Planning and Environment Act 1987

# Yarra ranges PLANNING SCHEME

# AMENDMENT C143

# 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 land in the Low Density Residential Zone (LDRZ) as shown on the attached maps marked Amendment C143 maps.

## What the amendment does

The amendment seeks to insert a second schedule to Clause 32.03 Low Density Residential Zone in selected areas to enable consideration of subdivision to create lots of minimum 0.2 hectares. The existing Schedule to the Low Density Residential Zone will be amended to become Schedule 1, and will retain the 0.4 hectare minimum lot size requirement.

The amendment implements the findings of Council’s recent analysis and public consultation on subdivision in the Low Density Residential Zone and proposes to insert the new Schedule 2 in all areas with the exception of those listed below.

The Low Density Residential areas proposed to be retained in Schedule 1 include:

(a) the suburbs of Belgrave, Belgrave Heights, Belgrave South, Tecoma, Upwey, Selby and Upper Ferntree Gully

(b) Most areas within the Bushfire Management Overlay with the exception of Warburton

(c) Areas within the Erosion Management Overlay susceptible to debris flow

(d) Areas of uniform subdivision as identified south of Hull Road, Lilydale

(e) The historic Bickleigh Vale subdivision Mooroolbark (HO75),

(f) 12 lots outside the Urban Growth Boundary

(g) Areas of Healesville west of Don Road

## Strategic assessment of the amendment

**Why is the amendment required?**

The amendment has been prepared in response to the Minister for Planning’s reform of the Low Density Residential zone subdivision provisions.

In July 2013, the Minister for Planning introduced new residential zones across Victoria including a revised Low Density Residential Zone (LDRZ). In the LDRZ the Minister reduced the minimum lot size from 0.4 hectares to 0.2 hectares where reticulated sewer is available. Concurrently, the Minister introduced a Schedule to Clause 32.03 in Yarra Ranges’ Planning Scheme to retain the minimum subdivision size of 4,000m². In his letter to Council, the Minister indicated that the schedule would be placed in Yarra Ranges’ Scheme for an interim period to allow Council to analyse the impact of the change.

Council has now completed an analysis and public consultation and has determined locations where a reduction in the minimum lot size would be appropriate as per this Amendment.

There are an estimated 875 LDRZ lots of 0.4 hectares or greater. Over the next 15 years it is expected that most LDRZ areas will be connected to reticulated sewer through implementation of the sewer backlog program. Generally the LDRZ is applied to residential areas constrained from development by environmental or infrastructure limitations. Reduction of the minimum lot size from 0.4 to 0.2 hectares in areas not subject to these characteristics would allow subdivision of less constrained sites without significantly impacting on neighbourhood character.

### How does the amendment implement the objectives of planning in Victoria?

The amendment implements the objectives of planning in Victoria pursuant to Section 4 of

the *Planning and Environment Act 1987* by providing for the fair, orderly and sustainable

development of land where environmental, social and economic effects are recognised.

The Amendment must be considered in relation to Section 46F of the *Planning and Environment Act 1987* which requires any amendment to the Yarra Ranges Planning Scheme to be consistent with the *Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan*. A key policy of the Regional Strategy Plan is, *There be no net increase in the total provision for residential development in the Dandenong Ranges and no significant increase in the Yarra Valley and southern foothills beyond that provided for in proposals approved or exhibited at the date of adoption of this policy.* The Low Density residential areas covered in this Amendment include the Dandenong Ranges foothills and Yarra Valley townships. Because the proposal will result in further development opportunities, the amendment is potentially inconsistent with the Regional Strategy Plan. Should the State Government confirm this view, the Regional Strategy Plan will need to be amended. Any amendment to the Regional Strategy Plan must be ratified by Parliament prior to the Minister for Planning approving a planning scheme amendment to the Yarra Ranges’ scheme.

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

The amendment addresses environmental issues by predominantly retaining a 4,000m² minimum subdivision lot size in areas within the Bushfire Management Overlay (BMO), meaning that the associated vegetation clearance around new dwellings required by the BMO is avoided.

While properties in Warburton within the BMO are proposed to be included in Schedule 2 (allowing consideration of 0.2ha lots), any future subdivision of these properties will require assessment against Clause 65 and Clause 44.06 to consider the suitability of the land for subdivision.

The retention the 0.4ha minimum lot size for land within uniform subdivision areas, and land in the Bickleigh Vale Heritage Overlay area, will avoid detrimental impacts on valued neighbourhood character and heritage.

