

YR-2023/173 - 41 & 43 HODDLE STREET, YARRA JUNCTION - PLANNING REPORT

APPLICATION DETAILS

Site Address	41 & 43 Hoddle Street, (Lot 2 PS427467 & Lot 2 LP113135) Yarra Junction
Application No.	YR-2023/173
Proposal	Staged twenty-five (25) lot subdivision, vegetation removal, and creation and removal of easements
Existing Use	Single dwelling (to each lot)
Applicant	Mr P Simic
Zone	Clause 32.09 Neighbourhood Residential Zone – Schedule 2
Overlays	Clause 42.01 Environmental Significance Overlay – Schedule 1 Clause 42.03 Significant Landscape Overlay – Schedule 22 Clause 43.02 Design and Development Overlay – Schedule 6 Clause 44.06 Bushfire Management Overlay
Permit trigger/s	<p>Clause 32.09 Neighbourhood Residential Zone – Schedule 2</p> <ul style="list-style-type: none"> • A planning permit is required to subdivide land <p>Clause 42.01 Environmental Significance Overlay – Schedule 1</p> <ul style="list-style-type: none"> • A planning permit is required to subdivide land • A planning permit is required to remove, destroy or lop vegetation as specified in Schedule 1 <p>Clause 42.03 Significant Landscape Overlay – Schedule 22</p> <ul style="list-style-type: none"> • A planning permit is required to construct a building or construct or carry out works as specified in Schedule 22 • A planning permit is required to remove, destroy or lop vegetation as specified in Schedule 22 <p>Clause 43.02 Design and Development Overlay – Schedule 6</p> <ul style="list-style-type: none"> • A planning permit is required to subdivide land <p>Clause 44.06 Bushfire Management Overlay</p> <ul style="list-style-type: none"> • A planning permit is required to subdivide land

	<p>Clause 52.02 Easements, Restrictions and Reserves</p> <ul style="list-style-type: none"> • Proceeding under Section 23 of the <i>Subdivision Act 1988</i> to create, vary or remove an easement or restriction <p>Clause 52.17 Native Vegetation</p> <ul style="list-style-type: none"> • Remove, destroy or lop native vegetation, including dead native vegetation
Objections	Seventeen (17)
Encumbrances on Title (Covenants/ Section 173 Agreements)	No
Reason for Council Decision	More than ten (10) objections
Ward	O'Shannassy

SUMMARY

The application proposes a staged twenty-five (25) lot subdivision, vegetation removal, creation and removal of easements.

The subdivision is to be undertaken in two stages, with development of the site confined to the western half of the site where all lots will range between 500 and 21,614 m² (2.1 hectares conservation lot). The development will also incorporate a new road off Hoddle Street that will provide access to all allotments. The eastern end of the site includes a conservation zone that will protect and conserve existing flora and fauna in the area. The subdivision design is site response and responds to the constraints of the site and surrounds, including environmental features and hazards.

The application has been advertised and at the time of this report seventeen (17) objections have been received. Objector concerns primarily relate to traffic and user safety of Hoddle Street, impacts to flora and fauna and the character of subdivision pattern.

Overall, the subdivision responds to the Yarra Ranges Planning Scheme when assessed against the relevant policies including the Municipal Planning Strategy, Planning Policy Framework, Zone, Overlay and particular provisions of the Scheme.

It is recommended the application be approved and a Notice of Decision to Grant a Planning Permit, subject to conditions contained in Attachment 1, be issued.

RECOMMENDATION

That Council resolve to approve Planning Application YR-2023/173 for a staged twenty-five (25) lot subdivision, vegetation removal, creation and removal of easements at 41 & 43 Hoddle Street, (Lot 2 PS427467 & Lot 2 LP113135) Yarra Junction and issue a Notice of Decision to Grant a Permit subject to the conditions in Attachment 1 to the report.

DISCLOSURE OF CONFLICT OF INTEREST

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

CULTURAL HERITAGE SIGNIFICANCE

The application has been checked against the requirements of the *Aboriginal Heritage Act 2006* and *Aboriginal Heritage Regulations 2007 (Vic)* as to the need for a Cultural Heritage Management Plan (CHMP).

It has been assessed that a CHMP is not required.

EXTRACTIVE INDUSTRY

The site is not located within 500m of extractive industry.

HUMAN RIGHTS CONSIDERATION

The application has been assessed in accordance with the requirements of the *Planning and Environment Act 1987* (including the Yarra Ranges Planning Scheme), reviewed by the State Government and which complies with the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

ENCUMBRANCES ON TITLE

There are no encumbrances on the Certificate of Title.

SITE LOCATION AND DESCRIPTION

The subject site comprises of two parcels of land formally described as:

- Lot 2 on Plan of Subdivision 427467T (41 Hoddle Street, Yarra Junction)
- Lot 2 on Plan of Subdivision 113135 (43 Hoddle Street, Yarra Junction)

The existing site features are described as follows:

- A total combined site area of 4.59 hectares
- Each lot comprises of a single dwelling with a frontage to Hoddle Street
- Both sites are heavily vegetated to the rear of the existing dwellings (Figure 1)
- The site slopes down from the Hoddle Street frontage to the rear of the site with a fall of approximately 29 metres
- A waterway runs through the rear of both sites in a north to south direction that feeds into Little Yarra River
- Both lots have an existing drainage and sewerage easement that runs along the northern boundary of each respective lot.



Figure 1 – Subject Site



Figure 2 - Street frontage - Hoddle Street



Figure 3 - Street Frontage – Hoddle Street



Figure 4 - View of existing vegetation within the proposed conservation zone

SURROUNDING AREA

The surrounding area comprises of a mixture of residential, bushland and rural land uses as reflected under the zoning map

