plan* (Victorian Government, 2014) | VC106<br>Clauses 10 to 19 |
| *Great South Coast Regional Growth Plan* (Victorian Government, 2014) | VC106<br>Clauses 10 to 19 |
| *Hume Regional Growth Plan* (Victorian Government, 2014) | VC106<br>Clauses 10 to 19 |
| *Loddon Mallee North Regional Growth Plan* (Victorian Government, 2014) | VC106<br>Clauses 10 to 19 |
| *Loddon Mallee South Regional Growth Plan* (Victorian Government, 2014) | VC106<br>Clauses 10 to 19 |
| *Plan for Victoria* (Department of Transport and Planning, February 2025) | VC283<br>Clauses 10 to 19 |
| *Wimmera Southern Mallee Regional Growth Plan* (Victorian Government, 2014) | VC106<br>Clauses 10 to 19 |

31/07/2018
VC148

# SCHEDULE TO CLAUSE 72.08 BACKGROUND DOCUMENTS

1.0
12/12/2025
C267wynd

## Background documents

| Name of background document | Amendment number - clause reference |
|---|---|
| A Conservation Management Plan for Three Rare Species Reserves RAAF Williams Laverton (Biosis Research, May 1998). | C199 |
| Bicycle Network Strategy (Wyndham City Council, 2011) | GC110, C192 |
| Biodiversity Conservation Strategy for Melbourne's Growth Corridors (Department of Environment and Primary Industries, June 2013) | C192 |
| Boundary Road Design Guidelines (SJB Urban, 2016) | C192, C197 |
| City of Wyndham Review of Heritage Sites of Local Interest (Wyndham City Council ,2004) | C209 (Part1) |
| Cultural Development Strategy for Wyndham (Brecknock Consulting, 2013). | C192 |
| Disability Access and Inclusion Strategy 2013-2017 (Wyndham City Council, 2013) | |
| Economic Development Strategy 2012-2016 (Wyndham City Council, 2012) | C192, C197 |
| Environment Effects Statement Wyndham Cove Marina Development Main Report and the Supplementary Reports Volumes 1, 2 and 3 (June 2005) | C126 |
| Gaming Machines Policy Review 2019 | C252wynd |
| Guide for Best Practise for Waste Management in Multi-Unit Developments (Sustainability Victoria, 2010) | GC110 |
| Heritage of the City of Wyndham Volumes 1 and 2 (Context in association with Dr Carlotta Kellaway, 1997) | C209 (Part1) |
| Kororoit Creek Masterplan Summary Report (Thompson Berrill Landscape Design, 2006) | C208 |
| Kororoit Creek Regional Strategy 2005-2030 (Land Design Partnership, 2006) | C192 |
| Landscape Context Guidelines (Wyndham City Council, 2013) | C192 |
| Little River Strategic Land Use Position Statement (Wyndham City Council, 1996) | C192, C202 |
| Melbourne Water Shared Pathways Guidelines (Melbourne Water, January 2009) | C208 |
| Outdoor Sports Facility Development Guidelines (Wyndham City Council, 2009) | |
| Port Phillip and Westernport Regional River Health Strategy (June 2007) | C208 |
| Residential Design Guidelines: Rear Loaded Lots (Wyndham City Council, 2010) | C209 (Part1) |
| Responsible Gambling Strategy, 2012-2014 (Wyndham City Council 2012) | C192, C197 |
| Site Contamination Assessment 315 Boardwalk Boulevard, Point Cook, Victoria (Prensa Pty Ltd, September 2019) | C228 |
| Sites of Botanical Significance in the Western Region of Melbourne (K. McDougall, 1987) | C51 |
| Skeleton Creek Waterways and Environs Strategy (Melbourne Water Corporation, 1996) | C51 |
| Statewide Waste and Recovery Infrastructure Plan (Sustainability Victoria, 2018) | |
| Strategic Planning Policy Framework – Electronic Gaming (Wyndham City Council, 2012) | C192 |
| The Burra Charter – the Australian ICOMOS Charter for Places of Cultural Significance (International Council on Monuments and Sites, 2013). | |

| Name of background document | Amendment number - clause reference |
|---|---|
| Tourism and Events Strategy, 2011-2016 (Wyndham City Council, 2011) | C192, C197 |
| Urban Stormwater Best Practice Guidelines (CSIRO, 2006) | GC110 |
| Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO, 1999) | C192 |
| Werribee City Centre Parking Precinct Plan (Wyndham City Council, 2014) | C150 |
| Werribee City Centre Structure Plan (Wyndham City Council, 2013) | C192, C197 |
| Werribee Corridor Landscape Study (Green Dale & Wright, 1989) | C51 |
| Werribee River Policy and Management Manual (Wyndham City Council, 1995) | C51 |
| Werribee River Shared Trail Strategy (Hansen Partnership, 2013) | C192 |
| Werribee South Foreshore Master Plan (MDG Landscape Architects, 2006) | C202 |
| Werribee South Green Wedge Policy and Management Plan (Wyndham City Council, 2017) | C202, C192 |
| Western Melbourne Transport Strategy 2012 - 2030 (Lead West and Western Transport Alliance, AECOM Australia Pty Ltd 2012) | GC110, C192 |
| Wyndham City Environment and Sustainability Strategy, 2011-2015 (Wyndham City Council, 2011) | C202 |
| Wyndham City Plan, 2017-21 (Wyndham City Council, 2017) | C196 |
| Wyndham Coastal Scoping Study (URS Australia, 2012) | C192, C202 |
| Wyndham Dry Stone Walls Study (Gary Vines, 2015) | C / 3 C209 (Part1) |
| Wyndham Harbour Design Guidelines (Wyndham City Council, December 2014) | C126 |
| Wyndham Harbour Land Use Framework Plan (Wyndham City Council 2010) | C126 |
| Wyndham Industrial Land-Use Strategy (Wyndham City Council, 2025) | C267wynd |
| Wyndham Leisure Strategy (Wyndham City Council, 2013) | C192 |
| Wyndham Municipal Fire Management Plan 2013-2016 (Wyndham City Council, 2013 | C192 |
| Wyndham Neighbourhood Character Scoping Study (Planisphere, 2012) | C192 |
| Wyndham North Heritage Strategy (Heritage Alliance, 2013) | C209 (Part1) |
| Wyndham Open Space Strategy (EDAW, 2003) | C192 |
| Wyndham Social Infrastructure Plan 2040 (Australian Social & Recreation Research Pty Ltd, July 2009) | C192 |
| Wyndham Stormwater Management Plan (WBM Oceanics Australia, 2000) | C51 |
| Wyndham Waterways Strategy Plan (Thompson Berrill Landscape Design, 2002) | C192 |
| 315 Boardwalk Boulevard, Point Cook: Bushfire Management Statement (Brett Lane & Associates, June 2019) | C228 |

## 73 MEANING OF TERMS

11/04/2019
VC156

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.

## 73.01 GENERAL TERMS

05/05/2026
VC248

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".

| General term | Definition |
|---|---|
| **Act** | The *Planning and Environment Act 1987*. |
| **Agricultural production** | Any form of primary production of renewable commodities. It does not include extractive industry, Mineral extraction, or timber production from native forest. |
| **Anemometer** | A wind measuring device. |
| **Apartment** | 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. |
| **Approval date** | The date this scheme began, or the date of notice in the Victoria Government Gazette of approval of an amendment to this scheme. |
| **Basement** | A storey below ground level, or that projects no more than 1.2 metres above ground level. |
| **Building height** | The vertical distance from natural ground level to the roof or parapet at any point. |
| **Building Regulations** | The *Building Regulations 1994*. |
| **Bushfire** | An unplanned fire in vegetation. This includes fire in grasslands. |
| **Bushfire prone area** | An area that is designated bushfire prone as determined under section 192A of the *Building Act 1993*. |
| **Bushfire prone area map** | The map prepared under section 192A of the *Building Act 1993* describing all areas that are designated from time to time as bushfire prone areas by any determination, under that section. |
| **Carriageway** | 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. |
| **Central Highlands region** | The area covered by the Ararat, Ballarat, Golden Plains, Hepburn, Moorabool and Pyrenees planning schemes. |
| **Clear to the sky** | An unroofed area or area roofed with material that transmits 90 per cent of light. |
| **Defendable space** | 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. |
| **Deflection angle** | The angle between two tangent sections of a carriageway. |
| **Design speed** | 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. |

| General term | Definition |
|---|---|
| **Domestic services normal to a dwelling or small second dwelling** | A domestic appliance or apparatus that is normal to and services a dwelling or small second dwelling. It includes disabled access ramps and handrails, an air conditioner, cooling or heating system, a hot water service, security systems and cameras, shade sails, a barbeque, downpipes and flues, a skylight, security screens, and the like. |
| **Earthworks** | Land forming, laser grading, levee banks, raised access roads and tracks, building pads, storage embankments, channel banks and drain banks and associated structures. |
| **Employment and innovation areas** | Dandenong, Fishermans Bend, La Trobe, Monash, Parkville, Sunshine and Werribee. |
| **Frontage** | 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. |
| **Gaming** | The playing of a gaming machine. |
| **Gaming machine** | Has the same meaning as it has in the *Gambling Regulation Act 2003.* |
| **Garden area** | Any area on a lot with a minimum dimension of 1 metre that does not include:<br>a) a dwelling, small second dwelling or residential building, except for:<br>▪ an eave, fascia or gutter that does not exceed a total width of 600mm;<br>▪ a pergola;<br>▪ unroofed terraces, patios, decks, steps or landings less than 800mm in height;<br>▪ a basement that does not project above ground level;<br>▪ any outbuilding that does not exceed a gross floor area of 10 square metres; and<br>▪ domestic services normal to a dwelling, small second dwelling or residential building;<br>b) a driveway; or<br>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, small second 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. |

| General term | Definition |
|---|---|
| **High quality productive agricultural land** | Land which is used for animal husbandry or crop raising, and is capable of continuing to sustain agricultural production, and:<br>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<br>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. |
| **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. |
| **Leasable floor area** | 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. |
| **Loddon Mallee North region** | The area covered by the Buloke, Campaspe, Gannawarra, Mildura and Swan Hill planning schemes. |
| **Loddon Mallee South region** | The area covered by the Central Goldfields, Greater Bendigo, Loddon, Macedon Ranges and Mount Alexander planning schemes. |
| **Lot** | 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. |
| **Mean building height** | The vertical distance between the mean ground level and the finished roof height at its highest point. |
| **Mean ground level** | One half the sum of the highest and lowest levels along ground level of the outer surface of all external building walls. |
| **Metropolitan activity centres** | Box Hill (Suburban Rail Loop East Precinct), Broadmeadows, Cloverton (future), Cobblebank (future), Dandenong, Epping, Footscray, Fountain Gate-Narre Warren, Frankston, Ringwood and Sunshine. |
| **Metropolitan Melbourne** | 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, Merri-bek, Monash, Moonee Valley, 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. |
| **Mineral** | Any substance which occurs naturally as part of the earth's crust, including:<br>a) oil shale and coal; and<br>b) hydrocarbons and mineral oils contained in oil shale or coal, or extracted from oil shale or coal by chemical or industrial processes.<br>It does not include water, stone, or petroleum. |

| General term | Definition |
|---|---|
| **Minister for Planning** | A Minister for the time being administering the Act. |
| **Movable building** | A structure, other than a tent, caravan, or vehicle, which is designed to be moved from place to place on more than one occasion. |
| **Native vegetation** | Plants that are indigenous to Victoria, including trees, shrubs, herbs, and grasses. |
| **Net floor area** | 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. |
| **Plot ratio** | The gross floor area of all buildings on a site, divided by the area of the site. |
| **Potentially contaminated land** | Land:<br>a) used or known to have been used for industry or mining;<br>b) used or known to have been used for the storage of chemicals, gas, waste or liquid fuel (other than minor above-ground storage that is ancillary to another use of the land); or<br>c) where a known past or present activity or event (occurring on or off the land) may have cause contamination of the land. |
| **Priority precincts** | Arden, Docklands, East Werribee, Fishermans Bend, Footscray, La Trobe, Parkville, Richmond to Flinders, and Sunshine, and the SRL East Precincts at Box Hill, Burwood, Clayton, Cheltenham, Glen Waverley and Monash. |
| **Private open space** | An outdoor area of a dwelling, small second dwelling or residential building or land for the exclusive use of the occupants. |
| **Property vegetation plan** | 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*. |
| **Public land manager** | 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, the Great Ocean Road Coast and Parks Authority or a municipal council, it means the Minister administering that Act and does not include the committee of management. |
| **Radio mast** | A mast, for radio transmission or reception in a dwelling or small second dwelling, that is:<br>a) with antenna, more than 14 metres above the ground;<br>b) if attached to a building, with antenna, more than 5 metres above the roof line;<br>c) including antenna, wider than 6 metres; or<br>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. |

| General term | Definition |
|---|---|
| **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. |
| **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:<br>a) the economic viability of agricultural production;<br>b) the natural resource base; and<br>c) other ecosystems which are influenced by agricultural activities. |
| **Telecommunications line** | 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. |
| **Telecommunications network** | A system or series of systems that carries, or is capable of carrying, communications by means of guided and unguided electromagnetic energy. |
| **Telecommunications tower** | A free-standing tower, pole or mast used as part of a telecommunications network that is not mounted on, or affixed to, any other structure. |
| **Tenement** | Land comprised in:<br>a) a lot which does not adjoin another lot in the same ownership; or<br>b) lots in the same ownership and which adjoin each other.<br>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. |
| **Transport manager** | (a) a Minister; or<br>(b) government department; or<br>(c) Administrative Office under the *Public Administration Act 2004*; or<br>(d) public authority; or<br>(e) any person - |

| General term | Definition |
|---|---|
| | that has responsibility under an Act for the care or management of land that forms part of Victoria's transport system. |
| **Transport system** | All of the components that make up the system for the movement and transport of people and goods including:<br>▪ Movement networks including cycling paths, footpaths, roads, railways, shipping lanes, tramways and water transport routes.<br>▪ Transport interchanges for accessing, disembarking, unloading and interchange of people and goods, and for the storage of freight and vehicles. This includes transport terminals and public transport stops.<br>▪ Infrastructure required to operate movement networks and transport interchanges.<br>▪ Land reserved for the future development of movement networks and transport interchanges. |
| **Utility service provider** | 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. |
| **Verge** | 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. |
| **Wall height** | 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. |
| **Wholesale** | The sale of goods or materials, to be sold by others. |
| **Wimmera Southern Mallee region** | The area covered by the Hindmarsh, Horsham, Northern Grampians, West Wimmera and Yarriambiack planning schemes. |

