

Planning and Environment Act 1987

Advisory Committee Report

Yarra Ranges Planning Scheme Amendment C143

Yarra Ranges Low Density Residential Zone

Front page

13 February 2017

Planning and Environment Act 1987

Advisory Committee Report pursuant to section 151 of the Act

Yarra Ranges Planning Scheme Amendment C143

Yarra Ranges Low Density Residential Zone

13 February 2017



Trevor McCullough, Chair



Peter Allen, Member

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List of abbreviations

the Act	The <i>Planning and Environment Act 1987</i>
the Advisory Committee	The Yarra Ranges Low Density Residential Zone Advisory Committee
BAL	Bushfire Attack Level
CFA	Country Fire Authority
the Council	Yarra Ranges Council
DELWP	Department of Environment, Land, Water and Planning
EMO	Erosion Management Overlay
EPA	Environment Protection Authority
HO	Heritage Overlay
LDRZ	Low Density Residential Zone
LDRZ1	Low Density Residential Zone, Schedule 1 (0.4ha minimum)
LDRZ2	Low Density Residential Zone, Schedule 2 (0.2ha minimum)
LPPF	Local Planning Policy Framework
MSS	Municipal Strategic Statement
the planning scheme	Yarra Ranges Planning Scheme
SLO	Significant Landscape Overlay
SPPF	State Planning Policy Framework
the Strategy Plan	Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan
UGB	Urban Growth Boundary
VPP	Victoria Planning Provisions

Area conversions

One acre is 4047 square metres.

One hectare is 2.47 acres.

2000 square metres is 0.49 acres or about half an acre.

4000 square metres is 0.99 acres or about an acre.

Overview

Amendment Summary

The Amendment	Yarra Ranges Planning Scheme Amendment C143
Common name	Yarra Ranges Low Density Residential Zone
Brief description	The Amendment proposes to reduce the minimum subdivision lot size in specified areas of the Low Density Residential Zone from 0.4 hectare to 0.2 hectare, provided the lots can be connected to reticulated sewerage.
Affected land	Land included in the Low Density Residential Zone in the Yarra Ranges Planning Scheme and shown in the maps that form part of Amendment C143.
The proponent	The Minister for Planning, at the request of the Yarra Ranges Council.
Planning authority	The Minister for Planning
Authorisation	Not applicable
Exhibition	A draft Amendment was exhibited for public comment between 30 August and 28 September 2016.
Submissions	Number of Submissions: 143 Submissions opposed: 43 See Appendix B for a list of submitters to the Amendment.

Process

The Advisory Committee	Trevor McCullough (Chair), Peter Allen and Dawn Bray, appointed on 31 January 2016 Dawn Bray was unable to attend the Hearing and subsequently took no further part in the Advisory Committee or the preparation of the report.
Directions Hearing	26 October 2016, Japara House, Kilsyth
Hearing	24 and 25 November 2016, Japara House, Kilsyth
Site inspections	Unaccompanied, 26 October and 24, 25 November 2016
Appearances	See Appendix C
Date of this report	13 February 2017

Executive Summary

(i) Summary

Yarra Ranges Planning Scheme Amendment C143 (the Amendment) affects land included in the Low Density Residential Zone (LDRZ). The Amendment proposes to insert a new Schedule 2 to the LDRZ to enable the provisions of clause 32.03-2 of the LDRZ, to reduce the minimum subdivision lot size in specified areas from 0.4 hectares to 0.2 hectares, provided the lots can be connected to reticulated sewerage.

The existing schedule to the LDRZ is proposed to be retained as Schedule 1 and would continue to apply the current 0.4 hectare minimum lot size requirement to those LDRZ areas not changed to Schedule 2.

The LDRZ areas proposed to be retained in Schedule 1 include:

- The suburbs of Belgrave, Belgrave Heights, Belgrave South, Tecoma, Upwey, Selby and Upper Ferntree Gully
- Most areas within the Bushfire Management Overlay (as it currently applies) with the exception of Warburton
- Areas in the Erosion Management Overlay that are susceptible to debris flow
- Identified areas of uniform subdivision south of Hull Road, Lilydale
- The historic Bickleigh Vale subdivision (Heritage Overlay HO75) in Mooroolbark
- Twelve lots currently zoned LDRZ that are located outside the Urban Growth Boundary (UGB)
- Areas of Healesville west of Don Road.

The Minister for Planning has appointed an Advisory Committee to provide advice in accordance with the Terms of Reference. Clause 3 of the Terms of Reference sets out that the Advisory Committee is:

...to provide advice to the Minister for Planning about the appropriateness of proposed Amendment C143 to the Yarra Ranges Planning Scheme (proposed Amendment C143) which seeks to insert a new schedule to Clause 32.03 Low Density Residential Zone which allows a minimum subdivision area of 0.2 hectares in some areas of the municipality.

Yarra Ranges Shire Council (the Council) conducted an extensive consultation program in 2014 that sought community views about the general issue of increasing density in the LDRZ. This involved individual notification of 12,400 landowners in the LDRZ and notices on the Council website and in local newspapers. Fifty-four written submissions were received in response, along with 2,462 on-line responses.

Following the appointment of the Advisory Committee, the Minister asked Council to invite all previous submitters and those who expressed an interest to be kept informed to make a new submission to the Advisory Committee and to register to be heard by the Advisory Committee if they wished. The Minister requested that Council put notices about the submission process in local newspapers.

Council's notification included electronic and direct notification to over 1,500 people, with 143 written submissions received.

The key issues raised by the Council were:

- The potential inconsistency of the proposed Amendment with the current policy statements of the Strategy Plan.
- Managing the impact of increased density on the neighbourhood character of areas identified for the LDRZ2.
- Managing any increase in bushfire risk.
- Aligning to proposed LDRZ2 changes with the yet to be finalised Healesville Structure Plan.
- Managing the demand for increased vegetation removal expected to result from increased development.

The CFA raised a number of concerns relating to the need to manage fire risk and, in particular, opposed the application of the LDRZ2 to Warburton.

Fifty-five submissions supported the Amendment as proposed.

Six submissions specifically supported the proposed retention of a 4000 square metre lot size in areas in the southern Dandenongs (Belgrave, Belgrave Heights, Belgrave South, Tecoma, Upwey, Selby and Upper Ferntree Gully).

Forty-three submissions opposed the Amendment for various reasons as set out in this report.

Thirty-six submissions were received from land owners that want to be either included in the new LDRZ2 or who want to be able to subdivide their property.

The Committee has considered the issues raised in all rounds of consultation, written submissions made to the Committee, Hearing submissions and its own observations from site visits to affected areas.

(ii) Summary of findings

The Committee has made the following findings in response to the terms of reference:

Is the Amendment appropriate to proceed?

The Advisory Committee finds that:

- Consultation in 2014 about the general issue of increasing density in the LDRZ areas by reducing the minimum lot size was extensive and reasonable. (See section 3.4)
- Consultation about the proposed Amendment C143 was extensive and reasonable. (See section 3.4)
- While the potential for the negative impacts raised in submissions against the Amendment are real, the scale of development that is likely to result can only be small compared to the existing level of development in the LDRZ areas. Council has the ability to manage impacts such as vegetation removal through the planning permit provisions of the planning scheme, and should do so thoughtfully. (See section 4.5)

- Subject to the recommendations in this report, the Amendment is appropriate in light of the relevant provisions of the Act and relevant State and local planning policy. (See section 2.10)

How should the Amendment be implemented?

The Advisory Committee finds that:

- The CFA and the Council should jointly review the proposed LDRZ2 areas together with any proposed or anticipated BMO schedules at a 'desk top' level. (See section 5.5)
- Where, without the need for further analysis, it is considered that a satisfactory outcome will be achieved through the combination of the LDRZ2 and the BMO, the areas can be included in the LDRZ2. (See section 5.5)
- Where further analysis is considered necessary, the areas should not be included in the LDRZ2 until that analysis is undertaken and the outcome demonstrated to be satisfactory. (See section 5.5)
- No LDRZ areas in Warburton or in the 'red' areas identified by the CFA in Healesville should be included in the LDRZ2 unless a bushfire risk analysis prepared to the satisfaction of the CFA shows that the area can support an increase in residential density without an unacceptable increase in bushfire risk. (See section 5.5)
- Given the need to resolve the bushfire risk in the 'red' and 'blue' areas of Healesville (see Chapter 5) and the expected impending implementation of Amendment C148, it would be reasonable for the Council to implement the LDRZ changes in the Healesville area through a separate amendment that implements the Healesville Structure Plan, if the Council so decides. (See section 2.10)

Is approval under section 20(4) appropriate?

The Advisory Committee finds that the consultation conducted in relation to the Amendment is sufficient to meet the test of Practice Note 29 should the Minister wish to consider approving the Amendment under section 20(4) of the Act. (See section 3.4)

How should inconsistency with the Upper Yarra and Dandenong Ranges Regional Strategy Plan be managed?

The Advisory Committee finds that the level of inconsistency with the Strategy Plan appears small. Council will have the opportunity to address this in conjunction with the expected changes to the Strategy Plan associated with the implementation of Amendment C148. (See section 6.5)

What other matters need to be considered?

Because of the existing fragmented lot pattern in some areas, there is the potential for inequitable outcomes for some landowners. The Advisory Committee suggests that Council review the submissions noted in section 4.3 (vi) with a view to considering whether there are some further small areas or anomalous situations where allowing limited subdivision would be appropriate and the LDRZ2 or some other response could be applied without impacting the policy objectives of the planning scheme or the Strategy Plan. (See section 4.5)

(iii) Recommendations

Based on the reasons set out in this Report, the Advisory Committee recommends to the Minister that Yarra Ranges Planning Scheme Amendment C143 be adopted subject to the following:

1. Prior to finalising the form of the Amendment, the Country Fire Authority and the Council be directed to jointly review the proposed Low Density Residential Zone Schedule 2 areas together with any proposed or anticipated Bushfire Management Overlay schedules at a 'desk top' level, and take the following action:
 - a) Where it is considered that a satisfactory outcome will be achieved through the combination of the Low Density Residential Zone Schedule 2 and the BMO, the areas can be included in the Low Density Residential Zone Schedule 2.
 - b) Where further analysis is considered necessary, the areas should not be included in the Low Density Residential Zone Schedule 2 area until that analysis is undertaken and the outcome demonstrated to be satisfactory.
2. No Low Density Residential Zone areas in Warburton or in the 'red' areas identified by the Country Fire Authority in Healesville (as shown in Figure 3 of this report) should be included in the Low Density Residential Zone Schedule 2 unless a bushfire risk analysis prepared to the satisfaction of the Country Fire Authority shows that the area can support an increase in residential density without an unacceptable increase in bushfire risk.
3. If preferred by the Council or the Minister, any Low Density Residential Zone changes in the Healesville area may alternatively be introduced as part of a separate amendment that implements the Healesville Structure Plan.
4. The Minister may wish to consider approving the final form of the Amendment under section 20(4) of the *Planning and Environment Act 1987*.

