The Christmas Hills Land Use Study (LUS) has been prepared by Spiire on behalf of Melbourne Water to allow for the disposal of land in Christmas Hills currently owned by Melbourne Water and now identified as surplus following a 2012 review of Melbourne’s water supply system. This LUS can also be used to guide the future use and development of the subject land.

The LUS Study Area (refer Figure 1) comprises land currently owned by Melbourne Water for the previously proposed Watsons Creek storage reservoir. It also includes privately owned land identified to be acquired for the reservoir.

The purpose of the LUS is to consider the Study Area and identify areas of opportunity and constraint for the future use and development of the area. It includes a Master Plan to guide subdivision and development should new land owners and/or Council determine development is feasible. It is intended to be implemented, through a Planning Scheme Amendment to rezone the surplus land among other minor changes.

Spiire has previously completed a Background Report (October 2017) and Options Development Report (August 2018) for the LUS which support this Master Plan.

This report provides an overall Master Plan of the Study Area (refer Section 03). The purpose of the Master Plan is to outline the preferred subdivision pattern and zoning envisioned for the Study Area.

### WHY IS CHANGE NECESSARY?

The identified land in the Study Area is surplus to Melbourne Water’s operational requirements and needs to be disposed. State Government land policies including the Victorian Government Landholding Policy and Guidelines (VGLP, 2016) and the Victorian Government Land Transactions Policy and Guidelines (VGLTP, 2016) apply to land held by Melbourne Water.

Specifically the VGLP requirement is:

- Victorian Government agencies must only hold land or an interest in land where State ownership of that land:
  - Contributes directly to current or future service delivery outcomes expected of agencies as explained in agency corporate plans and does this by the most cost effective means possible.

Government agencies must not purchase or retain land where the policy is not met. This policy therefore requires Melbourne Water to divest the land at Christmas Hills which has been deemed surplus to their operational requirements.

As part of this divestment, surplus land needs to be offered to other Government agencies and Departments including the local Council (in this case Nillumbik Shire Council) in a First Rights of Refusal process where interest is sought in the land. Of relevance to the LUS there has been agreement made with Department of Environment, Land, Water and Planning (DELWP) for the transfer of some of the surplus land for the purpose of extending the existing Warrandyte Kinglake Nature Conservation Reserve (WKNCR). No other Government agencies nor Council have expressed interest in purchasing any of the surplus land. Therefore the surplus land is to be divested on the public market.
The Victorian Government agencies:

- Must not sell (grant a lease or an interest in) any land at a price which is less than the current market (or rental) value of the land as determined by Valuer-General Victoria (VGV).
- Must not sell any land without a public process (except through the First Right of Refusal process outlined in the Victorian Government Landholding Policy and Guidelines).
- Prior to offering land for sale by a public process, must have in place the most appropriate zoning (and other relevant planning provisions) so that the land can be sold on the basis of its highest and best use.
- Must not grant a lease of land (except to a government agency which contains an option to purchase).

The VGLTP also requires that the surplus land currently owned by Melbourne Water be rezoned appropriately. The Public Use Zone Schedule 1 (PUZ1) was applied to land in the Study Area to provide protection of the land for the future reservoir. The land cannot remain in the Study Area to provide protection of the land for the purpose of the future reservoir. The land cannot remain in the existing PUZ1 contained within the Nillumbik Planning Scheme Amendment documentation are the final steps in seeking to facilitate the rezoning and future divestment of the surplus land.

The previous Background Report (October 2017) provided details on overall features of the Study Area as well as the core planning policies which must be considered in determining the LUS and this Master Plan. This work then provided a basis from which detailed options were developed for both rezoning and alterations to the existing subdivision pattern. Spire and Melbourne Water recognise the existing subdivision pattern for the surplus land is not necessarily an appropriate outcome for the Study Area and its green wedge location.

The Options Report (August 2018) reviewed a number of high level options for both rezoning and lot consolidation in the Study Area based on:

- Detailed constraints analysis for the Study Area including commentary on the impact of constraints on each of the seven identified Precincts.
- Assessment of opportunities in the Study Area.
- Review of previous community views on the Study Area.
- Review of Green Wedge Planning considerations and the intent of other relevant State Planning Policy.
- Development of overarching and site specific principles for options development based on social, economic, environment and planning considerations.
- A consideration of practical planning outcomes including suitable zoning and subdivision patterns.

Three high level options were considered based on an application of a series of Option principles, outlined in Table 1.

Details on the option selection process and preferred option are provided in the Options Report. The preferred option sees application of two different schedules to the Rural Conservation Zone - Schedule 3 (RCZ3) and Schedule 4 (RCZ4) and application of the PUZ and Public Conservation and Resource Zone (PCRZ) to various parts of the Study Area.

Zone changes are only proposed to land currently owned by Melbourne Water. Additional changes to other planning controls are also proposed, including removal of a Public Acquisition Overlay (PAO) which applies to privately owned land which was previously considered required for the Watsons Creek Storage Reservoir in the Study Area.

### Table 1 - Options Principles

<table>
<thead>
<tr>
<th>PRINCIPLES</th>
<th>REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>SOCIAL</td>
<td>Ensure options do not detract from the character of the area.</td>
</tr>
<tr>
<td>ECONOMIC</td>
<td>Ensure future lots have the potential to be developed with a dwelling (exceptions may apply).</td>
</tr>
<tr>
<td>ENVIRONMENTAL</td>
<td>Ensure development does not negatively impact on water quality including Watsons Creek.</td>
</tr>
<tr>
<td></td>
<td>Avoid development in areas of significant slope.</td>
</tr>
<tr>
<td></td>
<td>Avoid development that results in a net loss of environmentally significant land and native vegetation.</td>
</tr>
<tr>
<td></td>
<td>Avoid development in areas of particularly high bushfire risk.</td>
</tr>
<tr>
<td>PLANNING</td>
<td>Prioritise the protection of human life over all other policy considerations.</td>
</tr>
<tr>
<td></td>
<td>Ensure options are in line with the Green Wedge Core Planning Provisions outlined at Clause 57 in the Nillumbik Planning Scheme.</td>
</tr>
<tr>
<td></td>
<td>Recognise the Study Area is outside the Urban Growth Boundary and that development should reflect its location by being non-urban in scale.</td>
</tr>
<tr>
<td></td>
<td>Options should reflect strategic planning for the area and proposed zone changes should be in accordance with directions from Plan Melbourne and other relevant strategies.</td>
</tr>
</tbody>
</table>
The Study Area is located approximately 35 kilometres north-east of Melbourne’s central business district in the Shire of Nillumbik municipality. It is located within the Nillumbik Green Wedge area (identified in State Planning Policy) and is outside of Melbourne’s metropolitan area and urban growth boundary.

