

## **APPENDIX T PLANNING PROVISIONS**

### **1. MUNICIPAL PLANNING STRATEGY**

The Municipal Planning Strategy (MPS) sets out the context, vision, strategic directions and strategic framework plan for the Moorabool Shire. The following sections of the MPS are relevant to this application.

#### **1.1.1. Clause 02.03 – Strategic directions**

##### **Clause 02.03-2 – Environmental and landscape values**

The strategic directions for this clause are to:

- *Protect the landscape and scenic qualities of forested hill slopes, rural landscapes and bushland settings of the Shire.*
- *Maintain and enhance the natural environment and the Shire’s rural identity and character.*
- *Facilitate land use and development that is compatible with the Shire’s natural environment, native vegetation and places of environmental significance.*

Key biodiversity values requiring protection and maintenance include:

- *The Brisbane Ranges National Park, Wombat-Lerderderg National Park, Werribee Gorge State Park, Wombat State Forest, Long Forest Flora and Fauna Reserve and other bushland areas in the Shire are highly significant natural resources with nationally important flora and fauna habitat values. These values are also valuable attractors of recreation and tourism.*

##### **Clause 02.03-4 – Natural resource management**

Agriculture is the major land use in the Shire and a significant contributor to the economy. The Shire is committed to maintaining sustainable agriculture and protecting the long-term supply of agricultural and horticultural land.

The relevant strategic directions for this clause are to:

- *Protect good quality agricultural land and support the productivity and sustainability of existing and future agricultural and horticultural activities.*
- *Minimise the potential for farm production to be adversely impacted by land use conflicts.*

### **2. PLANNING POLICY FRAMEWORK**

The Planning Policy Framework (PPF) seeks to develop objectives for Planning in Victoria to foster land use, development planning and policy which integrate relevant environmental, social and economic factors. The PPF outlines state and local provisions within the Moorabool Planning Scheme, which are outlined as relevant below.

#### **2.1.1. Clause 11.02 – Managing Growth**

##### **Clause 11.02-1S – Supply of urban land**

The objective of this clause is to:

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- *Ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*

The relevant strategies of this clause are to:

- *Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.*
- *Maintain access to productive natural resources and an adequate supply of well-located land for energy generation, infrastructure and industry.*

## **Clause 11.02-2S – Structure Planning**

The objective of this clause is to:

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

The relevant strategies of this clause are to:

- *Undertake the preparation of a hierarchy of structure plans or precinct structure plans that encourage renewable energy generation, storage and distribution.*

## **2.1.2. Clause 12.01 – Biodiversity**

### **Clause 12.01-1S – Protection of biodiversity**

The objective of this clause is to:

- *Protect and enhance Victoria's biodiversity.*

The relevant strategies of this clause are to:

- *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.*
- *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.*

### **Clause 12.01-1L – Biodiversity**

The relevant strategies of this clause are to:

- *Maintain, protect and enhance the biodiversity values of roadsides, particularly those surrounding state and national parks or forests.*
- *Maintain, protect and enhance the River Red Gum (*Eucalyptus Camaldulensis*) population within the Bacchus Marsh Valley.*

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- *Minimise the impacts of land use and development by retaining native vegetation and minimising topsoil disturbance.*

## **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.*

The strategy of this clause is to:

- *Ensure decisions that involve, or will lead to, the removal, destruction or lopping of native vegetation, apply the three-step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017):*
  - *Avoid the removal, destruction or lopping of native vegetation.*
  - *Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*
  - *Provide an offset to compensate for the biodiversity impact from the removal, destruction or lopping of native vegetation.*

## **2.1.3. Clause 12.05 – Significant Environments and Landscapes**

### **Clause 12.05-2S – Landscapes**

The objective of this Clause is to:

*Protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.*

The relevant strategies for this clause are to:

- *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.*

### **Clause 12.05-2L – Landscapes in Moorabool**

The relevant strategies for this clause are to:

- *Protect the national, state and regional values of Werribee Gorge State Park, Bungal State Forest, Long Forest Flora and Fauna Reserve, Lal Lal State Forest, Lal Lal Falls Reserve, Brisbane Ranges National Park and Wombat-Lerderderg National Park.*
- *Design and construct all-weather access roads and driveways that traverse slopes to minimise visual intrusion and soil erosion.*

## **2.1.4. Clause 13.01 – Climate Change Impacts**

### **Clause 13.01-1S – Natural hazards and climate change**

The objective of this clause is to:

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

The relevant strategies of this clause are to:

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- *Respond to the risks associated with climate change in planning and management decision making processes.*
- *Site and design development to minimise risk to life, health, property, the natural environment and community infrastructure from natural hazards.*

## **2.1.5. Clause 13.02 – Bushfire**

### **Clause 13.02-1S – Bushfire planning**

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

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

The proposed development is within a designated bushfire prone area; therefore risk must be assessed.