## 73.02 SIGN TERMS

31/07/2018
VC148

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".

| Sign term | Definition |
|---|---|
| **Above-verandah sign** | 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. |
| **Display area** | The area of that part of a sign used to display its content, including borders, surrounds and logo boxes.<br>It does not include safety devices, platforms and lighting structures.<br>If the sign does not move or rotate, the area is one side only. |
| **Animated sign** | A sign that can move, contains moving or scrolling parts, changes its message, flashes, or has a moving or flashing border. |
| **Bed and breakfast sign** | A sign at a dwelling that advertises bed and breakfast accommodation in the dwelling. |
| **Bunting sign** | An advertisement that consists of bunting, streamers, flags, windvanes, or the like. |
| **Business identification sign** | 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. |
| **Direction sign** | A sign not exceeding 0.3 square metre that directs vehicles or pedestrians. It does not include a sign that contains commercial information. |
| **Electronic sign** | A sign that can be updated electronically. It includes screens broadcasting still or moving images. |
| **Floodlit sign** | A sign illuminated by external lighting provided for that purpose. |
| **High-wall sign** | A sign on the wall of a building so that part of it is more than 10 metres above the ground. |
| **Home based business sign** | A sign at a dwelling that advertises a home based business carried on in the dwelling, or on the land around the dwelling. |
| **Internally illuminated sign** | A sign illuminated by internal lighting or which contains lights or illuminated tubes arranged as an advertisement. |
| **Major promotion sign** | 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. |
| **Panel sign** | A sign with an advertisement area exceeding 10 square metres. |
| **Pole sign** | A sign:<br>a) on a pole or pylon that is not part of a building or another structure;<br>b) that is no more than 7 metres above the ground; |

| Sign term | Definition |
|---|---|
| | c) with an advertisement area not exceeding 6 square metres; and<br>d) that has a clearance under it of at least 2.7 metres. |
| **Promotion sign** | 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. |
| **Reflective sign** | A sign finished with material specifically made to reflect external light. |
| **Sign** | Includes a structure specifically built to support or illuminate a sign. |
| **Sky sign** | A sign:<br>a) on or above the roof of a building, but not a verandah;<br>b) fixed to the wall of a building and which projects above the wall; or<br>c) fixed to a structure (not a building) so that part of it is more than 7 metres above the ground. |

## 73.03 LAND USE TERMS

12/05/2026
VC309

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

| Land use term | Definition | Includes | Included in |
|---|---|---|---|
| **Abattoir** | Land used to slaughter animals, including birds. It may include the processing of animal products. | | **Rural industry** |
| **Accommodation** | Land used to accommodate persons. | **Camping and caravan park** | |

| Land use term | Definition | Includes | Included in |
|---|---|---|---|
| | | **Corrective institution**<br>**Dwelling**<br>**Group accommodation**<br>**Host farm**<br>**Residential aged care facility**<br>**Residential building**<br>**Residential village**<br>**Retirement village**<br>**Small second dwelling** | |
| **Adult sex product shop** | Land used to sell or hire sexually explicit material, including:<br>a) publications classified as restricted under the *Classification (Publications, Films and Computer Games) (Enforcement) Act 1995*; and<br>b) materials and devices (other than contraceptives and medical treatments) used in conjunction with sexual behaviour. | | **Shop** |
| **Agriculture** | Land used to:<br>a) propagate, cultivate or harvest plants, including cereals, flowers, fruit, seeds, trees, turf, and vegetables;<br>b) keep, breed, board, or train animals, including livestock, and birds; or<br>c) propagate, cultivate, rear, or harvest living resources of the sea or inland waters. | **Animal husbandry**<br>**Aquaculture**<br>**Crop raising** | |
| **Airport** | | | **Transport terminal** |
| **Amusement park** | | | **Outdoor recreation facility** |
| **Amusement parlour** | A building that contains:<br>a) three or more coin, card, or token operated amusement machines; | | **Place of assembly** |

| Land use term | Definition | Includes | Included in |
|---|---|---|---|
| | 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<br>c) two or more coin, card, or token operated billiard, snooker, or pool tables.<br>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. | | |
| **Animal husbandry** | Land used to keep, breed, board, or train animals, including birds. | **Animal production**<br>**Animal training**<br>**Apiculture**<br>**Domestic animal husbandry**<br>**Horse husbandry**<br>**Racing dog husbandry** | **Agriculture** |
| **Animal production** | Land used to keep or breed farm animals for the production of livestock, eggs, fibre, meat, milk or other animal products. | **Grazing animal production**<br>**Intensive animal production**<br>**Pig farm**<br>**Poultry farm**<br>**Poultry hatchery** | **Animal husbandry** |
| **Animal training** | Land used to train animals, other than domestic animals, horses, or racing dogs. | | **Animal husbandry** |
| **Apiculture** | Land used to keep honeybee hives and to extract honey or other bee hive products. | | **Animal husbandry** |
| **Aquaculture** | Land used to keep or breed aquatic animals, or cultivate or propagate aquatic plants. | | **Agriculture** |
| **Art and craft centre** | Land used to manufacture, display, and sell, works of art or craft, such as handicrafts, paintings, and sculptures. | | |

| Land use term | Definition | Includes | Included in |
|---|---|---|---|
| **Art gallery** | Land used to display works of art, including ceramics, furniture, glass, paintings, screen based art, sculptures, and textiles. | | **Exhibition centre** |
| **Automated collection point** | A building with a gross floor area of no more than 100 square metres, used as an automated collection point as defined in the *Circular Economy (Waste Reduction and Recycling) Act 2021*. | | **Transfer station** |
| **Bank** | | | **Office** |
| **Bar** | 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. | | **Food and drink premises** |
| **Beauty salon** | | | **Shop** |
| **Bed and breakfast** | A dwelling used, by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence. | | **Dwelling** |
| **Betting agency** | Land used for gambling by wagering, and where there is the ability to receive a monetary reward. | | **Gambling premises** |
| **Boat and caravan storage** | Land used to store boats, caravans, or vehicle-towed boat trailers. | | **Store** |
| **Boat launching facility** | Land used to launch boats into the water and to retrieve boats from the water. | **Boat ramp slipway** | **Recreational boat facility** |
| **Boat ramp** | | | **Boat launching facility** |
| **Bottle shop** | Land used to sell packaged liquor for consumption off the premises. | | **Shop** |
| **Broiler farm** | Land used to keep broiler chickens for the production of meat. | | **Poultry farm** |
| **Bus terminal** | | | **Transport terminal** |
| **Camping and caravan park** | Land used to allow accommodation in caravans, cabins, tents, or the like. | | **Accommodation** |

| Land use term | Definition | Includes | Included in |
|---|---|---|---|
| **Caretaker's house** | A dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation, or plant. | | **Dwelling** |
| **Carnival** | 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. | | **Place of assembly** |
| **Car park** | Land used to park motor vehicles. It may include charging of electric vehicles. | | |
| **Car sales** | | | **Motor vehicle, boat, or caravan sales** |
| **Car wash** | | | **Service industry** |
| **Cattle feedlot** | Land used for a cattle feedlot as defined by the Victorian Code for Cattle Feedlots 1995. | | **Intensive animal production** |
| **Cemetery** | Land used to dispose of human remains by burial. It may include funeral chapels or the like. | | |
| **Child care centre** | Land used to care for five or more children who are not permanently resident on the land. | **Kindergarten** | **Education centre** |
| **Cinema** | Land used to provide screen based entertainment or information to the public. | | **Place of assembly** |
| **Cinema based entertainment facility** | 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. | | **Place of assembly** |
| **Circus** | Land used, by performers, to provide entertainment such as acrobatic feats, tricks of skill, and exhibiting animals. | | **Place of assembly** |
| **Commercial display area** | Land used only to display goods. | | **Warehouse** |
| **Community care accommodation** | Land used to provide accommodation and care services. It includes permanent, temporary | | **Residential building** |

| Land use term | Definition | Includes | Included in |
|---|---|---|---|
| | and emergency accommodation. It may include supervisory staff and support services for residents and visitors. | | |
| **Conference centre** | | | **Function centre** |
| **Container deposit scheme centre** | Land used to collect, consolidate, temporarily store, sort or recover materials under Victoria's Container Deposit Scheme by a network or collection point operator in accordance with the *Circular Economy (Waste Reduction and Recycling) Act 2021*. The centre may incorporate a reverse vending machine, automated collection point, drop off point and over the counter refunds. | | **Transfer station** |
| **Convenience restaurant** | 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. | | **Food and drink premises** |
| **Convenience shop** | A building with a leasable floor area of no more than 240 square metres, used to sell food, drinks, and other convenience goods. It may also be used to hire convenience goods. | | **Shop** |
| **Corrective institution** | 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. | | **Accommodation** |
| **Crematorium** | Land used to cremate human remains. It may include funeral chapels or the like. | | |
| **Crop raising** | Land used to propagate, cultivate or harvest plants, including cereals, flowers, fruit, seeds, trees, turf, and vegetables. | **Horticulture**<br>**Rice growing**<br>**Timber production** | **Agriculture** |
| **Dance studio** | | | **Indoor recreation facility** |
| **Data centre** | | | **Utility installation** |
| **Department store** | | | **Shop** |

| Land use term | Definition | Includes | Included in |
|---|---|---|---|
| **Display home centre** | 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. | | |
| **Dog breeding** | | | **Domestic animal husbandry** |
| **Domestic animal boarding** | Land used to board domestic animals, such as boarding kennels and a cattery. It includes domestic animal day care. | | **Domestic animal husbandry** |
| **Domestic animal husbandry** | Land used to keep, breed, board or train domestic animals. | **Dog breeding**<br>**Domestic animal boarding** | **Animal husbandry** |
| **Drive-in theatre** | | | **Place of assembly** |
| **Dry cleaner** | Land used to professionally clean or launder clothing or household articles. It may include the use of dry cleaning processes. | | **Service industry** |
| **Dry cleaning agent** | 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. | | **Shop** |
| **Dwelling** | A building used as a self-contained residence which must include:<br>a) a kitchen sink;<br>b) food preparation facilities;<br>c) a bath or shower; and<br>d) a toilet and wash basin.<br>It includes outbuildings and works normal to a dwelling. | **Bed and breakfast**<br>**Caretaker's house** | **Accommodation** |
| **Education centre** | Land used for education. | **Child care centre**<br>**Employment training centre**<br>**Primary school**<br>**Secondary school**<br>**Tertiary institution** | |

| Land use term | Definition | Includes | Included in |
|---|---|---|---|
| **Earth and energy resources industry** | 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. | **Extractive industry**<br>**Greenhouse gas sequestration**<br>**Greenhouse gas sequestration exploration**<br>**Geothermal energy exploration**<br>**Geothermal energy extraction**<br>**Mining**<br>**Mineral exploration**<br>**Petroleum exploration**<br>**Petroleum production**<br>**Stone exploration** | |
| **Electoral office** | An office used for electioneering by a candidate in a local, State, or Federal Government election. | | **Office** |
| **Electorate office** | An office used by a State or Federal Member of Parliament to conduct their representative duties. | | **Office** |
| **Emergency services facility** | 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. | | |
| **Employment training centre** | | | **Education centre** |
| **Energy generation facility** | 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. | **Renewable energy facility**<br>**Waste-to-energy facility** | |
| **Equestrian supplies** | | | **Restricted retail premises** |
| **Exhibition centre** | Land used to display works of art, artefacts, or historical, cultural, or other like works or artefacts. | **Art gallery**<br>**Museum** | **Place of assembly** |

| Land use term | Definition | Includes | Included in |
|---|---|---|---|
| **Extractive industry** | Land used for the extraction or removal of stone from land for commercial use, or to use the stone for building, construction, road or manufacturing works.<br>It includes:<br>▪ the rehabilitation of the land; and<br>▪ the treatment of stone (such as crushing and processing) or the manufacture of bricks, tiles, pottery, or cement or asphalt products on, or adjacent to, the land from which the stone is extracted or removed. | | **Earth and energy resources industry** |
| **Food and drink premises** | Land used to prepare and sell food and drink for immediate consumption on, or off, the premises. | **Bar**<br>**Convenience restaurant**<br>**Hotel**<br>**Restaurant**<br>**Take away food premises** | **Retail premises** |
| **Freeway service centre** | 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. | | |
| **Freezing and cool storage** | | | **Store** |
| **Fuel depot** | Land used to store, sell, and distribute fuel. | **Liquid fuel depot**<br>**Solid fuel depot** | **Warehouse** |
| **Function centre** | 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. | **Conference centre**<br>**Reception centre** | **Place of assembly** |
| **Funeral parlour** | Land used to organise and conduct funerals, memorial services, or the like. It includes the storage and preparation of bodies for burial or cremation. | | |
| **Gambling premises** | Land used for gambling by gaming or wagering, and where there is the ability to receive a monetary reward. | **Betting agency**<br>**Gaming premises** | **Retail premises** |