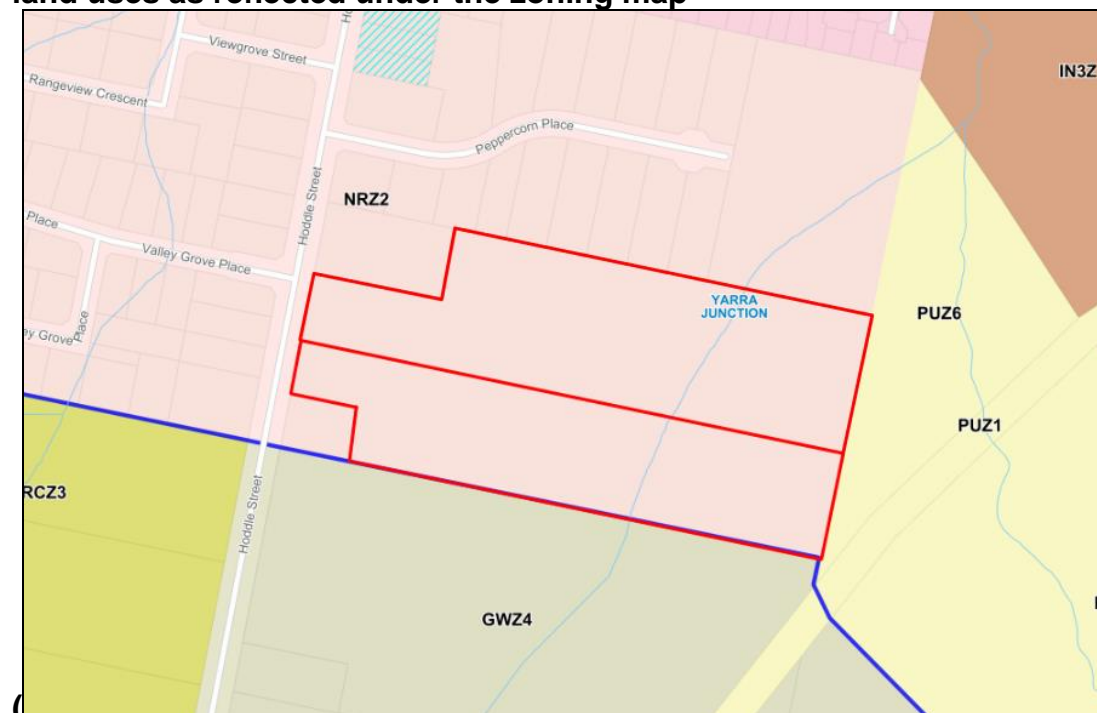


Figure 5). The site also borders the urban growth boundary (south of the subject site):

- North

To the north of the site are residential properties generally in the order of 500 to 750 square metres in size with single storey detached dwellings.

- East

Towards the east is heavily forested vegetation on undeveloped public land.

- South

The urban growth boundary borders the southern boundary of the site. Adjoining the subject site to the south is an existing accommodation camp that also includes outdoor recreation activities. Sites to the south are zoned Green Wedge Zone and are used generally for rural residential purposes.

- West

Hoddle Street directly abuts the western boundary of the subject site. Beyond this are residential allotments typically developed with single storey dwellings.

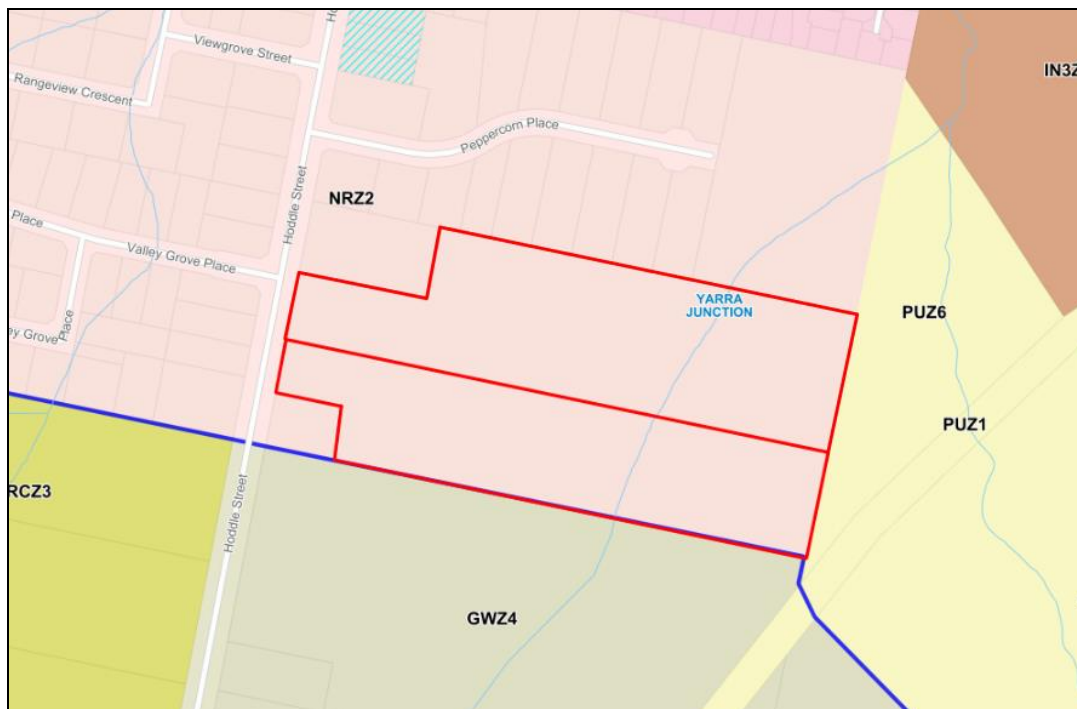


Figure 5 - Zone Map

PROPOSAL

The application seeks approval for a two staged twenty-five (25) lot subdivision, vegetation removal, creation and removal of easements.

The key aspects of the proposal are described as follows:

Staged Subdivision of twenty-five (25) lots

A staged subdivision is a process where subdivision occurs over multiple stages in the delivery of new lots and infrastructure until the final subdivision layout is achieved. The proposal seeks to provide the subdivision in two stages as described below.

A summary of all lot sizes, and which stage it is proposed is noted in Table 1 below.

Table 1 - Proposed Lot Sizes:

Lot Number	Lot Size (square metres)	Stage 1 or Stage 2
1	500	Stage 1
2	500	Stage 1
3	836	Stage 1
4	528	Stage 1
5	500	Stage 1
6	500	Stage 1
7	745	Stage 1
8	823	Stage 1
9	756	Stage 2
10	21,614	Stage 2
11	738	Stage 2
12	715	Stage 2
13	715	Stage 2
14	1385	Stage 2
15	506	Stage 2
16	522	Stage 2
17	507	Stage 2
18	558	Stage 2
19	581	Stage 2
20	539	Stage 2
21	558	Stage 2
22	593	Stage 2
23	534	Stage 1
24	510	Stage 1
25	500	Stage 1

Summary of overall subdivision

The total developable area (including roads and proposed lots but excluding the conservation zones) will occupy approximately 57 percent (26,160 square metres) of the site. The balance of approximately 43 percent (19,750 square metres) will be retained as a conservation zone across the eastern end of the site.

