05/11/2021
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SCHEDULE 1 TO CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as **SLO1** .

LYSTERFIELD VALLEY AND LYSTERFIELD HILLS RURAL LANDSCAPE

1.0 Statement of nature and key elements of landscape

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The National Trust Classification Report (L355 2/3/1981) describes the character of the Lysterfield Valley as follows:

"Lysterfield Valley is an attractive pastoral landscape which forms part of a "green wedge" between the suburban areas of Rowville and Dandenong North and the urbanised Ferntree Gully-Belgrave ridge of the Dandenongs. For many visitors the Lysterfield Valley forms the major "gateway" to the Dandenongs from the metropolitan area. The excellent views of this landscape from Glenfern Road and Mount Morton highlight its importance as a buffer between urban and rural areas and as a visual transition between the metropolitan suburbia and the elevated and forested slopes of the Dandenongs.

Extensive clearing of native vegetation in the past has exposed the bold hills and steep slopes of the Valley landform particularly in the east.

The major attraction of this landscape is its simplicity of colour, shape and texture in contrast to the forested areas to the south and south-east, the suburban development to the west and the forest residential character of Belgrave."

The area is of significance according to this report "due to its attractive landscape character and its importance as a buffer between Metropolitan Melbourne and the Dandenong Ranges" .

The landscape is centred on the enclosed Monbulk Creek Valley. Monbulk Creek Valley is where the urban area has given way to rural, and no indication exists of the proximity of the suburbs. Views within the valley are of rolling rural landscapes that are mainly pastoral. Hills on either side of the valley are bare or very lightly treed, with this openness contrasting with the treed slopes of the Dandenong Ranges. The character of this landscape is unique and is particularly sensitive to further subdivision and development

2.0 Landscape character objectives to be achieved

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To protect the broad scale pastoral landscape character and the open, bold hillsides of the Lysterfield Valley.

To retain vegetation that contributes to the landscape qualities of the area.

To protect and enhance the scenic, visual, cultural and environmental values of the Lysterfield Valley, including the contrast between this area and the forested slopes of the Dandenong Ranges.

To conserve the flora and fauna and associated ecological processes that contribute to the landscape significance of the Lysterfield Valley.

To ensure that development is located and designed to avoid inappropriate visual intrusion or other detrimental effects on the Lysterfield Valley and the key characteristics of the Valley's landscape, having regard to bushfire risk.

3.0 Permit requirement

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Buildings and works

A permit is not required to extend an existing dwelling or construct buildings and works ancillary to a dwelling if all of the following apply:

- There is only one dwelling on the lot.

- The height of the building or works is less than 7.5 metres.
- Any proposed excavation or filling is less than one metre in depth.
- Any excavation or filling is not occurring within the Tree Protection Zone (TPZ) of vegetation that would otherwise require a permit for its removal, destruction or lopping under this overlay. The radius of the TPZ is calculated for each tree by multiplying its trunk diameter x 12. The measurement of the trunk diameter is at 1.4 metres above ground.
- The external surfaces, including roofs and walls (but excluding solar panels) of all buildings are finished and maintained in non-reflective materials in colours that blend with the landscape.

Fences

A permit is required to construct:

- A front fence, unless the fence is 1.2 metres in height or less and is more than 50 per cent transparent.
- A side fence between a building and the street, unless the fence is 1.2 metres in height or less.

Vegetation

A permit is required to remove, destroy or lop a tree if it has a height of 5 metres or more or a trunk girth greater than 0.5 metre when measured at a height of 0.5 metres above adjacent ground level (on sloping ground to be taken on the uphill side of the tree base) or immediately above the ground for multi-stemmed trees. This does not apply to a tree that is:

- Listed in Table 1 of this schedule.
- Dead. This exemption does not apply to standing dead tree with a trunk girth of 0.4 metre or more at a height of 1.3 metres above ground level.
- Monterey (Radiata) Pine (*Pinus radiata*). This exemption does not apply where the tree is part of a row of three (3) or more trees.
- A tree with its trunk within two metres of the main roof structure of an existing building used for accommodation (excluding a fence).
- A tree which overhangs the roof of a building used for Accommodation, excluding outbuildings and works normal to a dwelling. This exemption only allows the removal or lopping of that part of the tree which is overhanging the building provided the removal or lopping is in accordance with *Australian Standard® AS 4373 – 2007, 'Pruning of amenity trees'* .
- The minimum amount necessary to maintain a Minor utility installation in accordance with a current signed Memorandum of Understanding between Knox City Council and the relevant service provider.
- For maintenance pruning only and no more than 1/3 of the foliage of any branch is removed from any individual plant. This exemption does not apply to:
  - Pruning or lopping of the trunk of a tree or shrub.
  - Vegetation within a road or railway reserve.

