

UPPER YARRA VALLEY AND DANDENONG RANGES REGIONAL STRATEGY PLAN

AMENDMENT 122

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 Yarra Ranges Council.

Land affected by the Amendment

The Amendment applies to all land in the Shire of Yarra Ranges.

What the amendment does

The amendment makes changes to clauses within three chapters of the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan (Regional Strategy Plan) to bring it into line with more contemporary and effective planning provisions proposed as part of the major revision of the Yarra Ranges Planning Scheme.

The amendment has been prepared at the request of Yarra Ranges Shire Council, to resolve inconsistencies between council's planning review and the Regional Strategy Plan. Council's major revision of its planning scheme is proposed to be implemented through Amendment C148 to the Yarra Ranges Planning Scheme.

The proposed changes to the Regional Strategy Plan are outlined below:

Chapter	Proposed change	Reason
7	<p>Amend 7.02 'Sites of Natural Significance' to clarify exceptions to prohibition of vegetation removal</p> <p>Amend 7.05 'Additional measures to protect Native Vegetation' to delete the last three dot point exemptions and replace with "<i>except where exemptions apply under the planning scheme</i>"</p>	<p>The change at 7.02 will remove ambiguities in the current wording of the Regional Strategy Plan and planning scheme. It will be consistent with planning scheme exemptions recognised under Amendment 119 to Schedule 6 of the Regional Strategy Plan.</p> <p>The change at 7.05 enables consistency between the Regional Strategy Plan policies and provisions of the planning scheme including the Significant Landscape Overlay, Environmental Significance Overlay, Erosion Management Overlay and Clause 52.17.</p>

Chapter	Proposed change	Reason
13	<p>Rename Chapter 'Activity Centres'</p> <p>Amend 13.02 'Primary Purpose'</p> <p>Amend 13.03 'Objectives for all Commercial Centres'</p> <p>Delete clauses 13.04 – 13.11</p> <p>Create 13.04 'Yarra Ranges Activity Centre Hierarchy Table'</p>	<p>The current chapter title 'Commercial Centres' does not reflect the broad range of services and facilities provided in centres and is not consistent with contemporary planning terminology.</p> <p>Replace outmoded hierarchy of regional centres with wording that is consistent the Localised Planning Statement and Activity Centres Network provisions proposed under Amendment C148 to the planning scheme.</p> <p>Clause 13.11 policies for commercial use in Rural and Landscape Living Policy Areas are not appropriate in the Activity Centres chapter. The matters covered in that clause are generic and are now much more thoroughly addressed in policy guidelines under the planning scheme.</p>
16	<p>Amend 16.08 'Recreation and Tourism in Rural Policy Areas' to delete provisions that relate specifically to Intensive Agricultural Policy Areas.</p> <p>Renumber 16.13 'Caravan parks' to 16.14 'Caravan parks' and delete provisions that relate specifically to Intensive Agricultural Policy Areas.</p> <p>Delete clause 16.14 'Major tourist facilities'</p> <p>Amend 16.17 'Restaurants' to replace the third dot point with <i>'It is used in conjunction with agriculture, natural systems, outdoor recreation facility, rural industry or winery'</i>.</p>	<p>Removes reference to Intensive Agricultural Policy Areas which are not proposed to be specifically singled out in the planning scheme.</p> <p>Specific guidance is provided in the MSS identifying the following categories of rural areas: Productive agricultural areas, Rural landscape areas and Rural residential areas.</p> <p>There is no defined meaning for a major tourist facility and the term has led to confusion and uncertainty for planning decision making about tourist development in rural areas. Tourism uses should be considered under the relevant zone, overlay and policy provisions set out in the revised planning scheme.</p> <p>The change at 16.17 will make the Regional Strategy Plan consistent with the Green Wedge Zone which is the major zoning for rural policy areas. Further specific guidance for restaurants in rural areas is also provided for under the revised MSS</p>
Schedule 8	Amend the schedule to register the amendment to the	This is an administrative addition made with every amendment to the

Chapter	Proposed change	Reason
	Regional Strategy Plan	Regional Strategy Plan.

Strategic assessment of the Amendment

The Minister has prepared this amendment under section 46C of the *Planning and Environment Act 1987*.

This amendment to the Regional Strategy Plan as exhibited in conjunction with Amendment C148 to the Yarra Ranges Planning Scheme.

Why is the Amendment required?

The amendment to the Regional Strategy Plan is required to enable more contemporary approaches to various planning issues to be implemented through the Yarra Ranges Planning Scheme.

The current Yarra Ranges Planning Scheme needs to be revised because:

- Council has adopted a range of new and updated strategies that are not adequately reflected in the current planning scheme
- Experience with the operation of the current planning scheme has revealed that there are some aspects that are confusing and difficult for planning scheme users
- New planning issues have emerged which are not adequately addressed by the current planning scheme.

