

## 4. LANDSCAPE LIVING POLICY AREAS

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### 4.01 Regional Overview

The major concentrations of the land in these Policy Areas are in the Dandenong Ranges, around the township of Healesville and in a few areas along the Warburton Highway. They contain two broad categories of land. The first is the land which is already substantially subdivided and used predominantly for residential purposes, with some hobby farming activities. The second includes land which has been selected in strategic locations to provide a buffer between the urban areas of Lilydale and adjoining rural land, and to prevent further intrusion of incompatible activities into the rural environment.

Landscape Living Policies have been applied to four policy areas, which comprise the land with similar physical and environmental characteristics, with a common element being low density residential land use.

#### *Melbourne 2030 Urban Growth Boundary*

The State Government's strategy for metropolitan Melbourne, "*Melbourne 2030*" was released on the 8 October 2002. The Strategy contains directions and policies that apply an Urban Growth Boundary to metropolitan Melbourne and rural townships, including urban areas within the Upper Yarra Valley and Dandenong Ranges region, to prevent the encroachment of urban development into Green Wedge areas.

### 4.02 Regional Goals

The regional goals for the Landscape Living Policy Areas are to:

- Ensure that land within this zone remains committed to single detached housing as the primary function of these policy areas.
- Minimise adverse visual and other impacts associated with the use and development of land within these policy areas.
- Exclude commercial uses from the policy areas, other than those which can be appropriately integrated into the residential and environmentally sensitive nature of the area.
- Ensure that uses and development which generate waste provide the means to treat and dispose of those wastes in a manner that has regard to recycling and to their impacts on the land and the area generally.
- Provide the opportunity for limited unobtrusive tourist accommodation.
- Maintain the distinct non-commercial areas between townships given the importance of retaining well defined and compact townships throughout the Shire.
- Require the long term restructuring of land holdings within some of the existing subdivisions, where these areas are inappropriately subdivided having regard for local environmental, servicing and landscape considerations.

- Ensure that all development has regard to the natural features of the land and is properly designed and sited in recognition of such factors as land slope, vegetation characteristics and other local amenity considerations.
- Ensure that development has regard to the built form and is designed and sited to maintain overall design consistency with surrounding development and without detriment to the local environment.
- Provide for the long term protection and enhancement of remnant vegetation, particularly Sites of Botanical or Zoological Significance.
- Provide, in appropriate locations, for a buffer between urban development and the broadscale agricultural areas of the Region, particularly in the vicinity of Lilydale.

#### **4.03 Landscape Living Policy Areas - Description and Primary Purposes**

The location and extent of **Landscape Living Policy Areas** is shown on **Map Series 1**.

Within the Upper Yarra Valley and Dandenong Ranges region, the Urban Growth Boundary generally conforms to the Township Policy Areas in the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan. The Urban Growth Boundary has also been applied to some Landscape Living Policy Areas that have urban characteristics. This includes the settlements of Wesburn, Millgrove and Launching Place. The inclusion of these areas within the Urban Growth Boundary recognises their urban characteristics but does not imply that their zoning should change under the Yarra Ranges Planning Scheme.

#### **Landscape Living 1 Policy Area**

##### **Overview**

Most of the land in **Landscape Living 1 Policy Area** is in the Dandenong Ranges and in scattered localities in the southern foothills, generally following the Belgrave-Gembrook corridor.

The area is used predominantly for low-density residential living, recreation and tourism activities, together with associated retail and commercial uses, usually found in the hamlets scattered along the Mt. Dandenong Ridge. Generally, the land has already been subdivided, into lots varying in size from 0.1 hectare 'suburban' type lots, to lots of about 2 hectares and larger.

The landscape of the Landscape Living Policy Areas is highly significant, with one of the important attributes being the presence of indigenous and exotic vegetation, with tall mountain ash trees being the major feature. Many residential properties, particularly those located on larger lots have well established and maintained gardens, which together with a "hills" and bushland environment makes this area one of the most desired low-density living locations within the Region.

##### **Primary purpose**

The primary purpose for the Landscape Living 1 Policy Areas is to maintain and where possible enhance indigenous and significant exotic vegetation and native fauna, special

landscape characteristics and the existing low density residential character, roads and other infrastructure.

## **Landscape Living 2 Policy Area**

### **Overview**

These areas have been substantially or even completely subdivided and built upon, and have characteristics and densities similar to Township Policy Areas. They are excluded from Township Policy Areas because of their limited size (which restricts their ability to support township type services), and their separation or isolation from Township Policy Areas. This helps to avoid any expectations of a more complete range of services or of further urban expansion which a "Township" designation might suggest.

In these areas, any undeveloped land may be treated as Special Study Areas, to allow subdivision and/or management provisions which would have regard to their special circumstances.

### **Primary purpose**

The primary purpose for the Landscape Living 2 Policy Areas is to maintain and where possible enhance the existing environment and landscape character of residential development.

