

YARRA RANGES PLANNING SCHEME

AMENDMENT C183

EXPLANATORY REPORT

Who is the planning authority?

This Amendment has been prepared by the Minister for Planning, who is the planning authority for this Amendment.

The Amendment has been made at the request of Department of Treasury and Finance.

Land affected by the Amendment

The Amendment applies to the land at Crown Allotment 2171 (which forms the northern part of 150 Cambridge Road, Kilsyth).

A mapping reference table is attached at Attachment 1 to this Explanatory Report.

What the amendment does

The Amendment proposes to change the planning provisions for land that is owned by Department of Education and has been determined to be surplus to government requirements.

The Amendment proposes to rezone the land to from a Public Use Zone – Education (PUZ2) to a Neighbourhood Residential Zone - Schedule 1, apply the Significant Landscape Overlay – Schedule 23 (SLO23) and a new schedule 10 to the Development Plan Overlay (DPO10).

Strategic assessment of the Amendment

Why is the Amendment required?

The *Victorian Government Landholding Policy and Guidelines 2015* requires Victorian Government departments and agencies to review and manage their land assets on an on-going basis. Part of this assessment includes determining if land assets are required for a current and future service delivery need. Where land is no longer needed for a public purpose, this land must be declared surplus to requirements and disposed of, in accordance with the *Victorian Government Land Transactions Policy and Guidelines 2015*. Land owned by the Government is often zoned for public use to recognise the public purpose and ownership of the site. To facilitate disposal, the land must be rezoned to reflect an appropriate alternative zone.

The Amendment rezones the land from the Public Use Zone to reflect that it is not required for a public use.

The Amendment proposes to rezone the land to a Neighbourhood Residential 1 Zone (NRZ) to reflect the surrounding residential use and development.

The Amendment also proposes to apply Significant Landscape Overlay – Schedule 23 to assist in protecting areas of significant vegetation consistent with the planning controls that apply to the surrounding residential area. The Development Plan Overlay is required to assist in facilitating the development of the site and ensuring it is compatible with the adjoining residential areas.

How does the Amendment implement the objectives of planning in Victoria?

The Amendment implements the objectives for planning in Victoria, set out at section 4 of the *Planning and Environment Act 1987*. In particular, the Amendment implements the following objectives:

- to provide for the fair, orderly, economic and sustainable use, and development of land;
- to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;
- to facilitate development in accordance with the objectives set out in the other objectives;
- to facilitate the provision of affordable housing in Victoria;
- to balance the present and future interests of all Victorians.

The Amendment responds to these objectives by consolidating residential land and protecting significant vegetation. The Amendment will create appropriately zoned land for future residential development within an established residential area.

How does the Amendment address any environmental, social and economic effects?

Environment

- The Amendment will apply SLO23 to the land, which will assist in protecting the significant vegetation on site.
- The DPO10 will require the consideration of the significant trees as part of the design response and a landscape plan be prepared for the development of the subject site.
- Site contamination issues have been assessed and a Certificate of Environmental Audit has been issued.

Social

- The Amendment supports the provision of housing growth and offers an opportunity for housing diversity within the metropolitan area.
- Provides for greater certainty about the future development of the site, which is currently partially vacant.

Economic

- The Amendment facilitates economic development by encouraging the renewal of surplus land to provide new residential development opportunities.
- Funds realised through the sale of government land will be reinvested into new infrastructure and services across Victoria.

Does the Amendment address relevant bushfire risk?

The land is not within a Bushfire Management Overlay or designated bushfire prone area.

The Amendment will not result in any significant change to the pattern of land use and development in that in the surrounding area. The Amendment supports the policy of Clause 13.02 Bushfire risk by encouraging development to low risk locations, which have convenient and safe access.

Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?

This amendment is consistent with the **Ministerial Direction on the Form and Content** of Planning Schemes under Section 7(5) of the Act.