(iv) Further recommendations

The Advisory Committee makes the following recommendations for further action by Council:

5. Council should address any inconsistency between the final form of Amendment C143 and the Upper Yarra and Dandenong Ranges Regional Strategy Plan in conjunction with the expected changes to the Strategy Plan associated with the implementation of Amendment C148.
6. Council should review the submissions noted in section 4.3 (vi) of this report with a view to considering whether there are some further small areas or anomalous situations where allowing limited subdivision would be appropriate, and the Low Density Residential Zone Schedule 2 or some other response could be applied without impacting the policy objectives of the planning scheme or the Upper Yarra and Dandenong Ranges Regional Strategy Plan.

1 Introduction

1.1 The Amendment

(i) Amendment description

The Amendment affects land included in the Low Density Residential Zone (LDRZ) in the Yarra Ranges Planning Scheme (the planning scheme) and shown in the maps that form part of Amendment C143 to that scheme.

The LDRZ is Clause 32.03 of the planning scheme. The Amendment proposes to enable the provisions of clause 32.03-2 of the LDRZ, to reduce the minimum subdivision lot size in specified areas from 0.4 hectares to 0.2 hectares, provided the lots can be connected to reticulated sewerage.

Clause 32.03-2 states:

32.03-3 Subdivision

Permit requirement

A permit is required to subdivide land.

Each lot must be at least the area specified for the land in a schedule to this zone. Any area specified must be at least:

- *0.4 hectare for each lot where reticulated sewerage is not connected. If no area is specified each lot must be at least 0.4 hectare.*
- *0.2 hectare for each lot with connected reticulated sewerage. If no area is specified each lot must be at least 0.2 hectare.*
- *A permit may be granted to create lots smaller than 0.4 hectare if the subdivision:*
 - *Excises land which is required for a road or a utility installation.*
 - *Provides for the re-subdivision of existing lots and the number of lots is not increased.*

To achieve this, the Amendment proposes to insert a new Schedule 2 to the LDRZ and apply this schedule to selected areas where reticulated sewerage is or is intended to be available. This would enable subdivision to a minimum lot size of 0.2 hectares to be considered in those areas if the lots can be connected to reticulated sewerage. In this report, these areas are referred to as LDRZ2.

The existing schedule to the LDRZ is proposed to be retained as Schedule 1 and would continue to apply the current 0.4 hectare minimum lot size requirement to those LDRZ areas not changed to Schedule 2. In this report, these areas are referred to as LDRZ1.

The LDRZ areas proposed to be retained in Schedule 1 include:

- The suburbs of Belgrave, Belgrave Heights, Belgrave South, Tecoma, Upwey, Selby and Upper Ferntree Gully
- Most areas within the Bushfire Management Overlay (as it currently applies) with the exception of Warburton
- Areas in the Erosion Management Overlay that are susceptible to debris flow

- Identified areas of uniform subdivision south of Hull Road, Lilydale
- The historic Bickleigh Vale subdivision (Heritage Overlay HO75) in Mooroolbark
- Twelve lots currently zoned LDRZ that are located outside the Urban Growth Boundary (UGB)
- Areas of Healesville west of Don Road.

(ii) Purpose of the Amendment

The Amendment responds to a change to the LDRZ introduced by the Minister for Planning in Amendment VC100 in July 2013. Amendment VC100 changed the minimum lot size for subdivision that could be specified in the LDRZ from 0.4 hectares to 0.2 hectares, where a lot was connected reticulated sewerage.

Similarly to many other councils, the Council carried out a review of its LDRZ areas to identify areas considered suitable for the reduced minimum lot size.

The Amendment seeks to implement the findings of that analysis and the associated public consultation.

1.2 The Advisory Committee process

In October 2014, the Council asked the Minister for Planning to implement Amendment C143. Prior to that request, the Council undertook consultation through an online survey, a public meeting and consultation with the Country Fire Authority (CFA).

In response, the Minister for Planning established the Yarra Ranges LDRZ Advisory Committee under section 151 of the Act on 17 December 2015. The Minister subsequently asked the Council to re-notify submitters and authorities about the proposed Amendment.

The Amendment was exhibited on the Planning Panels Victoria website between 30 August 2016 and 28 September 2016.

Council also provided electronic and direct notification to over 1,500 people, placed notices in local newspapers and notified the following authorities listed under Direction 23 of the Terms of Reference: the Country Fire Authority, the Port Phillip and Western Port Catchment Management Authority, Yarra Valley Water, South East Water and VicRoads.

As a result of exhibition of the Amendment, the Advisory Committee received 143 submissions. The list of submitters is included at Appendix B.

1.3 Terms of Reference

The purpose of the Advisory Committee as stated in clause 3 of the Terms of Reference is:

...to provide advice to the Minister for Planning about the appropriateness of proposed Amendment C143 to the Yarra Ranges Planning Scheme (proposed Amendment C143) which seeks to insert a new schedule to Clause 32.03 Low Density Residential Zone which allows a minimum subdivision area of 0.2 hectares in some areas of the municipality.

On 14 June 2016 the Terms of Reference were revised to allow for public notice in local newspapers in addition to notice to parties that previously made a submission to Council.

The revised Terms of Reference gave consideration to the Upper Yarra Valley and Dandenong Ranges Strategy Plan and whether amendments to it are required as result of Amendment C143. Any amendment to the planning scheme must be consistent with the approved Strategy Plan under section 46F of the Act. Changes to the LDRZ may potentially result in an inconsistency with the Strategy Plan, such as with the policy statements in the township areas.

At the Directions Hearing, the Department of Environment, Land, Water and Planning (DELWP) informed the Advisory Committee that updated mapping for areas to be included in the Bushfire Management Overlay (BMO) was currently in preparation and that the new areas were expected to be introduced in early 2017. The revised mapping is expected to include substantial new areas of the LDRZ into the BMO.

As a consequence, on 23 November 2016 the Minister issued Addendum 1 to the Terms of Reference, inserting an additional point under clause 32 of the Terms of Reference to require the Committee to also consider the implications of the proposed BMO mapping update on the Amendment.

A copy of the version 2 Terms of Reference and Addendum 1 is at Appendix A.

1.4 Procedural issue

Dawn Bray was unable to attend the Hearing and subsequently took no further part in the Advisory Committee or the writing of the report.

1.5 Issues dealt with in this report

The Advisory Committee considered all the written submissions made as well as the further submissions and other material presented to it during the Hearing. The Advisory Committee also made some site inspections.

The Advisory Committee has reviewed a large volume of material. The Advisory Committee has had to be selective in referring to the more relevant or determinative material in the report. All submissions and materials have been considered by the Advisory Committee in reaching its conclusions, regardless of whether they are specifically mentioned in this report.

This report deals with the issues under the following headings:

- **Planning context** - this section responds in part to section 32(d) of the terms of reference.
- **Community consultation** - This section responds to section 32(a) of the terms of reference.
- **Submissions** - This section responds to sections 32(b) and (c) of the terms of reference.
- **Bushfire risk and the BMO** - This section responds to Addendum 1 to the terms of reference
- **The Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan** - This section responds to sections 32 (d) (in part), (f) and (g) of the terms of reference.

2 Planning context

2.1 The issue

Is the Amendment appropriate in light of the relevant provisions of the Act and relevant State and local planning policy?

This section responds in part to section 32(d) of the terms of reference.

2.2 The LDRZ and reforms to the residential zones

A planning permit is required to subdivide land in the LDRZ. In July 2013, as part of Statewide reforms to the residential zones in Amendment VC100, the former Minister for Planning amended the minimum subdivision size for lots in the LDRZ where reticulated sewerage is available from 0.4 hectares to 0.2 hectares.

This reduction in minimum lot size was not immediately introduced in the Yarra Ranges Planning Scheme by Amendment VC100, rather the schedule to the LDRZ retained the 0.4 hectare minimum subdivision size for all land so that the zone provisions remained consistent with the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan (the Strategy Plan).

When Amendment VC100 was introduced, ten metropolitan fringe councils (including Yarra Ranges Shire) wrote to the Minister for Planning to advise that they would undertake further work to prepare permanent controls to best address local circumstances.

For context, the current subdivision provisions in other planning schemes that have the LDRZ are set out in Table 1.

Table 1 LDRZ provisions in other planning schemes

Planning scheme	Lot size specified in LDRZ schedules
Banyule	0.4 hectares for all land
Cardinia	LDRZ1 : 0.8 – 4.0 hectares (3 areas) LDRZ2 : 0.4 hectares (all other areas) LDRZ3 : 0.2 hectares (3 properties)
Casey	0.4 hectares for all land
Geelong	LDRZ1 : 0.4 hectares (15 areas) LDRZ2 : 0.2 hectares (4 areas)
Knox	None : the zone provisions apply.
Manningham	0.4 hectares for all land
Maroondah	None : the zone provisions apply.
Mornington Peninsula	0.4 hectares for green wedge land The zone provisions apply to other land
Nillumbik	0.4 hectares for all land
Whittlesea	0.4 hectares for green wedge land The zone provisions apply to other land
Wyndham	0.4 hectares for green wedge land The zone provisions apply to other land

Source: DELWP information and Advisory Committee analysis

2.3 The LDRZ in Yarra Ranges Shire

The Yarra Ranges Shire has extensive areas of LDRZ across the urban areas, rural townships and in the foothills of the Dandenong Ranges. The LDRZ has historically been applied to residential areas that are environmentally sensitive or contain areas of significant vegetation. Other areas may have constraints such as steep slopes, landslip issues or lack of infrastructure such as reticulated sewer, constructed roads and drainage. The LDRZ areas provide an alternative residential lifestyle for residents and a buffer between residential and green wedge land.

Council informed the Advisory Committee that there are 12,417 lots in the LDRZ in Yarra Ranges. Of these, 875 lots have an area of 0.4 hectares or more. This means that 93% of lots in the LDRZ are already smaller than 0.4 hectares as shown in Table 2.

