

# UPPER YARRA VALLEY AND DANDENONG RANGES REGIONAL STRATEGY PLAN

## AMENDMENT 123

### EXPLANATORY REPORT

#### Who is the planning authority?

This amendment has been prepared by the Minister for Planning under section 46C of the *Planning and Environment Act 1987* (the Act), who is the planning authority for this amendment.

The Amendment has been made at the request of Yarra Ranges Shire Council and the Minister for Planning.

#### Land affected by the Amendment

The following properties are affected by the amendment:

2837 Warburton Highway, Wesburn	2874 Warburton Highway, Wesburn
2876 Warburton Highway, Wesburn	2882 Warburton Highway, Wesburn
2907 Warburton Highway, Wesburn	1995 Warburton Highway, Launching Place
2000 Warburton Highway, Launching Place	2010 Warburton Highway, Launching Place

Furthermore, land that is used for extractive industry and mining (Earth and energy resources industry) in the Yarra Ranges Shire or is intended to be used for extractive industry and mining (Earth and energy resources industry) is affected by the amendment.

The known sites used for extractive industry and mining are located at Montrose, Coldstream and Launching Place.

#### What the amendment does

The Amendment comprises two parts.

The first part amends the *Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan* (the Regional Strategy Plan) to exempt the eight properties listed above from the requirements in *Chapter 13.11 Other Commercial Use and Development*.

The second part is a correction to the Regional Strategy Plan and applies to land that is used for extractive industry and mining (Earth and energy resources industry) in the Yarra Ranges Shire or is intended to be used for extractive industry and mining (Earth and energy resources industry).

Specifically, the amendment:

- Amends Schedule 6 to include an exemption for the eight properties from the requirements of Chapter 13.11 so that they may be used and developed for commercial purposes subject to the requirements of the Yarra Ranges Planning Scheme.
- The second part of the amendment reinstates the wording of Chapter 15.03 Extractive Industry policies that was introduced into the Regional Strategy Plan in Amendment 104 in 1997.
- Amends Schedule 8 to register the amendment to the Regional Strategy Plan.

Amendment 104 was approved by the Minister for Planning on 12 August 1997 and was then approved by Parliament under section 46D of the Act on 13 November 1997 however the Regional Strategy Plan as consolidated and published at present has not included the approved provision.

The exemptions of the first part of the amendment will allow the consideration of the approval of Yarra Ranges Planning Scheme Amendment C159 as section 46F of the Act does not allow for an amendment to a planning scheme to be approved that is inconsistent with the approved Regional Strategy Plan. This amendment removes the potential inconsistency.

## **Strategic assessment of the Amendment**

### **Why is the Amendment required?**

The first part of the amendment is required to allow eight sites that are within a Landscape Living Policy Area to be used for a greater range of commercial uses to serve the local community than Chapter 13.11 allows.

Chapter 13.11 allows the establishment of commercial use and development outside a commercial centre in Rural and Landscape Living Policy Areas where:

- it is demonstrated that the use provides a recreation or tourist facility or is ancillary to a tourist accommodation establishment;
- the use is associated with and ancillary to primary production carried out on the land;
- the use is a convenience shop or a general store.

Chapter 13.11 also requires any proposal to establish a commercial use or development in a Rural or Landscape Living Policy Areas must:

- be consistent with the objectives and policies of the Regional Strategy Plan and the relevant policy area; and
- not have any adverse effects on the amenity of adjoining residential areas, the surrounding natural environment or on the landscape of the area.

Eight sites are proposed to be rezoned to Township Zone (TZ) in Yarra Ranges Planning Scheme Amendment C159 which are currently within a Rural Living Zone in Launching Place and Wesburn.

The scope of use and development allowed in the TZ may be considered to be inconsistent with the Regional Strategy Plan and would require an exemption from Chapter 13.11 to allow for a wider range of commercial activities on suitable sites, providing for local residents' needs.

The second part of the amendment is required to reinstate provisions in the Regional Strategy Plan that have been erroneously omitted over time. Amendment 104 to the Regional Strategy Plan was approved by the Minister for Planning on 12 August 1997 and was subsequently approved by Parliament under section 46D of the Act on 13 November 1997. However the Regional Strategy Plan as published has not included the provision. This amendment corrects the provision as approved in 1997.

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

The amendment implements the following objectives of planning in Victoria as set out in section 4(1) of the Act:

- a) to provide for the fair, orderly, economic and sustainable use and development of land;
- b) to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;
- c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- f) to facilitate development in accordance with the objectives set out in paragraphs a), b), c), d) and e);
- g) to balance the present and future interests of all Victorians.