| Land use term | Definition | Includes | Included in |
|---|---|---|---|
| **Gaming premises** | Land used for gambling by gaming, and where there is the ability to receive a monetary reward. | | **Gambling premises** |
| **Garden supplies** | Land used to sell and distribute garden supplies such as sand, soil, railway sleepers, screenings, rock, and the like. | | **Landscape gardening supplies** |
| **Geothermal energy exploration** | Land used for geothermal energy exploration as defined in the Geothermal *Energy Resources Act 2005.* | | **Earth and energy resources industry** |
| **Geothermal energy extraction** | Land used for geothermal energy extraction as defined in the Geothermal *Energy Resources Act 2005.* | | **Earth and energy resources industry** |
| **Golf course** | | | **Outdoor recreation facility** |
| **Golf driving range** | | | **Outdoor recreation facility** |
| **Grazing animal production** | Land used for animal production where the animals' food is obtained by directly grazing, browsing or foraging plants growing on the land.<br>It includes:<br>▪ emergency, seasonal and supplementary feeding;<br>▪ the incidental penning, feeding and housing of animals for weaning or other husbandry purposes.<br>In this definition:<br>*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;<br>*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; | | **Animal production** |

| Land use term | Definition | Includes | Included in |
|---|---|---|---|
| | *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. | | |
| **Greenhouse gas sequestration** | Land used for greenhouse gas substance injection and monitoring as defined in the *Greenhouse Gas Geological Sequestration Act 2008.* | | **Earth and energy resources industry** |
| **Greenhouse gas sequestration exploration** | Land used for greenhouse gas sequestration formation exploration as defined in the *Greenhouse Gas Geological Sequestration Act 2008.* | | **Earth and energy resources industry** |
| **Group accommodation** | Land, in one ownership, containing a number of dwellings used to accommodate persons away from their normal place of residence. | | **Accommodation** |
| **Hairdresser** | | | **Shop** |
| **Hall** | | | **Place of assembly** |
| **Helicopter landing site** | Land used for the take-off and landing of a helicopter, with or without a permanent landing pad, but without permanent facilities for the assembly and distribution of goods or passengers. | | |
| **Heliport** | | | **Transport terminal** |
| **Home based business** | 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. | | |
| **Horse husbandry** | Land used to keep, breed, board or train horses. | **Horse riding school**<br>**Horse stables** | **Animal husbandry** |
| **Horse riding school** | | | **Horse husbandry** |
| **Horse stables** | | | **Horse husbandry** |
| **Horticulture** | Land used to propagate, cultivate, or harvest flowers, fruit, vegetables, vines, or the like. | **Market garden** | **Crop raising** |

| Land use term | Definition | Includes | Included in |
|---|---|---|---|
| **Hospital** | 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. | | |
| **Host farm** | 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. | | **Accommodation** |
| **Hotel** | 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. | | **Food and drink premises** |
| **Indoor recreation facility** | A building used for indoor leisure, recreation, or sport. | **Dancing studio** | **Minor sports and recreation facility** |
| **Industry** | Land used for any of the following operations:<br>a) any process of manufacture;<br>b) dismantling or breaking up of any article;<br>c) treating waste materials;<br>d) winning clay, gravel, rock, sand, soil, stone, or other materials;<br>e) laundering, repairing, servicing or washing any article, machinery, or vehicle, other than on-site work on a building, works, or land; or<br>f) any process of testing or analysis.<br>If on the same land as any of these operations, it also includes:<br>a) storing goods used in the operation or resulting from it;<br>b) providing amenities for people engaged in the operation;<br>c) selling by wholesale, goods resulting from the operation; and<br>d) accounting or administration in connection with the operation. | **Materials recycling**<br>**Refuse disposal**<br>**Transfer station**<br>**Research and development centre**<br>**Rural industry**<br>**Service industry** | |

| Land use term | Definition | Includes | Included in |
|---|---|---|---|
| | If Materials recycling, goods resulting from the operation may be sold by retail. | | |
| **Informal outdoor recreation** | Land open to the public and used by non-paying persons for leisure or recreation, such as a cycle track, park, picnic or barbecue area, playground, plaza, and walking or jogging track. | | **Minor sports and recreation facility** |
| **Intensive animal production** | Land used for animal production where the animals' food is imported from outside the immediate building, enclosure, paddock or pen.<br>It does not include:<br>▪ an abattoir or sale yard; or<br>▪ grazing animal production, pig farm, poultry farm or poultry hatchery. | **Cattle feedlot**<br>**Intensive dairy farm** | **Animal production** |
| **Intensive dairy farm** | Land used for intensive animal production where cattle are kept or bred for the production of milk. | | **Intensive animal production** |
| **Interpretation centre** | A facility that assists in the public understanding of the natural or cultural environment. | | |
| **Jetty** | | | **Marina** |
| **Kindergarten** | | | **Child care centre** |
| **Landscape gardening supplies** | Land used to propagate, grow, and sell plants, or sell and distribute garden supplies. | **Garden supplies**<br>**Plant nursery** | **Retail premises** |
| **Laundromat** | Land used to clean or launder clothing or household items using self-service machines. | | **Shop** |
| **Leisure and recreation** | Land used for leisure, recreation, or sport. | **Major sports and recreation facility**<br>**Minor sports and recreation facility**<br>**Motor racing track** | |
| **Library** | | | **Place of assembly** |
| **Liquid fuel depot** | Land used to store, sell by wholesale, and distribute fuel. | | **Fuel depot** |

| Land use term | Definition | Includes | Included in |
|---|---|---|---|
| **Mail centre** | Land used to sort mail for distribution. | | **Warehouse** |
| **Major sports and recreation facility** | Land used for leisure, recreation or sport, and where there is substantial provision made for spectators, such as a grandstand, and to which spectators are usually charged admission. | **Race course** | **Leisure and recreation** |
| **Manufacturing sales** | Land used, as an incidental part of an industry, to retail goods made materially different on the land by that industry. | | **Retail premises** |
| **Marina** | 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. | **Jetty**<br>**Mooring pole**<br>**Pier**<br>**Pontoon** | **Recreational boat facility** |
| **Market** | Land used to sell goods, including foodstuffs, from stalls. | | **Retail premises** |
| **Market garden** | | | **Horticulture** |
| **Materials recycling** | Land used to dismantle, treat, process, store, recycle, or sell refuse, used or surplus materials. | | **Industry** |
| **Medical centre** | Land used to provide health or surgical services (including preventative care, diagnosis, medical and surgical treatment, pathology services, and counselling) to out-patients only. | | **Office** |
| **Milk depot** | Land used to receive milk and milk products for distribution to consumers, but where milk is not processed or pasteurised. | | **Warehouse** |
| **Mineral exploration** | Land used for exploration as defined in the *Mineral Resources (Sustainable Development) Act 1990.* | | **Earth and energy resources industry** |
| **Mining** | Land used for mining as defined in the *Mineral Resources (Sustainable Development) Act 1990.* | | **Earth and energy resources industry** |
| **Minor sports and recreation facility** | Land used for leisure, recreation, or sport, without substantial provision for spectators, and which is usually open to non-paying spectators. | **Indoor recreation facility** | **Leisure and recreation** |

| Land use term | Definition | Includes | Included in |
|---|---|---|---|
| | | **Informal outdoor recreation**<br>**Open sports ground**<br>**Outdoor recreation facility**<br>**Restricted recreation facility** | |
| **Minor utility installation** | Land used for a utility installation comprising any of the following:<br>a) sewerage or water mains;<br>b) storm or flood water drains or retarding basins;<br>c) flow measurement device or a structure to gauge waterway flow;<br>d) siphons, water storage tanks, disinfection booster stations and channels;<br>e) gas mains providing gas directly to consumers;<br>f) a sewerage treatment plant, and any associated disposal works, required to serve a neighbourhood;<br>g) a pumping station required to serve a neighbourhood;<br>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;<br>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; or<br>j) a battery with a storage capacity of no more than 5 megawatts. | **Water retarding basin** | **Utility installation** |
| **Mooring pole** | | | **Marina** |
| **Motel** | 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. | | **Residential hotel** |

| Land use term | Definition | Includes | Included in |
|---|---|---|---|
| **Motor racing track** | 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. | | **Leisure and recreation** |
| **Motor repairs** | Land used to repair or service motor vehicles, and includes the fitting of accessories. | **Panel beating** | **Service industry** |
| **Motor vehicle, boat, or caravan sales** | 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. | **Car sales** | **Retail premises** |
| **Museum** | Land used to display archaeological, biological, cultural, geographical, geological, historical, scientific, or other like works or artefacts. | | **Exhibition centre** |
| **Natural systems** | 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. | | |
| **Nightclub** | A building used to provide entertainment and dancing. It may include the provision of food and drink for consumption on the premises. It does not include the sale of packaged liquor, or gaming. | | **Place of assembly** |
| **Office** | Land used for administration, or clerical, technical, professional or other like business activity. No goods or materials intended for manufacture, sale, or hire may be stored on the land. Other than electoral office and medical centre, it does not include any other defined use. | **Bank**<br>**Electoral office**<br>**Electorate office**<br>**Medical centre**<br>**Real estate agency**<br>**Travel agency** | |
| **Open sports ground** | Land used for organised games of sport, but which is available for informal outdoor leisure or recreation when not being used or prepared for an organised game. It may include lights, change rooms, pavilions, and shelters. | | **Minor sports and recreation facility** |

| Land use term | Definition | Includes | Included in |
|---|---|---|---|
| **Outdoor recreation facility** | Land used for outdoor leisure, recreation, or sport. It does not include an Open sports ground or Informal outdoor recreation. | **Amusement park**<br>**Golf course**<br>**Golf driving range**<br>**Paintball games facility**<br>**Zoo** | **Minor sports and recreation facility** |
| **Paintball games facility** | | | **Outdoor recreation facility** |
| **Panel beating** | Land used to repair or replace damaged motor vehicle bodies and panels, and carry out any associated mechanical work or spray painting. | | **Motor repairs** |
| **Party supplies** | | | **Restricted retail premises** |
| **Petroleum exploration** | Land used for petroleum exploration as defined in the *Petroleum Act 1998.* | | **Earth and energy resources industry** |
| **Petroleum production** | Land used for petroleum production as defined in the *Petroleum Act 1998.* | | **Earth and energy resources industry** |
| **Pier** | | | **Marina** |
| **Pig farm** | Land used to keep or breed pigs. | | **Animal production** |
| **Place of assembly** | Land where people congregate for religious, spiritual or cultural activities, entertainment, or meetings. | **Amusement parlour**<br>**Carnival**<br>**Cinema**<br>**Cinema-based entertainment facility**<br>**Circus**<br>**Drive-in theatre**<br>**Exhibition centre**<br>**Function centre**<br>**Hall**<br>**Library**<br>**Nightclub**<br>**Place of worship**<br>**Restricted place of assembly** | |

| Land use term | Definition | Includes | Included in |
|---|---|---|---|
| **Place of worship** | Land used for religious activities, such as a church, chapel, mosque, synagogue, and temple. | | **Place of assembly** |
| **Plant nursery** | Land used to propagate, grow, and sell plants. It may include the sale of gardening equipment and horticultural products. | | **Landscape gardening supplies** |
| **Pontoon** | | | **Marina** |
| **Postal agency** | | | **Retail premises** |
| **Poultry farm** | Land used to keep or breed poultry. | **Broiler farm** | **Animal production** |
| **Poultry hatchery** | Land used to incubate and hatch poultry eggs. | | **Animal production** |
| **Primary produce sales** | 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. | | **Retail premises** |
| **Primary school** | | | **Education centre** |
| **Race course** | | | **Major sports and recreation facility** |
| **Racing dog husbandry** | Land used to keep, breed, board or train racing dogs. | **Racing dog training** | **Animal husbandry** |
| **Racing dog training** | | | **Racing dog husbandry** |
| **Railway station** | 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. | | **Transport terminal** |
| **Real estate agency** | | | **Office** |
| **Reception centre** | | | **Function centre** |
| **Recreational boat facility** | Land used to provide facilities for boats operated primarily for pleasure or recreation, including boats operated commercially for pleasure or recreation. | **Boat launching facility**<br>**Marina** | |
| **Refuse disposal** | Land used to dispose of refuse, by landfill, incineration, or other means. | | **Industry** |

| Land use term | Definition | Includes | Included in |
|---|---|---|---|
| **Renewable energy facility** | 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.<br><br>It includes any building or other structure or thing used in or in connection with the generation of energy by a renewable resource.<br><br>It does not include a renewable energy facility principally used to supply energy for an existing use of the land. | **Wind energy facility**<br><br>**Solar energy facility** | **Energy generation facility** |
| **Research and development centre** | 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. | | **Industry** |
| **Research centre** | Land used only for scientific research. | | |
| **Reservoir** | A natural or artificial lake used as a source of water supply that is owned or managed by a public authority. | | **Utility installation** |
| **Residential aged care facility** | 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. | | **Accommodation** |
| **Residential building** | Land used to accommodate persons, but does not include camping and caravan park, corrective institution, dwelling, group accommodation, host farm, residential village, retirement village or small second dwelling. | **Community care accommodation**<br><br>**Residential hotel**<br><br>**Rooming house**<br><br>**Rural worker accommodation** | **Accommodation** |
| **Residential hotel** | 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 | **Motel** | **Residential building** |

| Land use term | Definition | Includes | Included in |
|---|---|---|---|
| | rooms, entertainment, dancing, amusement machines, and gambling. | | |
| **Residential village** | 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. | | **Accommodation** |
| **Restaurant** | Land used to prepare and sell food and drink, for consumption on the premises. It may include:<br>a) entertainment and dancing; and<br>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.<br>It does not include the sale of packaged liquor. | | **Food and drink premises** |
| **Restricted place of assembly** | Land used by members of a club or group, or by members' guests, for religious, spiritual or cultural activities, entertainment, or meetings. It may include food and drink for consumption on the premises, and gaming. | | **Place of assembly** |
| **Restricted recreation facility** | Land used by members of a club or group for leisure, recreation, or sport, such as a bowling or tennis club, gymnasium and fitness centre. It may include food and drink for consumption on the premises, and gaming. It may also include use by members' guests, or by the public on payment of a fee. | | **Minor sports and recreation facility** |
| **Restricted retail premises** | Land used to sell or hire:<br>a) automotive parts and accessories;<br>b) camping, outdoor and recreation goods<br>c) electric light fittings;<br>d) animal supplies including equestrian and pet goods;<br>e) floor and window coverings; | **Equestrian supplies**<br>**Party supplies** | **Shop** |