Table 2 Lots in the Low Density Residential Zone

Suburb	Number of lots in the LDRZ	Number of lots larger than 0.4ha	% of lots smaller than 0.4ha
Belgrave	1469	68	95%
Belgrave Heights	141	11	92%
Healesville	958	120	87%
Lilydale	682	182	73%
Monbulk	892	51	94%
Montrose	1132	88	92%
Mooroolbark	293	37	87%
Mount Evelyn	1966	96	95%
Selby	37	11	70%
Tecoma	836	18	98%
Upper Ferntree Gully	373	6	98%
Upwey	2335	65	73%
Warburton	1147	92	92%
Yarra Junction	156	30	81%
TOTAL	12,417	875	93%

Source: Council submission and Advisory Committee analysis

Approximately 627 of the lots over 0.4 hectares are connected to reticulated sewerage or are close to areas proposed to be connected, based on 2014 Sewer Backlog program data.

2.4 Considering bushfire risk

The landscape of the Yarra Ranges Shire includes extensive areas that are exposed to very significant bushfire hazard. The CFA documented eleven major bushfires in the period since 1851, including severe impacts in the Shire from Black Friday in 1939, Ash Wednesday in 1983 and Black Saturday in 2009.

Broadly then, for all of the areas subject to this Amendment, bushfire risk is a significant consideration.

The State Planning Policy Framework (SPPF) requires in Clause 13.05, that a planning authority should, amongst other things:

Prioritise the protection of human life over other policy considerations in planning and decision-making in areas at risk from bushfire.

Where appropriate, apply the precautionary principle to planning and decision-making when assessing the risk to life, property and community infrastructure from bushfire.

This clause also requires that a planning authority should:

Identify in planning schemes areas where the bushfire hazard requires that:

- *Consideration needs to be given to the location, design and construction of new development and the implementation of bushfire protection measures.*
- *Development should not proceed unless the risk to life and property from bushfire can be reduced to an acceptable level.*

and that it should:

Ensure that planning to create or expand a settlement in an area at risk from bushfire:

- *Addresses the risk at both the local and broader context.*
- *Reduces the risk to future residents, property and community infrastructure from bushfire to an acceptable level.*
- *Ensures any biodiversity and environmental objectives specified in the planning scheme are compatible with planned bushfire protection measures.*
- *Ensures the risk to existing residents, property and community infrastructure from bushfire will not increase as a result of future land use and development.*
- *Ensures future residents can readily implement and manage bushfire protection measures within their own properties.*

In the planning scheme, the Bushfire Management Overlay (BMO) identifies areas where the bushfire hazard warrants bushfire protection measures to be implemented in planning decisions so that new development is only permitted where the risk to life and property can be reduced to an acceptable level.

DELWP informed the Committee at the Directions Hearing that updated mapping for new areas to be included in the BMO was currently in preparation and that the new areas were expected to be introduced in early 2017. The revised mapping is expected to include substantial new areas of the LDRZ into the BMO. The currently proposed mapping provided by DELWP (and included in Appendix E) indicates that, apart from some relatively small areas in Montrose, Mount Evelyn and Yarra Junction, all the current LDRZ area is likely to be included in the BMO in the near future. The terms of reference for the Advisory Committee were varied by the Minister on 23 November 2016 to require the Committee to consider the implications of the proposed BMO mapping on Amendment C143.

2.5 Policy framework

The Advisory Committee has reviewed the response to the Strategic Assessment Guidelines included in the Explanatory Report and the policy context of the Amendment and has made an appraisal of the relevant zone and overlay controls and other relevant planning strategies.

(i) State Planning Policy Framework

The Explanatory Report states that the Amendment is supported by the following clauses in the SPPF:

- Clause 11.02 Urban growth
- Clause 11.04 Metropolitan Melbourne
- Clause 13.05 Bushfire

The Explanatory Report states that, in relation to Clauses 11.02 and 11.04:

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.

In relation to Clause 13.05, the Explanatory Report notes that:

New subdivisions will be required to meet the requirements of the BMO.

The Council also noted in its submission the relevance of the following clauses to this amendment:

- Clause 11.04-7 Green Wedge
- Clause 12.04-1 Environmentally sensitive areas
- Clause 13.03-2 Erosion
- Clause 13.05 Bushfire
- Clause 15.01-2 Urban design principles
- Clause 15.03 Heritage
- Clause 16.01 Location of residential development

The Advisory Committee accepts Council's analysis of the State planning policy context for the Amendment.

(ii) Local Planning Policy Framework

The Explanatory Report identifies the following clauses in the Local Planning Policy Framework (LPPF) and Municipal Strategic Statement (MSS) as relevant to this Amendment:

- 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

The Explanatory Report states that including properties in appropriate locations in the LDRZ2 will facilitate development that responds to neighbourhood and landscape character but is not located on land subject to environmental or service constraints. The role of the LDRZ to accommodate single dwellings in a low density residential setting will generally be retained.

In relation to relevant policies in the LPPF, Council's submission states that:

Amendment C143 is generally consistent with the following local planning policies.

Amendment C143 supports Clause 21.04 in that it will ensure the Low Density Residential remains committed to low density, single dwelling residential use as the primary function of the area.

Clause 21.04 states that a second dwelling only is permitted on a site which has an area of at least 8,000 square metres within the LDRZ. This policy remains relevant and will form part of Council's consideration in relation to second dwelling applications.

Amendment C143 supports Clause 21.06-1 which seeks to protect and conserve the Shire's cultural heritage.

Amendment C143 supports Clause 21.08 – Subdivision as it recognises the need to limit the scope for further subdivision and more intensive development.

Amendment C143 takes into account physical development constraints such as flood, fire and landslip and to control development in these areas as required by Clause 21.09 – 2 Environmental Hazards. Amendment C143 seeks to limit development in areas prone to intense bushfire behaviour.

In its resolution to adopt the Amendment, Council noted that modification of the MSS would be required because there is no strategic support in the current MSS for further subdivision in the LDRZ areas. This work is included in proposed Amendment C148, which is reviewing the MSS and is noted below.

The Advisory Committee accepts Council's analysis of the local planning policy context for the Amendment, noting that the changes to the MSS proposed in Amendment C148 are intended to ensure alignment of this Amendment with local policy.

(iii) Other planning strategies or policies used in formulating the Amendment

The Upper Yarra and Dandenong Ranges Strategy Plan

The proposed Amendment is within the area subject to the provisions of the Strategy Plan. The operation of the Strategy Plan and its interaction with the Amendment is discussed in section 7.

Amendment C148

Amendment C148 proposes to introduce a new MSS and local planning policies relating to dwellings in the Green Wedge Areas, Major Retail Development and Environmentally Sustainable Development.

The Amendment revises existing vegetation and building controls in the green wedge areas through applying a series of new Significant Landscape Overlays and a new Environmental Significance Overlay. These controls are proposed to replace building and works and vegetation provisions that currently sit within Clause 53 (Upper Yarra Valley and Dandenong ranges Region) of the Planning Scheme.

Any changes to the MSS introduced through this Amendment will need to be consistent with the provisions of Amendment C148 if ultimately approved.

Amendment C148 was exhibited concurrently with Amendment No. 122 to the Strategy Plan in late 2016. Council is currently considering the submissions.

2.6 Planning scheme provisions

The Amendment proposes to insert a new Schedule 2 to the LDRZ (Clause 32.03 of the planning scheme) and apply this schedule to selected areas where reticulated sewerage is or is intended to be available. This would enable subdivision to a minimum lot size of 0.2 hectares to be considered in those areas if the lots can be connected to reticulated sewerage.

The existing schedule to the LDRZ is proposed to be retained as Schedule 1 and would continue to apply the current 0.4 hectare minimum lot size requirement to those LDRZ areas not changed to Schedule 2.

2.7 Relevant Ministerial Directions and Planning Practice Notes

Council submitted that the Amendment meets the relevant requirements of the following Ministerial Directions and Planning Practice Notes:

Ministerial Direction No 11 - Strategic Assessment of Amendments

The Amendment is consistent with Ministerial Direction 11 : Strategic Assessment of Amendments and Planning Practice Note 46 : Strategic Assessment Guidelines.

The Form and Content of Planning Schemes (s7(5))

The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act.

Planning Practice Note 29: Ministerial powers of intervention in planning and heritage matters

Council has requested that the Amendment be made under section 20(4) of the Act. The circumstances under which the Minister will consider using this provision are set out in this practice note.

Planning Practice Note 64: Local planning for bushfire protection

The purpose of this practice note is to provide guidance about local planning for bushfire protection, help councils tailor local policies in response to bushfire and to guide the preparation of schedules to the BMO.

2.8 Council assessment of the Amendment

Council stated in its submission that its decision to implement the Amendment “...was informed by a number of land use planning considerations including analysis of existing environmental hazards, settlement patterns and heritage. Council has also taken into account State and Local policy direction as well as the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan.”

In its submission (at section 7), the Council provided an analysis of what it considered the key issues for the Amendment. This analysis is summarised below.

Housing/social considerations

In the residential framework of the LPPF, the LDRZ areas are identified as areas for low density and single dwellings. The Amendment is consistent with that framework and does not seek to provide additional housing diversity. The Amendment also does not necessarily provide a low maintenance property outcome.

Land outside the UGB

Two areas of land zoned LDRZ occur in Lily Avenue and Clegg Road, Mount Evelyn, outside the Urban Growth Boundary (UGB). These areas are considered an anomaly and are not changed by the Amendment.

The Strategy Plan

Legislation requires that the planning scheme be consistent with the Strategy Plan. Issues related to the Strategy Plan are discussed in section 6.

Bickleigh Vale Estate

Bickleigh Vale is a landscaped village of approximately 10ha created in the 1920s by leading Australian landscape gardener and designer Edna Walling. Bickleigh Vale is of aesthetic (landscape), scientific (horticultural), historical and architectural significance to the State of Victoria and is identified by Heritage Overlay Schedule 75. Bickleigh Vale Estate is also included on the Victorian Heritage Register (H2053). There are 8 lots that have an area greater than 0.4ha. Given the heritage importance of the estate, and in particular the importance of the landscape features and garden settings of the existing dwellings, further subdivision of Bickleigh Vale is not proposed in the Amendment.

Neighbourhood character/areas of uniform subdivision

This issue is complex and one that is at the heart of a number of submissions. Council says that:

Council reviewed areas where the subdivision lot layout consists of uniform lots greater than 4,000 square metres. An area was identified in Lilydale see Attachment 1: Lilydale. The neighbourhood and landscape character is spacious, undulating and well vegetated with dwellings generally positioned centrally on site, allowing for generous treed gardens. In these areas further subdivision would have greater adverse impact on the neighbourhood and landscape character and would be conducive to speculative land purchase.

Because many areas of Yarra Ranges have no uniform lot size, and only random lots greater than 4,000 square metres the proposed changes to the LDRZ would only have localised impacts, with the exception of this area identified in Lilydale.