The Study Area is located in an area generally known as Christmas Hills which abuts the northern slopes of the Yarra River between the townships of Hurstbridge and Yarra Glen. Christmas Hills is located either side of the Eltham-Yarra Glen Road. Other localities in the Study Area are Watsons Creek and Smiths Gully. Christmas Hills also comprises the Sugarloaf Reservoir and recreation reserve and part of the Warrandyte Kinglake Nature Conservation Reserve.

Christmas Hills has a population of approximately 355 people (2016 Census).

Christmas Hills generally comprises clusters of homes and community facilities as opposed to a distinct township area. The surrounding area retains a mosaic of farmland and bushland, as a result of a century of farming activity.

A context plan is provided at Figure 2 Surrounding Context Plan.
ZONING CONTEXT

CURRENT PLANNING CONTROLS

The Study Area is currently subject to a mix of planning controls including zones and overlays. Zones applying in the Study Area include the PUZ1 and RCZ4 and are shown on Figure 3. The PUZ1 is a public land zone and requires land to be used for public purposes. The PUZ1 was put in place to reflect Melbourne Water’s ownership and the need to protect the land for the future Watsons Creek storage reservoir. It prevents significant change within the Study Area. Land must be rezoned from the PUZ1 to another zone which can exist within the Green Wedge prior to the divestment of the land by Melbourne Water.

The RCZ4 generally applies to land within the Study Area which is privately owned. This land is affected by the PAO for the reservoir. It has a large minimum subdivision size of 40ha and seeks to recognise the environmental significance of the area and proximity to key environmental assets including the Kinglake National Park. The RCZ4 along with the PAO and ownership of land in the Study Area has assisted in preventing further fragmentation of the land. The RCZ is a zone which can be applied in the Green Wedge.

Other overlays also apply to land in the Study Area which also control land use and development including the Environmental Significance Overlay (ESO), Bushfire Management Overlay (BMO) and Heritage Overlay (HO).
01.

STUDY AREA
CURRENT LAND OWNERSHIP

The Study Area compromises approximately 150 land titles. Whilst the majority of the titles and the total land area are in the ownership of Melbourne Water or the Crown, there are a number of titles in private ownership. These private titles are currently wholly or partially subject to a Public Acquisition Overlay (PAO) for the formerly proposed Watsons Creek storage reservoir.

Some of the Melbourne Water titles are currently subject to either tenancies (residential and commercial leases) or grazing licences. This has been the case since Melbourne Water’s acquisition of land began in the 1960s.

A breakdown of ownership in the Study Area is displayed in Table 2 below. We note that some of the titles comprise multiple parcels including Crown Allotments. Land ownership is shown on Figure 4.

<table>
<thead>
<tr>
<th>Ownership Category</th>
<th>Titles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Melbourne Water Owned</td>
<td>112 (titles)</td>
</tr>
<tr>
<td>Melbourne Water Owned titles to be transferred to the Crown for the WKNCR</td>
<td>53**</td>
</tr>
<tr>
<td>Melbourne Water Owned titles under lease and grazing licences</td>
<td>24</td>
</tr>
<tr>
<td>Private Property</td>
<td>32</td>
</tr>
</tbody>
</table>

*CA – Can be titled at any time

**Land previously agreed for transfer to DELWP for the WKNCR

TITLE SIZES

Land sizes of titles in the Study Area vary significantly in reflection of its past settlement and land use history. An analysis of Melbourne Water owned land title sizes, excluding land to be transferred for the WKNCR, indicates a third of the titles (30%) are less than 5ha in area. These small titles are generally located to the south of Eltham-Yarra Glen Road. Only four titles owned by Melbourne Water are currently in excess of 40ha in size.
For the purposes of this LUS, the Study Area was broken into seven distinct Precincts for ease of discussion and analysis. These were identified and developed for the Background Report (Refer Figure 5). These Precincts are further analysed in the Option Report and recommendations are proposed at precinct level regarding zoning and subdivision pattern.

The land grouped within these Precincts includes land that is not owned by Melbourne Water to provide an holistic understanding of the Study Area.

The Precincts were determined using a number of principles applied in order of priority:

- Study Area boundary set by Melbourne Water reflecting the proposed Watsons Creek Reservoir extent and existing planning controls (Public Use Zone 1 (PUZ1) and Public Acquisition Overlay (PAO))
- All precinct boundaries and extents are determined by the existing cadastre and drawn to lot boundaries and road extents.
- Land that has been nominated for the WKNCR is grouped in the same Precinct (Precinct 3) with the exception of some land within Precinct 1 which will need to be extracted from the existing land titles.
- Location of land to the north and south of the main access road, Eltham-Yarra Glen Road (Precinct 7 generally comprises land to the south of Eltham-Yarra Glen Road).
- Heritage Overlay affected properties were grouped together where possible as a reflection of existing community infrastructure locations (Precinct 7).
- Surrounding Road Access:
  - Access from the eastern Study Area boundary roads which are outside of the Study Area (Osborne Road, Dean Road and Buttermans Track) (Precinct 6).
  - Access from secondary roads to the north of Eltham-Yarra Glen Road (One Tree Hill Road and Scholz Road) (Precinct 4).
  - Land without direct road access has been grouped together (Precinct 1).
  - Land that currently makes up the extent of the existing Wanneroo Farm property (Precinct 5).
## PRECINCT DETAILS