| Land use term | Definition | Includes | Included in |
|---|---|---|---|
| | f) furniture, bedding, furnishings, fabric and manchester and homewares;<br>g) household appliances, household electrical goods and home entertainment goods;<br>h) party supplies;<br>i) swimming pools;<br>j) office equipment and supplies;<br>k) baby and children's goods, children's play equipment and accessories;<br>l) sporting, cycling, leisure, fitness goods and accessories; or<br>m) goods and accessories which:<br>▪ Require a large area for handling, display and storage of goods; or<br>▪ 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.<br>It does not include the sale of food, clothing and footwear unless ancillary to the primary use. | | |
| **Retail premises** | Land used to:<br>a) sell goods by retail, or by retail and wholesale;<br>b) sell services; or<br>c) hire goods. | **Food and drink premises**<br>**Gambling premises**<br>**Landscape gardening supplies**<br>**Manufacturing sales**<br>**Market**<br>**Motor vehicle, boat, or caravan sales**<br>**Postal agency**<br>**Primary produce sales**<br>**Shop**<br>**Trade supplies** | |

| Land use term | Definition | Includes | Included in |
|---|---|---|---|
| **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** | | | **Crop raising** |
| **Road freight terminal** | | | **Transport terminal** |
| **Rooming house** | Land used for a rooming house as defined in the *Residential Tenancies Act 1997*. | | **Residential building** |
| **Rural industry** | Land used to:<br>a) handle, treat, process, or pack agricultural produce; or<br>b) service or repair plant, or equipment, used in agriculture; or<br>c) manufacture mud bricks, including bricks that contain hemp, straw or other fibrous substance. | **Abattoir**<br>**Sawmill** | **Industry** |
| **Rural store** | Land used to store unprocessed agricultural produce, or products used in agriculture. | | **Store** |
| **Rural worker accommodation** | Land used to accommodate a person engaged in agricultural production, away from their normal place of residence. | | **Residential building** |
| **Saleyard** | Land used to hold, sell, and buy farm animals. | | |
| **Sawmill** | Land used to handle, cut, and process timber from logs. | | **Rural industry** |
| **Secondary school** | | | **Education centre** |
| **Service industry** | Land used to launder, repair, service or wash articles, machinery, or vehicles. | **Car wash**<br>**Dry cleaner**<br>**Motor repairs** | **Industry** |
| **Service station** | Land used to sell motor vehicle fuel from bowsers or charge electric vehicles. It may include the:<br>a) selling of motor vehicle lubricants, accessories or parts;<br>b) selling of food, drinks and other convenience goods; | | |

| Land use term | Definition | Includes | Included in |
|---|---|---|---|
| | c) hiring of trailers;<br>d) servicing or washing of motor vehicles; and<br>e) installing of motor vehicle accessories or parts. | | |
| **Sex services premises** | Land used to sell services involving the use or display of the body of the person providing the service for the sexual arousal or sexual gratification of another person while they are present on the land.<br>It does not include:<br>▪ Live entertainment performed for an audience, by a person performing an act of an explicit sexual nature, such as lap dancing, nude dancing and striptease.<br>▪ Sexual activities engaged in by two or more people required to pay an admission fee or charge to enter the premises on the same terms and who do not receive any form of payment or reward, whether directly or indirectly, for engaging in the sexual activities. | | **Shop** |
| **Shipping container storage** | Land used to store shipping containers. It may include the cleaning, repair, servicing, painting or fumigation of the shipping containers. | | **Store** |
| **Shop** | Land used to sell goods or services, or to hire goods. It includes:<br>▪ the selling of bread, pastries, cakes or other products baked on the premises;<br>▪ demonstrations of products including music performances in shops selling recorded music.<br>It does not include:<br>▪ food and drink premises;<br>▪ gambling premises;<br>▪ landscape gardening supplies; | **Adult sex product shop**<br>**Beauty salon**<br>**Bottle shop**<br>**Convenience shop**<br>**Dry cleaning agent**<br>**Department store**<br>**Hairdresser**<br>**Laundromat**<br>**Restricted retail premises** | **Retail premises** |

| Land use term | Definition | Includes | Included in |
|---|---|---|---|
| | ▪ manufacturing sales;<br>▪ market;<br>▪ motor vehicle, boat, or caravan sales;<br>▪ postal agency;<br>▪ primary produce sales; or<br>▪ trade supplies. | **Sex services premises**<br>**Supermarket** | |
| **Sign** | | | |
| **Slipway** | | | **Boat launching facility** |
| **Small second dwelling** | A building with a gross floor area of 60 square metres or less, on the same lot as an existing dwelling and used as a self-contained residence, which must include:<br>a) a kitchen sink;<br>b) food preparation facilities;<br>c) a bath or shower; and<br>d) a toilet and wash basin. | | **Accommodation** |
| **Solar energy facility** | Land used to generate electricity from solar energy using ground-mounted photovoltaic and thermal technology, where the primary role is to export power to the electricity network.<br>It does not include the generation of electricity principally used for an existing use of land. | | **Renewable energy facility** |
| **Solid fuel depot** | Land used to sell solid fuel, such as briquettes, coal, and fire wood. | | **Fuel depot** |
| **Stone exploration** | Land used to search for stone, including:<br>a) conducting geological, geophysical, and geochemical surveys;<br>b) costeaning and bulk sampling;<br>c) drilling; and<br>d) taking samples for chemical, physical, or other testing. | | **Earth and energy resources industry** |
| **Store** | Land used to store goods, machinery, or vehicles. | **Boat and caravan storage** | **Warehouse** |

| Land use term | Definition | Includes | Included in |
|---|---|---|---|
| | | **Freezing and cool storage**<br>**Rural store**<br>**Shipping container storage**<br>**Vehicle store** | |
| **Supermarket** | | | **Shop** |
| **Take away food premises** | 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. | | **Food and drink premises** |
| **Telecommunications facility** | Land used to accommodate any part of the infrastructure of a Telecommunications network. It includes any telecommunications line, equipment, apparatus, telecommunications tower, mast, antenna, tunnel, duct, hole, pit, pole, or other structure or thing used, or for use in or in connection with a Telecommunications network. | | **Utility installation** |
| **Tertiary institution** | | | **Education centre** |
| **Timber production** | Land used to propagate, cultivate, manage and harvest timber. | | **Crop raising** |
| **Timber yard** | 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. | | **Trade supplies** |
| **Trade supplies** | Land used to sell by both retail and wholesale, or to hire, materials, tools, equipment, machinery or other goods for use in:<br>a) automotive repairs and servicing;<br>b) building;<br>c) commerce;<br>d) industry;<br>e) landscape gardening;<br>f) the medical profession; | **Timber yard** | **Retail premises** |

| Land use term | Definition | Includes | Included in |
|---|---|---|---|
| | g) primary production; or<br>h) local government, government departments or public institutions. | | |
| **Tramway** | Land used to provide a system of transport in vehicles connected to a network of tracks, and includes tram stops and shelters, shunting areas and associated passenger facilities. | | |
| **Transfer station** | Land used to collect, consolidate, temporarily store, sort or recover refuse, used or surplus materials before transfer for disposal, recycling or use elsewhere. | **Automated collection point**<br>**Container deposit scheme centre** | **Industry** |
| **Transport terminal** | Land used to assemble and distribute goods or passengers. It includes facilities to park and manoeuvre vehicles. It does not include a Tramway. | **Airport**<br>**Bus terminal**<br>**Heliport**<br>**Railway station**<br>**Road freight terminal**<br>**Wharf** | |
| **Travel agency** | | | **Office** |
| **Utility installation** | Land used:<br>a) for telecommunications;<br>b) to transmit or distribute gas or oil;<br>c) to transmit, distribute or store power;<br>d) to collect, treat, transmit, store, or distribute water; or<br>e) to collect, treat, or dispose of storm or flood water, sewage, or sullage.<br>It includes any associated flow measurement device or a structure to gauge waterway flow. | **Data centre**<br>**Minor utility installation**<br>**Reservoir**<br>**Telecommunications facility** | |
| **Vehicle store** | Land used to park or store vehicles in connection with a goods or passenger transport business. | | **Store** |
| **Veterinary centre** | Land used to:<br>a) diagnose animal diseases or disorders;<br>b) surgically or medically treat animals; or | | |

| Land use term | Definition | Includes | Included in |
|---|---|---|---|
| | c) prevent animal diseases or disorders.<br>It may include keeping the animals on the premises for treatment. | | |
| **Warehouse** | 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. | **Commercial display area**<br>**Fuel depot**<br>**Mail centre**<br>**Milk depot**<br>**Store** | |
| **Waste-to-energy facility** | 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. | | **Energy generation facility** |
| **Water retarding basin** | Land used to store storm or flood water on a temporary basis. | | **Minor utility installation** |
| **Wharf** | Land used to provide facilities for ships, such as bulk and container ships, passenger ships, and defence force marine craft. | | **Transport terminal** |
| **Wind energy facility** | Land used to generate electricity by wind force. It includes land used for:<br>a) any turbine, building or other structure or thing used in or in connection with the generation of electricity by wind force<br>b) an anemometer.<br>It does not include turbines principally used to supply electricity for domestic or rural use of the land. | | **Renewable energy facility** |
| **Winery** | 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. | | |

| Land use term | Definition | Includes | Included in |
|---|---|---|---|
| **Zoo** | | | **Outdoor recreation facility** |

## 73.04 NESTING DIAGRAMS

08/08/2019
VC159

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.

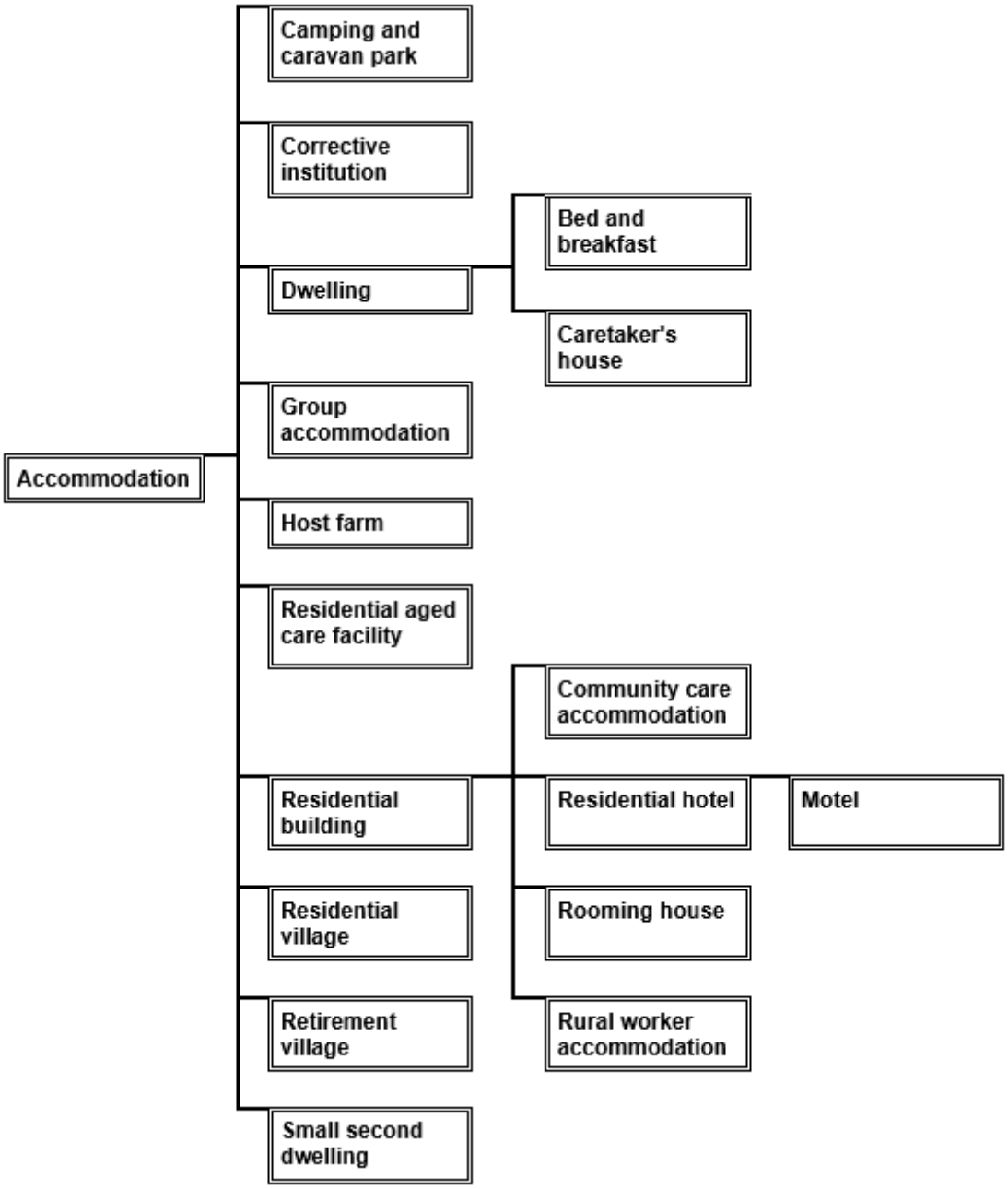
The table to Clause 73.03 prevails if there is any inconsistency between the table and the diagrams or list.