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.*

The relevant strategies associated with this clause include:

- *Applying the best available science to identify vegetation, topographic and climatic conditions that create a bushfire hazard.*
- *Considering the best available information about bushfire hazard including the map of designated bushfire prone areas prepared under the Building Act 1993 or regulations made under that Act.*
- *Considering and assessing the bushfire hazard on the basis of:*
  - *Landscape conditions - meaning conditions in the landscape within 20 kilometres (and potentially up to 75 kilometres) of a site;*
  - *Local conditions - meaning conditions in the area within approximately 1 kilometre of a site;*
  - *Neighbourhood conditions - meaning conditions in the area within 400 metres of a site; and*
  - *The site for the development.*
- *Consulting with emergency management agencies and the relevant fire authority early in the process to receive their recommendations and implement appropriate bushfire protection measures.*
- *Ensuring that strategic planning documents, planning scheme amendments, planning permit applications and development plan approvals properly assess bushfire risk and include appropriate bushfire protection measures.*

## **2.1.6. Clause 13.05 – Noise**

### **Clause 13.05-1S – Noise management**

The objective of this clause is to:

*Assist the management of noise effects on sensitive land uses.*

The strategies of this clause are to:

- *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*

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*(including orientation and internal layout), urban design and land use separation techniques as appropriate to the land use functions and character of the area.*

## **2.1.7. Clause 14.01 – Agriculture**

### **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.*

The relevant strategies of this clause are to:

- *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.*
- *Protect strategically important agricultural and primary production land from incompatible uses.*
- *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.*
- *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.*

### **Clause 14.01-2S – Sustainable agricultural land use**

The objective of this clause is to:

*Encourage sustainable agricultural land use.*

The relevant strategies of this clause are to:

- *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.*
- *Encourage diversification and value-adding of agriculture through effective agricultural production and processing, rural industry and farm-related retailing.*
- *Support adaptation of the agricultural sector to respond to the potential risks arising from climate change.*
- *Assist genuine farming enterprises to embrace opportunities and adjust flexibly to market changes.*
- *Support agricultural investment through the protection and enhancement of appropriate infrastructure.*

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## 2.1.8. Clause 14.02 – Water

### Clause 14.02-1S – Catchment management and planning

The objective of this clause is to:

*To assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater, and the marine environment.*

The relevant strategies of this clause are to:

- *Retain natural drainage corridors with vegetated buffer zones at least 30 metres wide along each side of a waterway to:
  - *Maintain the natural drainage function, stream habitat and wildlife corridors and landscape values,*
  - *Minimise erosion of stream banks and verges, and*
  - *Reduce polluted surface runoff from adjacent land uses.**
- *Ensure that development at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their instream uses.*
- *Ensure planning is coordinated with the activities of catchment management authorities.*

## 2.1.9. Clause 15.03 – Heritage

### Clause 15.03-1S – Heritage conservation

The objective of this clause is to:

*To ensure the conservation of places of heritage significance.*

The relevant strategies of this clause are to:

- *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.*

### Clause 15.03-1L – Heritage

The relevant strategies of this clause are to:

- *Ensure that new development is sympathetic to and makes a positive contribution to heritage places and their heritage value.*
- *Protect important landscape features, views and built heritage elements for places of natural and cultural significance.*
- *Encourage replanting of a tree using a similar species where the removal of a significant tree is unavoidable.*

### Clause 15.03-2S – Aboriginal cultural heritage

The objective of this clause is to:

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

The relevant strategies of this clause are to:

- *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.*

## 2.1.10. Clause 17.01 – Employment

### Clause 17.01-1S – Diversified economy

The objective of this clause is to:

*To strengthen and diversify the economy.*

The relevant strategy of this clause is to:

- *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.*
- *Support rural economies to grow and diversify.*

### Clause 17.01-1R – Diversified economy – Central Highlands

The relevant strategies of this clause are to:

- *Support greater economic self-sufficiency for the region.*
- *Support growth through the development of employment opportunities in towns identified for population growth.*

## 2.1.11. Clause 19.01 – Energy

### Clause 19.01-1S – Energy supply

The objective of this clause is to:

*Facilitate appropriate development of energy supply infrastructure.*

The relevant strategies of this clause are to:

- *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.*
- *Support energy infrastructure projects in locations that minimise land use conflicts and that take advantage of existing resources and infrastructure networks.*
- *Facilitate energy infrastructure projects that help diversify local economies and improve sustainability and social outcomes.*

### Clause 19.01-2S – Renewable energy

The objective of this clause is to:

*Support the provision and use of renewable energy in a manner that ensures appropriate siting and design considerations are met.*

The relevant strategies of this clause are to:

- *Facilitate renewable energy development in appropriate locations.*
- *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.*



### **3. PARTICULAR PROVISIONS**

#### **3.1.1. Clause 52.05 – Signs**

Pursuant to Clause 52.05, a permit is required for the display of a business identification sign.

The purpose of this clause is:

- *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.*

#### **3.1.2. Clause 52.17 – Native vegetation**

Pursuant to Clause 52.17-1, a permit is required to remove, destroy or lop native vegetation, including dead native vegetation.

The purpose 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. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):*

1. *Avoid the removal, destruction or lopping of native vegetation.*
  2. *Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*
  3. *Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.*
- *To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.*

#### **3.1.3. Clause 52.29 – Land Adjacent to the Principal Road Network**

This clause applies to land adjacent to a road in the Transport Zone 2. Pursuant to Clause 52.29-2, a permit is required to create or alter access to a road in a Transport Zone 2 or subdivide land adjacent to a road in a Transport Zone 2.

The purpose of this clause is:

- *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.*

#### **3.1.4. Clause 53.13 – Renewable Energy Facility (other than Wind Energy Facility)**

The purpose of this clause is:

- *To facilitate the establishment and expansion of renewable energy facilities, in appropriate locations, with minimal impact on the amenity of the area.*

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## **4. GENERAL PROVISIONS**

### **4.1.1. Clause 64.01 – Land used for more than one use**

Clause 64.01 notes that *“if land is used for more than one use and one is not ancillary to the other, each use must comply with this scheme”*.

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