<table>
<thead>
<tr>
<th>Precinct</th>
<th>Private Lots</th>
<th>Titles owned by Melbourne Water</th>
<th>Crown Allotments owned by Melbourne Water</th>
<th>Existing Dwellings (on Melbourne Water Land)</th>
<th>Precinct Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Precinct 1</td>
<td>0</td>
<td>6</td>
<td>6</td>
<td>0</td>
<td>Precinct 1 is located in the far western corner of the Study Area to the north of Eltham-Yarra Glen Road and comprises six (6) Melbourne Water owned titles. Precinct 1 is currently landlocked with steep vegetated land. Part of the eastern boundary will be subdivided off and included in the WKNCR.</td>
</tr>
<tr>
<td>Precinct 2</td>
<td>4</td>
<td>7</td>
<td>13</td>
<td>3</td>
<td>Precinct 2 is located in the north-west section of the Study Area, north of Eltham-Yarra Glen Road. It is accessed from Clintons Road and is to the immediate west of the existing and future WKNCR. Precinct 2 includes the Rob Roy Hill Climb (HO183). Blocks in the north are relatively cleared and leased for grazing while in the south is more constrained by vegetation cover. Significant slope is present throughout parts of the Precinct. Clintons Road provides access to Smiths Gully and Panton Hills to the north.</td>
</tr>
<tr>
<td>Precinct 3</td>
<td>3</td>
<td>53</td>
<td>53</td>
<td>2</td>
<td>Precinct 3 is the largest precinct in the Study Area covering land both north and south of Eltham-Yarra Glen Road purely for the purpose of the proposed WKNCR extension, excluding three private properties. The Precinct is generally bound by Rob Roy Road to the west, Scholtz Road to the south east and the existing WKNCR to the north. Precinct 3 comprises approximately 280 hectares of land currently owned by Melbourne Water.</td>
</tr>
<tr>
<td>Precinct 4</td>
<td>11</td>
<td>5</td>
<td>5</td>
<td>1</td>
<td>Precinct 4 is located on the northern side of Eltham-Yarra Glen Road and comprises 16 land parcels with five owned by Melbourne Water. One of these parcels is heavily vegetated whilst the other four are leased as one property and comprise a dwelling accessed off One Tree Hill Road.</td>
</tr>
<tr>
<td>Precinct 5</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>0</td>
<td>Precinct 5 is located in the far northern section of the Study Area on the north side of Eltham-Yarra Glen Road. One (1) large title comprising two crown allotments owned by Melbourne Water which currently is utilised with a grazing lease. The title is leased for the purpose of Wanneroo Farm and comprises 230 hectares of land. Wanneroo Farm is generally cleared of vegetation and a significant visual feature in the Study Area. Watsons Creek runs along the eastern boundary of Wanneroo Farm and Five Mile Creek traverses north-south through the centre of the site. Through Wanneroo Farm, Watsons Creek does not have a separate Crown Allotment. An unbuilt government road is located between the two (2) Crown Allotments (titles) which make up Wanneroo Farm.</td>
</tr>
<tr>
<td>Precinct 6</td>
<td>2</td>
<td>8</td>
<td>6</td>
<td>1</td>
<td>Precinct 6 is located in the north-east section of the Study Area on the north side of Eltham-Yarra Glen Road. Eleven properties including eight (8) titles owned by Melbourne Water and two (2) private titles. The Study Area boundary forms the eastern edge of the Precinct and access is generally provided by Osborne Road. Lots to the north are heavily vegetated and partly affected by the APA Gas Pipeline Easement. Lots to the south are more cleared.</td>
</tr>
<tr>
<td>Precinct 7</td>
<td>12</td>
<td>32</td>
<td>32</td>
<td>7</td>
<td>Precinct 7 is located in the south-east corner of the Study Area and is generally on the south side of Eltham–Yarra Glen Road with the exception of a small area of land between the north side of the road and the alignment of Watsons Creek which includes the Christmas Hills Primary School. Only 12 of the 32 lots in Precinct 7 are privately owned with many of the lots been small in size. Community infrastructure is present in Precinct 7 and there are a number of heritage overlay controls. The Precinct comprises predominantly cleared land interspersed with areas of dense bushland. Bushland is present in the north east around Reeves Road and McKinnon Terrace as well as centrally to the west of Ridge Road. The APA gas easement and high pressure gas pipeline run through the far east of the Precinct. Many of the existing lots are developed with dwellings.</td>
</tr>
</tbody>
</table>

| Total    | 32           | 112                         | 119                                      | 14                                        |                                                                 |

Table 3 - Precinct Details
02. CONSTRAINTS & OPPORTUNITIES
The physical constraints which may impact on the divestment of land and potential subdivision layouts and associated development of the Study Area have been considered in the Master Plan. Whilst they are termed constraints, it is recognised that some of these aspects are a reflection of the value placed on the Study Area’s environment and are aspects to be protected and valued. The ‘constraints’ include:

- Existing planning controls (zones).
- Environmental Significance Overlays / Vegetation.
- Bushfire risk.
- Slope.
- Heritage.
- Waterways.
- Access.
- Servicing requirements.

The Overall Constraints Plan (refer Figure 6) depicts the range of constraints that have been outlined above. This assists in understanding the complexity of some of the sites and the need for different zone controls and the realignment of subdivision boundaries in certain instances. These are all considered and further analysed in the Background Report and Options Report.
There are a number of opportunities to alter the existing situation within the Study Area (refer Figure 7). These opportunities range from changes to subdivision boundaries, to rectifying anomalies, to providing for additional environmental land.

Opportunities for change include:

- To consolidate small lots and re-align lot boundaries, particularly in locations where land is heavily vegetated or of high biodiversity value.
- Recognise existing zoning in the surrounding area and study area to ensure recognisable form.
- Resolution of title and ownership anomalies.
- Potential Vegetation Offset site identification for future generations.
- Provision of land for community uses.
- Provision of land for enhancing WKNCR.
- Protection of waterway assets.
- Protection of heritage and community features.
- Tourism and visitor enhancement.
- Enhancement of trail networks.
- Access to reticulated services (water & power) improvements where possible.

Commentary on opportunities in the Study Area is shown on Figure 7.
CHART S HILLS MASTER PLAN

PREFERRED MASTER PLAN OPTION

OPTION SUMMARY

Through development of the LUS, and the Options Report, three high level options were considered in terms of planning controls and mechanisms for divestment of surplus Melbourne Water land. High Level Option 2: After Melbourne Water Land Only was determined to be the preferred option, for more details on the options refer to the Options Report. This option seeks to:

- Apply a new zone to all remaining PUZ1 land. Given the Green Wedge location and requirements the zone selection was limited with the RCZ preferred. Two schedules can be applied given their prominence in the locality being RCZ3 (8ha subdivision minimum) and RCZ4 (40ha subdivision minimum). The RCZ3 conservation values are identified as to ensure land use changes do not have an adverse impact on the landscape or strategic environmental values of the land. The RCZ4 conservation values are identified as to conserve and permanently maintain the existing rural character by encouraging protection of the environmental and landscape values of the major environmental assets such as the Plenty Gorge, Kinglake National Park and the Yarra River.

- Retain the RCZ4 where it currently applies in the Study Area (on Melbourne Water and private land).

- Remove the PAO from Privately owned land.