Note: The subdivision proposal does not include permissions for development of any dwellings. Construction of dwellings are subject to future consideration under Clause 43.02 Design and Development Overlay – Schedule 6 where a planning permit would be required if the future dwelling exceeds 30 percent site coverage or 50 percent impervious surfaces.

Stage 1

Initial twelve (12) lots delivered will be Lots 1 to 8 and Lots 23 to 25 inclusive (Figure 6), with the balance of the site comprising a super-lot, meaning one large lot which will be subdivided further in the future. The subdivision of the super-lot will form Stage 2 of the subdivision.

No building envelopes are proposed on any lots under Stage 1.

Works include:

- Creation of new accessway off Hoddle Street including pedestrian connection to existing footpath of western side of Hoddle Street.
- Construction of the full access road to service all lots.
- Footpath within road verge servicing all lots under Stage 1.
- Piped drainage and systems (inclusive of outfall drainage to rear of site) to service all lots.
- Connection of lots to civil infrastructure and utility requirements.
- The creation of the new Council Road, a new 5.5-metre-wide crossover to the site from Hoddle Street and associated civil infrastructure (see detail on Page 9).



Figure 6 - Stage 1 Subdivision Layout

Stage 2

This includes the subdivision of the further thirteen (13) lots, being Lots 9 to 21.

Building envelopes are proposed for lots 9 to 19, this is to address bushfire risk in line with Clause 53.02.

Works include:

- Footpath within road verge servicing all lots under Stage 2.
- New footpath along eastern side of Hoddle Street connecting the subdivision to the existing footpath at the intersection of Hoddle Street and Peppercorn Place.
- Balance of piped drainage and systems required.

- Connection of lots to civil infrastructure and utility requirements.

Full Stage 2 subdivision layout is shown in Figure 7:



Figure 7 - Stage 2 Subdivision layout

Infrastructure provision (traffic and stormwater)

Traffic

The subdivision will incorporate a new sealed road accessed off Hoddle Street to service all twenty-five (25) lots.

The road width will vary between 14 to 16 metres in width with a 5.5-metre-wide carriageway that includes kerb and channel. A footpath is provided within the road width that services all lots.

Other works are also proposed along Hoddle Street including localised widening of Hoddle Street and provision of a footpath along the eastern side of Hoddle Street.

Further details are specified in 'Assessment' section to this report.

Stormwater

The management and discharge of stormwater will be to the rear of the site via proposed stormwater infrastructure including piped drainage, bioretention swale drain and new outfall drainage connection the east of the subdivision to be constructed as part of the permitted works.

Timing of infrastructure provision under each stage is outlined above.

Vegetation Removal (including native vegetation removal)

A total of 228 trees are proposed for removal. Of these, 164 require a planning permit, with full details outlined the submitted arborist report in Attachments 6 and 7.

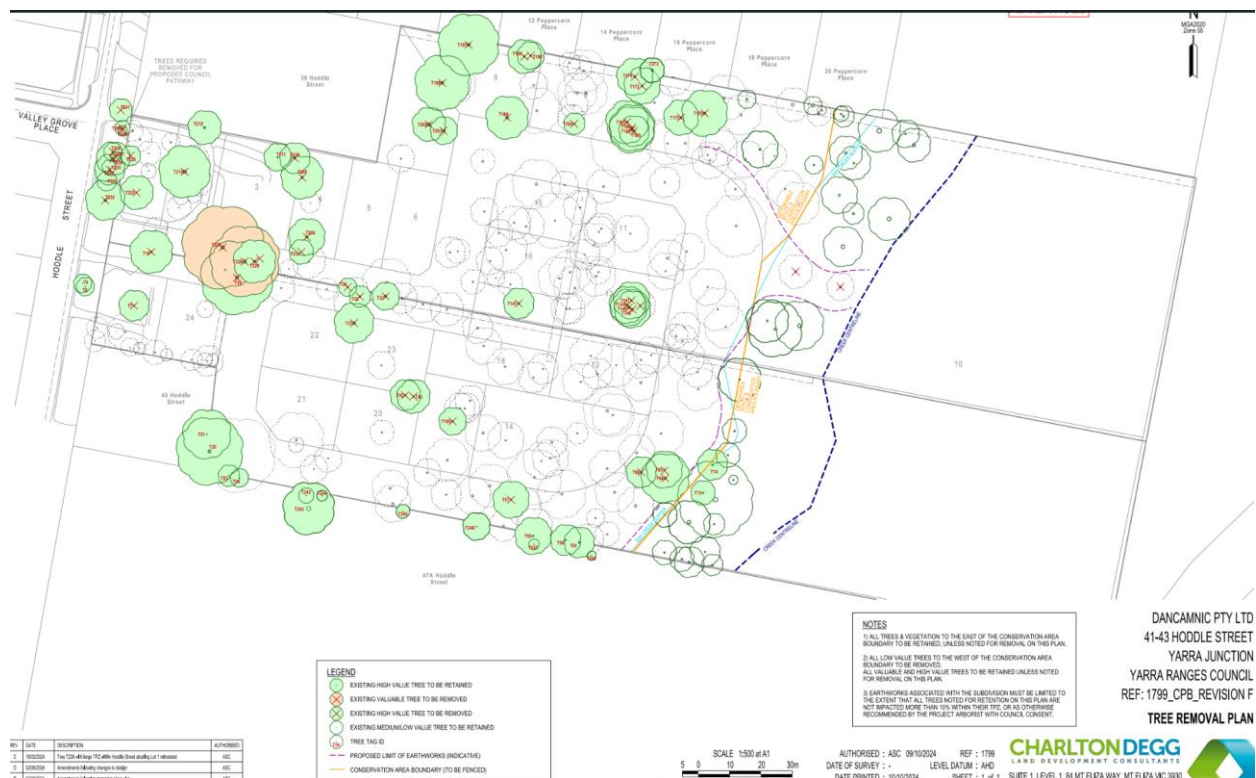


Figure 8 - Proposed vegetation retention and removal plan

In addition, *Kunzea leptospermoides* (Yarra Burgan) is prolific across the site with a significant number proposed for removal onsite within the red hatched area mapped within Figure 9.

