

YARRA RANGES PLANNING SCHEME

AMENDMENT C208

PLANNING PERMIT APPLICATION YR-2022/X

EXPLANATORY REPORT

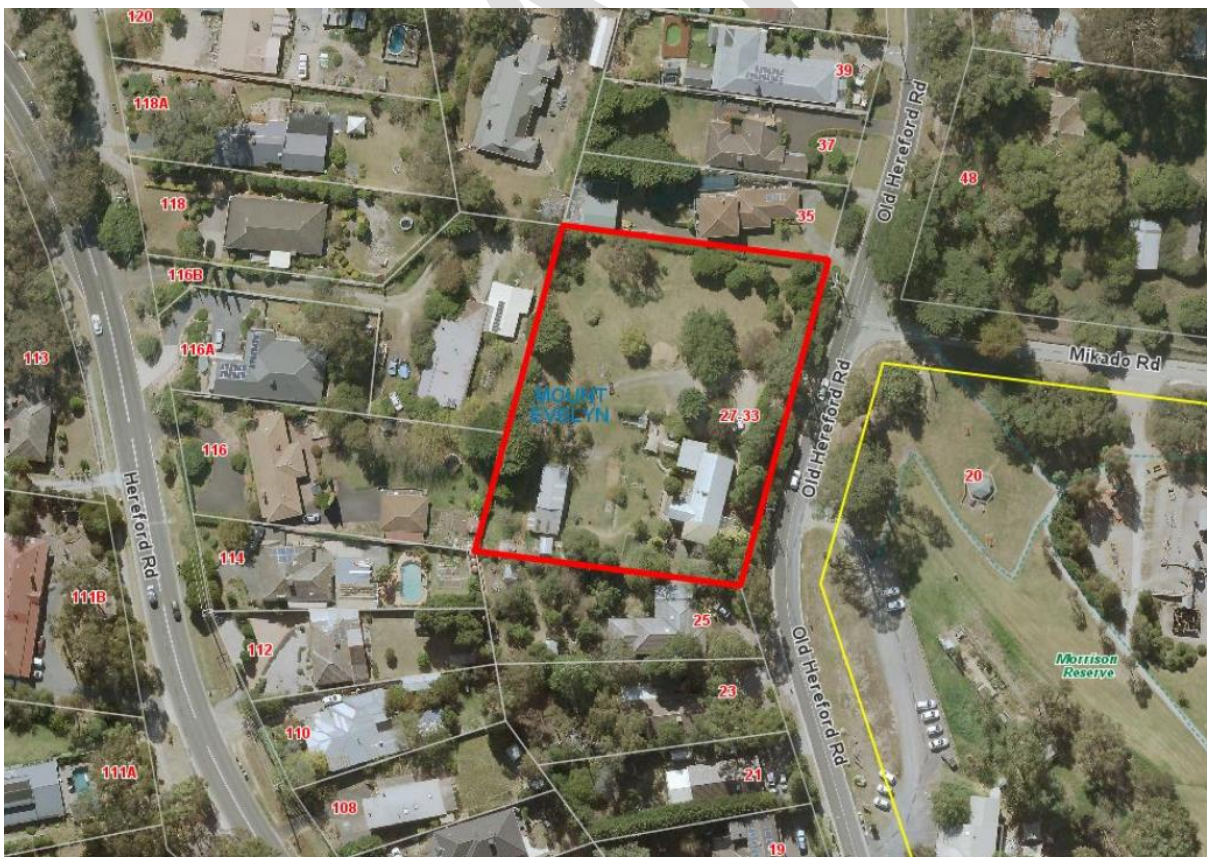
Who is the planning authority?

This amendment has been prepared by the Yarra Ranges Shire which is the planning authority for this amendment.

The amendment has been made at the request of Mr John & Lucia Baulch (owners) of 27-33 Old Hereford Road, Mount Evelyn.

Land affected by the amendment

The amendment applies to Lot 1 TP 187625X, being 27-33 Old Hereford Road Mount Evelyn.



What the amendment does

The amendment seeks to apply the Specific Controls Overlay Schedule 4 to the land. This overlay allows specific controls to be applied to particular land and permits the exclusion of other planning scheme requirements.

The SCO4 will allow for the creation of a 2200m² site subject to a permit, to facilitate the construction of a dwelling approved by planning permit YR2018/1032. The existing dwelling is to be retained on a site of 2967m² in area.