- Apply the PORZ to the 280 hectares of land to be transferred to the Crown for the WKNCR. This includes the minor subdivision of land adjoining the new WKNCR to facilitate the transfer (Precinct 1).

- Extend the Crown reserve along Watsons Creek through Wanneroo farm (Precinct 5).

- Increase protection of Five Mile Creek through stock fencing and title agreements.

- Changes to Simpson Road and Ridge Road titles to resolve anomalies.

- Transfer land used for the Rob Roy Hill Climb comprising the Clintons Pleasure Ground Heritage Overlay (HO183) to the Crown and designate Nillumbik Shire Council as the committee of management to retain community access to this facility. Rezone PUZ.

- Excise the Tennis courts and septic disposal area adjoining the Memorial Hall with the land surrendered to the Crown and either designate Nillumbik Shire Council or the Christmas Hills Mechanics Institute Hall Committee of Management Inc. Rezone PUZ as the committee of management, to retain this infrastructure as part of the community facility.

- Consolidate, re-subdivide (boundary re-alignments) and subdivide land where appropriate:
  - Consolidate land to create lots closer to 40 hectares in size where possible in land to the north of Eltham-Yarra Glen Road and east of the WKNCR.
  - Re-subdivide land to resolve anomalies.
  - Re-subdivide land to facilitate additional lots in Precinct 2 and Precinct 7 or re-align the subdivision pattern to bring lots to the minimum subdivision size as appropriate.
  - Re-subdivide land to provide more appropriate boundaries and lot layouts based on constraints.
  - Consolidate small lots to meet defendable space requirements.

ZONE CONTROLS

Option 2 (the Preferred Master Plan Option) allows for a level of change and development in parts of the Study Area whilst recognising where land use change and development should be restricted based on the environmental significance of certain areas and the importance of retaining larger grazing areas. It facilitates the rezoning of surplus Melbourne Water land whilst retaining existing zoning controls where appropriate. It also allows for the re-alignment of existing Melbourne Water lot boundaries immediately following the rezoning to facilitate divestment of lots with development certainty in the Study Area. The main zoning change is to apply the RCZ to the land in Study Area.

The RCZ purpose is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.

- To protect 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.

The proposed zone is a Green Wedge zone and a Rural zone and recognises the role the land plays in Victoria for environmental, community and economic reasons (including landscape and agricultural reasons). It is an appropriate zone selection for the following reasons:

- The RCZ is one of the three non-public land zones which can be applied within the green wedge.

- The RCZ is the predominant green wedge zone applied within Nillumbik’s green wedge including the land adjoining the Study Area. Specifically two schedules to the RCZ are used in the immediate area with the RCZ3 applied to land to the north west and the RCZ4 applied to land to the east. The application of two different schedules to the RCZ (RCZ3 and RCZ4) will best respond to the differences in character across the Study Area rather than applying a blanket RCZ4. It also allows for changes to the subdivision pattern following rezoning and recognises existing levels of development in the Study Area. Further it provides for an appropriate response to the existing use of these two RCZ Schedules in the immediate context of the Study Area.

- The RCZ is designed to be applied to rural areas where the protection of the environmental features of the land is of primary strategic importance. The Study Area comprises land of environmental significance including the area set aside for inclusion within the WKNCR and land subject to the environmental significance overlay (ESO1 and ESO4). To the immediate north east of the Study Area land is also within the PORZ to reflect the importance of the area for conservation. The application of the RCZ will assist in recognising the environmental values of the Study Area and is consistent with the intentions for the Nillumbik Green Wedge.
ZONE CONTROLS (CONTINUED)

- The RCZ allows for a range of uses to occur on the land while focusing on conservation outcomes. This includes agricultural uses, grazing and horticulture amongst others, however it is considered to be secondary to the need to protect and conserve the natural environment and must be consistent with the conservation of the area’s environmental and landscape values. The application of the RCZ will assist in recognising the role agriculture (in particular grazing) plays in adding to the landscape values of the area. The application of the two schedules will allow for a variety of agricultural activities to occur in appropriate locations. Agriculture and residential uses which support agriculture are a means of managing the land to maintain its’ environmental and landscape values.

- The use of land in the Study Area is partly guided by Nillumbik’s existing treatment of this part of the green wedge. The RCZ is applied to the surrounding area and the land is predominantly used for grazing in amongst areas retained/protected for their environmental values. It is clearly an area that is less intensively farmed than land within the adjoining Yarra Ranges municipality. This circumstance leads to a conclusion that similar outcomes should be sought in the Study Area.

- Landscape and visual impacts of changes to the Study Area are a key priority for the community and the use of the two RCZ schedules ensures these features are identified and recognised as conservation values for protection. The outcome provides for a level of change in the Study Area whilst being similar to community comments which sought application of a blanket RCZ4 across the Study Area.

SUBDIVISION AND PERMIT REQUIREMENTS

Subdivision changes associated with the implementation of the Master Plan based on high level Option 2 would create fewer lots for divestment than the 112 Melbourne Water parcels currently available, with almost half of these lots being transferred to the WKNOR. The reduction in overall lot numbers is a result of consolidation throughout the Study Area in recognition that the existing subdivision pattern is not necessarily appropriate in achieving planning objectives in this part of the Nillumbik Green Wedge.

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, in this case 8ha within the RCZ3 and 40ha in the RCZ4.

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.

The RCZ will be applied to existing lots in the Study Area. This includes lots which are below the minimum subdivision size within the applicable RCZ schedule. As these existing lots are legally established lots this is an appropriate outcome. Future subdivision must meet the minimum subdivision sizes. In the most part the Master Plan identifies lot consolidation or realignment of existing boundaries which is possible under the new zones and the Core Planning Provisions for Green Wedge areas. The proposed subdivision changes as identified in the Master Plan are therefore able to occur following the rezoning.

An analysis of how this preferred option responds to the option principles is provided on Table 4.

HOW THE MASTER PLAN Responds TO BUSH FIRE

The Study Area is wholly within the Bushfire Management Overlay (BMO) and as such it is recognised that the land is subject to potential bushfires. Planning policy for bushfires emphasises that overall landscape risk must be considered when seeking to rezone or subdivide land even where it is possible for individual sites to meet BMO development requirements. The Study Area has been assessed as having areas which can be categorised as an “extreme risk” landscape.