Native Vegetation:

The subdivision seeks to remove 1.828 hectares of native vegetation comprising:

- 1.766 hectares of native vegetation in patches (including 13 large trees in patches)
- One large scatter tree

Figure 9 provides a mapped representation of native vegetation to be removed, shown in red hatched area. The figure also outlines the conservation zone for the land east of red hatched area.



Figure 9 - Proposed native vegetation removal

Removal and Creation of Easements

In lieu of the proposed infrastructure within the new road servicing the subdivision, two existing drainage and sewerage easements are proposed for removal:

- Drainage and sewerage easement (E-1) along northern boundary of Lot 2 on Plan of Subdivision 427467T (41 Hoddle Street, Yarra Junction).
- Drainage and sewerage easement (E-1) along northern boundary of Lot 2 on Plan of Subdivision 113135 (43 Hoddle Street, Yarra Junction).

It is also proposed to create a new three (3) metre wide easement to the rear of Lots 15-18.

Other works

The proposal also includes the demolition of the existing dwelling at 43 Hoddle Street which does not require planning permission.

The dwelling at 41 Hoddle Street will be kept and form part of Lot 3.

HISTORY

Application Number and Decision Date	41 Hoddle Street, Yarra Junction - YR-2001/132 – Permit for the construction of an outbuilding and associated tree removal. Approved 05 April 2001
VCAT History	Nil.
Other History	Nil.

PLANNING CONTROLS

Zoning	Clause 32.09 Neighbourhood Residential Zone – Schedule 2
Overlay	Clause 42.01 Environmental Significance Overlay – Schedule 1 Clause 42.03 Significant Landscape Overlay – Schedule 22 Clause 43.02 Design and Development Overlay – Schedule 6 Clause 44.06 Bushfire Management Overlay
Municipal Planning Strategy	Clause 02.03-1 Settlement Clause 02.03-2 Environmental and landscape values Clause 02.03-3 Environmental risks and amenity Clause 02.03-5 Built environment and heritage Clause 02.0-6 Housing
Planning Policy Framework:	Clause 11.01-1S Settlement Clause 11.01-1L-01 Settlement Clause 11.02-1S Supply of urban land Clause 12.01S Protection of biodiversity Clause 12.01-1L Biodiversity Clause 12.01-2S Native vegetation management Clause 12.03-1S River and riparian corridors, waterways, lakes, wetlands, and billabongs Clause 12.05-1S Environmentally sensitive areas Clause 12.05-2S Landscapes Clause 13.01-1S Natural hazards and climate change Clause 13.02 Bushfire Clause 15.01-3S Subdivision design Clause 15.01-3L Residential subdivision design

	<p>Clause 15.01-4S Healthy neighbourhoods</p> <p>Clause 15.01-5S Neighbourhood character</p> <p>Clause 15.01-5L Neighbourhood character</p> <p>Clause 16.01-1S Housing supply</p> <p>Clause 16.01-1R Housing supply – Metropolitan Melbourne</p> <p>Clause 16.01-1L Housing</p> <p>Clause 16.01-2S Housing affordability</p> <p>Clause 19.03-2S Infrastructure design and provision</p> <p>Clause 19.03-3S Integrated water management</p> <p>Clause 19.03-3L Water management</p>
Particular Provisions	<p>Clause 52.02 Easements, Restrictions and Reserves</p> <p>Clause 52.17 Native Vegetation</p> <p>Clause 53.01 Public Open Space Contribution and Subdivision</p> <p>Clause 53.03 Residential Reticulated Gas Service Connection</p> <p>Clause 56 Residential Subdivision</p>
Other Requirements:	<p>Clause 65 – Decision guidelines</p>

For further information on the planning controls refer to Attachment 2.

CONSULTATION

Internal Referrals

This application was referred to various business units or individuals within Council for advice on particular matters. The following is a summary of the relevant advice:

Department	Summary of Response	Conditions required
Engineering (Traffic)	Consent to proposal, subject to conditions. <i>Comments:</i> Recommended conditions include requirement for a functional layout plan that includes provision of a new sealed road servicing all lots and localised widening of Hoddle Street for two-way trafficable road width and pedestrian footpath.	See Conditions 26, 35, 38 to 42, 52 to 54
Engineering (Stormwater)	Consent to proposal, subject to conditions <i>Comments:</i> Recommended conditions include piped drainage to service all lots and new outfall drainage to Melbourne Water asset.	See Conditions 28 to 30, 45 to 49, 57 to 59
Strategic Planning	Consent to proposal, no conditions required subject to further consideration. <i>Comments:</i> Consultation required with Arborist and Environment team regarding extent of vegetation removal.	No condition required
Arborist	Consent to proposal subject to conditions. <i>Comments:</i> Planning decision required for removal of high value trees. Tree number 232 can be retained subject to tree protection measures. Conditions include tree protection measures during works, tree and fauna protection specifications plan and tree protection plan that maintains and protects the condition of all retained trees.	See Conditions 10 to 14
Environment	Consent to proposal, subject to conditions. <i>Comments:</i> Recommended conditions include native vegetation offsets, protection of fauna prior to works and Land Management Plan to Lot 10 secured via a Section 173 agreement.	See Conditions 15 to 23, 31, 50 and 51.

External Referrals

This application was referred to the following statutory referral authorities for advice on particular matters. The following is a summary of the relevant advice:

Referral Authority	Consent/Objection Summary of Response	Summary of Conditions
Melbourne Water (Section 52 Referral Recommending)	No objection, subject to conditions.	See Condition 67 Separate approval required through Melbourne Water for stormwater discharge.
CFA (Recommending Referral Authority)	No objection, subject to conditions.	See condition 61 to 66. Endorsement of bushfire management plan and secured on title via a Section 173 Agreement.
Department of Energy, Environment and Climate Action (DEECA)	No objection, subject to conditions.	See Condition 15 to 23. Conditions relate to, Native vegetation offsets, Wildlife protection and a Land Management Plan.
AusNet	No objection, subject to conditions.	See Conditions 70 and 71. Connection to electricity services.
Yarra Valley Water	No objection, subject to conditions.	See Condition 68 and 69. Connection to water services. Connection to sewerage services.
Comdain Gas	No response received	No conditions.

Public Notification

Notification of the application was undertaken by:

- ☒ - Placement of two (2) signs on the land
- ☒ - Mailing notices to owners and occupiers of adjoining and/or nearby properties
- ☒ - Placing the proposal on Council's website for a minimum of 14 days
 - Notice of the application commenced on 30 May 2025.
 - Notification signage was removed on 16 June 2025.

