

Appendix 4 – Relevant Planning Policy provisions**Planning Policy Framework (PPF)***Clause 11 (Settlement)*

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

Planning is to recognise the need for, and as far as practicable contribute towards: economic viability and protection of environmentally sensitive areas and natural resources.

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

Clause 11.01-1R (Green wedges – Metropolitan Melbourne)

The objective of this clause is to protect the green wedges of Metropolitan Melbourne from inappropriate development.

Clause 11.01-1R (Settlement – Metropolitan Melbourne)

The relevant strategy of this clause is to maintain a permanent urban growth boundary around Melbourne to create a more consolidated, sustainable city and protect the values of non-urban land.

Clause 12.01-1S (Protection of biodiversity)

The objective of this clause is to assist the protection and conservation of Victoria's biodiversity.

Clause 12.01-2S (Native vegetation management)

The objective of this clause is to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

Clause 13.02-1S (Bushfire planning)

The objective of this clause is to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

Clause 13.07-1S (Land use compatibility)

The objective of this clause is to safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.

Clause 14.01-1S (Protection of agricultural land)

The objective of this clause is to protect the state's agricultural base by preserving productive farmland.

Clause 14.01-1R (Protection of agricultural land – Metropolitan Melbourne)

The strategy of this clause is to protect agricultural land in Metropolitan Melbourne's green wedges and peri-urban areas to avoid the permanent loss of agricultural land in those locations.

Clause 17.02-1S (Business)

The objective of this clause to encourage development that meets the community's needs for retail, entertainment, office and other commercial services.

Clause 17.07-1S – Facilitating Tourism

The objective of this clause to encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.

Clause 18.02-4S (Car parking)

The objective of this clause is to ensure an adequate supply of car parking that is appropriately designed and located.

Local Planning Policy Framework (LPPF)

Clause 21.02-3 (Non – Urban Land)

The non-urban areas in the City of Melton lie outside the Urban Growth Boundary.

Council has two Green Wedges, with the Western Freeway forming the boundary between the Western Plains North Green Wedge (which is wholly in the City of Melton), and the Western Plains South Green Wedge (which is shared with the City of Wyndham). A mixture of rural living and farming activities take place in the Green Wedges and these areas play an important role in protecting habitat and preserving the natural landscape character.

In response to on-going development pressures, Council has adopted the Western Plains North Green Wedge Management Plan 2014 to provide a framework to support sustainable land use, land management and development within the non-urban area.

The objective of this clause is to:

- To reduce land use conflict between the Green Wedge Areas and urban and rural communities.
- To protect the environmental and landscape values of non-urban land.

Clause 21.03-1.2 (Environment and landscape character)

The objective of this clause is:

- To increase connectivity between remnant and other vegetation to improve habitat connectivity and increase ecosystem resilience.
- To protect and enhance the ecological health of waterways, wetlands and catchments.
- To enhance the environmental values of the municipality.

Clause 21.05-1 (Agriculture)

The objective of this clause is:

- To build on the resources available for productive agriculture including the opportunities presented by recycled water.

- To protect and support agricultural productivity

Clause 21.09-1 (Economic growth)

The objective of this clause is to create a diverse economy that fosters business growth, encourages new investment and leads and responds to change.

Clause 21.09-4 (Tourism)

The objective of this clause is to support quality visitor services that capitalise on and enhance the City's landscape, heritage natural features, and economic base

Zoning

Clause 35.04 Green Wedge Zone (GWZ)

The purpose of this clause is to:

- 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.

Clause 35.06 Rural Conservation Zone

The purpose of this clause is to:

- 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.

Clause 36.01 Public Use Zone

The purpose of this clause is to:

- 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.

Overlay*Clause 42.01 Environmental Significance Overlay (ESO1)*

The purpose of this clause is:

- 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.

Clause 43.01 (Heritage Overlay)

The purpose of this clause is

- 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.

Clause 44.06 Bushfire Management Overlay (BMO)

The purpose of this clause is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.
- To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.
- To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

Particular Provisions*Clause 51.02 (Metropolitan Green Wedge Land: Core Planning Provisions)*

The purpose of this clause is to

- 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.

Clause 52.06 (Car Parking)

The purpose of this clause is to

- 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.

Clause 52.17 (Native Vegetation)

The purpose of the clause is to:

- To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017) (the *Guidelines*):
- 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 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.

Clause 53.02 – Bushfire Planning

The purpose of the clause is to:

- 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.

General Provisions*Clause 64.01 (Land used for more than one use)*

If land is used for more than one use and one is not ancillary to the other, each use must comply with this scheme.

Clause 64.02 (Land used in conjunction with another use)

If a provision of this scheme provides that a use of land must be used 'in conjunction with' another use of the land:

- there must be an essential association between the two uses; and
- the use must have a genuine, close and continuing functional relationship in its operation with the other use.

Clause 65 (Decision Guidelines)

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

Clause 71.03-2 (Section 2 uses)

A use in Section 2 requires a permit. Any condition opposite the use must be met. If the condition is not met, the use is prohibited.

Making decisions about Section 2 uses:

Because a use is in Section 2 does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the Municipal Planning Strategy, the Planning Policy Framework, the purpose and decision guidelines of the zone and any of the other decision guidelines in Clause 65.

Council's Strategies and Guidelines

Western Plains North Green Wedge Management Plan

The Western Plains North Green Wedge Management Plan was adopted by Council on 23 September 2014. Broadly, the plan aims to achieve a balance between the protection of agricultural viability and environmental features and opportunities for other appropriate uses in the Green Wedge. The key aim of the management plan, in terms of how the land in the Green Wedge is used, is to ensure that as much of the land as possible is managed in a sustainable manner.

The subject site is located within Precinct 7, Central Djerriwarrh Creek. This small precinct has been identified due to the noticeably larger lots within the area and the relationship to two key areas of environmental sensitivity; the Toolern Vale Hills and the Djerriwarrh Creek. The area also makes a valuable contribution to the landscape character of this area, particularly in light of the relatively limited development. From the north of Harkness Road there are views across of vegetation to areas of environmental importance and the area has the potential to provide a linkage to the Long Forest Flora and Fauna Reserve. Discretionary uses apart from tourism should not be supported, and development should be subservient to the landscape setting.

The management plan includes "the land objectives" including to provide the opportunity for tourism and related uses which are associated with, or consistent with, a rural land use or conservation use of the land. Also the management plan includes several key land use recommendations including that tourism and recreation uses should be considered across the whole Green Wedge area subject to the parameters outlined below:

- The site should be of sufficient size to accommodate a building and all associated works such as car parking, formalised outdoor areas, etc within a generously proportioned

landscaping setting that responds to the original vegetation pattern that existed in the area.

- Buildings should be designed in a manner, and use materials and finishes that respect the rural landscape and / or the natural environment in which they are located. This will require:
 - Very low site coverage.
 - Substantial setback from property boundary.
 - Substantial separation distances from houses on adjoining properties.
 - Landscaping using indigenous vegetation and reflective of the landscape setting of the area.