The land however cannot remain in the PUZ1 and must be sold as it is surplus to the operational requirements of Melbourne Water. Application of the RCZ to enable divestment of publicly owned land will to some extent increase the risk to life from bushfire by possibly allowing additional population in the Study Area. Whilst this may increase bushfire risk, on the other hand by combining the rezoning with the proposed changes to the subdivision pattern this risk level can be reduced by reducing the number of lots which could be used for dwellings. Any proposal for a dwelling in the Study Area is subject to planning approval from Nillumbik Shire Council. However, it is recognised that the private ownership of lots, in particular where the owners are present on site, can assist in managing and reducing site specific fire risk compared to land management that occurs by an absentee owner (including government agencies).

The Master Plan reflects information from the bushfire consultant (Terramatrix) that the Broader Landscape Type 4 (extreme risk landscape) is not uniform across the Study Area. There are areas in the Study Area sufficiently distance from Forest vegetation. This includes land in Precincts 2 and 7 in particular.
## PREFERRED MASTER PLAN OPTION

### PRINCIPLES, IMPLEMENTATION AND DETAILED ANALYSIS

<table>
<thead>
<tr>
<th>Principles</th>
<th>Preferred Master Plan Option Implementation</th>
</tr>
</thead>
</table>
| **SOCIAL** | ▶ Allows for larger lots to be retained or lots to be consolidated particularly in Precincts 4, 5 and 6 which is consistent with the mix of open grazing land and bush blocks valued in this area.  
▶ Provides for additional dwelling lots where impacts on character will be minimal by utilising larger lot sizes which allow for grazing as well as potential development.  
▶ Ensures lots near Watsons Creek (cultural significance area) are large enough to enable dwelling development without impacting on heritage potential.  
▶ Retains Rob Roy Hill Climb through transfer to Council in recognition of the community and heritage value of the site. |
| **ECONOMIC** | ▶ Dwellings are permissible within the RCZ where they meet Council and Planning Scheme requirements.  
▶ Lots have been assessed for their potential based on ability to meet dwelling access, servicing and fire requirements.  
▶ Provides for transfer of Rob Roy Hill Climb and land currently used for tennis courts to Council for continued community use.  
▶ Transfers 280 hectares of high value conservation land to Parks Victoria as part of the WKNCR extensions.  
▶ Application of the RCZ allows for a range of uses including agriculture where conservation values can still be met. |
| **ENVIRONMENT** | ▶ Application of the RCZ3 and RCZ4 will ensure environmental values (including landscape values and conservation) are prioritised in the Study Area over other green wedge objectives.  
▶ Additional dwelling development in close proximity to Watsons Creek is avoided.  
▶ Dwelling envelopes are located away from slopes in excess of 1 in 5 gradient due to the difficulty of developing at such a slope and the flow on effects on the environment and landscape values.  
▶ Significant vegetation removal is avoided by avoiding dwellings and associated vegetation removal in heavily vegetated areas including where the ESO1 applies and by seeking to bring lot size to the zone minimum subdivision size in the applicable RCZ Schedule (i.e. 8ha or 40ha).  
▶ Lots have been assessed to ensure they can comply with BAL 12.5 defendable space requirements or will be identified and divested as undevelopable lots. |
| **PLANNING** | ▶ Application of the RCZ in recognising the Study Area’s ‘extreme risk’ bushfire landscape by minimising potential for land use and development in line with green wedge objectives.  
▶ Areas of significant bushfire risk are not proposed for development or subdivision and are identified as undevelopable or consolidated.  
▶ The RCZ (schedules 3 and 4) are proposed in line with the Green Wedge Core Planning Provisions as one of three possible zones for private land. Public land zones will be used where appropriate.  
▶ The RCZ use recognises the environmental and conservation role this part of Nillumbik’s green wedge plays and ensures these values are prioritised.  
▶ The use of the RCZ and its two schedules is consistent with the zones applied to land adjoining the Study Area and an appropriate response to the conservation values sought by each schedule within the proposed RCZ3 and RCZ4.  
▶ Subdivision size is to a minimum of 8 hectares or 40 hectares depending on the area. This is consistent with rural subdivision patterns in this part of Nillumbik. The rezoning will be followed by consolidation and changes to reflect this change. It also removes the potential for smaller lots which would not be consistent with the purpose of the green wedge nor with values held by residents.  
▶ Dwellings are a permissible use within the RCZ. Development of dwellings on surplus lots for divestment area guided through the Master Plan. Dwellings can be used to support the management of land for both conservation and agricultural uses.  
▶ The limited additional subdivision and dwelling potential as a result of this option is consistent with strategic direction to guide significant development to towns while facilitating minor changes in the Study Area. |
The Master Plan has been determined through consideration of a number of factors including the following:

- Site features.
- Relevant planning policy.
- Opportunities and constraints analysis.
- Community consultation feedback.

**OVERALL CHANGES**

Overall the Master Plan seeks to:

- Rezone land to a mix of zones including the RCZ3 and RCZ4 and the PCRZ and PUZ.
- Removal of PAO from the Study Area including from privately owned land.
- Realign boundaries of existing lots.
- Identify lots which could possibly contain a dwelling or otherwise.
The Master Plan proposes to rezone land within the PUZ1 deemed surplus by Melbourne Water to an appropriate zone. The proposed zone changes by Precinct are as shown in Figure 9 and Table 5.

<table>
<thead>
<tr>
<th>Precinct</th>
<th>RCZ3</th>
<th>RCZ4</th>
<th>PUZ</th>
<th>PCRZ</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>All land with the exception of land along the eastern boundary which will be subdivided for inclusion in the WKNCR</td>
<td>Land subdivided for inclusion in the WKNCR</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Northern lots</td>
<td>Area A: vegetated lot in the south of the Precinct</td>
<td>Rob Roy Hill Climb</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Privately owned lots</td>
<td>All land for the WKNCR</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>All land</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>All land</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>All land</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Western parcels</td>
<td>Eastern parcels and small lots (under 1ha)</td>
<td>Tennis court areas</td>
<td></td>
</tr>
</tbody>
</table>

Table 5 - Precinct Changes

Figure 9 - Master Plan Zoning
03.

PRECINCT 1

SPECIFIC SUBDIVISION CHANGES

- Subdivide a small part of the far eastern land title to be transferred to the Crown for the purpose of the WKNCR. Rezone this portion to the PCRZ.

- A defendable space envelope can be achieved in the site’s north-west corner, however this location would require the removal of vegetation within the ESO and the significant slope would need to be dealt with. Access would also need to be created across Watsons Creek from Eltham-Yarra Glen Road which would require a feasibility assessment otherwise the land is essentially landlocked. On balance, development of this site for a dwelling is not supported but may be possible.