Number of Objections - Seventeen (17) (at the time of publishing this report).

A summary of key themes of objections are noted below:

- Traffic impacts and user safety to Hoddle Street
- Overlooking and privacy impacts from future development and removal of vegetation
- Safety and security risks
- Impacts to biodiversity due to loss of flora (including native vegetation removal), fauna and habitat
- Construction impacts from subdivision works
- Character of subdivision pattern
- Impacts to existing infrastructure

A response to each of the objection themes is provided later in this report.

ASSESSMENT/ KEY ISSUES

Municipal Planning Strategy and Planning Policy Framework

The proposal has been assessed against the Municipal Planning Strategy and Planning Policy Framework. The proposal is consistent with these policies as detailed below. (See attachment 2- Planning Scheme policies).

The township of Yarra Junction is identified as a large neighbourhood activity centre under Clause 02.03-1 'Settlement'. A large neighbourhood activity centre is the second highest tier of activity centre behind major activity centres (which includes the suburbs of Chirnside Park and Lilydale).

This classification recognises the role that Yarra Junction plays in providing a variety of retail, community and civic services to the area and wider catchment area for the Upper Yarra. Council's adopted Housing Strategy 2024 also forecasts the total population growth within Yarra Ranges to reach approximately 180,197 people by 2041, where there is an identified need to support additional housing within and adjoining activity centres.

Situated within the urban growth boundary and zoned under the Neighbourhood Residential Zone, the site is identified under Clause 16.01-1L as an incremental change area where policy seeks to support additional housing that is consistent with the existing character of the neighbourhood. The subdivision supports these policies, in providing for a twenty-five (25) lot subdivision within the Yarra Junction activity centre that will support additional housing growth through additional lots within residential zoned land.

The site is accessible and well serviced being able to connect to all reticulated services and accessed off a sealed road (Hoddle Street) that connects to Warburton Highway and associated bus services. Moreover, the site is only a 600 metre walk from the main commercial activity area of Yarra Junction that offers a variety of retail, services and facilities. This is consistent with Clause 11.03-1L-01 and Clause 16.01-2S in providing additional land and housing options that take advantage of existing infrastructure and proximity to established services and facilities.

Both the Municipal Planning Strategy and Planning Policy Framework also recognise the importance to protect and enhance our natural environment and key environmental features the municipality offers. In addition, Clause 13.02 also recognises environmental hazards such as bushfires, where policy gives priority to the protection of human life over all other policy considerations. The subdivision layout responds to this through the provision of a perimeter road that separates the lots from bushfire hazards in addition to onsite bushfire mitigation measures (refer to Attachment 4 for details).

The subdivision responds to key environmental policies, including:

- Clause 02.03-2 Environmental and landscape values
- Clause 12.01 Biodiversity, and
- Clause 12.03 Water Bodies and Wetlands

The subdivision layout ensures future development will be located away from key onsite areas of environmental significance being the waterway that runs through the eastern half of the allotment and native vegetation with high biodiversity values. Whilst it is noted a large number of trees (including native vegetation) are to be removed, having regard to the competing policies, the proposal provides an appropriate subdivision layout. This subdivision layout creates conservation zone that covers the eastern half of the allotment with a minimum 30 metre setback of the subdivision and earthworks from the waterway in accordance with Clause 12.03-1S.

The retention of existing vegetation within the eastern half of the subject site as a conservation zone will also maintain the contiguous dense patch of established vegetation that connects with adjacent forested vegetation to the north, east and south of the site. Consistent with Clause 12.01-1L, the conservation zone will protect key riparian vegetation along the waterway and also maintain the bio-link corridor for wildlife to move between habitat areas.

Of the native vegetation removal that is unavoidable, appropriate offsets will be conditioned to compensate for the biodiversity impact from the removal of native vegetation (further discussed in Clause 52.17 Native Vegetation section of this report).

Neighbourhood Residential Zone Schedule 2 and Clause 56 Residential Subdivision

The purpose of the zone is to implement the Municipal Planning Strategy and Planning Policy Framework which recognises the site as an area of incremental change to support residential development at a scale that is proposed.

As required by the zoning, any application to subdivide land must meet the requirements of Clause 56 and must meet all of the objectives. The application has been assessed against the relevant standards under Clause 56 and found to meet all the requirements and objectives, subject to conditions.

Key aspects of compliance with Clause 56 requirements include:

- Lot sizes sufficient to accommodate a future dwelling to each lot with northern solar availability.
- Provision of reticulated utilities to each lot.
- Creation of a new perimeter road that services all new lots created, and

- Localised upgrades to Hoddle Street including the widening of Hoddle Street to support two-way traffic, and kerb and channel along the western road verge.
- Provision of a footpath on the eastern side of Hoddle Street to connect to existing pedestrian footpath north at Peppercorn Place, supporting a pedestrian connection the commercial centre of Yarra Junction.
- Drainage infrastructure that is designed to meet best practice environmental management guidelines.
- Infrastructure upgrades including the creation of new accessway and associated works on Hoddle Street to be conditioned through a functional layout plan (condition 26).

A detailed assessment against the individual standards is found within Attachment 3.

Design and Development Overlay – Schedule 6 (DDO6)

The site is affected by Clause 43.02 Design and Development Overlay – Schedule 6 which sets out design objectives and requirements to be achieved for new subdivision. The design objectives recognise the need to facilitate subdivision in incremental change areas at a scale consistent with the character of these regions, which can retain existing vegetation and/or provide for future plantings. Where vacant lots are sought it seeks to ensure lot sizes are sufficient to accommodate future buildings consistent with the site coverage provisions in the schedule (30 percent site coverage).

Under the permit requirements to DDO6, a permit to subdivide land must meet the following requirements:

- *Any vacant lot (without a dwelling) must be at least 500m².*
- *When subdividing a lot into two lots with an existing dwelling, lots of less than 500m² can be created providing the subdivision application is accompanied by a permit application showing the ultimate development of the site and must meet the following site coverage requirements:*
 - *The total area of each lot covered by buildings must not exceed 30%;*
 - *The total area of each lot covered by impervious surfaces (including buildings) must not exceed 50%.*

As all lots are at least 500 square metres in size, a development plan showing the ultimate development of the site is not required.