Extraction of stone

A permit is not required to construct or carry out works associated with extraction of stone in accordance with a Licence issued under the *Extractive Industries Development Act 1995 and/or the Extractive Industries (Lysterfield) Act 1986* .

4.0 Application requirements

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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:

A site analysis and design response for new buildings and works.

The site analysis should include a detailed site plan, photographs or other techniques and should accurately describe, as appropriate:

- The built form, scale, design and use of surrounding development.
- Solar access to the site and surrounding properties.
- Identified areas of environmental significance.
- Open space.
- Views to and from the site.
- Location of significant trees and vegetation.
- Drainage.
- Street frontage features such as poles, street trees and kerb crossovers.
- Any contaminated soils and filled areas, where known.
- Any other notable features or characteristics of the site.

The design response should explain how the proposed design:

- Derives from and responds to the site analysis; and
- Meets the objectives, strategies and requirements of this clause.

The design response should include correctly proportioned street elevations or photographs showing the development in the context of surrounding buildings and landscape.

5.0 Decision guidelines

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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:

Landscape character

- Whether the proposed development will impact upon the views of the valley from the surrounding area, particularly the Dandenong Ranges and significant ridgelines.
- Whether the proposal promotes low intensity development which is sympathetic to the landscape qualities of the area.
- Whether development above the 115 metre AHD contour is appropriate.
- Whether the proposed development and proposed landscaping are compatible with a rural area.
- Whether the proposed development and proposed landscaping will ensure that identified landscape qualities are preserved.
- Whether all power and communications cables will be placed underground.

Land management

- Whether the proposed development will contribute to and support appropriate land management.

Finishes

- Whether the proposed development will utilise non-reflective materials maintained in muted colours that blend with the landscape on external surfaces, including roofs of all buildings but excluding solar panels, to reduce its visual impact.

Vegetation

- Whether vegetation will be retained and planting used to screen buildings.
- Whether habitats for native fauna, including wildlife corridors, will be identified and protected, and strengthened or created.
- Whether creek corridors will be revegetated using indigenous plants.
- Whether noxious and environmental weeds will be removed.
- Whether the planting of noxious and environmental weeds will be avoided.
- Whether adequate tree protection areas have been provided to protect retained vegetation from buildings or works (including paving), services and other infrastructure, unless demonstrated that there is no adverse effect to the tree's health to ensure its continuing contribution to landscape character.
- Whether any vegetation to be retained, removed, destroyed or lopped addresses the risk of bushfire to life and property.
- Where an area is subject to high bushfire risk, whether the vegetation outcome does not increase bushfire risk and considers ongoing bushfire protection measures.

Building on slopes

- Whether the siting and design of development will follow the topography, avoid the need for earthworks and integrate with the landscape features of the area.
- Whether buildings will be sited on relatively low-lying positions.
- Whether buildings will be dispersed to allow trees to be planted among them.

Fences

- Whether the height, materials, construction and colour of fences respond to and maintain the landscape character of the area.

Table 1 - Species exempt from permit under Part 3.0 above

Botanical name	Common name
Acacia baileyana	Cootamundra Wattle
Acacia decurrens	Early Black Wattle
Acacia elata	Cedar Wattle
Acacia floribunda	White Sallow Wattle
Acacia longifolia subsp. longifolia	Sallow Wattle
Acer negundo	Box Elder

Botanical name	Common name
Acer pseudoplatanus	Sycamore
Arbutus unedo	Strawberry Tree
Chamaecytisus palmensis	Tagasate; Tree Lucerne
Coprosma repens	Mirror Bush
Coprosma robusta	Karamu
Cotoneaster species	Cotoneaster
Eriobotrya japonica	Loquat
Fraxinus angustifolia (also known as Fraxinus oxycarpa or Fraxinus rotundifolia), excluding the cultivar 'Raywood' subsp. angustifolia	Desert Ash, Caucasian Ash or Narrow-leafed Ash (excluding Claret Ash)
Hakea salicifolia	Willow-leaf Hakea
Ilex aquifolium	English Holly
Ligustrum species	Privets
Malus species	Apple
Melaleuca armillaris	Bracelet Honey Myrtle
Paraserianthes lophantha	Cape Wattle
Pinus pinaster	Maritime Pine
Pinus radiata	Montery (Radiata) Pine
Pittosporum undulatum	Sweet Pittosporum
Populus tremuloides	Quaking Aspen
Prunus cerasifera	Cherry-plum
Prunus laurocerasus	Cherry Laurel
Prunus lusitanica	Portugal Laurel
Prunus species	Apricot
Prunus species	Nectarine

Botanical name	Common name
Prunus species	Peach
Prunus species	Plum
Pyracantha species	Firethorns
Salix species	Willows
Viburnum tinus	Laurustinus