- Consolidate the remaining lots due to the extent of dense vegetation, an inability to achieve a dependable space envelope (on the majority of land), location within the ESO1, ESO4 and BMO and access constraints. Consolidation of the remaining lots in some form where appropriate for divestment to neighbours.

- Retain and extend the RCZ4 over the whole site in recognition of its location adjoining the WKNCR and Watsons Creek.
03.

PRECINCT 2

SPECIFIC SUBDIVISION CHANGES

- Land in the northern portion of the Precinct will be rezoned to RCZ3 which allows a minimum subdivision size of 8ha, this is consistent with the existing lot sizes in the Precinct and in surrounding land to the north and west. The application of the RCZ3 is appropriate in this Precinct as it seeks to ensure land use changes do not have an adverse impact on the landscape or strategic environmental values of the land. The RCZ3 is currently applied to land immediately north of Precinct 2 which typically comprises similarly sized land parcels and a mix of grazing and dwelling uses. Further the land is located away from key environmental assets such as Watsons Creek and the national park.

- The large 48ha parcel between Clintons Road and Rob Roy Road comprises six Crown Allotments however only a single title has been issued. Due to slope concerns in the far northern portion of this parcel, the reconfiguration of lots into five lots is the most appropriate outcome. This will also ensure that all lots are at least 8ha in size in line with the minimum subdivision size within the RCZ3. Each lot should be capable of being developed with a dwelling based on design principles for the Master Plan whilst retaining ample land for grazing to minimise impacts on views across the valley. We note one dwelling already exists on these lots up near Rob Roy Road, future dwellings should be located towards roads where possible rather than in the valley.

- The four (4) existing titles west of Clintons Road and north of the privately owned land will be re-subdivided to form five (5) titles to reflect the development potential at this location. Site access for each of the lots will need to be provided in a manner which responds to the slope at Clintons Road. Dwellings can be provided on the cleared areas of land to the rear of the sites. The northern most lot will be split in half to create two lots over 8ha with any future development encouraged to locate near Clintons Road. A dwelling already existing on this lot.

- Area A: The RCZ4 will extend over the land title in the southern portion of the Precinct (between privately owned land) due to the site’s inability to achieve an appropriate defendable space area and the presence of dense vegetation. This will also best reflect the zoning of the adjoining land and proximity to Watsons Creek and WKNCR.

- The existing title which is leased for the Rob Roy Hill Climb will be retained as one lot which is partly affected by a Heritage Overlay for the Clintons Pleasure Grounds. This is seen as a community resource which should be retained. The Master Plan proposes the land be transferred to the Crown and Council designated as the Committee of Management. This enables the retention and potential enhancement of the Rob Roy Hill Climb as a community resource. The land will be zoned PUZ. The existing house off Clintons Road is to be removed. Controls on titles for surrounding lots can be used to protect the ongoing use of the Rob Roy Hill Climb from noise/amenity complaints by future residents to the north.

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Figure 11 - Precinct 2
03.

PRECINCT 3

SPECIFIC SUBDIVISION CHANGES

- Rezone to PCRZ to facilitate use of the land for the WKNCR.
- Transfer to the Crown for the WKNCR.
- Minor subdivision changes to facilitate road creation including realignment of Simpsons Road.
- Removal of existing Melbourne Water dwellings.
SPECIFIC SUBDIVISION CHANGES

- Area A: The four (4) lots in the northern section of Precinct 4 will be consolidated into one lot. The existing dwelling could be retained or a new dwelling constructed further north away from the bush areas to the south east.

- Area B: The lot in the southern portion of the site, off Scholz Road, is heavily constrained and unable to achieve an appropriate defendable space area for a future dwelling. It is also isolated from other Melbourne Water parcels. The lot will be nominated to be sold to a neighbour immediately adjacent to the site or investigated for sale as an offset site to an appropriate bush broker/offset scheme. The site is unsuitable for a dwelling. A note on title will be used to inform purchasers of its unsuitability for development.

- Rezone PUZ1 land to the RCZ4 (with a 40ha minimum lot size). It is noted that the Melbourne Water lots will still be under the minimum lot size of the RCZ4, however this is consistent with other private lots in the Precinct. We note this will mean applying the RCZ4 to a lot under the current minimum lot size.

Figure 13 - Precinct 4
The two parcels (one title) within Precinct 5 are currently utilised as one agricultural property known as Wanneroo Farm with an approximate area of 220ha. There is benefit in retaining the site as a whole. The Master Plan extends the RCZ4 over the whole site, placing the Wanneroo farm property in one zone, the northern part of the Precinct is partially already within the RCZ4. We note the RCZ4 allows for a minimum subdivision size of 40ha.

Provide for additional Crown Reserve along Watsons Creek via subdivision of land and provide on-title agreements for Five Mile Creek to increase environmental protection of these waterways. Five Mile Creek will also be fenced to protect the waterway.
The RCZ4 will be extended over the entire Precinct in recognition of its location in proximity to parkland, including the Kinglake National Park to the north, the environmental significance of the habitat and high bushfire risk. It also reflects the zone applied to land already and to neighbouring properties.

Area A: Lot on Wallace Road (119 Wallace Road, Christmas Hills) will be retained in the RCZ4 and divested as a small bush lot. The property is unable to meet the defendable space requirements for a dwelling due to the small size and extent of slope and vegetation cover. It will be sold with this limitation as a note on title.

Area B: Three 12ha lots fronting Dean Road will be consolidated into one parcel (approximately 36ha). A dwelling could be achieved in the south east corner subject to approvals to meet bushfire requirements and clear a limited amount of vegetation. The dwelling will be located on the road side of the APA Gas easement.

Area C: The property to the western side of Osborne Road, currently leased to Yarra Valley Trails, comprises at least three (3) titles (each with multiple lots) and is developed with one dwelling. Each of the existing titles are under the 40ha minimum subdivision size in the RCZ4, however the relatively cleared nature of the land ensures defendable space requirements can be met. The lots will be consolidated to create two lots, one in excess of 40ha and one of 14ha. The smaller lot will contain the existing dwelling and there would be potential for an additional dwelling on the larger lot. Grazing would continue to be possible on the land.

Area D: The land will be divested as is. A dwelling could be achieved on the land subject to planning approval.
SPECIFIC SUBDIVISION CHANGES

- Apply a mix of RCZ3 and RCZ4 to Melbourne Water land in the Precinct in recognition of the different features of parts of the Precinct including existing land use and development extent, environmental significance, landscape values and proximity to key environmental features in the wider area.