As outlined in Table 1 earlier in this report, the proposed lots vary in size, with a minimum lot size of over 500 square metres.

The majority of lots range between 500 to 836 square metres. Lot 10 is larger, at 21,614 square metres as it incorporates the conservation zone of 19,750 square metres.

Lots on the eastern end of the subdivision (Lots 11 to 13) are also generally larger in size at approximately 700 square metres as they provide a transition from smaller lot sizes towards Hoddle Street to larger ones adjacent to the conservation zone.

Site coverage of future development (eg - a dwelling) on respective allotments would be restricted by the DDO6 to be less than 30 percent without a planning permit. Where a

development of a dwelling would exceed this percentage, it would be subject to a planning permit under this overlay.

This ensures the resultant subdivision and future development will maintain the spacious ambience of the area and provide opportunity for appropriate residential scale landscaping.

Significant Landscape Overlay – Schedule 22 (SLO22)

Consideration is required under the Significant Landscape Overlay – Schedule 22, for the removal of numerous trees across the western half of the lot to accommodate the proposed subdivision and requirements to create defensible space under bushfire provisions.

Although the removal of vegetation is unavoidable for the subdivision layout, within the landscape setting, the subdivision maintains a similar subdivision layout as the subdivision which has been approved at Peppercorn Place to the north.

The conservation zone area generally aligns with the eastern boundary of 20 Peppercorn Place, and the eastern section of the site is dense forested vegetation (Figure 10).



Figure 10 - Conservation zone and retained vegetation shown in green shading

The conservation zone covers approximately 43 percent of the site which will be secured and protected under a Section 173 Agreement, providing long term protection and control mechanisms.

The conservation zone will ensure that the watercourse that flows through the site is protected and that the vegetation is maintained that contributes to the landscape and character of the Yarra Junction area.

This also ensures that the subdivision will maintain key wildlife corridors through the site and connect to adjoining forested land of adjacent properties.

The subdivision will result in a development that is in keeping with the character and ambience of the area.

Bushfire Management Overlay (BMO)

The overarching strategy of under Clause 13.02 and Clause 44.06 for bushfire planning is to prioritise the protection of human life over other policy considerations in planning and decision-making in areas at risk from bushfire.

The provisions recognise that areas of bushfire hazard require bushfire protection measures to be implemented and that development is only permitted where the risk to life and property from bushfire can be accepted to an acceptable level.

This proposal meets the requirements of Clause 53.02 which sets out objectives and approved measures that must be met.

Key bushfire protection measures include:

- Implementation of the Bushfire Management Plan to be secured by a Section 173 Agreement registered on each title. Measures to be undertaken include the following points below:
 - Provision of fire hydrants across the subdivision and water tanks to each lot;
 - All future dwellings to be constructed to the following Bushfire Attack Level (BAL) construction standard:
 - Lots 1-9, 20-25 constructed to BAL-12.5.
 - Lots 15-19 constructed to BAL-19.
 - Lots 10-14 constructed to BAL-29.
- Areas of defendable space provided onsite for vegetation management provisions.
- Provision of a perimeter road adjoining hazardous vegetation to support firefighting and provide a physical separation between lots and bushfire hazard.

The application has been referred to the Country Fire Authority (CFA) who have not objected to the application subject to conditions (refer to 'external referrals' section for details). These conditions in addition to mandatory conditions required under Clause 44.06 have been included on the proposed permit (Conditions 61 to 66).

The proposal adequately demonstrates appropriate bushfire mitigation measures that ensure the proposed subdivision location, design and construction respond to the bushfire hazard.

Detailed assessment against Clause 53.02 can be found via Attachment 4.

Biodiversity Impacts

As discussed, both the Municipal Planning Strategy and Planning Policy Framework under Clauses 02.03-2, 12.01 and 12.03 recognise the need to protect and enhance biodiversity waterway systems.

The proposal includes the removal of 228 trees onsite to facilitate the subdivision and necessary area of defendable space required under bushfire provisions.

Removal of vegetation for bushfire protection for the implementation of defendable space is also emphasised under Clause 13.02-1S which seeks to prioritise the protection of human life over all other policy considerations.

Notwithstanding this, the proposed subdivision respects the areas of higher environmental value of the site. The total developable area occupies approximately 57 percent of the site (26,160 square metres), with the remaining 19,750 square metres retained within the proposed boundaries of Lot 10. This area already contains established remnant and understorey vegetation. Lot 10 will have a total area of 21,614 square metres, with a domestic zone, or developable area of the lot limited to 1,864 square metres and the balance set aside for conservation purposes.

The mapped biodiversity values denote the vegetation in this region to be of a high biodiversity value than the western half of the site where subdivision works are proposed.

The area of the site with higher biodiversity value will be preserved and protected as a conservation zone and secured under a Section 173 Agreement to Lot 10. The conservation zone will ensure the ongoing management and enhancement of the biodiversity areas as a land management plan will be required to be submitted and approved that outlines ongoing actions to be undertaken to ensure the ecological values of this area is preserved and enhanced over time.

The conservation zone will act as a critical mechanism to protect, maintain and enhance the waterway that flows through the site. The subdivision has been designed to be setback 30 metres from the waterway to maintain the preservation and qualities of the natural waterway which supports flora and fauna in the area.

It is acknowledged that provision for stormwater outfall drainage encroaches into this zone. This is due to no existing assets for the subdivision to connect to along Hoddle Street and the natural slope of the land falls to the east of the site. Referral to Council's stormwater engineering team and to Melbourne Water support this arrangement, subject to conditions. The stormwater drainage design also incorporates a bioretention swale that runs parallel with the eastern perimeter road to ensure pollutants are adequately captured and treated before being discharged to the water.

Conditions will be imposed for detailed stormwater computations and demonstrate best practice water sensitive urban design guidelines are met before works are undertaken.

Other conditions pertaining to a Tree and Fauna Protection Specifications Plan will also ensure that all trees within the conservation zone are not adversely impacted and appropriate re-vegetation of the area is implemented following completion of stormwater works.

A Site Environmental Management Plan and Tree Protection Plan will also be conditioned and required prior to works being undertaken. This will ensure that during the period of construction works associated with the subdivision appropriate environmental protection measures (includes protection of retained trees onsite and neighbouring, dust, noise, sediment, runoff, traffic and noise) are implemented to conserve and protect the site and surrounding area from environmental degradation or nuisance during the construction period.