More specifically the amendment will:

- Apply Specific Controls Overlay – Schedule 4 (SCO4) to the land.
- Amend the Schedule to Clause 45.12 Specific Controls Overlay to include the Incorporated Document 27-33 Old Hereford Road, Mount Evelyn - May 2022.
- Amend the Schedule to Clause 72.04 Documents Incorporated in this planning scheme to include the Incorporated Document 27-33 Old Hereford Road, Mount Evelyn - May 2022.

Concurrent with the preparation of the planning scheme amendment a planning permit application is made pursuant to Section 96A(1)(a) of the Planning and Environment Act 1987.

Division 5 of Part 4 of the Act provides for a combined permit and amendment process. This provides for a planning authority to consider an application for a planning permit concurrently with an amendment to a planning scheme.

The permit is for the subdivision of Lot 1 TP 187625X, being 27-33 Old Hereford Road Mount Evelyn into two lots.

The planning permit is attached as a separate document to this Explanatory Report.

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to facilitate the subdivision and creation of a lot (2200m²) to accommodate a new dwelling as approved by YR 2018/1032.

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

The Amendment supports the following objectives of planning in Victoria, set out in Section 4 (1) of the *Planning and Environment Act 1987*:

- *To provide for the fair, orderly, economic and sustainable use, and development of land.*
- *To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*
- *To balance the present and future interests of all Victorians.*

The amendment implements these objectives by allowing for the sustainable use and development of an approved dwelling on the land within an established low-density residential zone.

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

There would be no detrimental environmental effects as a result of the proposed two lot subdivision to facilitate the development of an approved dwelling. The delineation of a new title boundary will not have any social or economic effects.

Does the amendment address relevant bushfire risk?

The amendment is supported by a detailed Bushfire Assessment (*Tree Wishes - September 2021*). The addendum to the Bushfire Management Assessment (12 May 2022) specifically responds to the criteria in Clause 13.02-1S (Bushfire Hazard Identification and Assessment) that requires bushfire hazards (such as vegetation, topographic and climatic conditions) are identified and that an

appropriate risk assessment is performed.

Specifically, and as required by Clause 13.02-1S, this has now been performed at the following scales:

- Landscape conditions up to 20km
- Local conditions up to 1km
- Neighbourhood conditions up to 400m
- The site

The assessment is included in Addendum 1 of the 'Tree Wishes' report.

The bushfire assessment demonstrates that the subject land is exposed to a relatively low bushfire risk, with the overall Bushfire Attack Level (BAL) for the site determined as BAL-Low (12.5) given:

- Residential landscape surrounded to the north, west and south by higher density residential landscape;
- Vegetation assessments indicate a low threat in all directions within 150 m of site;
- Landscape scenario – type 2 'broader landscape type' representing the second lowest landscape risk;
- Defendable space is being provided for a distance of 50 metres, or the property boundary whichever is the lesser, for buildings constructed to all bushfire attack levels;
- Access to and from Mt Evelyn;
- Morrison Public Reserves lies to the immediate south east; and,
- A neighbourhood safe place is located within 100m of the site.

Conditions ensuring how bushfire risk is managed for the proposed dwelling have been placed within the existing planning permit for development as recommended by the CFA. Proposed conditions ensuring how bushfire risk is managed for the proposed two lot subdivision have been included in the draft planning permit for subdivision in consultation with the CFA.

This approach is consistent with Clause 13.02-1S (Bushfire Planning), Strategies, Protection of human life which gives priority to directing development into low-risk locations and ensuring the availability of and safe access to area where human life can be protected. The approach is also consistent with conditions included in recent amendments supported by DELWP to address bushfire risk (Casey C231-DPO24; Campaspe C118 – DPO11).

Based on the potential for bushfire risk, the draft planning permit for subdivision to the site requires (among other things), that the new lot includes a building envelope that is capable of achieving a setback from a bushfire hazard to enable construction standard of BAL 12.5; or that it be located a sufficient distance from the hazard vegetation that a building may be sited on the lot to achieve compliance with a BAL 12.5 construction standard.

The site is considered to be of sufficient size and dimensions to incorporate any appropriate bushfire design responses.

The CFA has been consulted on the proposal and will also be formally notified of the amendment and given the opportunity to provide comment at exhibition.

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

Ministerial Direction on Form and Content of Planning Schemes

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes pursuant to section 7(5) of the *Planning and Environment Act 1987*.