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.

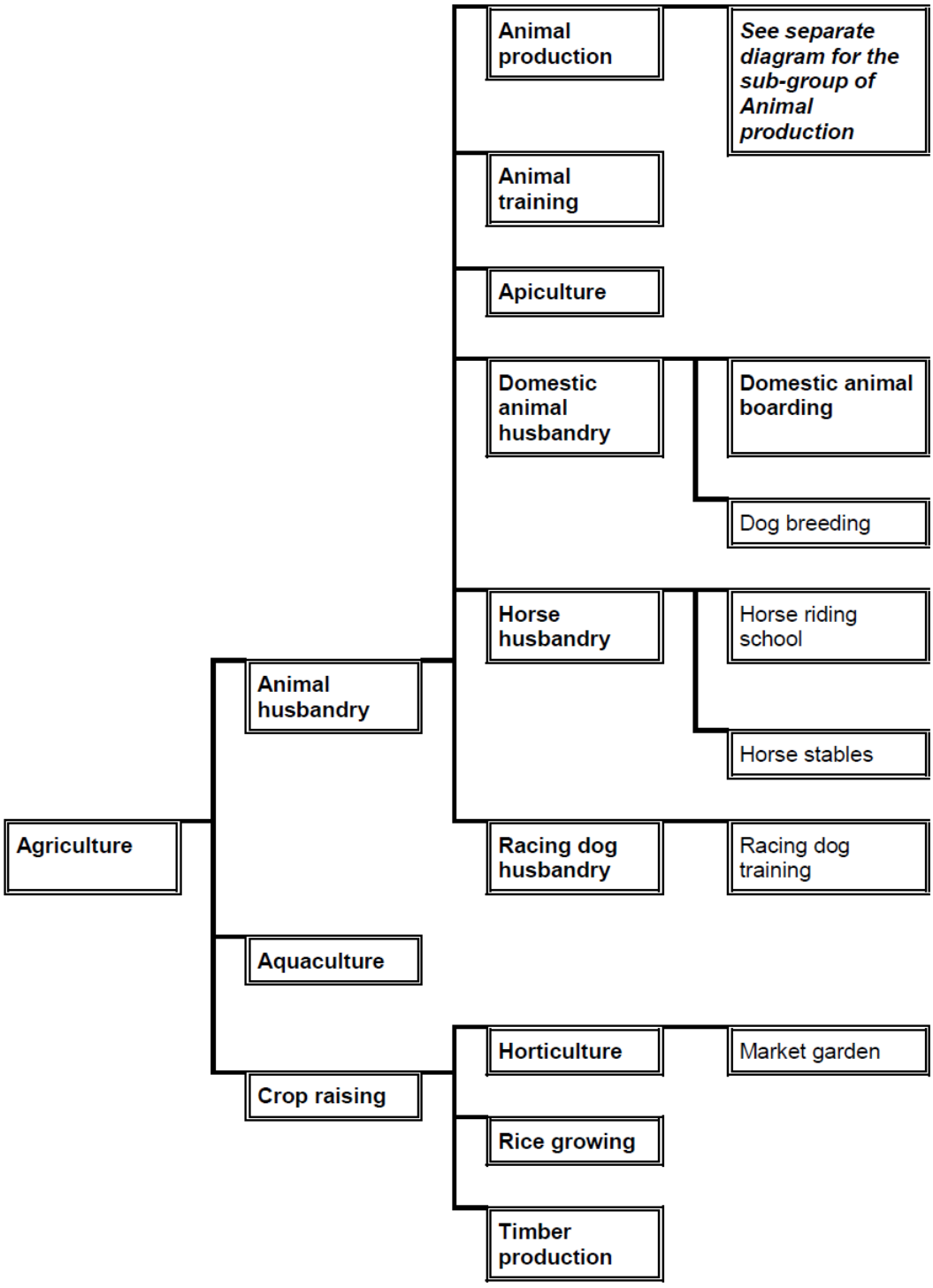
### 73.04-1 Accommodation group

14/12/2023
VC253



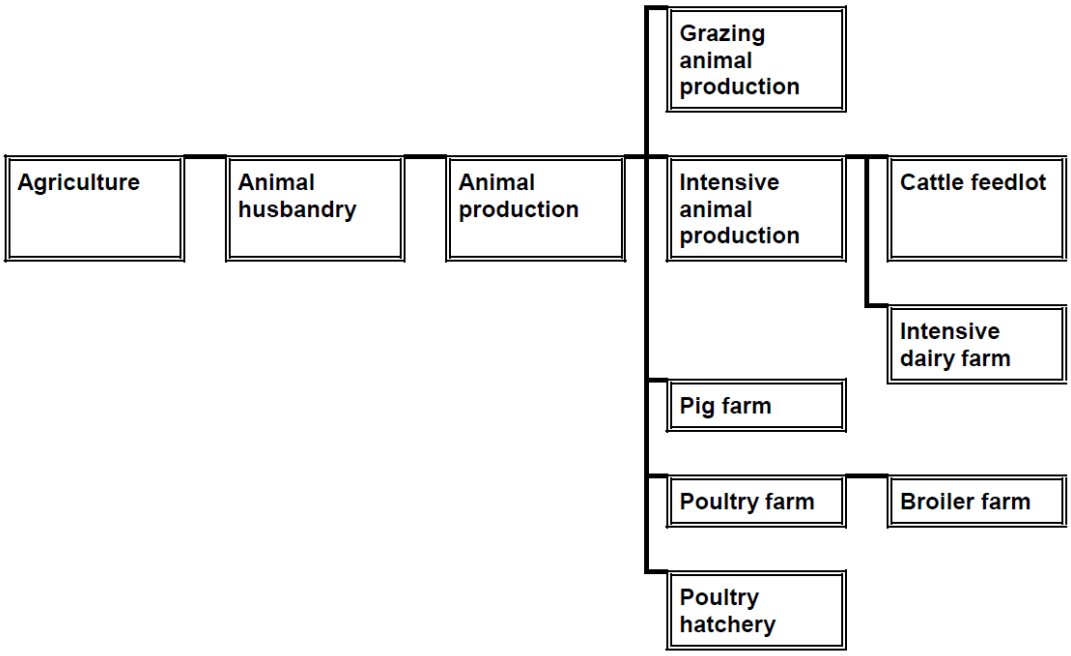
## 73.04-2 Agriculture group

08/08/2019
VC159



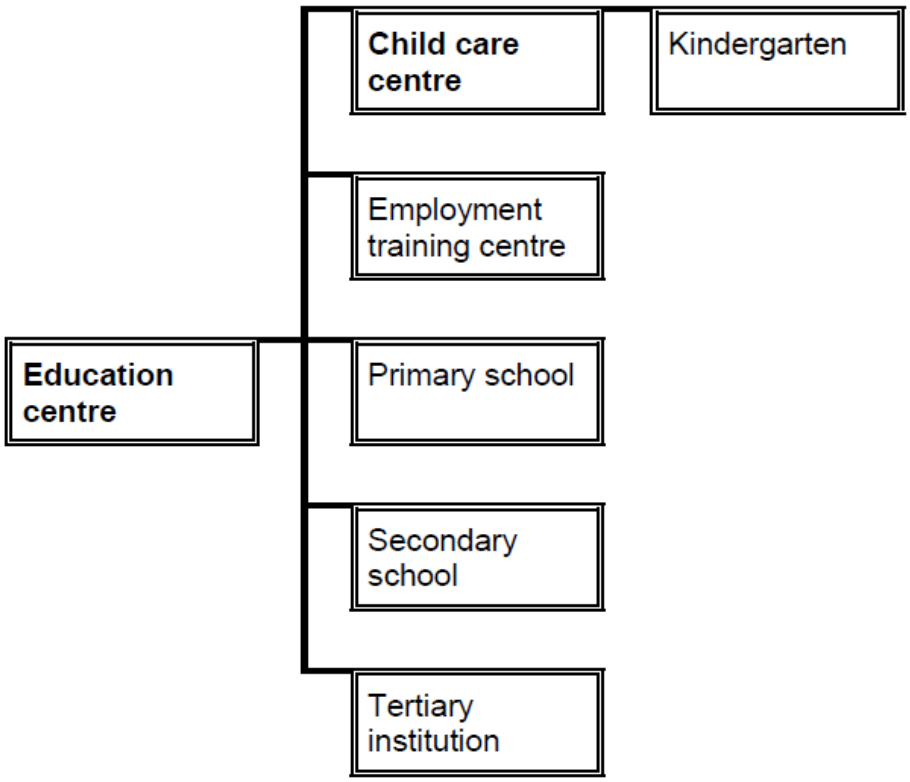
## 73.04-3 Agriculture group (sub-group of Animal production)