Ministerial Direction No. 1 – Potentially Contaminated Land seeks to ensure that land is only rezoned to facilitate sensitive land uses, agriculture or public open space where a planning authority

can be satisfied that the environmental conditions of the land are or will be suitable for that use. 'Potentially contaminated land' is defined as land used or known to have been used for industry, mining or storage of chemicals, gas, wastes or liquid fuel (if not ancillary to another use of land). A sensitive use is identified as a residential use, a child care centre, a pre-school or a primary school.

An Environmental Audit Certificate has been issued for the site.

Ministerial Direction No. 9 – Metropolitan Planning Strategy seeks to ensure that planning scheme amendments have regard to Plan Melbourne: Metropolitan Planning Strategy (Department of Transport, Planning and Local Infrastructure, 2014).

The Amendment is consistent with Policy 2.1.1 to maintain a permanent urban growth boundary around Melbourne to create a more consolidated, sustainable city, as it is being built within the existing Urban Growth Boundary.

The Amendment is consistent with Policy 2.1.2 which seeks to facilitate an increased percentage of new housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport. The Amendment will provide land for residential development within 20-minute walk of existing services, jobs and public transport.

The Amendment recognises Policy 5.2.1 to improve neighbourhoods to enable walking and cycling as a part of daily life by including requirements for pedestrian connections to the adjoining reserve and street network through the Development Plan Overlay.

Ministerial Direction No. 11 – Strategic Assessment of Amendments seeks to ensure a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces.

A strategic assessment of the proposed amendment has been undertaken in accordance with this Ministerial Direction in this section of this report.

The amendment is consistent with **Minister's Direction 17 – Localised Planning Statement**, requiring consistency with the adopted Yarra Ranges Localised Planning Statement.

The amendment is consistent with 6.1 Settlement policies for Settlement and Urban Form, and for Residential Areas. It provides for additional residential development within the Urban Growth Boundary.

The amendment is consistent with 6.2 Environment: Vegetation and Habitat Policies, Waterway Policies, and Landscape Policies. It seeks to recognise and retains existing native vegetation, by applying the Significant Landscape Overlay – Schedule 23 and Development Plan Overlay – Schedule 10.

Ministerial Direction No. 19 – Amendments that may significantly impact the Environment, Amenity and Human Health requires planning authorities to seek the views of Environment Protection Authority (EPA) in the preparation of planning scheme reviews and amendments that could result in use or development of land that may result in significant impacts on the environment, amenity and human health due to pollution and waste. This Direction also sets out the sets out the information required of planning authorities by the Minister in respect of planning scheme amendments that could result in significant impacts on the environment, amenity, and human health due to pollution and waste.

How does the Amendment support or implement the Planning Policy Framework and any adopted State policy?

The elements of the Planning Policy Framework that are most relevant to the Planning Scheme Amendment include:

- Clause 11.01-1R1 - Settlement – Metropolitan Melbourne;
- Clause 11.03-5 Distinctive areas and landscapes;
- Clause 15.02-1 S 'Sustainable development'; and
- Clause 18.01-1S – Land use and transport planning.

Clause 11.01-1R1 'Settlement – Metropolitan Melbourne' provides that planning is to anticipate and respond to the needs of existing and future communities through the provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure. Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities. Promote and capitalise on opportunities for urban renewal and infill redevelopment.

The subject site presents a rare opportunity for redevelopment, because of its size of 3.58 hectares and location in the metropolitan area. The site is located adjoining an established residential area, where there are numerous facilities available. The subject site will be accessible via a 20-minute walk, cycle or public transport ride to most everyday services.

Clause 11.03-5 'Distinctive areas and landscapes' seeks to protect and enhance the valued attributes of identified distinctive areas and landscapes. This clause requires consideration of the 'Yarra Ranges Localised Planning Statement (Victorian Government, 2017)' as relevant.