## **Landscape Living 3 Policy Areas**

### **Overview**

Most of the land in the Landscape Living 3 Policy Areas is in Mt. Evelyn and the Narre Warren East area.

The Policy Area generally contains land which is already substantially subdivided and used for residential purposes in a rural setting. The subdivision density is substantially lower than conventional urban areas, and residential use is usually associated with small scale, part time, agriculture. The policy area is generally confined to poorer agricultural land.

### **Primary purpose**

The primary purpose for the Landscape Living 3 Policy Areas is to provide an attractive and low density living environment and to maintain and enhance the quality of its landscape and environmental values and watercourses.

## **Landscape Living Buffer Policy Area**

### **Overview**

The Landscape Living Buffer Policy Areas provide a buffer between urban and rural areas to the north and west of Lilydale, to protect farming activities from incompatible urban land uses and prevent urban expansion into rural areas of the Yarra Valley. The land within this Policy Area is generally cleared of vegetation, with few constraints to low-density residential development.

## **Primary purpose**

The primary purpose of the Landscape Living Buffer Policy Area is to provide an attractive and well serviced rural-residential buffer between urban and rural land use in the Lilydale area and to prevent further intrusion of urban development into rural areas.

## **Policies for Land Use and Management in Landscape Living Policy Areas**

### **4.04 Land use**

Land uses must be compatible with the regional goals for Landscape Living Policy Areas and the primary purpose for each Landscape Living Policy Area.

### **4.05 Construction of buildings**

The construction of buildings, including houses and farm buildings, in Landscape Living Policy Areas must be carried out in a manner compatible with the maintenance and protection of landscape character, water resources, indigenous and significant exotic flora, indigenous fauna, and the existing residential character, as providing acceptable standards of residential health, safety and amenity.

Development within Landscape Living Policy Areas may only occur on land (within a designated development envelope) which:

- is not subject to excessive slopes (that is a slope greater than 20%), without proper regard being given to appropriate measures to ensure that soil erosion does not occur;
- is not within a floodplain management area (except as allowed under Policy 10.02);
- if subject to land instability, can reasonably and safely be used for controlled and limited development;
- is not within an area identified as having a high risk from wildfire, unless it has been shown that appropriate measures have been undertaken, to provide an acceptable level of protection to the building from wildfire risk;
- is of sufficient size, should there be no reticulated sewerage to which the building can be connected, to enable proper on-site treatment of all wastes generated in the building and the disposal on-site of the effluent from the treatment;
- enables all buildings and their waste treatment and effluent disposal systems to be located at least 30 metres from any watercourse to avoid any adverse effects on water quality and streamside vegetation (this distance may be reduced to 10 metres where the land is too small to provide a 30 metre setback and the responsible authority is satisfied that the development and any waste water from it will not adversely effect the watercourse); (Am 75)
- enables proper consideration to be given to the type of construction (external materials in particular) and the location of the buildings and their ancillary works (such as driveways and access roads), in a manner that avoids intrusion into the

surrounding landscape, and which provides opportunities for protecting remnant indigenous vegetation and natural habitat; and

- demonstrates that any house or building requiring utility services are able to be provided with such services in a manner that will not have an adverse impact on the environment or landscape of the area.

Except for the provision of a dependent relative unit, only one house may be allowed on any lot or tenement holding (where it applies).

#### **4.06 Tenement provisions**

Within Landscape Living 1 Policy Areas that are also within the Mt Dandenong Ridge Area, a tenement holding control must be introduced (or maintained) so that development of a house will only occur on a lot or parcel of land which satisfies one of the following. The land:

- is part of a tenement holding and is in excess of 0.4 ha. in area;
- was created in accordance with an approved Planning Scheme or Interim Development Order;
- consists of the consolidation of all parcels and/or lots within a tenement holding; or
- is a lot which existed as a separate tenement holding on the date specified in the relevant planning scheme;

#### **4.07 Tenement anomaly provisions**

Despite the requirement for tenement provisions, a planning scheme may modify the tenement provisions as they apply to specific lots, provided that it is demonstrated that:

- The modification will not prejudice the primary purpose of the policy area within which the lots occur and that the wider objectives of tenement controls for the policy area are protected from incremental erosion and are maintained as a legitimate means of protecting the areas identified from inappropriate development.
- Services such as constructed roads, reticulated water supply and reticulated sewerage are available, without additional substantial costs to Council and servicing authorities and the provision of these and other utility services will have minimal impact on the environment or landscape of the area.
- Where reticulated sewerage is not available, the site must be of sufficient size to enable proper on-site treatment and disposal of all wastes.
- Where the land is an area identified as having a high risk of wildfire hazard, appropriate building design measures will be required to be undertaken to provide an acceptable level of protection.
- Development will not jeopardise the maintenance of any Site of Natural Significance or Site of Cultural significance.
- There will be no detriment to the ecology of any stream or watercourse on or near the site, by virtue of the additional development occurring.
- The additional development can be considered to be infill in an area which is substantially built up.
- The land is not subject to constraints to development, such as land instability, land liable to flooding or land with slopes of 20% or greater (unless where slopes are greater than 20%, information has been provided that demonstrates that soil erosion will be minimised, landscape characteristics are protected or enhanced and the development and access to it can be appropriately located and land instability will be minimised).