24/01/2020
VC160



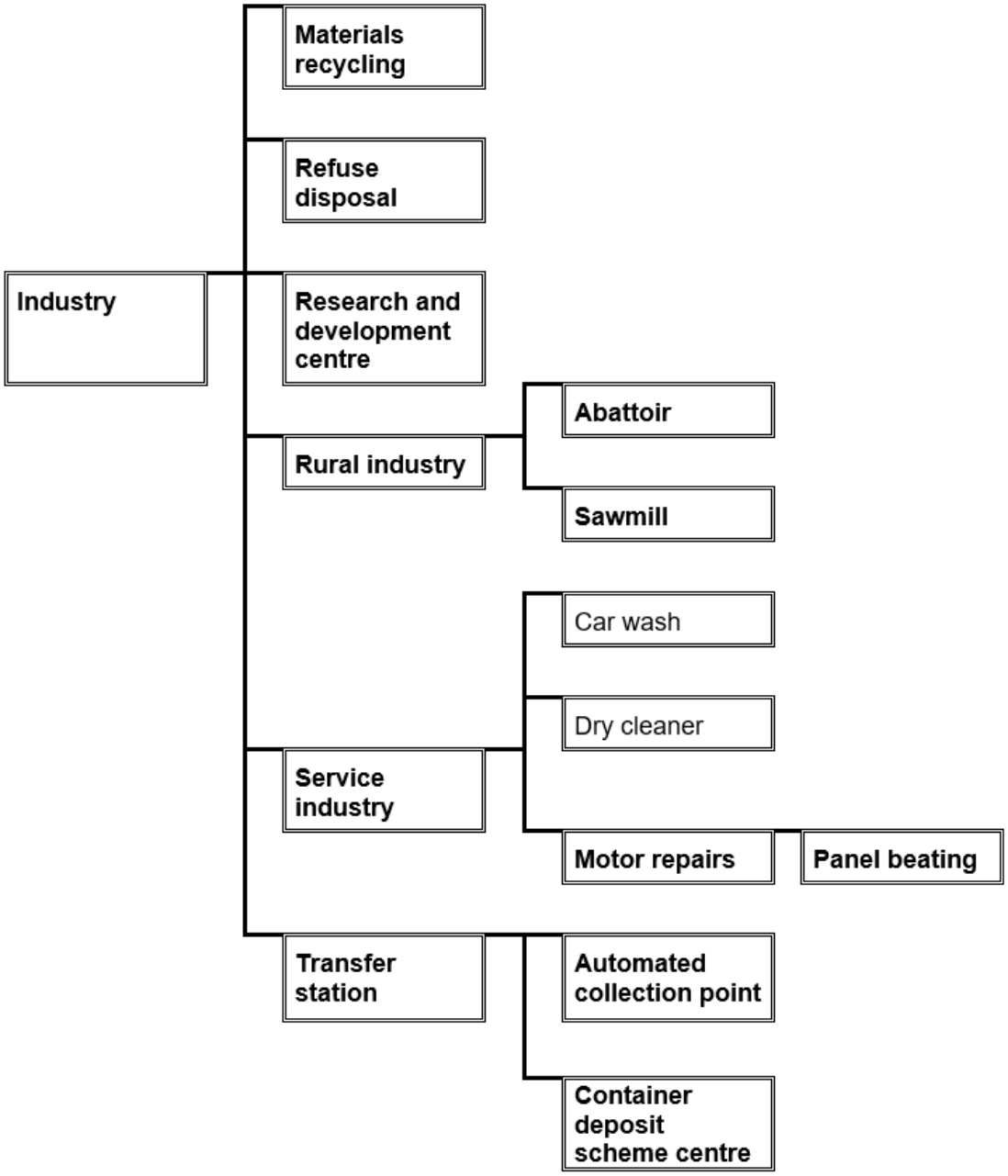

## 73.04-4 Education centre group

24/01/2020
VC160



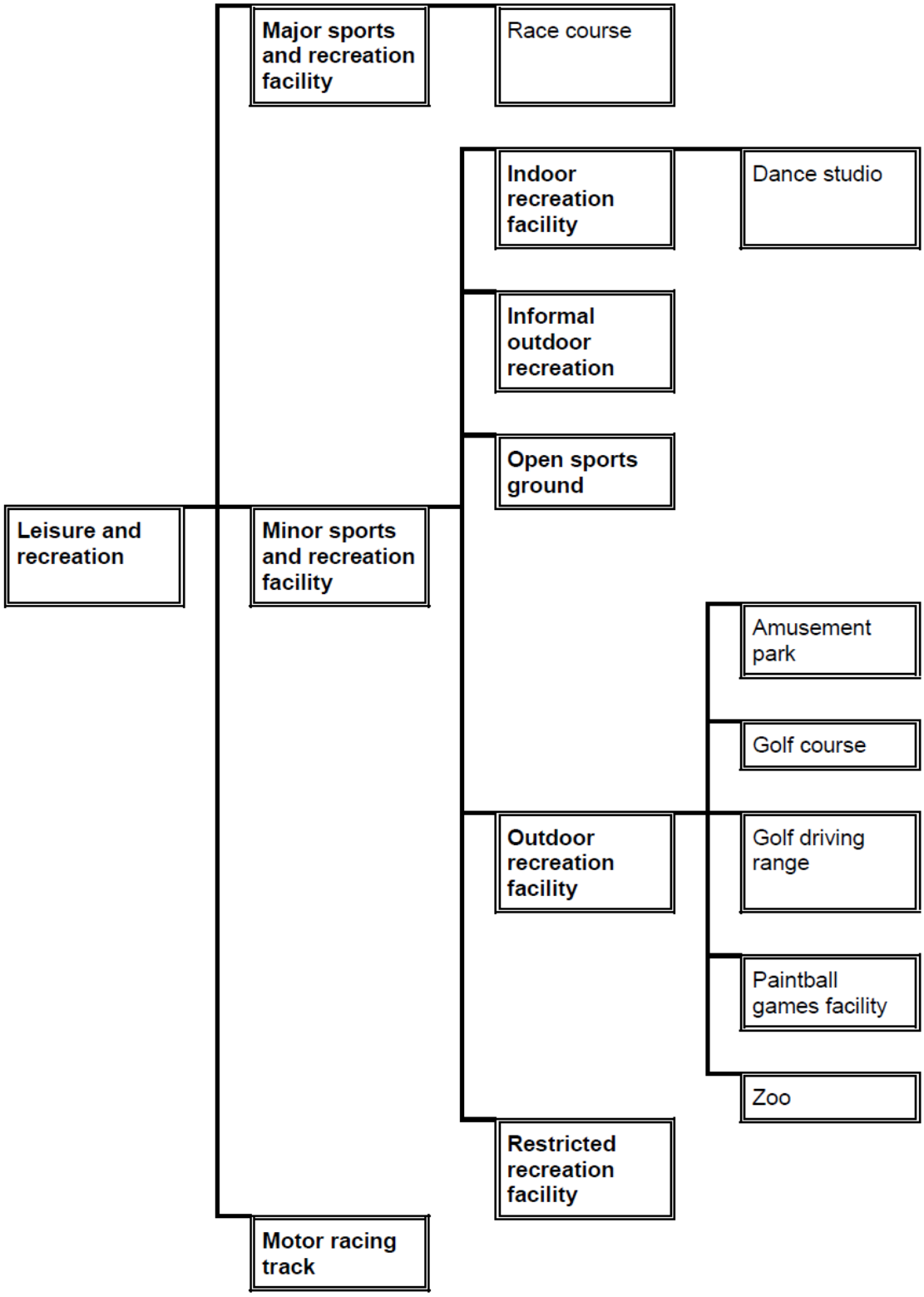
## 73.04-5 Industry group

26/09/2023
VC246



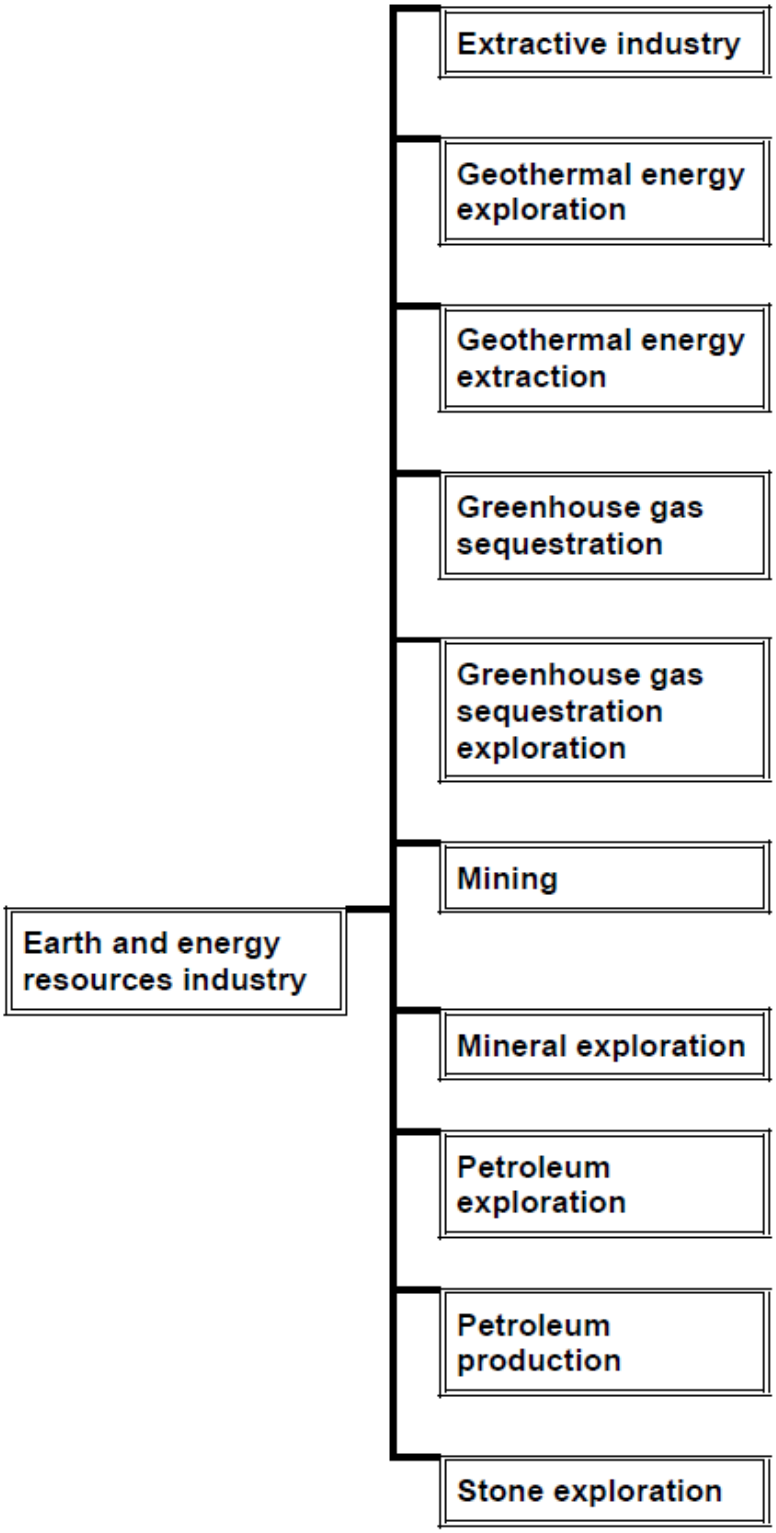
## 73.04-6 Leisure and recreation group

16/08/2019
VC163



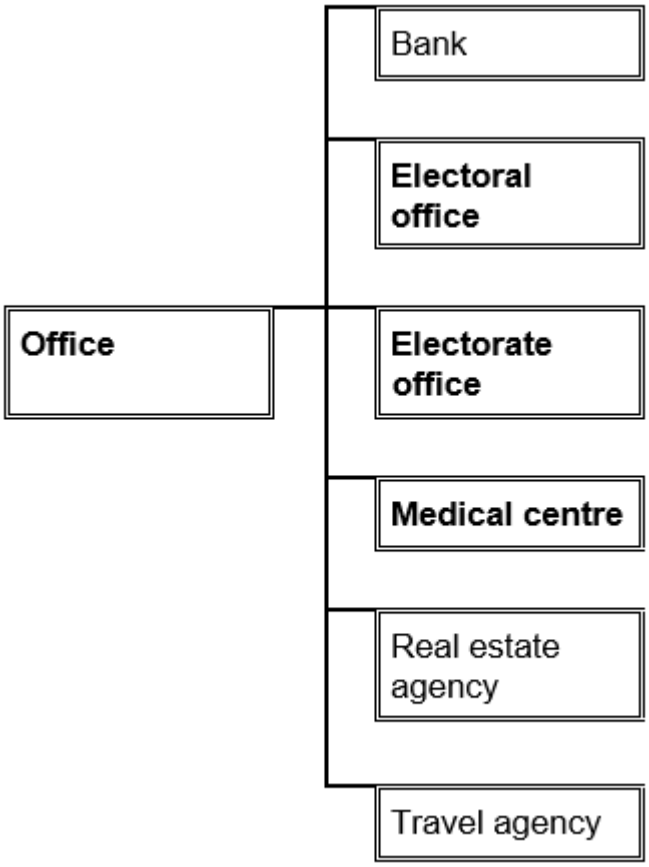
## 73.04-7 Earth and energy resources group