The likely adverse impacts on the neighbourhood character include:

- *Removal of mature vegetation on private land and road reserves*
- *Construction of additional crossovers and driveways*

- *Reduced area for landscaping around dwellings*
- *Siting and presentation of buildings, especially in relation to battle-axe subdivisions*
- *Sealing of roads and construction of footpaths*
- *Design, bulk and appearance of dwellings.*

Council also noted that the Lilydale Adventist College was located in the area identified in Lilydale and indicated it was willing to discuss the future development of this large site with the owners (see submission 110).

In its closing submission, the Council stated that:

From the submissions presented, it is clear that changing lots from 4000 square metres to 2000 square metres can have significant landscape impacts especially in environmentally sensitive areas. As we have seen from a range of submissions this needs to be considered at a local and broader level. Council submits that Amendment C143 strikes the right balance in this regard excluding sensitive areas and is a far more sophisticated approach than simply whether a site has access to reticulated sewerage.

Vegetation

The potential loss of vegetation due to increased density of development was also an issue raised in many submissions. Council noted that:

Larger lots in the LDRZ often have extensive areas of vegetation and all LDRZ areas are located in a Significant Landscape Overlay (SLO). The SLO will assist in protecting landscape qualities should additional development occur. The SLO recognises the landscape significance of the land, its setting and relationship to the broader landscape.

The SLO requires a planning permit for the removal of most vegetation.

Monbulk Structure Plan

Council has recently commenced a process to prepare the Monbulk Structure Plan. An issues and opportunities paper has recently been released to commence consultation. The Structure Plan is likely to be completed in mid-2017.

Healesville Structure Plan

Council adopted the *Healesville Structure Plan* (Structure Plan) in August 2016. The Structure Plan is intended to provide an overall strategic planning framework for the town, strengthening the role of the town centre and identifying public realm improvements. The Structure Plan makes recommendations on key redevelopment sites, extending the pedestrian network in the township and building on Healesville's tourism appeal and environmental features.

Council used the development of the Structure Plan as a further opportunity to review the potential impacts of reducing the LDRZ minimum subdivision size. Relevant considerations were the extent of overall future residential growth for Healesville and the opportunities and constraints for future growth.

Council concluded that the existing land supply for Healesville will meet the projected future demand of 717 dwellings up to 2036 and will maintain the current residential planning framework, which allows for some additional residential development within the current town boundaries. The Structure Plan recommends, however, that the extent of LDRZ2 areas should be further limited because of landscape character, slope and vegetation.

Six studies focussing on different aspects of Healesville were prepared as part of the development of the Structure Plan. The most relevant studies in relation to the Amendment are the Land Use Planning Study prepared by Planisphere (Document 4) and the Bushfire Study prepared by Terramatrix (Document 19).

The Land Use Planning Study considered:

- Investigating constraints on additional development
- Reviewing selected existing planning controls
- Developing draft alternative future planning options for Healesville based on growth scenarios.

The Study found a number of areas within the LDRZ had potential for further development, based upon assessment of the context of the area. The report was used to assist in informing the Structure Plan but not all the recommendations were adopted.

Council noted that submission 38 seeks a rezoning to General Residential, which is outside the scope of the Amendment and that the Structure Plan identifies this site as a potential residential development site.

The Bushfire Study supports intensification of development in the low density residential areas provided there are reasonable distances from forested areas and that dwellings are appropriately constructed to withstand ember attack. The study argues that intensification of development could lead to more intensely managed urban landscapes which reduce the risk of bushfire spread. The Study also recommended that some of these areas be located in a BMO.

In its closing submission, the Council stated that:

Since requesting Amendment C143, Council has adopted the Healesville Structure Plan which proposes some changes to the proposed schedules to the LDRZ in Healesville that are different to Amendment C143, refer to Attachment 1.

The structure plan identifies areas where it is now proposed to retain the 4000 square metres minimum lot size, where Amendment C143 proposed to include all LDRZ in a 2000 square metres minimum lot size.

Given this, Council submits that changes to the LDRZ in Healesville are potentially better dealt with through a separate Planning Scheme Amendment that will be progressed as part of implementing recommendations of the Healesville Structure Plan.

Attachment 1 to Council's closing submission is reproduced below as Figure 1.

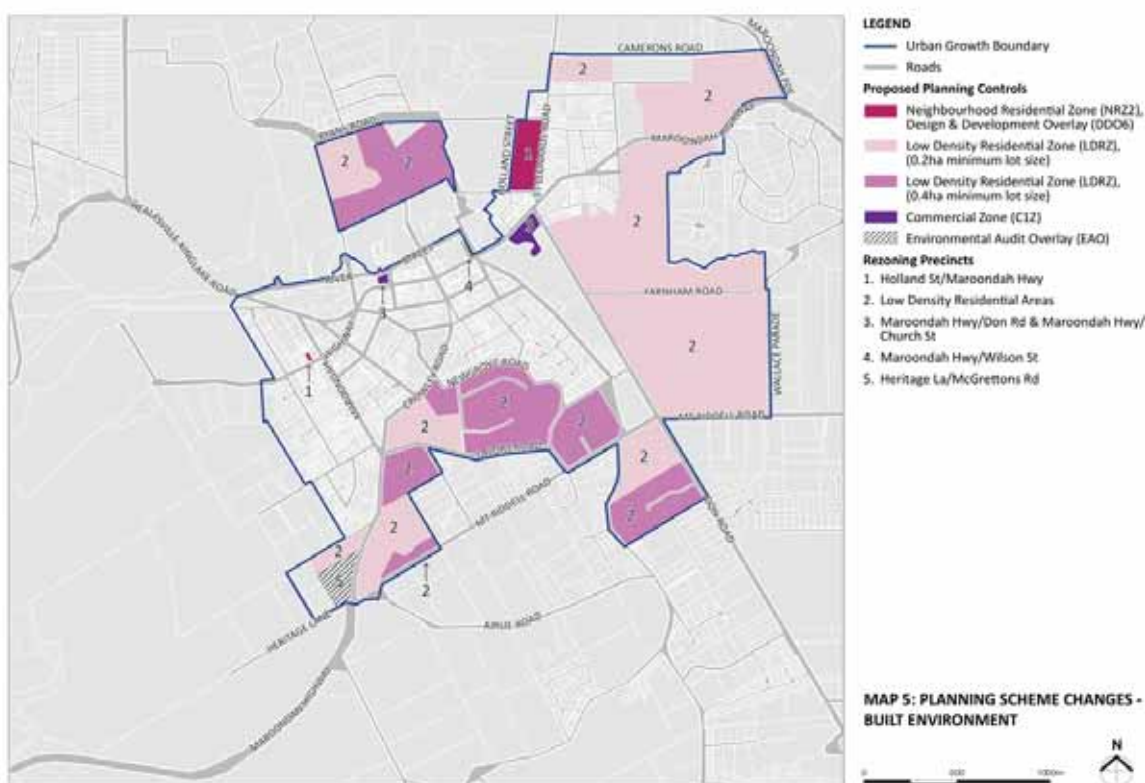


Figure 1 Revised LDRZ 4000 square metre and 2000 square metre areas following Council adoption of the Healesville Structure Plan.

The changes to the LDRZ areas referred to by Council appear to be very minor; being the inclusion of one property in Elamo Road into the LDR2 and the exclusion of one or two properties at the corner of Maroondah Highway and Graceburn Avenue from the LDRZ area.

Bushfire management

The BMO requires protection measures to ensure the risk of bushfire is reduced to an acceptable level and is applied to 301 lots in the LDRZ that have an area of 0.4 hectares or greater. The Amendment seeks to exclude these properties from further subdivision by applying the LDRZ1.

This approach was not applied to Warburton where the BMO applies to the entire township. All of Warburton is proposed to be included in the LDRZ2.

The Council submitted that:

While a decision could have been made to put all of Warburton into Schedule 1 which would have provided a consistent approach to the BMO across all LDRZ areas, the main issue for Warburton is that unlike any other town, all residential areas are in LDRZ and the entire town is in a BMO. This effectively would have excluded any further residential development opportunities. Therefore a decision was made to place Warburton into Schedule 2 and rely on the provisions of the BMO to ensure appropriate bushfire mitigation measures

are put in place should a subdivision be approved. As per Council's letter to the Minister, it is considered Amendment C143 has reached an appropriate balance between protecting the region's unique character, responding to environmental risks and allowing for some further development opportunities in specific areas.

Council also noted that a number of submissions raise concerns about emergency evacuation during fire or emergency events, however this issue is not addressed in the current planning scheme.

Bushfire issues are discussed in detail in Chapter 5.

Debris flow

The Erosion Management Overlay (EMO) protects areas prone to erosion, landslip or other land degradation process such as debris flow by minimising land disturbance and inappropriate development. A permit is required to subdivide land under the EMO.

Debris flow is a rapid flow of saturated soil or rock 'debris' down a slope. Some land within the Montrose area has been identified as having a significant susceptibility to debris flow. This follows a 1991 study of a debris flow that occurred down the face of Mount Dandenong in 1891. This involved the flow of about 30,000 cubic metres of rock and soil from the upper slopes, which was deposited up to 2km away, destroying some properties.

If a debris flow occurs, death or serious injury is possible for people caught in flow paths. For this reason, it is unlikely that any further habitable development will be supported under the EMO where proposed development is within or encroaches upon gullies susceptible to debris flow. Minor non-habitable development, such as carports and driveway construction, may be permitted but not new dwellings and subdivision.

There is more inherent risk associated with development in high debris flow areas than other areas susceptible to landslip because the risk cannot generally be reduced through engineering solutions. 26 properties in Montrose that are subject to the EMO have therefore been retained in the LDRZ1.

Sewerage program

The ability to connect to reticulated sewerage is the critical determinant to access the 0.2 hectare lot provision of the LDRZ2.

Council advised that there are 627 lots in the LDRZ that are 0.4 hectare or greater and are or are expected to be connected to reticulated sewerage. Most of the remaining lots are part of a sewerage program and are expected to be connected by 2030.

Yarra Valley Water is currently undertaking a reprioritisation program for their new Community Sewer Program. This may mean changes to proposed reticulated sewerage areas, timeframes and alternative solutions for managing wastewater on site. This may have implications for some lots in meeting the requirements of the LDRZ to connect specifically to reticulated sewerage.

Economic/financial implications

Council advised that the Amendment is not expected to have significant economic benefit at a regional level. The Amendment is expected to have local benefits particularly in townships where there is currently minimal development activity. This includes Warburton and Monbulk, where all residential land is within the LDRZ. Council acknowledged all of Warburton is located within the BMO, but considers some limited development opportunities will provide a significant local economic and potentially social boost to the township and local businesses.