The proposal is consistent with the Settlement and Urban Form Policies contained in the 'Yarra Ranges Localised Planning Statement' as it seeks to:

- Contain urban development to land within the Urban Growth Boundary to ensure urban land is utilised efficiently and non-urban land is protected for rural activities consistent with existing policy in the Regional Strategy Plan.
- Provide for additional development to support increased densities on land within the Urban Growth Boundary, appropriate to the role of the town or suburb.
- Provide for and support a diversity of housing and specialised accommodation across Yarra Ranges' activity centres, urban areas and towns to meet the needs of the community.

Clause 15.02 'Sustainable development' seeks to promote consolidation of urban development and the integration of land use and transport.

The proposed Development Plan Overlay will assist in facilitating sustainable residential development by requiring a report detailing Environmentally Sustainable Design techniques which will be incorporated into the development.

Clause 18.01-1S – Land use and transport planning supports urban development which is accessible to jobs and services.

The proposed amendment allows housing to be integrated within an existing community where it can take advantage of existing transport and road facilities. The subject site is approximately 1.5 kilometres from the Kilsyth commercial area and 2.5 kilometres south-east of the Mooroolbark Railway Station.

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The amendment is consistent with the following clauses of the Local Planning Policy Framework:

- Clause 21.04 Land Use;
- Clause 21.05 Settlement;
- Clause 21.06 Built Form; and
- Clause 21.07 Landscape.

The amendment responds to these clauses by allowing new infill development within an established residential area while balancing the landscape considerations and respecting the amenity of adjoining residential properties.

Clause 21.04 Land Use Objective 1 – Housing Location Consolidated Residential Development seeks to guide residential development into sustainable locations which meet the needs of the community and that are not subject to physical or environmental constraint.

Objective 2 – Housing Diversity seeks to encourage a diversity of dwelling types to meet the needs of the population. This policy seeks to provide opportunities for increased densities on aggregated lots within consolidation areas that have walkable access to shops, public transport and community facilities.

The Amendment will assist in the implementation of the policy by providing infill development, on a partially vacant underutilised site in a sustainable location.

Clause 21.05 Settlement Objective 1 – Sustainable Towns seeks to establish sustainable and attractive townships which can support a range of residential, commercial, retail, community and recreational facilities and services.

The Amendment will assist in the implementation of the policy to support the consolidation of townships.

Clause 21.06 Built Form Objective 1 – Siting and design seeks to promote proper siting and good design in the construction of all buildings and in the carrying out of works.

The application of the Development Plan Overlay will assist providing a built form which responds appropriately to the adjoining residential properties.

Clause 21.07 Landscape Objective 1 – Scenic Landscapes seeks to retain and protect scenic landscapes, rural and green wedge character and special environmental features of the Shire.

The amendment will provide for the ongoing protection of the landscape through the application of the Significant Landscape Overlay – Schedule 23 and the landscaping requirements contained in the Development Plan Overlay.

Does the Amendment make proper use of the Victoria Planning Provisions?

The Amendment recognises that a Public Use Zone cannot continue to apply to land that is not required for public use. To comply with government policy, surplus land must reflect planning provisions that can be held in private ownership. The Amendment has considered applying appropriate planning provisions that best reflects the characteristics of the site.

The Neighbourhood Residential Zone provides for residential development that respects neighbourhood character of the area, while recognising the area is intended for minimal change.

The Amendment makes proper use of the Victoria Planning Provisions. The Neighbourhood Residential Zone will allow the development of the land. The Significant Landscape Overlay will enable the consideration of significant trees and the Development Plan Overlay will provide direction for the future development of the site.

How does the Amendment address the views of any relevant agency?

The views of relevant agencies can be considered as part of any exhibition process.

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

The amendment meets the requirements of the Transport Integration Act 2010.

The amendment is not envisaged to have a significant effect on the transport system.

Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The Amendment will not result in any significant impact on the resources and administrative costs of Council.