- Area A: The property on the eastern side of McKinnon Terrace is constrained by vegetation and the APA Gas Pipeline Easement and will be unable to be developed for a dwelling. The lot should be divested or identified as an offset site. The RCZ4 will be extended to apply over the land. A restriction will be placed on title or as part of the contract for sale to reflect this constraint to development.

- Area B: Consolidate the four (4) small lots between McKinnon Terrace and Reeves Road due to small size, extent of dense vegetation, significant slope, location within the ESO1 and BMO and alignment of the APA Gas pipeline through the site. Consolidation will create a double fronted lot of approximately 3.57ha. The RCZ4 will be extended to apply to all the land. The consolidated lot should be sold to neighbours or as an offset site. A restriction will be placed on title or as part of the contract for sale to reflect this constraint to development.

- Area C: Consolidate lots to one (1) lot of approximately 23ha. Apply the RCZ4 to reflect surrounding controls. A dwelling could be achieved on the consolidated site subject to the removal of some vegetation. Access from Reeves Road should be considered. Provision of on-title agreements to recognise the existence of nationally significant flora on the western portion of the land.

- Area D: Land to the north of Muir Road, existing six lots will be consolidated into four (4) lots each with a minimum of 8ha. The RCZ3 will be applied in response to the lack of constraints and ability of land to be intensified for development and agricultural use. Two dwellings could be sought on the new lots to add to the existing two dwellings and assist in managing the land.

- Area E: Land either side of School Lane will be consolidated into one (1) lot with parts on each side of School Lane. This will enable the vegetated land to the north to be managed appropriately as part of a larger landholding and for the environmental significance of the land to be recognised and protected. The resulting lot could be developed with a dwelling in the south east portion with minimal impacts on vegetation, Watsons Creek and the appearance of the land. The lot will be rezoned RCZ3.

- Area F: Existing lot with a dwelling will be rezoned RCZ3 and sold as is. The lot is already under 8ha.

- Area G: The small lot at the south eastern corner of the Ridge Road and Eltham-Yarra Glen Road intersection will be rezoned RCZ4 to reflect adjoining private land zoning and the lot divested to neighbours if possible.
03.

PRECINCT 7

SPECIFIC SUBDIVISION CHANGES (CONTINUED)

- **Area H**: Land fronting Ridge Road (along the Precinct’s southern boundary): the existing five lots are developed with three dwellings which all gain access from Ridge Road. Consolidate land into three lots with boundaries determined by existing dwelling locations and defendable space envelopes as well as existing lot boundaries. Apply the RCZ3 in recognition of the existing extent of development. The western lot will be slightly below 8ha.

- **Area I**: Land between School Lane and Ridge Road currently comprising four lots and the hall.
  - Excise land comprising the tennis courts and septic treatment area and have the land surrendered to the Crown and either Nillumbik Shire Council or the Christmas Hills Mechanics Institute Hall Committee of Management Inc. designated as the committee of management to retain community use of the facility and supporting infrastructure. Apply an appropriate public land zone (PUZ).
  - Re-align the remaining Melbourne Water land into three (3) lots. The re-alignment of the existing lot boundaries will ensure each lot is at least 8ha in size. Each lot will be capable of providing a defendable space area within the proposed boundaries and is accessible off a road other than Eltham-Yarra Glen Road. One of the existing lots is already developed with a dwelling.

- **Area J**: Small lot between Watsons Creek and Eltham-Yarra Glen Road adjoining the Christmas Hills Primary School.

- **Area K**: Small lot to the north of Eltham-Yarra Glen Road, opposite School Lane intersection.

- **Apply RCZ3 to land in recognition of focus on landscape as a key value for the area and the area’s heritage features. The RCZ3 also assists in confirming this area as part of central Christmas Hills.**

- **Some of the smaller properties within Precinct 7 which front Eltham-Yarra Glen Road are too small to develop or cannot meet the requirements for defendable space. These properties will be zoned within the RCZ4 in recognition of their environmental significance and small size, including proximity to Watsons Creek. Divestment to adjoining properties is proposed.**

- **The specific properties are:**
  - **Area J**: Small lot between Watsons Creek and Eltham-Yarra Glen Road adjoining the Christmas Hills Primary School.
  - **Area K**: Small lot to the north of Eltham-Yarra Glen Road, opposite School Lane intersection.

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**LEGEND**

- Precinct Boundary
- Existing Lot Lines
- New Lot Lines
- RCZ4
- RCZ3
- BAL 1:2.5 Defendable Envelope

**Figure 16 - Precinct 7**
**MASTER PLAN SUMMARY**

**POTENTIAL LOT AND DWELLING YIELD**

The Master Plan will alter the number of lots owned by Melbourne Water through changes to subdivision. Subdivision changes will occur following rezoning of the land. Refer Table 7.

The exact area of land to be divested for potential development is subject to future confirmation following the subdivision of part of the Precinct for the WKNCR.

<table>
<thead>
<tr>
<th>Precinct</th>
<th>Original Titles</th>
<th>Crown Allotments</th>
<th>Lots to Divest</th>
<th>Undevelopable land</th>
<th>Divested</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>6</td>
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<td>32</td>
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</tr>
<tr>
<td><strong>Total</strong></td>
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<td><strong>119</strong></td>
<td><strong>14</strong></td>
<td><strong>69</strong></td>
<td></td>
</tr>
</tbody>
</table>

Table 7 - Ownership Data

*Under the RCZ4 Wanneroo Farm could be further subdivide into up to 5 lots of 40ha each.

**DWELLING POTENTIAL**

There are currently 14 dwellings on Melbourne Water land within the Study Area. The changes to implement a new zone on the PUZ land and the proposed subdivision changes in the Master Plan would see changes to the total number of dwellings. An additional 18 dwellings could be possible in the Study Area subject to planning approval. This would increase total dwellings to 29.

Without changes to the existing subdivision pattern future owners could apply to Council for dwellings on all existing lots as there is no minimum land size for a dwelling. Approval would be subject to Council.

Pursuant to the proposed zone planning control, the RCZ use of land for a dwelling requires a planning permit and must meet the following requirements:

- 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 a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- 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.

Land will need to essentially be self-sufficient with regards to servicing. This is due to the lack of reticulated services in the Study Area. The proposed subdivision layout in the Master Plan has been determined based on an assessment of the ability for land to be accessed amongst other considerations.