Council considers it is likely to experience some negative economic impacts in meeting the associated infrastructure needs of intensifying housing in areas routinely lacking in infrastructure such as drainage and made roads. Further incremental increases in housing will generate expectations of improved residential amenities such as footpaths and reserves, not routinely found in low density areas. Council anticipates that any increase in rates will not be sufficient to offset associated costs.

2.9 Discussion

The changes to the minimum subdivision size of the LDRZ introduced by Amendment VC100 sought to enable increased (but still low density) development in LDRZ areas that had access to reticulated sewer.

Council considers that availability of reticulated sewer is not the only reason the LDRZ is applied in Yarra Ranges, as many LDRZ areas have significant landscapes, environmental risks or act as buffers to the rural areas. Infrastructure in these areas is consistent with a low density area and may not always be able to cope with increased density.

Council's strategic review of the LDRZ areas has sought to identify areas that it considers can sustain the increased density of 0.2 hectare lots. The Council has essentially done this by a process of eliminating those areas considered unsuitable and allowing the remaining areas to take advantage of the new subdivision provisions in the zone.

The areas that have been 'eliminated' are listed in the Explanatory Report and are:

- The suburbs of Belgrave, Belgrave Heights, Belgrave South, Tecoma, Upwey, Selby and Upper Ferntree Gully
- Most areas within the current BMO, except Warburton
- Areas within the EMO that are susceptible to debris flow
- Areas of uniform subdivision south of Hull Road, Lilydale
- The historic Bickleigh Vale subdivision in Mooroolbark
- 12 lots outside the UGB in Mount Evelyn
- Areas of Healesville west of Don Road.

The Council as identified a number of issues that arise from this approach and these are noted in Council's submission and at section 4.3 (i).

(i) Council's approach to formulating the Amendment

The Advisory Committee considers that, overall, Council's approach to formulating the Amendment has generally been a reasonable one.

(ii) Bushfire management

A key issue is the consequence of the impending expansion of the areas to be included in the BMO and the impact that this has on the approach inherent in Councils initial approach that *"...most areas within the current Bushfire Management Overlay, except Warburton"* not be included in the LDRZ2. The Advisory Committee also considered submissions from the CFA that expressed significant concern about the inclusion of Warburton and some areas of Healesville in the LDRZ2. This issue is discussed in detail in Chapter 5.

(iii) Neighbourhood character/areas of uniform subdivision

The issue at the heart of many submissions was the relationship between the broad policy approach of excluding some areas on the basis of a uniform subdivision pattern and the reality that, as a consequence of historical activities, the general subdivision pattern in many of these areas is very varied and fragmented. A number of submissions, including a number of those made at the Hearing, identified situations of perceived inequity because landowners were not able to subdivide either at all or to subdivide into lots of similar size to existing nearby lots.

The Advisory Committee recognises that this is a complex issue. On the one hand, the current low density provisions were introduced to reduce lot fragmentation and create a low density environment. On the other hand, if you own a relatively isolated large lot, is it fair that you are prevented from exercising the same opportunities that have been available to your neighbours? How much is the broad policy intent eroded if such lots are further subdivided?

The Advisory Committee is not able to individually review the outcome that will result for every lot, however it notes that some areas, such as the north-eastern end of Sheffield Road, Montrose have been allocated a quite fragmented zoning pattern, while other areas, such as Edinburgh Road have been wholly allocated to the LDRZ1 despite including smaller lots.

The Advisory Committee suggests that the Council review those submissions from properties proposed to be included in the LDRZ1 that have sought the ability to subdivide with a view to considering whether there are further small areas where the LDRZ2 could be applied without impacting the policy objectives of the planning scheme or the Strategy Plan.

(iv) Potential for increased vegetation loss

It was raised in a number of submissions and accepted by the Council that allowing an increase in subdivision density is expected to result in some loss of vegetation. This will be primarily due to vegetation removal to create house sites, driveways and bushfire protection around a dwelling. Ms Sykes (submitter 75), for instance, showed the Advisory Committee photographs of the significant changes to an adjoining property in Edinburgh Road as a result of a recent two lot subdivision.

Council submitted that all the LDRZ areas were also subject to the SLO, so that permission to remove vegetation would have to take into account the objectives of that overlay. While this may have a moderating effect in some situations, the reality is that this Amendment will lead to some loss of vegetation compared to if the Amendment did not proceed.

The likely extent of this loss has not been determined, however Council advised the Advisory Committee that there were about 627 lots larger than 0.4 hectares and able to be connected to reticulated sewerage out of around 12,400 lots in the LDRZ overall. Therefore, while the impact of further vegetation removal on a site by site basis may be relatively substantial, the overall impact from the Amendment is unlikely to be significant.

This impact is a policy 'trade off' for the benefits the Amendment seeks to produce. The Council have said that it considers the Amendment "*strikes the right balance*" on these matters.

The Advisory Committee considers that, provided the consideration of requests for vegetation clearance under the SLO are sensitively considered, the effects of additional vegetation loss should be able to be managed in a reasonable way.

(v) Monbulk Structure Plan

As consultation on this structure plan has only recently commenced, the Advisory Committee considers that it is too early for this process to influence this Amendment.

(vi) Healesville Structure Plan

Council adopted the *Healesville Structure Plan* in August 2016. Council, in its closing submission, asked that the changes to the LDRZ now be introduced as part of the amendment that implements the structure plan, rather than through this Amendment.

As the CFA has raised some significant concerns about several of the proposed LDRZ2 areas in Healesville and the Advisory Committee considers that more analysis needs to be undertaken in these areas (see section 6 for a full discussion), the Advisory Committee agrees that it is likely to be more efficient to manage the LDRZ areas in Healesville through a separate amendment.

(vii) Other matters

The Advisory Committee agrees with the Council's approach in relation to: the suburbs in the Dandenongs (see also section 7); areas in the EMO subject to debris flow; the Bickleigh Vale Estate; and areas outside the UGB.

2.10 Conclusions

The Advisory Committee concludes that:

- Subject to the consideration of the other matters in this report, the Amendment is appropriate in light of the relevant provisions of the Act and relevant State and local planning policy.
- Given the need to resolve the bushfire risk in the 'red' and 'blue' areas of Healesville (see section 6) and the expected impending implementation of Amendment C148, it would be reasonable for the Council to implement the LDRZ changes in the Healesville area through a separate amendment that implements the Healesville Structure Plan if the Council so decides.

3 Community consultation

3.1 The issues

What was the nature and extent of community consultation about the Amendment?

Has community and agency consultation about the Amendment been appropriate?

This section responds to section 32(a) of the terms of reference.

3.2 Summary of community consultation process

Council's submission details an extensive consultation program in 2014 that sought community views about the general issue of increasing density in the LDRZ areas by reducing the minimum lot size. This consultation included:

- Individual notification of 12,400 landowners in the LDRZ
- Notices on the Council website and in local newspapers
- An online survey, completed by 2,462 respondents
- Receiving 54 written submissions
- A public meeting in September 2014 at which 44 people addressed the Council
- Notice in writing to the CFA.

Following the appointment of the Advisory Committee, the Minister asked Council to invite all previous submitters and those who expressed an interest to be kept informed to make a new submission to the Advisory Committee and to register to be heard by the Advisory Committee if they wished. The Minister also asked Council to put notices about the submission process in local newspapers.

Council's notification included electronic and direct notification to over 1,500 people, notices in local newspapers and information on Council's website. As required by clause 23 of the Terms of Reference, Council also asked the authorities to make a submission and present to the Advisory Committee:

- Country Fire Authority
- Port Phillip and Western Port Catchment Management Authority
- Yarra Valley Water
- South East Water
- VicRoads.

As a result, the Advisory Committee received one submission from the CFA. The CFA also presented to the Advisory Committee at the Hearing.

3.3 Discussion

The Council has asked the Minister to approve the Amendment under section 20(4) of the Act. Planning Practice Note 29 : *Ministerial powers of intervention in planning and heritage matters (DSE November 2004)* sets out that one of the circumstances relevant to considering the use of this provision to make an amendment is:

- *The matter will give effect to an outcome where the issues have been reasonably considered and the views of affected parties are known.*

Section 32(a) of the Advisory Committee's terms of reference require that it provides advice about the *'nature and extent'* of the community consultation that has occurred regarding the Amendment.

Section 32(e) of the terms of reference requires that the Advisory Committee provide advice about the *'appropriate process to amend the planning scheme'*.

In order to recommend the use of section 20(4) to implement the amendment, the Advisory Committee needs to be satisfied that *"the issues have been reasonably considered and the views of affected parties are known"*.

From the information provided by Council about the 2014 consultation, it is apparent that there was a significant level of engagement and response with people that had a view on the issues. Similarly, the forms of notice given and the number of responses to the Advisory Committee process indicate that the process was effective in providing opportunity for interested parties to provide input and to present to the Advisory Committee.

3.4 Conclusions

The Advisory Committee concludes that:

- Consultation in 2014 about the general issue of increasing density in the LDRZ areas by reducing the minimum lot size was extensive and reasonable.
- Consultation about the proposed Amendment C143 was also extensive and reasonable.
- The consultation undertaken is sufficient to meet the test of Practice Note 29 should the Minister wish to consider approving the Amendment under section 20(4) of the Act.

4 Submissions

4.1 The issues

What was the nature and extent of the views expressed by the community and other affected persons about the Amendment?

This section responds to sections 32(b) and (c) of the terms of reference.

4.2 Overview of submissions received

The Committee received 143 submissions about the Amendment. These submissions can be generally considered in five categories as shown in Table 3 and Figure 2.

Table 3 Overview of submissions (Advisory Committee analysis)

	Number	%
Submissions that supported the Amendment as proposed	55	39%
Submissions that specifically supported the proposed retention of a 4000 square metre lot size in areas in the southern Dandenongs (Belgrave, Belgrave Heights, Belgrave South, Tecoma, Upwey, Selby and Upper Ferntree Gully).	6	4%
Submissions that opposed the Amendment.	43	30%
Submissions from land owners that want to be either included in the new LDRZ2 or who want to be able to subdivide their property.	36	25%
Submissions that were neutral or had no comment.	3	2%

The Advisory Committee notes the high number of submissions that sought inclusion in the Amendment, rather than specifically supporting the entire Amendment. These submissions are discussed further in section 4.3(vi).

A high proportion of submissions were from two localities – the Lilydale, Mt Evelyn and Mooroolbark area and the Belgrave and southern Dandenongs area.

Based on the submissions received, there is support for increased density in the Lilydale, Mt Evelyn, the Mooroolbark area and the Montrose area; but a more divided view in the Belgrave and southern Dandenongs area.

Table 4 sets out the Advisory Committee's analysis of submissions received by the Advisory Committee and those received by Council during its initial consultation in 2014.