Ministerial Direction No. 9 Metropolitan Planning Strategy

The Amendment is affected by Ministerial Direction No. 9 – Metropolitan Strategy under Section 12 of the *Planning and Environment Act 1987*. Plan Melbourne is the adopted Metropolitan Strategy for the Melbourne region and Yarra Ranges Council. The amendment is consistent with the following Directions within Plan Melbourne:

Direction 4.5 Plan for Melbourne’s green wedges and peri-urban areas

- Avoid development in locations where there is risk to life, property, the natural environment and infrastructure from natural hazards such as bushfire and flooding.
- Accommodate additional housing and employment in established towns that have the capacity for growth.

Ministerial Direction No. 11

The requirements of Ministerial Direction No. 11 - Strategic Assessment of Amendments have been considered in the preparation of Amendment C208Yran and form the basis of this Explanatory Report.

Ministerial Direction No. 17 – Yarra Ranges Localised Planning Statement (27 June 2017)

The Yarra Ranges Localised Planning Statement applies to all land in Yarra Ranges Council. The Amendment is consistent with Section 6.1 of the Statement which seeks to:

- Provide and support a density of housing across Yarra Ranges urban areas;
- Ensure development within existing settlements will be of a type and scale that respects the existing character of each area.

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

The amendment is consistent with the following state policies:

11 Settlement:

- *Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.*

11.01-1S Settlement Strategies

- *Limit urban sprawl and direct growth into existing settlements.*
- *Promote and capitalise on opportunities for urban renewal and infill redevelopment.*

16.01-2S Location of Residential Development

- *Facilitate residential development that is cost effective in infrastructure provision and use, energy efficient, water efficient and encourages public transport use.*
- *Identify opportunities for increased residential densities to help consolidate urban areas.*

16.01-5S Rural Residential Development

- *Encourage the consolidation of new housing in existing settlements where investment in physical and community infrastructure and services has already been made.*

In respect to these state policies, the following is relevant:

- The site at 27-33 Old Hereford Road is located within a fully developed residential precinct of Mt Evelyn (population 9700) connected to reticulated infrastructure (water, sewerage, power, telecommunications) and close to social and community infrastructure.
- The subdivision of the site:
 - Takes full advantage of the existing Mt Evelyn residential area, within the UGB;
 - Allows subdivision within existing residential areas;

- Is consistent with the consolidation of development in existing settlements that are serviced with physical and community infrastructure.

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

The following elements of the LPPF are relevant to the proposal.

Clause 21.01-1 The Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan

Planning that seeks to minimise fire risk

Clause 21.03-1 Strategic Framework

This Clause adopts the urban designations of metropolitan, foothills, rural towns and rural/green wedge areas when guiding use and development to the most appropriate and sustainable locations.

Some of the Foothills Areas (Belgrave, Tecoma, Upwey, Montrose) do not have fully constructed roads with larger areas not connected to reticulated sewerage, which is why these areas are designated as having limited potential for more intensive development. This is further articulated within Clause 21.04-1 which identifies areas by zone and overlay designation.

Clause 21.04-1 Residential

This clause articulates the residential framework for urban development to be:

- Housing location in consolidated residential development areas (e.g., Chirnside Park, Lilydale) and infill development within the General Residential Zone of Mooroolbark, Kilsyth, Healesville. Mount Evelyn and Yarra Glen;
- Incremental Change areas within Neighbourhood Residential Areas (NRZ);
- Least change areas within:
 - NRZ and Design & Development Overlay (NRZ5) and
 - Low-Density Residential Areas, (LDRZ3);
- Low Density & Rural Residential Areas are to ensure land remains committed to low density single dwelling residential area as the primary function of the area.

This part of Mount Evelyn, in contrast to other foothills areas, is a fully developed residential precinct and is connected to both reticulated sewer and water.

The proposal is considered consistent with these clauses in that:

- The subdivision of the site to create a site for a single storey dwelling is consistent with the residential strategies of the planning scheme of containing infill development within established residential areas.
- The “character” of Old Hereford, Hereford & Kookaburra Lane is a fully developed residential precinct consisting of 53 lots which range in area from 1000-1500m². The creation of a new lot (2200m²) for the approved dwelling is consistent with the existing settlement pattern of this fully developed residential precinct.
- The subdivision and subsequent development of a dwelling cannot change the character of this developed residential precinct.
- The subdivision of the site to create a 2200m² lot is consistent with the zone of low-density single dwelling residential use.
- The proposal does not alter the zoning of the land but merely allows for the subdivision of an approved dwelling at a density consistent with the neighbouring properties.

Clause 21.08 Subdivision Objective 1 Subdivision in Residential Areas has strategies that seek to:

Ensure subdivision proposals for remaining large lots are designed to retain the environmental and landscape values, particularly within the Foothills and Rural Townships areas.