Council has prepared Amendment C148 to the Yarra Ranges Planning Scheme. The changes proposed under that amendment will make the planning scheme easier for all people to use and understand. Amendment C148 will remove a number of redundant policies and controls. It will also replace a number of other local policies and particular provisions with theme based policy guidelines in the new Municipal Strategic Statement and map based provisions in zones and overlays.

Section 46F of the Planning and Environment Act requires that any amendment to the Yarra Ranges Planning Scheme must be consistent with the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan (Regional Strategy Plan).

The changes proposed under Amendment C148 to the planning scheme are consistent with the regional goals and objectives of the Regional Strategy Plan and are generally consistent with its more specific policies and requirements. However, some of the proposed planning scheme changes are not consistent with specific requirements contained in the current Regional Strategy Plan.

The proposed changes to the Regional Strategy Plan via Amendment 122 are required to enable the revision of the Yarra Ranges Planning Scheme to proceed as proposed under Amendment C148.

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

The amendment implements the objectives of Planning in Victoria as stated in Section 4 of the *Planning and Environment Act 1987*. The changes to the Regional Strategy Plan will enable the Yarra Ranges Planning Scheme to be comprehensively revised to provide a clear strategic policy framework for the fair, orderly, economic and sustainable use and development of land.

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

The amendment to the Regional Strategy Plan does not have any direct environmental, social or economic effects but is being prepared in conjunction with Amendment C148 to Yarra Ranges Planning Scheme. Amendment C148 is expected to have positive effects on the environment via a more targeted approach to protect biodiversity, introduction of sustainable design techniques in new major developments and ensuring the proper consideration of environmental hazards in new development proposals.

Amendment C148 has also been determined to have a positive social impact through new objectives for open space, social infrastructure and the promotion of urban design as well as positive impacts on the local economy. It will facilitate new development and provide certainty for further investment in agriculture and tourism in the Green Wedge.

Does the Amendment address relevant bushfire risk?

Whilst land affected by the amendment is within the Designated Bushfire Prone Area, with some areas in the Bushfire Management Overlay, the amendment is not considered to result in additional bushfire risk.

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

The amendment is required to be consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act as the amendment is an amendment to the Regional Strategy Plan, not a planning scheme.

The following Directions under Section 12(2) of the Act have been considered in the preparation of this amendment:

- Direction No. 9 – Plan Melbourne 2017-2050: Metropolitan Strategy (Plan Melbourne)
The Regional Strategy Plan amendment has had proper regard to and is consistent with the directions and policies of the Metropolitan Strategy in particular Outcomes 1, 2 and 4.
- Direction No. 11 – Strategic Assessment of Amendments
This direction ensures a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces. The Regional Strategy Plan amendment complies with the requirements of Direction No. 11.
- Direction No. 17 – Localised Planning Statements
The Regional Strategy Plan amendment is in conformity with the Yarra Ranges Localised Planning Statement.
The amendment is consistent with Settlement Objectives and the Activity Centre Hierarchy at section 6.1 Settlement, including:
 - Respond to changing community needs and ensure timely access to social infrastructure, employment and housing.
 - Maintain the vast areas of rural land and small towns.
 - Direct growth in the Region to sustainable locations within the existing settlement boundaries (Urban Growth Boundary).

The amendment is consistent with Economic Objectives at section 6.4 Economic Development, including:

- Strengthen the economy through the diversification and celebrating the Region's distinctive assets
- Reinforce a network of prosperous and sustainable activity centres in suburbs and towns to provide an equitable distribution of services and facilities across the Region
- Protect agricultural land and support farming
- Create employment opportunities in the Region

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

The Regional Strategy Plan forms part of the *Planning and Environment Act 1987*, the planning scheme is required to be consistent with the Regional Strategy Plan. Nonetheless the amendment gives further support to Clauses 11.01, 11.03, 12.05-1S and 17.02-1S. The amendment maintains the existing Urban Growth Boundaries in the Shire.

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

The Regional Strategy Plan forms part of the *Planning and Environment Act 1987*, the planning scheme is required to be consistent with the Regional Strategy Plan, not the reverse. Nonetheless, the amendment is consistent with key strategic documents of Yarra Ranges Shire Council and responds to a range of land use and development issues that have emerged since the new format planning scheme was introduced in 2000 and the last major revisions to the Regional Strategy Plan

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

This is an amendment to the Regional Strategy Plan under section 46C of the Act and the Victoria Planning Provisions are not relevant to the Regional Strategy Plan.

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

The views of relevant agencies have been considered in the development of this Amendment.

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

The amendment will not have any impacts on the requirements of the *Transport Integration Act 2010*.

There are no applicable statements of policy principles prepared under section 22 of the *Transport Integration Act 2010*.

Resource and administrative costs

The amendment will have a positive effect on Council resources by decreasing the cost of administering the Regional Strategy Plan by removing redundant controls.

Where you may inspect this Amendment

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection or by contacting 1800 789 386 to arrange a time to view the amendment documentation.