24/01/2020
VC160



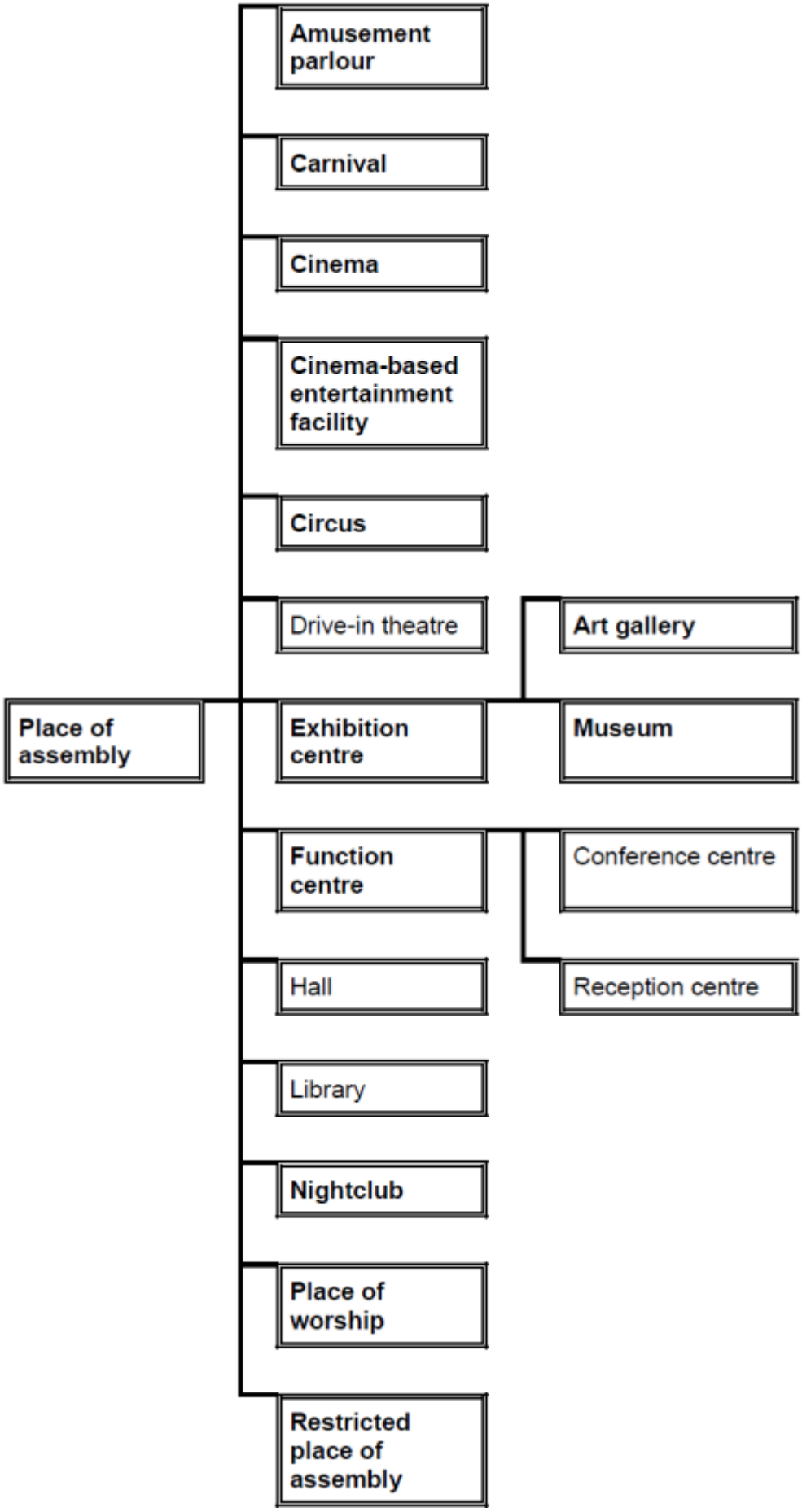
## 73.04-8 Office group

28/10/2022
VC224



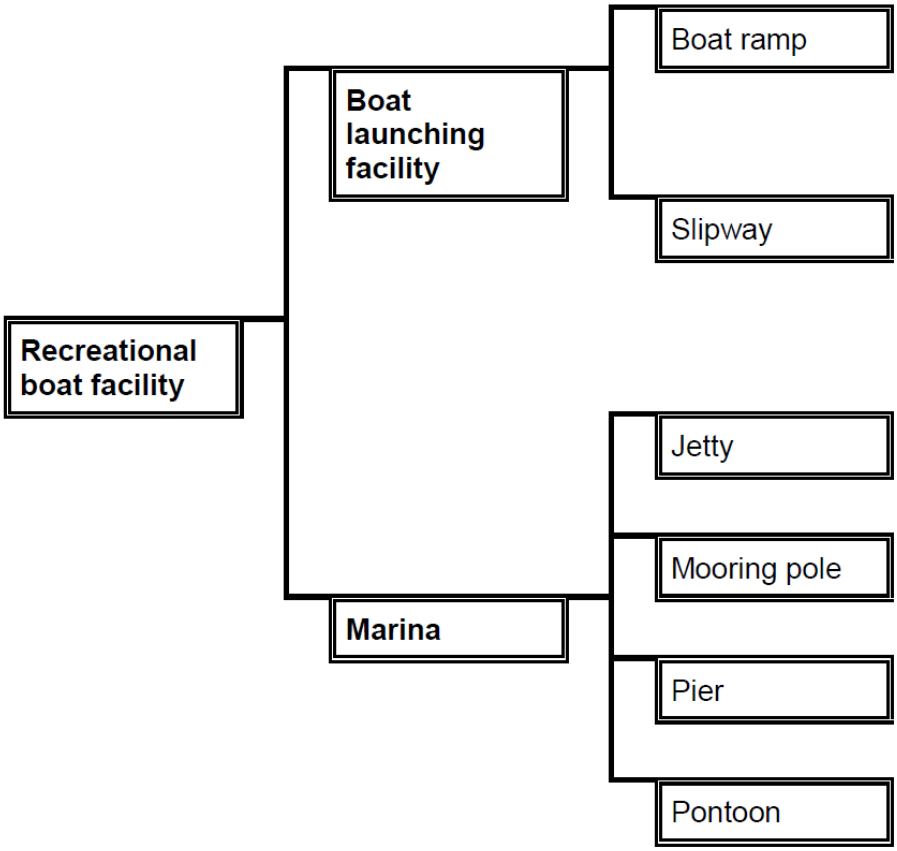
## 73.04-9 Place of assembly group

16/08/2019
VC163



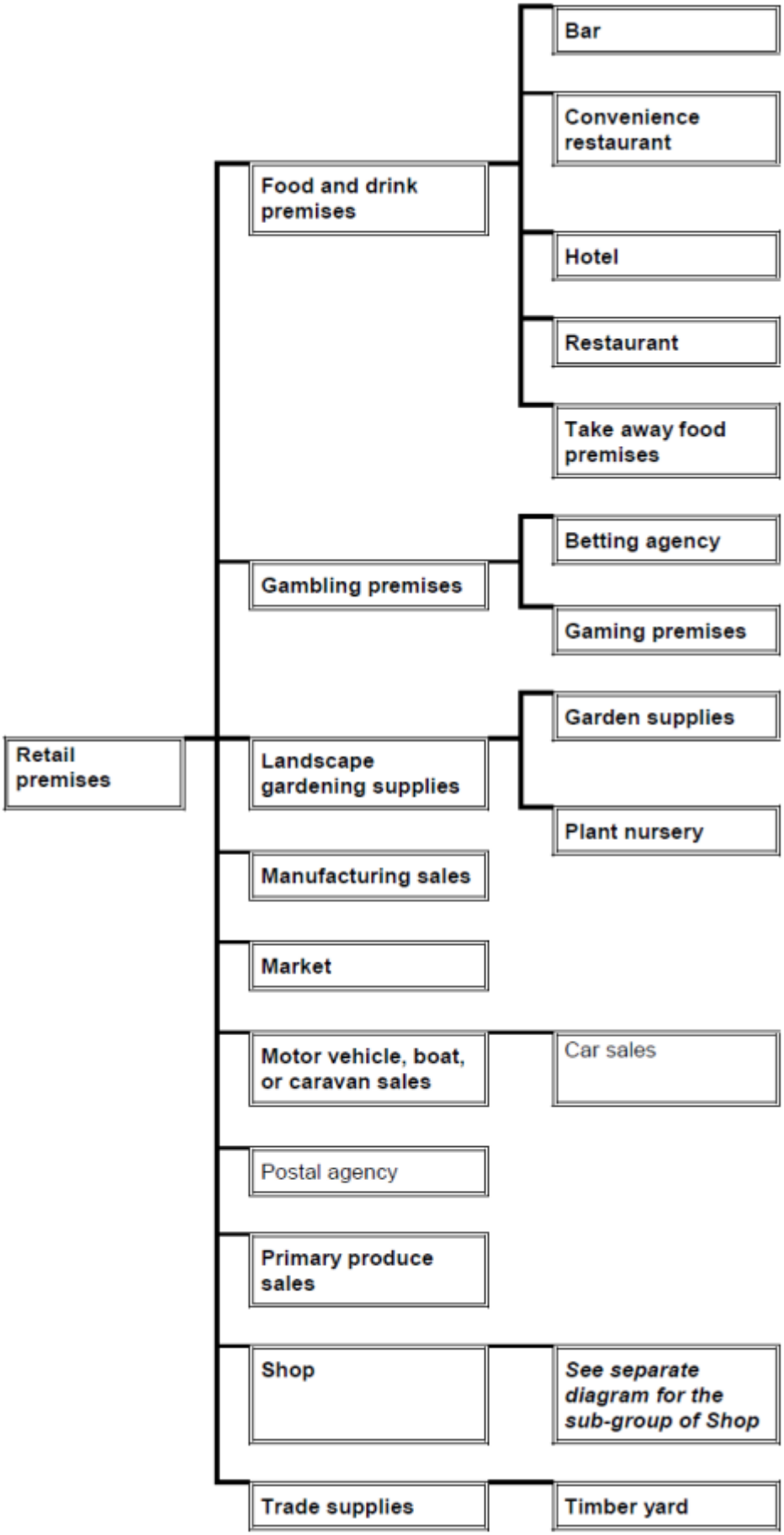
## 73.04-10 Recreational boat facility group

24/01/2020
VC160



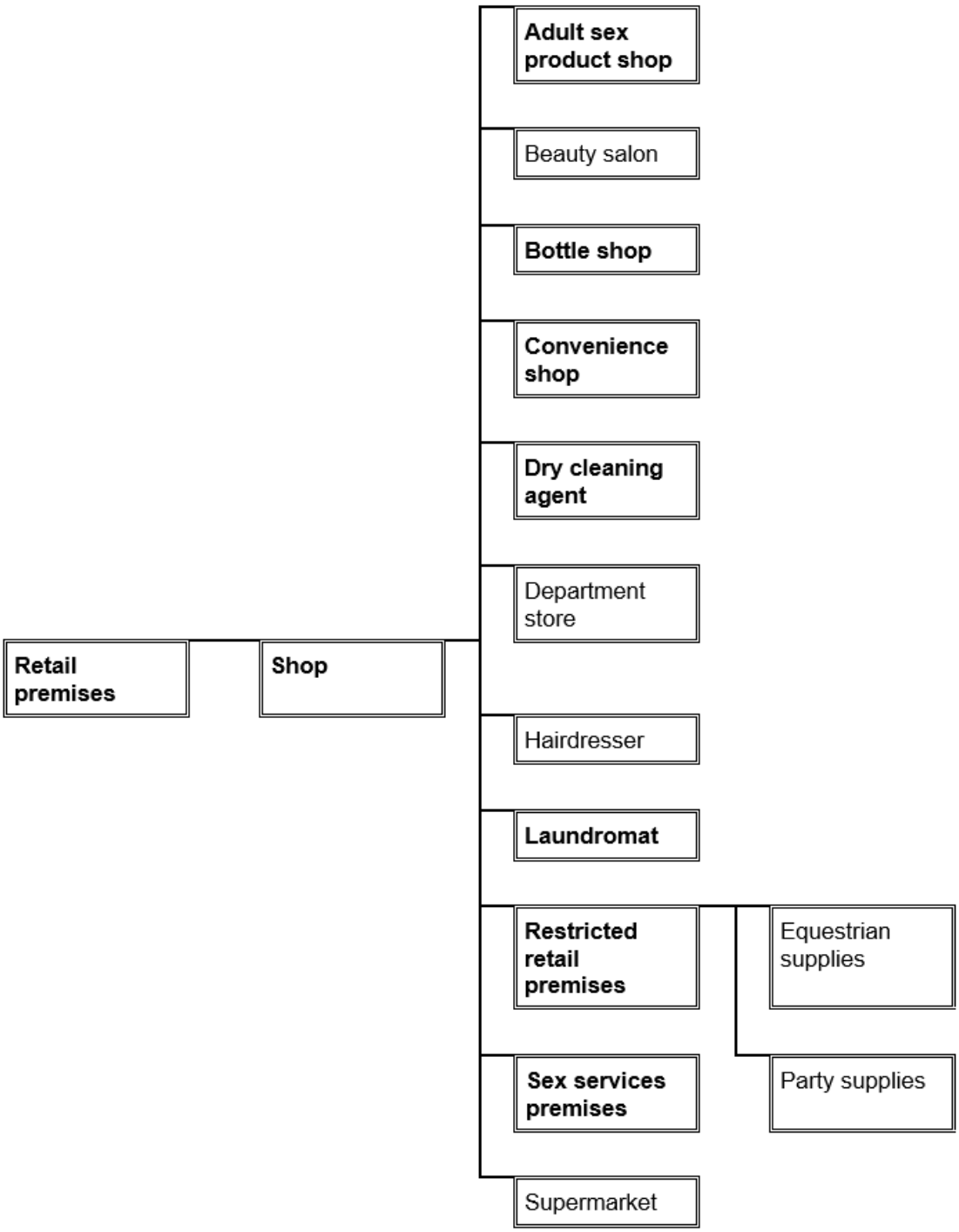
## 73.04-11 Retail premises group

16/08/2019
VC163



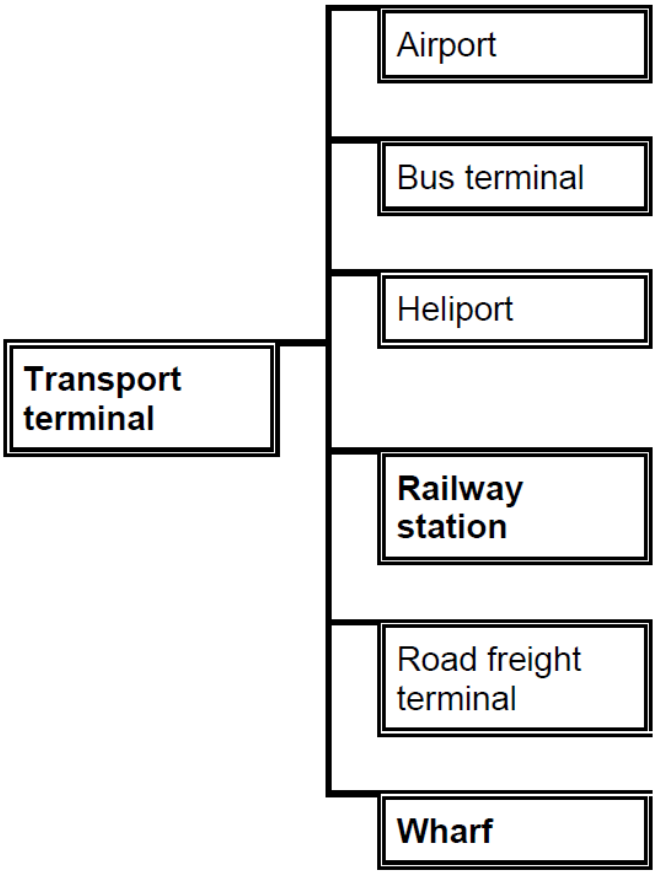
## 73.04-12 Retail premises group (sub-group of Shop)