- Clearing of native vegetation is minimised.

#### **4.08 Landscape protection**

The protection, maintenance and enhancement of landscapes and landscape character in Landscape Living Policy Areas must be ensured.

In the consideration, or carrying out, of any uses and developments, it must be ensured that:

- visual and environmental values of landscapes in Landscape Living Policy Areas are fully recognised, protected and where necessary enhanced;
- all development is located so that it avoids prominent ridgelines, hill tops and visually exposed valleys;
- consideration is given to the use of non reflective surfaces or screen planting, and that the development is adequately set back from road frontages and access ways;
- all development is designed and sited in a manner complementary to its location, and compatible with maintenance of character of the Landscape Living Policy Areas;
- all roads and access tracks are located, designed, constructed and landscaped in the manner compatible with maintenance of landscape values and character, and minimisation of soil erosion;
- all land use and development is managed and controlled to maintain and enhance the visual amenity and the quality along the main roads and other access routes, and that ribbon development along the roads is strictly controlled, and
- all use and development of land within landscapes "Classified" and "Recorded" by the National Trust of Australia (Victoria) as delineated by Map Series 10, must be carried out in a manner that is compatible with protection, maintenance and, where possible, enhancement of the landscape character of these areas.

#### **4.09 Subdivision policies for Landscape Living Policy Areas**

Subdivision in Landscape Living Policy Areas must be managed in accordance with the Primary Purpose for each Policy Area.

Within Landscape Living Policy Areas, subdivision may be allowed and planning schemes may provide for a variety of subdivision techniques, including minimum lot controls and a density control.

## Subdivision yields

The average yield of lots, and the maximum and minimum lot sizes, must conform to the following table:

<b>Policy Area</b>	<b>Average lot yield</b>	<b>Minimum &amp; Maximum lot sizes</b>
<b>Landscape Living 1</b>	<b>1 lot to each 2ha</b> of site area	<b>1ha - 3ha</b>
<b>Landscape Living 2</b>	<b>1 lot to each 2ha</b> of site area	<b>1ha - 3ha</b>
<b>Landscape Living 3</b>	<b>1 lot to each 4ha</b> of site area	<b>3ha - 7ha</b>
<b>Landscape Living (Buffer)</b>	<b>1 lot to each 2ha</b> of site area	<b>1ha - 3ha</b>

Despite these provisions, planning approval may be granted for a subdivision where:

- The lot to be created is required for a public use or purpose by the Crown, a public authority or a Council.
- The purpose of the subdivision is to re-align a common boundary between two existing lots, where no additional lots will be created and where the re-alignment does not allow an increase in the number of houses that could be constructed on the land beyond that permitted by the planning scheme prior to the subdivision taking place.
- The land is affected by Special Study Area or Restructure provisions and the subdivision is in accordance with the requirements of those provisions
- The subdivision is for a multi-dwelling, shop, office, factory or other similar use, which is in accordance with a planning scheme.

## Subdivision management

Any lot created by subdivision, (excluding lots created to provide for a Council, Public Authority or Government purpose) must comprise land which has at least 40% of its area that is:

- not subject to slopes of 20% or greater;
- not within a floodplain management area; or
- not subject to land instability, except where it can reasonably and safely be used for controlled and limited development.

The subdivision of land must only be allowed when the size, shape and layout of proposed lots are compatible with:

- the terrain characteristics of the site slope, watercourses, soil types and vegetation;
- a continuing potential for an agricultural use the land, where appropriate;
- the physical landscape characteristics and use of adjacent land;



- the retention of remnant native vegetation and the long term conservation of any Sites of Natural Significance and/or Sites of Cultural Significance affecting the land; and
- the capacity of any land subject to land instability to be reasonably and safely used for controlled and limited development.

In any subdivision, access roads and development envelopes must be located so that minimum earthworks are required, dominant landscape features such as ridgelines are free of development, and the maintenance of Sites of Natural Significance and Sites of Cultural Significance is not jeopardised

#### **4.10 Other policies applying to Landscape Living Policy Areas**

In addition to the policies contained within this chapter, Township Policy Areas may also be affected by policies applying to:

- Public Land
- Management of Sites of Natural Significance and of Native Vegetation
- Management of Sites of Cultural Significance
- Puffing Billy Railway Scenic Corridor
- Floodplain Management Areas; Special Study Areas
- Human Services
- Commercial Centres
- Manufacturing and Industry
- Extractive industry, Mining & Soil Removal
- Recreation and Tourism
- Water Resources
- Service Networks
- Transport
- Fire Management;
- Schedule One - State Planning Policies for the Region
- Schedule Five - List of Environmental Weeds for the Upper Yarra Valley & Dandenong Ranges Region
- Schedule Six - Exemptions to the policies or provisions under the Regional Strategy Plan.