The inclusion of the eight sites in Launching Place and Wesburn in Schedule 6 will allow for the fair and orderly planning of these already developed properties by making their planning controls more consistent with controls applying to other town areas while maintaining the strategic direction of limiting non-residential development.

The reinstatement of provisions in the Regional Strategy Plan that have been omitted will allow for extractive industry in appropriate areas subject to obtaining a permit and will protect the interests of Victorians in relation to natural resources.

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

Under section 12 of the Act the amendment is considered to have positive environmental, social and economic effects.

#### Environmental

Part one of the amendment would allow limited new development within Launching Place and Wesburn township areas, while the controls in the Yarra Ranges Planning Scheme will preserve and enhance the character of these residential areas.

Part two of the amendment is not considered to have significant effect on the environment or the environment on the use or development envisaged in the amendment as quarry proposals would go through an assessment process. Removal of vegetation on these sites will be subject to inclusion of specified areas on the development plan approved by the responsible authority.

#### Social

It is considered that the amendment has a net community benefit as the local community will be able to access community infrastructure and services in the town areas of Launching Place and Wesburn.

#### Economic

The amendment is expected to have positive economic effects in allowing for quarry operations subject to obtaining a planning permit and work authority.

It is considered that the amendment has an economic benefit as the local businesses will be able to diversify and change with local needs while protecting established uses in Launching Place and Wesburn.

The amendment is expected to have positive economic effects in allowing for quarry operations. The amendment should not have any detrimental impact on employment in the three existing areas used for extractive industry and should result in more public and private sector investment in the immediate and surrounding areas.

Any expansion of an existing quarry will require detailed environmental, social and economic assessment that may occur under legislation such as the *Planning and Environment Act 1987*, *Environment Effects Act 1978* and *Mineral Resources (Sustainable Development) Act 1990*.

#### **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.

The correction of an error relating to extractive industry and exemption of eight sites from the requirement of Chapter 13.11 of the Regional Strategy Plan are not considered to result in an increased risk to life, property or community infrastructure as this amendment does not propose any approvals of development or change in planning scheme controls. The exemption of eight properties allows rezoning those sites to enables limited commercial development in keeping with the character of the area. Any amendment to the Yarra Ranges Planning Scheme must address bushfire risk.

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

The amendment is not 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.

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 Direction 4.5 Plan for Melbourne's green wedges and peri-urban areas and Policy 4.5.1 and Policy 4.5.2.
- 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 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 11.01-1R, 12.05-1S, 17.02-1S and 13.02. The amendment maintains the existing Urban Growth Boundaries in the Shire and enables commercial development in existing settlements, protecting the important productive agricultural area of the Yarra Valley and appropriately responds to bushfire risk. The amendment protects environmentally sensitive areas with significant recreational value from development that would diminish their environmental conservation or recreational values.

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

The amendment aids in implementing the Local Planning Policy Framework in a number of ways. The amendment update for extractive industries is consistent with Objective 2 – Extractive Industry in Clause 21.04-4 of the Municipal Strategic Statement. The amendment to exempt eight properties from requirements is consistent with Objectives 1 and 4 of Clause 21.05 of the Municipal Strategic Statement.

The amendment is consistent with the Yarra Ranges Council Green Wedge Management Plan 27 July 2010 as Amendment 123 reinforces the retention of the Urban Growth Boundary and provides for appropriate uses in township locations and removes the pressure for commercial uses to locate in other areas, including green wedge areas.

The amendment is not considered to be in conflict with the proposed Yarra Ranges Planning Scheme Amendment C148 (which proposes a comprehensive revision of the planning scheme) or Upper Yarra Ranges and Dandenong Valley Regional Strategy Plan Amendment 122 (which proposes substantial revisions and deletions 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 amendment was not exhibited and is in part a correction to the Regional Strategy Plan and has no impact on any relevant agency.

**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**

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

The amendment will not impose any significant impact on the administrative costs of the Responsible Authority for the Yarra Ranges Planning Scheme or the Planning Authority or the Planning Authority for the Regional Strategy Plan being the Minister for Planning.

**Where you may inspect this Amendment**

The Amendment is available for public inspection, free of charge, at Yarra Ranges Shire Council's website [www.yarraranges.vic.gov.au](http://www.yarraranges.vic.gov.au)

The Amendment is available for public inspection, free of charge, during office hours at the following places:

Yarra Ranges Shire Council, 15 Anderson Street, Lilydale, Victoria.