The proposal is considered to be consistent with this aspect of Clause 21.08 as:

- The design of the subdivision for the location of the approved dwelling is within the established garden area of the site and lower than road level (19m setback) which ensures no impact on any landscape values of the SLO2.

- It provides for a range of lot sizes in appropriate locations to meet the needs of a diverse range of household types. The creation of a 2200m² lot is consistent with the existing settlement pattern of this precinct;

The proposal is also consistent with the “Policy guidance” for subdivision in residential areas at Clause 21.08 by providing a development plan showing the building envelope and how development arising as a result of subdivision addresses existing feature, such as slope, terrain, substantial areas and any vegetation.

Clause 21.08 Subdivision Objective 2 Subdivision Design seeks to:

Promote subdivision that is functional and enhances the existing neighbourhood character.

The proposal is considered to be consistent with this aspect of Clause 21.08 as:

- The Policy Guidance for Objective 2 requires application for subdivision to be supported by a development proposal. In this context, the development of a dwelling on the proposed lot has already been approved.
- The Section 96A application includes the incorporated document including appendices (subdivision plan, endorsed development plans, copy of title)
- This information is provided by way of an Incorporated Document.

Clause 42.03 Significant Landscape Overlay Schedule 22 – Foothills and Rural Township

The creation of a 2200m lot within SLO22 is also consistent with the Significant Landscape Overlay which identifies that the foothill areas at the base of the Dandenong Ranges contain houses which, although occurring at more suburban densities, are well integrated into an environmental setting.

Is the amendment consistent with the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan?

Section 46F of the *Planning and Environment Act 1987* requires that any amendment to the Yarra Ranges Planning Scheme must not be inconsistent with the *Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan* (RSP). The site is located within Township A and clause 3.14 subdivision for Township Policy Areas applies to the subdivision of land:

- Ensure that all subdivision is compatible with the special features and character of the township policy areas;
- Provide a range of lot sizes which allow for the creation of diverse and interesting township areas and to improve housing choice;
- Maintain environmental and landscape qualities and residential amenity;
- Adequately control subdivision of land which is subject to environmental constraints and/or which cannot be adequately serviced;
- Ensure the efficient utilisation of existing hydraulic and human services and the adequate provision of new services;
- Protect site so natural significance and/or site of cultural significance; and
- Ensure subdivision is of a scale and in locations that will not generate traffic demands that would lower the environmental amenity in the locality of in the region.

The approval of the site for the use and development of the land for a second dwelling addressed the issues of environment and landscape constraints, and gave detailed consideration to the overlays that apply to the site (BMO2 & SLO2).

Clause 3.14 Subdivision Policies also identifies the need for lots to be connected to reticulated sewerage and provision of underground services (power, telecommunication). This developed residential precinct is already connected to all urban infrastructure, with reticulated sewerage being provided to this residential precinct in 1985.

It is considered that the amendment is consistent with the above policies of the Regional Strategy Plan.

How does the amendment support or implement the Municipal Planning Strategy?

Yarra Ranges Planning Scheme does not currently include a Municipal Planning Strategy at Clause 02.

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

The amendment makes the proper use of the VPP's through the addition of this site to the existing Specific Controls Overlay schedule.

Have the views of any relevant agency been addressed?

The prescribed government agencies will be notified of the amendment and will be given an opportunity to make a submission.

The CFA were consulted on the approved dwelling application and have also been informally consulted on the proposed two lot subdivision.

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

Public transport to the township of Mount Evelyn is provided by bus routes which provide connection to the Principal Public Transport Network. The Amendment reinforces the consolidation of residential areas served by public transport.

Resource and administrative costs

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

The Amendment is not expected to generate additional resource and administrative costs, as it is limited to one site.

Where you may inspect this amendment

The Amendment is available for public inspection, free of charge, during office hours at the following Yarra Ranges Community Link Centres:

- Lilydale – 15 Anderson Street, Lilydale
- Monbulk – 21 Main Road, Monbulk
- Healesville – 110 River Street, Healesville
- Upwey – 40 Main Street, Upwey
- Yarra Junction – 2442-2444 Warburton Hwy, Yarra Junction

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

Submissions

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by TBC.

A submission must be sent to Design and Place, Yarra Ranges Council, PO Box 105 Lilydale VIC 3140, or at mail@yarraranges.vic.gov.au.

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: Week beginning TBC
- panel hearing: Week beginning TBC

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