The above measures will enable for appropriate land management measures that will protect and enhance the biodiversity in the conservation zone, maintaining key bio-link corridors for wildlife along the waterway and connection to surrounding remnant vegetation.

Vegetation removal

Of the 228 trees proposed to be removed, 164 trees require a planning permit. Further, the eastern half of the allotment is heavily vegetated with an abundance of *Kunzea leptospermoides* commonly known Yarra Burgan, a dense to open weeping tree with downy stems flowering plant. The proposed tree removal includes an array of species identified (including native vegetation) that are of low, medium and high significance.

Referral to Council's arborist have not objected to the application subject to conditions but have commented that nine of these trees are not contested, however 155 of these trees require a planning decision on whether the removal of them is acceptable. In considering the appropriateness of removing these trees the provisions of Clauses 42.01 and 52.17 recognise the need to protect and manage larger patches of remnant highest biodiversity bushland from fragmentation and incremental loss to maintain high quality bio link corridors.

Although the application includes the removal of a number of high value trees, a significant patch of vegetation on the eastern end of the site is unaffected by subdivision works. This area has a significantly higher biodiversity value of 0.61-0.80 in contrast to the majority of works area having a value of 0.00-0.20.

This will be protected long term via a Section 173 Agreement, which will be registered on title as a conservation zone following the subdivision being approved (Figure 11).

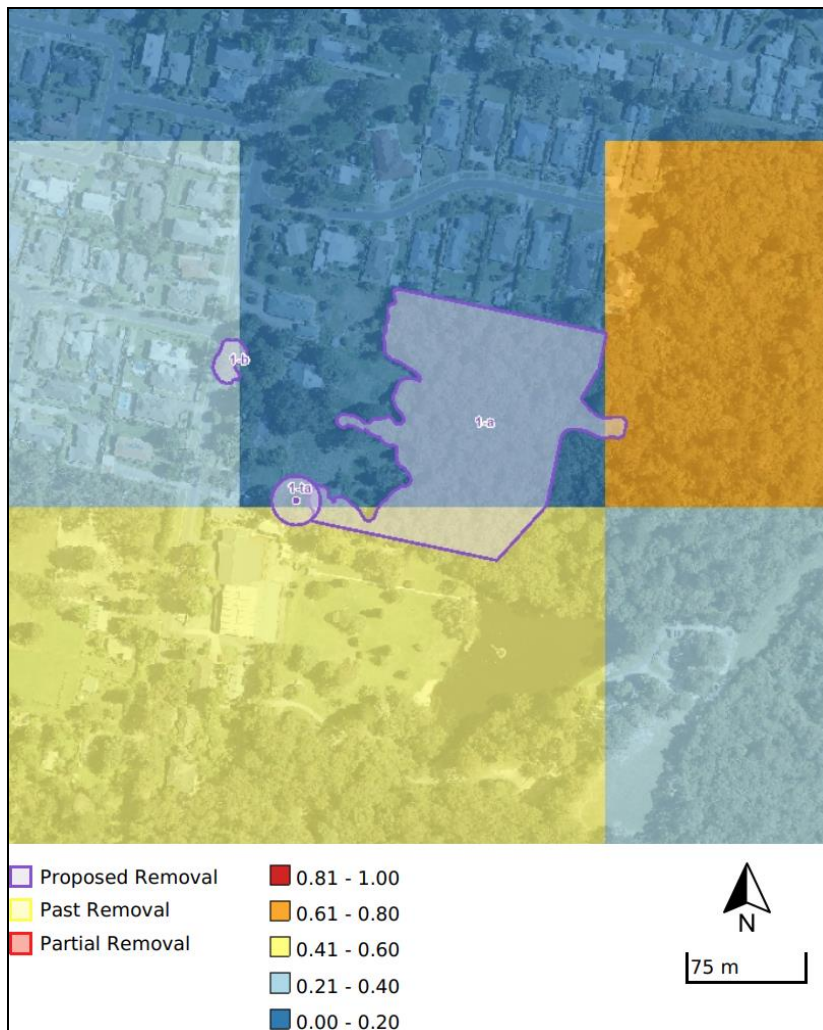


Figure 11 - Strategic biodiversity value score map

The subdivision design has responded to the environmental objectives of Clause 42.01. The high value biodiversity area onsite will be protected under a conservation zone and land management plan with the eastern end of the site protected as a key habitat corridor. This protected area is balanced against the provisions of the Neighbourhood Residential Zone and designation of the site for incremental change where the subdivision layout has been designed consistent with the provisions of the Design and Development Overlay Schedule 6.

Given lot sizes are a minimum of 500 square metres, all lots can support appropriate landscaping (subject to compliance with vegetation management measures under the bushfire management plan) as part of any future residential development.

As part of the new road network created, street tree plantings will also be required by Condition 26, and this will further contribute towards the vegetated and landscaped character of the area.

Council's Arborist and the Environment team have confirmed it is appropriate for some high value trees within the subdivision area to be retained. This includes Trees 42, 198, 232 to 239, and 241, which will be conditioned to be retained and reflected in the amended tree removal plan and tree and fauna protection specifications plan (Condition 1a and Condition 10).

Appropriate tree sensitive works conditions will be included in conditions that also require a tree protection specification plan that will outline all retained trees and measures to protect such trees (Condition 11).

Clause 52.17 Native Vegetation

The provisions of Clause 52.17 seek to ensure that there is no net loss to biodiversity as a result of the removal of native vegetation through a three-step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017).

This three-step approach includes:

1. *Avoid the removal, destruction or lopping of native vegetation.*
2. *Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*
3. *Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.*

The subdivision has been designed to avoid impacting native vegetation of a higher biodiversity value to the east of the site and the waterway. As previously mentioned, this area will be protected by a Land Management Plan as a conservation zone protected on title through a Section 173 Agreement (Condition 50 and 51).

These measures will maintain approximately forty-three (43) percent of the site for conservation purposes of established remnant vegetation.

Council's Environment team have not objected to the proposal, subject to appropriate conditions, including:

- Biodiversity offsets to offset the removal of 1.828 hectares of native vegetation removal;
 - o A general offset of 0.8690 general habitat units with a minimum strategic biodiversity score of 0.2004 general habitat units, and
 - o The protection of 14 large trees which will be conditioned accordingly to ensure there is no net loss to biodiversity as a result of native vegetation removal.