**POTENTIAL LOT AND DWELLING YIELD**

<table>
<thead>
<tr>
<th>Precinct</th>
<th>Existing Dwellings</th>
<th>Lots to Divest</th>
<th>Additional dwellings</th>
<th>Total dwellings</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>0</td>
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<td>0***</td>
</tr>
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</tr>
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<td>1****</td>
</tr>
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<td>7</td>
<td>7</td>
<td>19</td>
<td>6</td>
<td>13</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>14</strong></td>
<td><strong>98</strong></td>
<td><strong>18</strong></td>
<td><strong>29</strong></td>
</tr>
</tbody>
</table>

Table 8 - Dwelling Potential

** Assumes the dwelling to the south of the Rob Roy Hill Climb will be demolished.
** Two existing dwellings in this area will be demolished prior to transfer.
**** Under the RCZ there is potential to subdivide Wanneroo Farm into a maximum of five lots which could each apply for a dwelling.
CONTROLLING USE AND DEVELOPMENT

SUBDIVISION APPLICATIONS POST REZONING

Melbourne Water is seeking to divest their surplus land within the Study Area following the rezoning of the land. To facilitate divestment Melbourne Water will seek to make changes to the existing subdivision pattern in each Precinct in line with the Master Plan prior to putting the land on the market for divestment.

In most instances the changes to the existing subdivision pattern envisaged in the Master Plan are essentially the consolidation of existing lots to create larger lots which are closer in size to or at least the minimum subdivision size in the applied zone.

To ensure future subdivision changes in the Study Area are in line with the Master Plan proposals, an Incorporated Plan Overlay (IPO) will be introduced to the land. The IPO will then ensure the Master Plan is implemented and will support Melbourne Water’s applications for future subdivision changes.

The purpose of an IPO is to:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- 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.

It is intended that the Master Plan zone and subdivision plan will become the incorporated plan under the IPO as part of the Planning Scheme Amendment. Under the IPO a permit granted to use or subdivide land, construct a building or construct or carry out works 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.

The use of an IPO will require consideration of the incorporated plan and any matters specified in a schedule to the IPO. 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.

This Master Plan identifies the land to which it applies (being land currently owned by Melbourne Water) as well as the proposed subdivision pattern for that future land. It also provides development and use controls.

RESTRICTION ON LOTS

The Master Plan identifies a number of instances where existing Melbourne Water lots within the Study Area should be restricted in some way. This includes lots where the vegetation significance and other site features (slope, access constraints, proximity to forested areas) make those lots unsuitable for either the development of dwellings or significant agricultural use. To reflect these constraints it is proposed to apply the following restrictions be used:

- Restrictions on lots within the Contracts for Sale (Covenant: a written agreement between the seller and purchaser restricting what the land can be used for). This will be used for existing lots to be divested in their current form, including:
  - Identifying existing lots as undevelopable.
  - Identifying the need for any future dwelling development to be built to a BAL-29 construction standard whilst also providing defendable space for BAL-12.5.
  - Dwellings and other development of lots including driveways in the Study Area should be in line with the design guidelines proposed in the Master Plan.
  - Dwellings to be located in the general location of the defendable space areas shown on the Master Plan Precinct plans.
  - Landscaping and plant selection should avoid the planting of pest plants to protect the area’s environmental significance.
  - Pest animals including domestic cats should not be held on the land.
  - Crop raising and intensive agriculture should not occur on the land where it would require significant clearing of native vegetation.
  - Restrictions on title for any new titles issued including for lots which are consolidated to identify lots as undevelopable (i.e. Areas A and E in Precinct 7).
  - Restrictions on title (Section 173 Agreements) to recognise and protect the ongoing operation of the Rob Roy Hill Climb from amenity complaints from new dwellings in Precinct 2.
CONTROLLING USE AND DEVELOPMENT

DESIGN GUIDELINES

The following design guidelines for future development are recommended:

- Dwellings and outbuildings should be submissive to the landscape in which they are located through the use of appropriate materials including non-reflective materials and muted colour palettes.
- Dwellings should be located on flatter land within the site where possible to minimise visual impacts and enable servicing.
- Dwellings to be built to a BAL-29 construction standard whilst also providing defendable space for BAL-12.5.
- Fencing should contribute to the open landscape views and rural appearance of the Study Area. Consideration for the movement of native fauna should be made in fencing choices.
- Development of land should minimise the removal or impact on native vegetation as far as practicable (with the exception of bushfire requirements) by locating away from highly vegetated areas and close to roads.
- Package treatment plants for waste water should be used where possible.
- Land is to be managed including remnant bush areas to control weeds and minimise impacts on significant vegetation and fire risk.

- Electricity and telecommunications infrastructure should run along existing routes where possible.
- Driveways should be located to minimise the removal of vegetation including roadside vegetation and to provide adequate access for CFA vehicles and sight lines when entering and exiting the property.
- Landscaping and plant selection should utilise native or indigenous plants where practicable.
- Livestock should be kept out of land within the Environmental Significance Overlay where this could impact upon native vegetation.
- Weed control should be undertaken where reasonable to minimise impacts on the land and adjoining properties. Particular focus should be on eradicating priority weeds as defined by Nillumbik Shire Council.

PLANNING CONTROLS PROPOSED

The planning controls applied to the Study Area are just as important in guiding land use and development in the area as the proposed subdivision component of the Master Plan. In particular application of appropriate planning controls (zones) can serve to protect and enhance biodiversity and landscape values in the Study Area.

The Master Plan provides for change within the Study Area whilst minimising the impact on the Green Wedge. It also allows for planning controls to be altered without the need for Parliament Ratification.

The zoning controls proposed for the Study Area in this Master Plan are summarised below:

- PCRZ: will be applied to land to be transferred to the Crown for extension of the WKNCR. Land is located in Precinct 3 and partly in Precinct 1.
- RCZ3: will be applied to parts of Precinct 2 and Precinct 7.
- RCZ4: will be retained where currently present in the Study Area and will be extended to cover land in Precincts 2, 4, 5, 6 and 7 where appropriate.
- A public land zone control to be applied to Rob Roy Hill Climb land in Precinct 2 and to land encompassing the tennis courts and land around the Community Hall in Precinct 7 (PUZ).

BUILDING ENVELOPES

The Master Plan identifies preferred locations for dwellings based on an assessment of bushfire risk and the ability for BAL-12.5 Defendable Space areas to be provided within site boundaries. These preferred locations have also been located to minimise driveway access lengths while taking account of slope impacts on development and impacts of development on views to and from the land.

Future dwellings should be located in general accordance with these preferred locations.