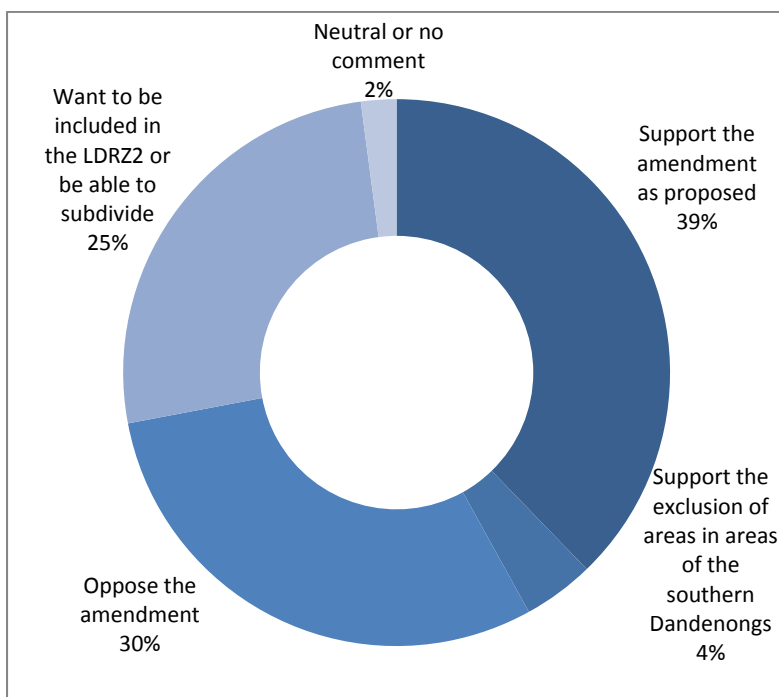


Figure 2 Summary of submissions (Advisory Committee analysis)

Table 4 Submissions by locality

Locality	To Advisory Committee		To Council consultation 2014	
	Support want inclusion	or Oppose	Support 0.2ha lots	Oppose 0.2ha lots
Belgrave & southern Dandenongs	24	20	15	27
Healesville	11	3	11	3
Lilydale, Mt Evelyn, Mooroolbark	46	10	44	10
Monbulk	2	0	3	0
Montrose	12	0	10	0
Mt Dandenong, Olinda, Kalorama	0	4	0	4
Warburton, Yarra Junction	5	1	3	3

Source: Advisory Committee analysis

4.3 Issues raised in the submissions

The key issues raised in the submissions are summarised below.

(i) The Council

The key issues for the Council were:

- The potential inconsistency of the proposed Amendment with the current policy statements of the Strategy Plan.
- Managing the impact of increased density on the neighbourhood character of areas identified for the LDRZ2.
- Managing any increase in bushfire risk.
- Aligning to proposed LDRZ2 changes with the yet to be finalised Healesville Structure Plan.
- Managing the demand for increased vegetation removal expected to result from increased development.

(ii) The CFA

The CFA summarised its main points on page 3 of its submission:

- *The Amendment does not fully consider the impact of bushfire in context of the proposed changes to the LDRZ.*
- *The Amendment has not addressed all of the relevant bushfire policy in the development of the amendment documentation.*
- *The Amendment has sought to increase development opportunities in areas of high to extreme risk from bushfire.*
- *That Warburton should be removed from Schedule 2 of the LDRZ due to the extreme risk from bushfire from the surrounding landscape and poor availability of access and egress routes.*
- *That the State government review of the BMO mapping is a relevant consideration in the assessment of the proposed Amendment.*
- *That additional information should be provided that demonstrates how any lots less than 0.4ha would be able to meet minimum bushfire mitigation requirements.*
- *CFA seeks to avoid the inclusion of any lots within Schedule 2 of the LDRZ that could not feasibly implement bushfire mitigation measures at the site. Specific areas have been identified where this is considered of great significance.*
- *That being located in the BMO does not preclude future development of the land.*
- *That access and egress from townships and settlements is an important consideration.*
- *That Amendment C148 is a relevant consideration with respect to this amendment. Permit exemptions for vegetation removal should be considered in context of Amendment C148.*
- *The following principles are important when considering bushfire in the context of this Amendment:*

- *Prioritising the protection of human life and safety.*
- *Directing development to the lowest risk locations is the most effective way to prioritise human life.*
- *Avoiding development in locations of extreme bushfire risk.*
- *Avoiding development in areas where planned bushfire protection measures may be incompatible with other environmental objectives.*
- *Avoiding development where the bushfire risk cannot be reduced to an acceptable level.*
- *Considering the impact of new development on surrounding land and their bushfire risk.*
- *Being consistent with State planning objectives and other provisions of Planning Scheme i.e. Clause 13.05 and Clause 52.47.*

The CFA provided additional comment in relation to the *Healesville Structure Plan Bushfire Study*. This issue is discussed in section 5.4 (ii).

(iii) Submitters who supported the Amendment

The broad issues raised by submitters in support of the Amendment are summarised in Table 5, together with the approximate number of submitters that raised the issue.

Table 5 Issues raised in support of the Amendment

Issue	Number
The proposed Amendment would enable better management of properties by allowing the lot size to be reduced and facilitate ageing in place for older landowners.	24 (17%)
The proposed Amendment would allow better use to be made of existing and proposed community infrastructure and facilities.	22 (15%)
The proposed Amendment would give equity to those landowners who cannot currently subdivide but are in areas where smaller lots have previously been allowed.	19 (13%)
The proposed Amendment would generate economic benefit through increased population, more viable community sizes, increased commercial activity and more rate revenue for council.	17 (12%)
Supported but did not state a specific issue.	16 (11%)

Source: Advisory Committee analysis

(iv) Submitters who opposed the Amendment

The broad issues raised by submitters opposing the amendment are summarised in Table 6, together with the approximate number of submitters that raised the issue.

Table 6 Issues raised against the Amendment

Issue	Number
The proposed Amendment would result in unreasonable increases in traffic congestion and infrastructure load.	26 (18%)
The proposed Amendment would result in an unreasonable environmental impact through increased demand for vegetation removal and consequent habitat loss.	25 (17%)
The proposed Amendment would unreasonably reduce the valued bushland character and feel that attracted people to the LDRZ areas.	22 (15%)
The proposed Amendment would increase the risk of bushfire and make bushfire and emergency evacuation more difficult.	18 (13%)
The proposed Amendment would cause loss of amenity from increased traffic noise, loss of vegetation and wildlife and the like.	16 (11%)
Opposed but did not state a specific issue.	2 (1%)

Source: Advisory Committee analysis

Mr O'Halloran, Mr Whitford and Ms Marsden representing the Save the Dandenongs League Inc, Ms Zebisch and Ms Freeman each made presentations to the Hearing opposing the Amendment. These submitters highlighted the significance of the Dandenongs and the importance of protecting the area from over development.

(v) Belgrave and southern Dandenongs area

Six submissions (73, 78, 97, 127, 128 and 129) were similar and rather than supporting the proposed density increase of the proposed Amendment, strongly supported the Councils decision to retain existing subdivision provisions for the Dandenong Ranges suburbs of Belgrave, Belgrave South, Tecoma, Upwey, Selby and Upper Ferntree Gully.

(vi) Submitters who sought inclusion in the Amendment

The Advisory Committee received 34 submissions from land owners in the LDRZ that wanted to be either included in the new LDRZ2 or who wanted to be able to subdivide their property. Broadly, the reasons put forward for inclusion were:

- The submitters land was adjacent or close to other lots of smaller size and the submitter sought equity of opportunity with their neighbours.
- The submitters land was close to urban facilities such as shops or public transport.
- Subdivision would enable better property management.
- Subdivision would enable the owner to remain on the land and reduce their property management effort.
- The land had access to reticulated sewerage.
- The size of the lot was close to 0.4 hectares, but not sufficient to enable a two lot subdivision.

These submissions included submission numbers 15, 19, 20, 21, 34, 40, 41, 44, 45, 46, 50, 55, 66, 69, 72, 74, 84, 85, 99, 103, 104, 108, 110, 113, 118, 121, 124, 132, 133, 141 and 143.

Urbis made presentations to the Hearing on behalf of a number of property owners who sought to be included in the LDRZ2, in each case arguing that further subdivision is consistent with existing lot patterns; and there are no heritage, bushfire or environmental constraints which would serve as a barrier to further development. It is difficult to argue against the merits of inclusion of some of these properties in the LDRZ2.

Mr Baulch, Mr and Mrs Beltrami, Mr and Mrs Keast, Mr Ludeman on behalf of Mr Haitzma, Mr Wright, Mr and Mrs Clarke, Mr and Mrs Cadwallader and Mr and Mrs Wilson all made submissions to the Panel Hearing requesting that their land be able to be further subdivided.

Similarly to the comments in section 2.9 (iii), the Advisory Committee suggests that the Council review these submissions with a view to considering whether there are some further small areas or anomalous situations where allowing limited subdivision would be appropriate and the LDRZ2 or some other response could be applied without impacting the policy objectives of the planning scheme or the Strategy Plan.

(vii) Submissions unable to be considered

The Amendment is about the subdivision provisions that are to apply in the LDRZ.

It is not therefore possible for the Advisory Committee to consider the appropriateness of subdivision for properties that are currently included in another zone, which is the situation with submissions 52 and 89.

Similarly, it is not open to the Advisory Committee to consider submissions that sought to have a property included in a zone other than the LDRZ, which is the situation with submissions 38, 92 and 125.

4.4 Discussion

About two-thirds (68%) of the 143 submitters either supported the Amendment or the ability to further subdivide their lots. About one third of the submitters opposed the Amendment.

The Advisory Committee found all submissions to be thoughtful and considered. Generally, there was strong support for the existing policies of protecting the Dandenongs, a sentiment that the Council has recognised by substantially including this area in the LDRZ1. There was also a clear concern to protect the valued bushland and rural character typical of the LDRZ areas.

There was also apparent support for more subdivision flexibility in other areas and a view that some increase in density would be beneficial in areas that were perceived as already having access to some facilities and able to cope with some further development.

Equity of opportunity was an issue, with a number of submitters with larger lots seeking to have the same subdivision opportunities that had been available on nearby land.

The concerns expressed about the potential negative impacts of the proposal are also valid and have been acknowledged by the Council. If the Amendment is to proceed, these potential impacts will need to be carefully managed. Of particular concern were bushfire risk, vegetation removal, loss of amenity and changes to local character.

In considering what weight to give to the arguments against the Amendment, the Advisory Committee was mindful of the scale of development that was actually likely to result if the Amendment proceeded. From the data provided by the Council and summarised in section 2.3, the number of lots that would be able to be subdivided as a result of the Amendment is relatively modest – at the most about 627 lots if all eligible lots were developed. This is 5% of the 12,417 lots that exist in the LDRZ already.