Conditions will require the offsets to be secured prior to any works occurring on the land (Condition 16-20 and 31). Offsets are required under Clause 52.17 to compensate for biodiversity loss when native vegetation is approved for removal as part of a planning permit. These offsets must be secured in the form of a credit extract that supports native vegetation at an offsite location, or through first part offsets That are protected and managed onsite. Other conditions include protection of fauna prior to works which will be integrated into the tree protection specification plan condition and a land management plan for Lot 10 that will be secured under a Section 173 Agreement.

As the application is a detailed assessment pathway under Clause 52.17, the application has been referred to DEECA as a referral authority. DEECA have not objected to the application subject to conditions for offset requirements (consistent with Council's Environment team response) and a land management plan.

In addition, DEECA is satisfied the three-step approach under Clause 52.17 has been adequately undertaken to avoid and minimise native vegetation removal. Moreover, the provision of a thirty (30) metre conservation zone from the waterway and wider conservation zone will protect a larger patch of remnant vegetation that has the highest biodiversity values.

Overall, the removal of native vegetation has adequately responded to the three-step approach where high quality vegetation that contributes to Biolinks within the wider catchment are kept, whilst unavoidable removal is offset accordingly so there is no net loss of native vegetation.

Infrastructure Provision

As part of the proposal, the application seeks to removal of two existing easements on site that run generally along the northern boundary of 41 and 43 Hoddle Street respectively. Both these easements do not have any existing utilities and are proposed for removal.

In lieu of this, and as detailed within Clause 56 assessment (Attachment 3), a new road network will service the majority of reticulated services which can be readily accommodated in the road verge. Separate approval from relevant utility authorities will be needed prior to works. It is noted that new easements will be needed primarily for drainage purposes and appropriately sized easements are conditioned accordingly.

Clause 53.01 Public Open Space Contribution and Subdivision

As the subdivision proposes twenty-five (25) new residential lots to be created, the subdivision will increase population numbers in Yarra Junction and increase demand on existing public open space in the area. Clause 53.01 requires any application to subdivide land to provide a five (5) percent contribution to public open space to Council, based on the land value.

A condition for a five percent public open space contribution is included (Condition 33).

RESPONSE TO SUBMITTERS CONCERNS

The application has been advertised, with seventeen (17) objections received.

A summary of key objections themes and a response to each is provided below:

Concern	Response
Traffic impacts and user safety to Hoddle Street	<p>Hoddle Street is a collector road that has a daily traffic volume of 1,361 vehicles per day north of the subject site (Traffic count taken proximate to 20 Hoddle St in March 2024). South of the subject site, traffic volumes are significantly lower at 192 vehicles per day (traffic count taken proximate to 45 Hoddle Street in March 2024). The proposed subdivision is expected to generate an additional 250 vehicle movements per day. Referral to Council's traffic engineering team is satisfied that subject to proposed localised upgrades to Hoddle Street as noted below the road can comfortably accommodate the increased traffic volumes.</p> <p>The proposal includes localised upgrade works to Hoddle Street which include:</p> <ul style="list-style-type: none"> • Localised widening of Hoddle Street to facilitate two-way vehicle movement along Hoddle Street at the new intersection and north of the site. • Sealed two lane vehicle width road including kerb and channel. • Addition of pedestrian footpath along the eastern side of Hoddle Street.
Overlooking and privacy impacts from future development and removal of vegetation	<p>The application includes a 1.8-metre-high paling fence that will provide privacy between lot boundaries.</p> <p>As the application is only for subdivision and does not include the construction of dwellings, overlooking provisions will be subject to future consideration, as they are regulated under either the DDO6 of the Yarra Ranges Planning Scheme if a permit is triggered, or under the <i>Building Regulations 2018</i> when a building permit is sought.</p>
Safety and security risks to surrounding residential properties	<p>The proposal is for a subdivision which can accommodate future residential dwellings which is consistent with the surrounding land uses.</p> <p>A 1.8-metre-high paling fence is proposed across the northern and southern boundaries (excluding the area of conservation zone) to provide safety and security to abutting allotments</p>
Impacts to biodiversity	The proposal includes removal of native vegetation on the

Concern	Response
due to loss of flora (including native vegetation removal), fauna and habitat	western half of the allotment; however, this vegetation is of a lower biodiversity value compared to the eastern half of the site which is of significantly higher value and contributes to supporting the conservation of the waterway and bio links in the surrounding area. Native vegetation that is to be removed will be offset accordingly so there is no net loss. Moreover, approximately forty-three (43) percent of the site will be protected as a conservation zone under a Land Management Plan which will be secured via a Section 173 Agreement to Lot 10 (Conditions 50 and 51).
Construction impacts from subdivision works	A Site Environmental Management Plan and Tree and Fauna Protection Specifications Plan will be conditioned as part of any permit issued (Condition 10). This will ensure that the retained vegetation onsite (including the conservation zone), dust, sediment, traffic and noise resulting from the works are appropriately managed during the construction period.
Character of subdivision pattern	The subdivision pattern is consistent with the provisions of Clause 43.02 DDO6 which sets out subdivision requirements for the site and surrounds. The subdivision layout is consistent with these requirement and also the general pattern of subdivision in the surrounding area.
Impacts to existing utility infrastructure	The application has been referred to utility authorities in accordance with the requirements of the Scheme. None of these authorities have objected to the subdivision. Separate approval with respective utility providers is required prior to Statement of Compliance.

CONCLUSION

The staged twenty-five (25) lot subdivision, vegetation removal and creation and removal of easements has been assessed in accordance with Section 60(1) of the *Planning and Environment Act 1987* and all relevant instruments and policies.

As described in the assessment section of this report, the proposal is consistent with the objectives of the Municipal Planning Strategy, Planning Policy Framework, Zone, Overlay and particular provisions of the Scheme. The proposal supports additional housing supply in an identified large neighbourhood activity centre whilst having regard to environmental features and hazards.

As such, approval is recommended and a Notice of Decision to Grant a Planning Permit be issued, subject to conditions (Attachment 1).

ATTACHMENTS

- 1 Permit Conditions
- 2 Planning Scheme Policies
- 3 Clause 56 Residential Subdivision Assessment
- 4 Clause 53.02 Bushfire Planning Assessment
- 5 Development Plans
- 6 Arborist Report
- 7 Arborist Report Addendum
- 8 Biodiversity Report
- 9 Bushfire Management Statement and Plan
- 10 Planning Report
- 11 Traffic Report
- 12 Stormwater Management Strategy