01/12/2023
VC217



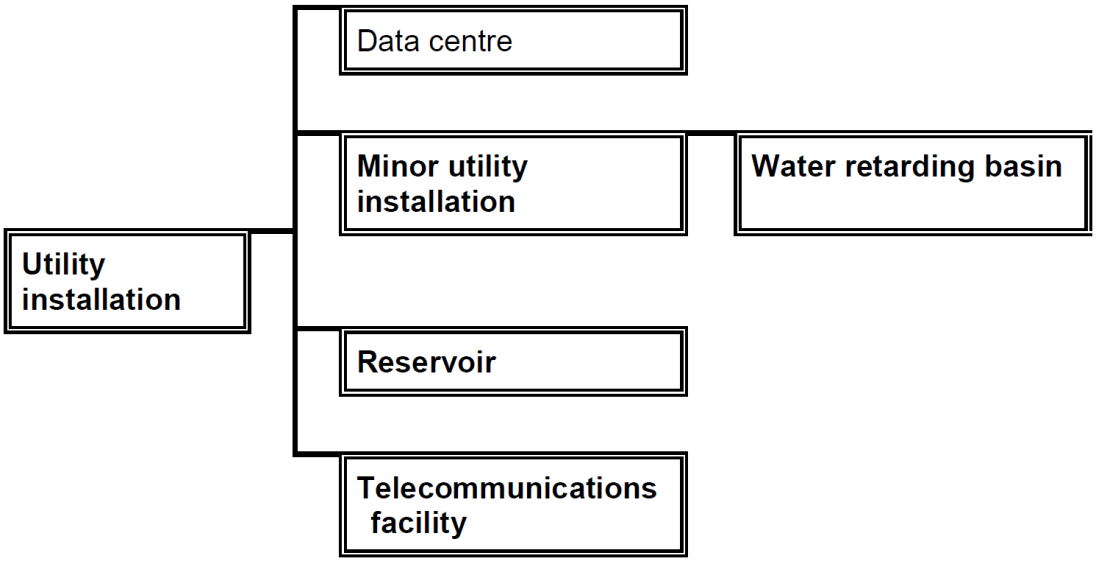
## 73.04-13 Transport terminal group

24/01/2020
VC160



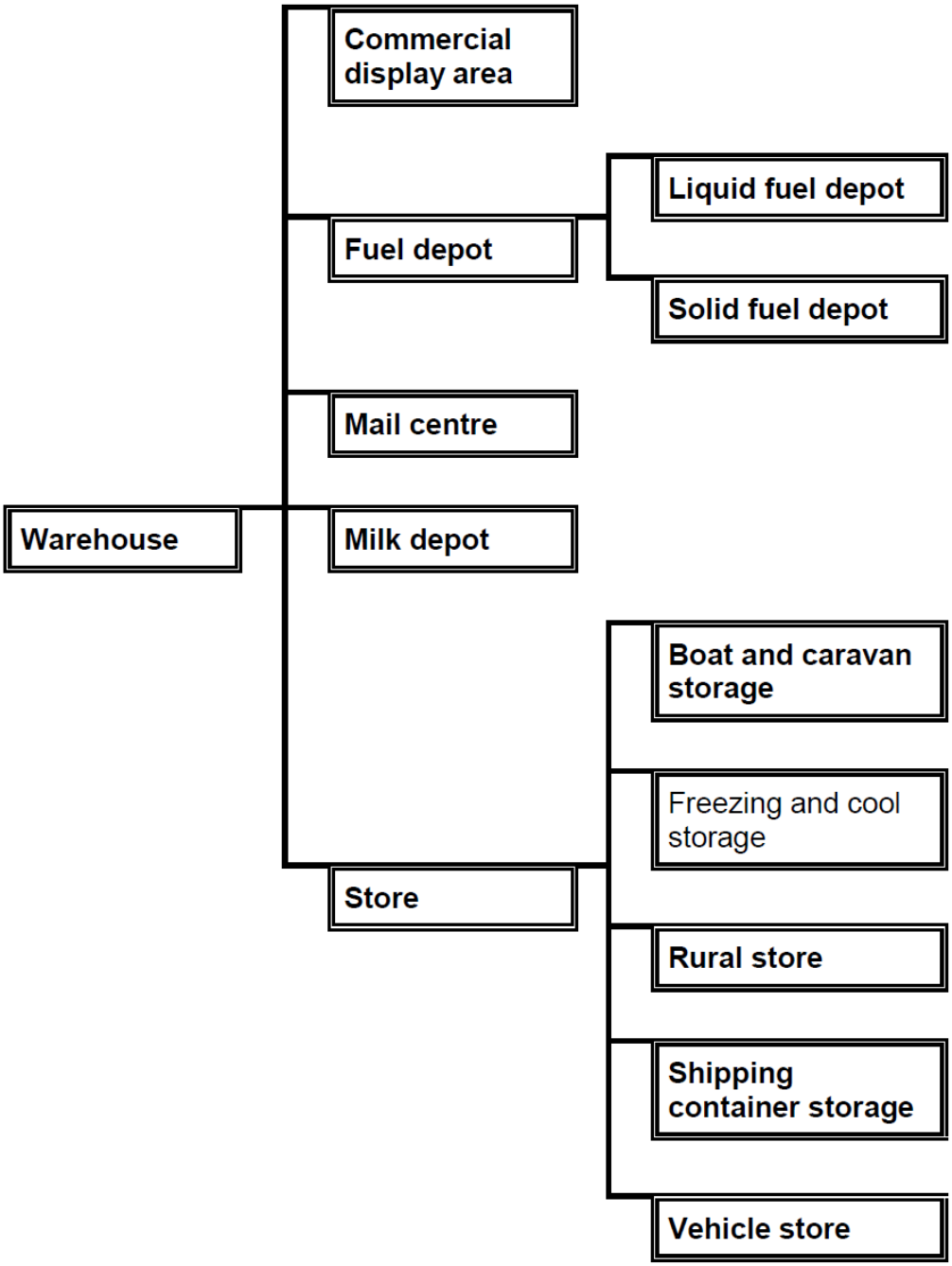

## 73.04-14 Utility installation group

08/08/2019
VC159



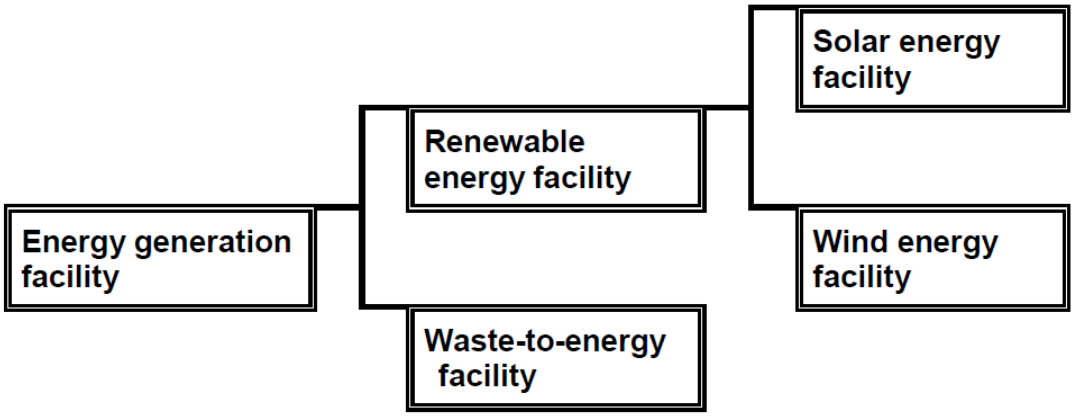
## 73.04-15 Warehouse group

24/01/2020
VC160



## 73.04-16 Energy Group

24/01/2020
VC160



## 73.04-17 Land use terms that are not nested

01/12/2023
VC217

**Art and craft centre**

**Car park**

**Cemetery**

**Crematorium**

**Display home centre**

**Emergency services facility**

**Freeway service centre**

**Funeral parlour**

**Helicopter landing site**

**Home based business**

**Hospital**

**Interpretation centre**

**Natural systems**

**Research centre**

**Saleyard**

**Service station**

**Sign**

**Tramway**

**Veterinary centre**

**Winery**

# 74 STRATEGIC IMPLEMENTATION

31/07/2018
VC148

## 74.01 APPLICATION OF ZONES, OVERLAYS AND PROVISIONS

31/07/2018
VC148

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.

10/02/2022
C258wynd

# SCHEDULE TO CLAUSE 74.01 APPLICATION OF ZONES, OVERLAYS AND PROVISIONS

## 1.0 Application of zones, overlays and provisions

04/05/2022
VC210

This planning scheme applies the following zones, overlays and provisions to implement the Municipal Planning Strategy and the objectives and strategies in Clauses 11 to 19:

### Zones

- Low Density Residential Zone to provide for low-density residential lots that can treat and retain wastewater.
- Mixed Use Zone to areas previously used for a mix of industrial and commercial purposes that provide for residential and commercial re-development and renewal.
- Township Zone to provide for residential development and a range of commercial, industrial and other uses in small towns.
- Residential Growth Zone to areas where increased density is anticipated.
- General Residential Zone to established areas where incremental change is anticipated.
- Industrial 1 Zone to industrial areas with a mix of manufacturing and commercial uses.
- Industrial 2 Zone to provide for manufacturing industries and storage facilities that require a substantial threshold distance from local communities.
- Industrial 3 Zone to industrial and mixed use areas as a buffer between Industrial 1 Zone and residential or commercial areas.
- Commercial 1 Zone to retail and commercial areas where more intensive retail, commercial and residential development is anticipated, including strip shopping areas.
- Commercial 2 Zone to provide for offices, bulky goods retail, appropriate manufacturing and industries and associated uses.
- Rural Living Zone to provide for residential use in a rural environment.
- Green Wedge Zone to land with important agricultural, environmental, historic, landscape, recreational and tourism opportunities.
- Green Wedge A Zone to protect and enhance the biodiversity, natural resources, scenic landscapes and heritage values of the area.
- Rural Conservation Zone to protect and enhance natural resources and the biodiversity of the area.
- Farming Zone to provide for the use of land for agriculture.
- Public Use Zone to specific public land uses and institutions including public schools.
- Public Park and Recreation Zone to public parkland for a range of passive and active recreational and environmental purposes.
- Public Conservation and Resource Zone to protect public land for its historic, scientific, landscape, habitat or cultural values.
- Transport Zone 2 or Transport Zone 3 to selected major roads controlled by the Head, Transport for Victoria and Wyndham City Council as the local road authority.
- Special Use Zone to a variety of recreational, cultural, arts private sports grounds, religious, educational institutions and related institutions and operations related to Wyndham City Council.
- Urban Floodway Zone to identify urban locations with the greatest risk and frequency of being affected by flooding.

- Priority Development Zone to provide for the Laverton Employment Node and Major Activity Centre redevelopment.
- Urban Growth Zone to manage the transition of non-urban land into urban land.
- Activity Centre Zone to facilitate use and development of land for the Werribee Principal Activity Centre.

**Overlays**

- Environmental Significance Overlay to

  - Land outside of PSP areas with design guidelines along Werribee River, Skelton Creek, Lollipop Creek and Little River.
  - Protect sites, areas and corridors of current and potential future environmental significance.

- Vegetation Protection Overlay to protect native vegetation at the Truganina Cemetery and the Angliss Estate Grassland Reserve.
- Significant Landscape Overlay to protect significant landscapes.
- Heritage Overlay to:
  - Protect heritage places and precincts.
  - Implement recommendations of the Wyndham North Heritage Strategy.
- Design and Development Overlay to

  - Areas requiring specific design solutions.
  - Maintain the boulevard appearance of the Princes Highway.
  - Protect major gateways.

- Incorporated Plan Overlay to sites where redevelopment and land use should be controlled by an incorporated plan.
- Development Plan Overlay to sites or precincts where redevelopment and land use should be generally in accordance with an approved development plan.
- Land Subject to Inundation Overlay to areas identified as subject to flooding by the 1 in 100 year flood or any other area determined by the Floodplain Manager (Melbourne Water).
- Special Building Overlay to areas identified as liable to inundation by overland flows from the urban drainage system as determined by the Floodplain Manager (Melbourne Water).
- Public Acquisition Overlay to sites, road widening and other locations such as adjoining waterways where an acquiring authority has requested the overlay.
- Environmental Audit Overlay to sites and areas where potential contamination from former land use or other sources, indicates an environmental audit must be undertaken before any sensitive use (such as housing) commences.
- Road Closure Overlay to roads identified to be closed.
- Development Contribution Overlay to sites or precincts where development contributions apply.
- Parking Overlay to provide for car parking in the Werribee City Centre.
- Specific Controls Overlay to land to be developed in accordance with a specific control contained in a corresponding incorporated document.

## 74.02 FURTHER STRATEGIC WORK

31/07/2018
VC148

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.

10/02/2022
C258wynd

# SCHEDULE TO CLAUSE 74.02 FURTHER STRATEGIC WORK

## 1.0 Further strategic work

08/05/2026
C266wynd

- Develop a structure plan for the Werribee South Township to establish long term treatment of the boundary and agricultural buffer.
- Investigate mechanisms to protect and enhance the Werribee South Coastal Reserve and adjoining agricultural land.
- Investigate the application of SLO to protect the landscape values of the Green Wedge coastline.
- Develop landscape planning controls for significant boulevards and avenues, registered significant trees in the public realm environment and public realm trees over 35cm Diameter at Breast Height.
- Investigate mechanisms to protect and enhance sites of significance in the Green Wedges including potential vegetation planning controls.
- Develop a Management Plan for Wyndham's Section of the Western Plains South Green Wedge.
- Consider the application of the Bushfire Management Overlay to areas identified by the Municipal Fire Management Plan.
- Update the flooding overlay(s) to identify areas at risk of inundation.
- Investigate application of an ESO in Little River, Williams Landing Wetlands and Grassland reserves and along Wyndham's section of Kororoit Creek.
- Implement the recommendations of the *Wyndham Heritage Study 1997 - Volumes 1 and 2* (Context in association with Dr Carlotta Kellaway, 1997), *City of Wyndham Review of Heritage Sites of Local Interest* (Peter Andrew Barrett, 2004) and the *Wyndham North Heritage Strategy* (Heritage Alliance, 2013).
- Review the Sign Policy to address signage in gateway locations.
- Undertake further housing studies, including a housing strategy and neighbourhood character study, review of strategies to manage preferred locations for medium density housing and means to encourage and guide delivery of housing diversity to meet community needs.
- Prepare design guidelines for medium density development to improve the standard of building design and landscaping.
- Investigate the areas around the Werribee Town Centre and within growth areas for increased medium density housing opportunities.
- Review *Residential Design Guidelines: Rear Loaded Lots* (Wyndham City Council, 2010).
- Prepare an activity centres planning framework to identify the potential role of Wyndham's network of activity centres to provide employment, services, housing and urban spaces.
- Develop design guidelines for commercial facilities in support of key tourist locations.
- Develop a strategy to reinforce tourism through planning for urban development and renewal.
- Prepare industrial design guidelines for existing and proposed industrial areas in the city.
- Review the Little River Strategic Land Use Position Statement.
- Identify areas of constrained land that are not expected to be able to be developed over the life of the Growth Corridor Plan.
- Prepare Local Area Framework Plans for each of the Wyndham City Heart, Urban Pulses, Village Pulses and the proposed Derrimut Road Boulevard including their surrounding catchments to deliver 20-minute neighbourhoods.

- Prepare strategic work to identify the future use and development of the land identified as 'priority location for housing diversity and intensification' and 'potential location for housing diversity and intensification - subject to future investigation' on Map 1 of Clause 02.04, including mixed use development within these areas.
- Prepare a development sequencing criteria and policy for development in growth areas to be used for the assessment of subdivision and development applications.
- Advocate to State and Federal Governments and agencies for changes to the State transport network and development of associated infrastructure.
- Advocate to State agencies seeking support for the development of a boulevard corridor along Derrimut Road.
- Prepare a corridor strategy for Derrimut Road investigating the necessary changes required to the transport network in support of delivering a boulevard.
- Prepare an Urban Design Framework or Structure Plan for the proposed Derrimut Road Boulevard or specific portions of the boulevard.
- Prepare structure plans for the Hoppers Crossing, Point Cook and Laverton industrial precincts.
- Develop a planning policy to guide planning approval decisions on Section 2 uses in industrial precincts in Wyndham.
- Develop a policy to promote the establishment of industries that offer higher job density in industrial areas.
- Develop a policy that addresses the proliferation of non-industrial uses in the Industrial 3 Zone (IN3Z).
- Review the role and function of commercial zones currently applying to Industrial areas and activity centres to encourage the location of non-industrial uses into locations that support activity centres and discourage these uses from locating in industrial precincts.
- Investigate the provision of local employment land in Aviators Field, Oakbank and Bayview Precinct Structure Plans to:
  - provide for local service industries
  - support, encourage and accommodate peripheral commercial uses and non-industrial uses around activity centres.