In addition, Council mapping shows most of these eligible lots are scattered through the LDRZ areas and, while development is certainly likely to generate change impacts at a local level, development is unlikely to have a significant overall impact at the township or area level.

4.5 Conclusion

The Advisory Committee concludes that, while the potential for the negative impacts raised in submissions against the Amendment are real, the scale of development that is likely to result can only be small compared to the existing level of development in the LDRZ areas. Council has the ability to manage impacts such as vegetation removal through the planning permit provisions of the planning scheme, and should do so thoughtfully.

The Advisory Committee concludes that because of the existing fragmented lot pattern in some areas, there is the potential for inequitable outcomes for some landowners. The Advisory Committee suggests that Council review the submissions noted in section 4.3 (vi) with a view to considering whether there are some further small areas or anomalous situations where allowing limited future subdivision would be appropriate and the LDRZ2 or some other response could be applied in the future without impacting the policy objectives of the planning scheme or the Strategy Plan.

The Advisory Committee's conclusions about how bushfire risk should be managed are set out separately in Chapter 5.

5 Bushfire risk and the BMO

5.1 Issue

Is the Amendment appropriate in light of the proposed Bushfire Management Overlay update?

This section responds to Addendum 1 to the terms of reference.

5.2 Background

(i) Planning Practice Note 64: Local planning for bushfire protection

The purpose of this Practice Note is to provide guidance about local planning for bushfire protection, help councils tailor local policies in response to bushfire and to guide the preparation of schedules to the BMO. The Practice Note has this to say about assessing risk from bushfire hazard:

Risk is the likelihood of being exposed to a hazard and its consequences. Bushfire risk should be considered in terms of life, property and community infrastructure. Bushfire is a dynamic hazard and the way it may impact on a community can vary considerably. There will therefore be varying responses in different locations. Central to local planning for bushfire is determining the level of risk and whether the risk has been reduced to an acceptable level.

Directing development to the lowest risk locations is the most effective way to prioritise the protection of human life. This should be the key strategy to enhance resilience to bushfire. Alongside this is the need to avoid future development in extreme risk locations. Due to the devastating impacts of bushfire there are some locations where the bushfire risk cannot be reduced to an acceptable level. Decision making for other areas should be informed by a thorough understanding of bushfire as part of local planning activities.

The Practice Note also says that, in reviewing a planning scheme, the planning authority should consider:

- *the relevant Regional Bushfire Planning Assessment*
- *the way in which the planning scheme assists to strengthen community resilience to bushfire and supports bushfire prevention and management. This includes whether the application of zones and overlays is compatible with the bushfire hazard and ensuring planning schemes prioritise the protection of human life*
- *any relevant change to land included in the Bushfire Management Overlay or designated as bushfire prone under the building regulations*
- *where there is development pressure that may potentially conflict with the bushfire hazard*
- *the outcomes of Planning Panels Victoria and Victorian Civil and Administrative Tribunal consideration of bushfire-related issues*
- *the views of the relevant fire authority and public land managers.*

(ii) Ministerial Direction 11: Strategic assessment of amendments

This Direction requires that in preparing an amendment, a planning authority must evaluate and include in the Explanatory Report how the amendment addresses specified matters. One of those matters is bushfire risk. Another matter is how the amendment implements State planning policy as set out in the SPPF. The SPPF includes Clause 13.05 Bushfire.

The Explanatory Report states that:

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.

However, since the Explanatory Report was written, as part of the ongoing Statewide refinement of bushfire hazard mapping, DELWP has prepared updated BMO mapping for the Shire. DELWP advised the Advisory Committee that:

...the updated maps have been prepared, with input from the State's fire authorities using criteria developed in accordance with the recommendations of the 2009 Victorian Bushfires Royal Commission.

The detailed State-wide criteria for mapping bushfire hazard are set out in Planning Advisory Note 46: Bushfire Management Overlay Mapping Methodology and Criteria.

The key elements of the criteria are:

- Areas of vegetation (except grasslands) 4 hectares or more in size, with a 150 metre buffer area applied. The buffer is to protect dwellings against embers which are the cause of most house losses from bushfire.*
- Areas where the surrounding landscape presents a significant bushfire hazard that warrants consideration of new development.*

The maps have been verified with the relevant fire authorities. All affected councils across the state have been invited to provide technical information to identify bushfire hazards. The maps have been updated with recent imagery that has led to further alterations as vegetation cover has changed over time.

The BMO mapping update is expected to be implemented via a Ministerial amendment in early 2017.

The proposed updated BMO areas are shown in the maps at Appendix E, which also shows the proposed LDRZ1 and LDRZ2 areas.

If the updated BMO mapping is introduced as currently proposed, almost all areas in the LDRZ, apart from some relatively small areas in Montrose, Mount Evelyn and Yarra Junction, are likely to be included in the BMO in the near future.

5.3 Submissions

About 42% of submitters opposed to the Amendment were concerned that allowing an increase in density would increase the risk of bushfire and make bushfire and emergency evacuation more difficult. Recognising the seriousness of this issue, both the Council and the CFA had given significant consideration to bushfire risk but presented somewhat different responses to the Advisory Committee.

The Council

In its closing submission, the Council summarised its position as:

It is our understanding that the proposed changes to the BMO mapping will add in the order of 18,000 additional properties into the BMO and most of these additional properties are located within the townships of Montrose, parts of Lilydale, Healesville, Monbulk, Belgrave, Upwey and Tecoma. Essentially we now potentially have the situation where entire townships will be located in the BMO.

Most of these additional township areas are well within town settings that are quite urban in character far away from heavily vegetated areas and well outside of the 4 hectares or greater vegetation patch size with a 150 metre buffer area (as per the Bushfire Hazard mapping criteria – explained in the DELWP brochure Planning for Bushfire Bushfire Mapping Update- Planning System (information for Planners) July 2016. It appears these areas are located within the BMO on account of meeting the second ‘key element’ of the criteria – Areas where the surrounding landscape presents a significant bushfire hazard that warrants consideration of new development.

Council appreciates the issues raised in the submission by the CFA highlighting the need to ensure bushfire risk is considered in strategic and statutory planning decisions. After some questioning from the Committee in attempting to understand CFA’s position on Amendment C143, it would appear that the CFA submitted that the presence of the BMO should not necessarily preclude subdivision applications. Indeed, with the significant broadening of the BMO as proposed by the Minister for Planning, consideration of future subdivisions within a BMO will be inevitable as in some cases entire townships are now proposed to be located in the BMO (this includes LDRZ, other residential, public, industrial and commercial zones). Accordingly, the BMO has been designed to ensure the risk of bushfire is assessed during subdivision applications.

Given that the BMO will now appear to cover virtually all LDRZ township areas as Mr Gorman yesterday put it “we are going to have to let it [the BMO] do its job”. (submission 104).

However while the BMO should not preclude further subdivisions, at a strategic level it makes sense to recognize the LDRZ areas in the Dandenong Ranges as particularly bushfire prone and retain the 4000 square metres minimum lot size in these areas as C143 is proposing.

Council's primary submission had this to say about the bushfire issue:

The Bushfire Management Overlay is applied to land where the bushfire hazard is significant. The BMO requires protection measures to ensure the risk of bushfire is reduced to an acceptable level. The Bushfire Management Overlay is applied to 301 lots in the LDRZ which have an area of 4,000 square metres or greater. Amendment C143 seeks to exclude these properties in the Bushfire Management Overlay from further subdivision by applying Schedule 1 to the areas affected by the Bushfire Management Overlay.

Warburton is the one exception. All of Warburton is in the Low Density Residential Zone and the BMO is applied to the entire township. Amendment C143 allows for some limited further development to occur subject to meeting the planning scheme provisions including the BMO. Under the BMO a permit is required for subdivision and for construction of a new dwelling. While a decision could have been made to put all of Warburton into Schedule 1 which would have provided a consistent approach to the BMO across all LDRZ areas, the main issue for Warburton is that unlike any other town, all residential areas are in LDRZ and the entire town is in a BMO. This effectively would have excluded any further residential development opportunities. Therefore a decision was made to place Warburton into Schedule 2 and rely on the provisions of the BMO to ensure appropriate bushfire mitigation measures are put in place should a subdivision be approved. As per Council's letter to the Minister, it is considered Amendment C143 has reached an appropriate balance between protecting the region's unique character, responding to environmental risks and allowing for some further development opportunities in specific areas. (Panel Direction 27/10/16 5g).

A number of submissions raise concerns about emergency evacuation during fire or emergency events. This issue is not addressed in the current planning scheme.

The Minister for Planning has announced his intention to revise the mapping of the Bushfire Management Overlay. Attachment 9 shows the proposed BMO and properties proposed to be included in LDRZ Schedule 2. Of the 875 lots in the LDRZ lots which are 4,000m² and greater:

- 301 lots are currently located in the BMO*
- 482 lots are proposed to be included in the BMO*
- 423 lots are proposed to be included in the BMO Schedule 1*
- 30 lots are proposed to be included in the BMO Schedule 2.*

Yarra Ranges Council has not formally considered Amendment C143 within the context of the proposed changes to the Bushfire Management Overlay. The changes to the mapping criteria have meant the areas proposed to be covered

by an extended Bushfire Management Overlay now, generally applies to whole townships including Healesville, Monbulk, Mount Evelyn and Lilydale rather than the fringe or outskirts of the townships. This represents a significant change in situation, than what Council considered when preparing Amendment C143.

The Country Fire Authority

The CFA made a comprehensive submission to the Advisory Committee, which is summarised in section 4.3 (ii) above. Key points of the CFA submission relevant to the relationship between increasing residential density and bushfire risk are:

- Warburton is identified as one of the most 'at risk' townships in Victoria for bushfire risk. The CFA recommended that Warburton not be included in the LDRZ2.
- The application of the BMO does not automatically exclude an area from further development. The existing level of bushfire risk and the extent of bushfire hazard is relative to a number of factors including location, topography, fuel type fuel load and weather conditions. The CFA considers that further assessment needs to be made of the likely fire behaviour in areas of potential density increase, to assess the feasibility of future subdivision on eligible sites and their ability to reduce risk to an acceptable level.
- Clause 52.47 *Planning for bushfire* should not be used in isolation to justify strategic planning proposals.

In addition, at the request of the Advisory Committee, the CFA provided an initial response to the report *Healesville Structure Plan Bushfire Study* (Document 19) prepared by Terramatrix for the Council. This report, in chapter 9, generally supports the intensification of residential development in the existing LDRZ areas of Healesville, subject to meeting the requirements of the BMO. Terramatrix also suggest that intensification of development in some areas may enable the BMO requirements to be reduced (e.g. from BAL 29 to BAL 12.5) in response to anticipated changes to vegetation associated with increased development.