The amendment is not anticipated to result in any substantial social or economic effects outside of personal monetary gain resulting from the ability to further subdivide private property.

### Does the amendment address relevant bushfire risk?

The Amendment generally avoids allowing further subdivision of properties within the Bushfire Management Overlay with the exception of low density areas in Warburton. Properties in Warburton are proposed to be included in Schedule 2 despite identified risk to life and property from bushfire. While Council’s adopted position in Warburton is inconsistent with the strategic basis used for other areas, it is noted that any application for subdivision will trigger a planning assessment under the provisions of the Bushfire Management Overlay (Clause 44.06). In addition, a minimum construction standard will be applied to all new buildings constructed in affected areas, ensuring new buildings are more resilient to bushfire attack.

### Does the amendment comply with the requirements of any Minister’s Direction applicable to the amendment?

The Amendment is consistent with the Ministerial Direction on the Form and Content of

Planning Schemes under section 7(5) of the Act.

The Amendment is also consistent with *Ministerial Direction 11: Strategic Assessment of Amendments* as the Explanatory Report details all requirements to be met.

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

The following State Planning polices are relevant to the assessment of this amendment:

 Clause 11.02 – Urban growth

 Clause 11.04 – Metropolitan Melbourne

Reducing the minimum lot size in appropriate locations within the LDRZ will enable more intensive development of urban land not affected by natural hazards, environmental constraints or service limitations. The further subdivision of land within existing settlements is a more efficient use of urban land.

 Clause 13.05 - Bushfire

New subdivisions will be required to meet the requirements of the Bushfire Management Overlay.

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

The following Clauses in the Local Planning Policy Framework and Municipal Strategic Statement are relevant:

 Clause 21.04 – Land use

 Clause 21.05 - Settlement

 Clause 21.07 – Landscape

 Clause 21.08 - Subdivision

 Clause 21.09 – Environment

 Clause 21.10 – Infrastructure

Including properties in appropriate locations in Schedule 2 will facilitate development which responds to neighbourhood and landscape character and is not sited on land subject to environmental or service constraints. The existing function of LDRZ to accommodate single dwellings in a low density residential setting will generally be retained.

Regarding consistency with the Municipal Strategic Statement, Council included in its resolution to adopt the amendment, that modification of the MSS will be required. Currently there is no strategic support for further subdivision in the LDRZ areas. It is anticipated this work will be included in an upcoming amendment which is reviewing the MSS.

### Does the amendment make proper use of the Victoria Planning Provisions?

The Amendment makes proper use of the Victorian Planning Provisions by applying the LDRZ in accordance with the reformed residential zones implemented by the Minister for Planning.

### How does the amendment address the views of any relevant agency?

The Country Fire Authority was consulted as part of the consultation process and expressed concern the proposed changes may intensify the number of residents living in areas of identified bushfire hazard.

### Does the amendment address relevant requirements of the Transport Integration Act 2010?

Section 13(1) of the *Transport Integration Act 2010* specifies that the ‘transport system should be safe and support health and wellbeing’. The development resulting from this Amendment will be scattered over a broad area of Yarra Ranges and the total number of lots created will be incremental in terms of public transport. The surrounding road network is considered capable of accommodating all proposed uses and development resulting from this amendment. There are no significant impacts on the traffic system defined by the Transport Integration Act as a result of this Amendment

## Resource and administrative costs

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

The ability to further subdivide will result in increased dwellings, with potential need to upgrade Council infrastructure such as roads and drainage. The amendment will also have an incremental affect on permit applications to Council and associated demand on Council resources.

### Where you may inspect this Amendment

The amendment is available for public inspection, free of charge, at the following Yarra Ranges Community Links:

 Lilydale – 15 Anderson Street, Lilydale

Monbulk – 21 Main Road, Monbulk

Healesville – 110 River Street, Healesville

Upwey – 40 Main Street, Upwey

Yarra Junction – Warburton Highway/Hoddle Street, Yarra Junction

Our Community Links are open Monday to Friday 9am to 5pm (Lilydale open at 8.30) and Saturday 9am to 12pm.

The amendment can also be inspected free of charge at the Department of Transport, Planning and Local Infrastructure website at [www.dtpli.vic.gov.au/publicinspection](http://www.dtpli.vic.gov.au/publicinspection).