The CFA response (Document 45) puts forward a more conservative view and raises a number of concerns about how increased density and bushfire risk have been considered. These concerns include:

- *The Study contains a detailed assessment of bushfire related issues, however, there is limited discussion of strategic bushfire considerations and first principles as they apply to planning in areas at risk from bushfire and outlined in CFA's submission to the Committee.*
- *The Study has a focus on describing the bushfire risk and mitigation measures, rather than questioning whether development should proceed in these areas. There appears to be a number of assumptions included in the report that underpin this position.*
- *Section 1.2 of the Study specifically considers Landscape Context and bushfire. CFA maintains that the landscape bushfire context is an important consideration in the assessment of bushfire risk and whether new development opportunities are appropriate for an area or whether growth within a municipality can be directed away from the bushfire risk and hazard. CFA maintains that this is largely unanswered in the report.*

- *From a brief desktop assessment, there may be differences between CFA's assessment and the information relied upon within the Study.*
- *It is noted that the Study does not include any discussion on the policy and objectives outlined in the SPPF, although the requirements of the SPPF are noted in the report. A greater emphasis of the report is given to the BMO, mapping criteria and VC109. CFA believes that this is a significant limitation of the report in context of reviewing whether Amendment C143 should proceed.*
- *The Study includes a number of comments regarding potential incorporation of schedules into any future BMO that may apply to the area. CFA is of the view that this is premature and not of a significant relevance to the assessment of Amendment C143. Although, CFA would note that it is unlikely that CFA would agree with some of the proposed schedules.*
- *The Study does not provide a site assessment for lots greater than 0.4ha. Nor does the Study consider potential lot layout limitations based on the size, orientation or width of particular sites. CFA believes these are important considerations that should be considered before providing owners with an expectation that development could be accommodated on their land.*
- *CFA has identified two areas within Healesville where the introduction of the LDRZ Schedule 2 is unlikely to be supported by CFA, they are shown outlined in red in Figure 1.*
- *CFA has identified two additional areas (shown blue in Figure 1) where CFA holds serious reservations about the application of the LDRZ schedule 2. However, additional information may resolve CFA's concerns.*
- *CFA would be more likely to support the LDRZ Schedule 2 outside of any of the areas shown coloured either red or blue in Figure 1. (Reproduced as Figure 3 below)*
- *CFA is concerned that the Study does not identify whether any individual sites would be created under the LDRZ Schedule 2 that could not satisfy the approved measures of the BMO. CFA recommends that this is an important consideration in the review of Amendment C143.*
- *The Study does not consider access in any great depth or any justification that suggests supporting more people into an area at risk from bushfire.*



Figure 3 Areas of CFA support or objection (Figure 1 referred to in the CFA submission)

5.4 Discussion

The Advisory Committee considers that there are essentially two matters that need to be resolved in relation to bushfire risk. These are:

- Will the combination of the LDRZ2 and BMO provisions be sufficient to achieve appropriate fire risk management outcomes in the proposed LDRZ2 areas?
- Should the areas identified by the CFA as having unacceptable risk (Warburton and the 'red areas' in Healesville) be removed from the amendment?

(i) Will the combination of the LDRZ2 and BMO provisions be sufficient to achieve appropriate fire risk management outcomes in the proposed LDRZ2 areas?

The significant proposed increase in the extent of the BMO across the LDRZ areas since the Amendment was formulated has changed the potential impact of this question. Almost all LDRZ properties will also be subject to the BMO, so the Council's initial approach of generally leaving BMO affected properties in the LDRZ1 is no longer an available response.

The Council, Mr Gorman (submitter 104) and (to a certain extent) the CFA have all said that the application of the BMO to a property does not necessarily mean that no increase in

residential density can be considered. Mr Gorman said that the BMO should be allowed to 'do its job' and that the suitability of any site for increased development can be determined on a site-by-site basis. The Council agreed with that approach.

The CFA put the view that, while this may be appropriate in some locations, a broader 'landscape view' of the risk should be taken as well. This was the basis of its view that certain areas (such as those discussed below and the Healesville 'blue' area) were not, or may not be, suitable for that approach.

The CFA submitted that, before the approach of relying on the BMO site assessment was adopted, the circumstances of the location should be tested and there will be some areas where this will not prove to be an acceptable approach. Both the Council and the CFA agree that, generally, this type of assessment had not been done for the LDRZ areas proposed for increased density.

The Advisory Committee broadly agrees with the CFA that, as the extent of the BMO will now be much wider, there should be some reassurance that reliance on the BMO will be effective on a landscape scale as opposed to a site specific scale. However, there are likely to be many areas where, because the effective number of potential new lots is relatively low, a detailed, expensive or time-consuming review will not be warranted.

The Advisory Committee considers that the CFA and the Council should jointly review, at a 'desk top' level, the proposed LDRZ2 areas together with any proposed or anticipated BMO schedules and identify any areas where the CFA considers more detailed analysis is needed and the minimum satisfactory scope of that further analysis.

Any areas that are unable to be deemed satisfactory should not be included in the LDRZ2.

(ii) Should the areas identified by the CFA as having unacceptable risk be removed from the Amendment?

The CFA identified Warburton as one of the most 'at risk' townships in Victoria for bushfire risk. The CFA recommend that Warburton not be included in the LDRZ2. The Advisory Committee notes that Council officers did not originally recommend inclusion of this area in the LDRZ2 when Council first considered the Amendment.

The Advisory Committee is aware of the strategic argument that Warburton township could benefit from increased population, however this objective has to be weighed against the overarching State policy objectives for bushfire, including prioritising human life.

The CFA also identified two areas within Healesville (the 'red' areas) where the introduction of the LDRZ2 is unlikely to be supported by CFA.

Without the benefit of a rigorous analysis of these areas of very significant risk, the Advisory Committee cannot support their inclusion in the LDRZ2 at this time. The Advisory Committee recognises, however, that there may be some areas at these locations that are or could be made suitable for inclusion in the LDRZ2 if detailed further analysis and appropriate risk reduction strategies were able to be implemented. Council may choose to pursue such work in the future. In the meantime, the Advisory Committee considers that these areas should be removed from the Amendment.

5.5 Conclusions

The Advisory Committee concludes that:

- The CFA and the Council should jointly review the proposed LDRZ2 areas together with any proposed or anticipated BMO schedules at a 'desk top' level.
- Where, without the need for further analysis, it is considered that a satisfactory outcome will be achieved through the combination of the LDRZ2 and the BMO, the areas can be included in the LDRZ2.
- Where further analysis is considered necessary, the areas should not be included in the LDRZ2 until that analysis is undertaken and the outcome demonstrated to be satisfactory.
- No LDRZ areas in Warburton or in the 'red' areas (on Figure 3 of this report) identified by the CFA in Healesville should be included in the LDRZ2 unless a bushfire risk analysis prepared to the satisfaction of the CFA shows that the area can support an increase in residential density without an unacceptable increase in bushfire risk.

6 The Upper Yarra and Dandenong Ranges Regional Strategy Plan

6.1 Issue

Are there any relevant inconsistencies between the proposed Amendment and the Strategy Plan?

What is an appropriate method to resolve any inconsistency if the Amendment is to be approved?

This section responds to sections 32 (d) (in part), (f) and (g) of the terms of reference.

6.2 Background

Section 46F of the Act requires that any amendment to the planning scheme be consistent with the Strategy Plan.

The Strategy Plan was prepared by the Upper Yarra Valley and Dandenong Ranges Authority (established under the *Upper Yarra Valley and Dandenong Ranges Authority Act 1976*) and its purpose is to give increased protection to the special features and character of the region.

The operation of the Strategy Plan (the RSP) is explained in Council's submission:

Section 46F of the Planning and Environment Act 1987 requires the Yarra Ranges Planning Scheme to be consistent with the Strategy Plan.

The Strategy Plan makes reference to the State planning policy for the Region and specifically the need for limiting the extent of urban development and need to contain development to a scale and type compatible with the conservation of natural resources and residential amenity.

The RSP provides broad policy statements about limiting residential development in certain areas notably the Dandenong Ranges and Yarra Valley as well as identifying township and metropolitan boundaries, which were later translated into the Urban Growth Boundary.

The RSP provides regional goals, objectives for township policy areas as well as more detailed policy around design, subdivision, environmental considerations and landscape character. Many of these policy requirements have been translated into the planning scheme through the application of zones, overlays and policy.

Relevant policy statements include Township Policy Areas (pg.8):

Any net increase in the total provision for residential development in the Policy Area shall be contained within the aims of this Policy. There shall be no net increase in the total provision for residential development in the Dandenong Ranges; and no significant increase in

the Yarra Valley and the southern foothills beyond that provided for in proposals approved or exhibited at the date of adoption of this Policy.

(Also referenced Schedule 1: State Planning Policy for the Region).

The following extracts under Township Policy Areas are also relevant:

...there will be only limited township expansion. The Region, however must provide opportunities for the enhancement of living for existing communities, and must ensure that facilities and services are available and appropriate to the nature of the communities and to their location on the fringe of metropolitan Melbourne.

Township policies have been developed to ensure efficient use of the existing infrastructure such as roads, railways, sewerage, water supply systems and human services. The policies will also assist to conserve the Region's natural resources, protect the amenity of the Region's residents and provide opportunities for a variety of lifestyles.

6.3 Submissions

Apart from the Council, only a few submissions referred to the Strategy Plan, generally in relation to a specific property, such as Mr Ludeman (submission 38), who argued that development of his clients land at 44-64 Maroondah Highway, Healesville was consistent with the Strategy Plan because, while the Strategy Plan seeks to limit expansion, it also envisages (section 3.01) that *"The Region however must provide opportunities for the enhancement of living for existing communities and must ensure that facilities and services are available and appropriate to the nature of the communities and their location on the fringe of metropolitan Melbourne."*

Mr and Mrs Baulch (submission 100), in support of the rezoning of their parent's property at 27-33 Old Hereford Road, Mount Evelyn, submitted that the Amendment is consistent with the subdivision policies of the Strategy Plan because it *"...contains further subdivision within the identified Township Policy Areas of the Regional Strategy Plan."* They also suggested the Amendment conformed with the Strategy Plan because the Strategy plan policy that *"...no net increase in the total provision for residential development in the Dandenong ranges..."* will occur because the suburbs of the Dandenong ranges were not proposed to be included in the LDRZ2. They also proposed that, to ensure the Amendment does not potentially result in an inconsistency with the Strategy Plan, that the three areas in Monbulk referred to in the terms of reference be removed from the Amendment.

Mr Houlihan (submission 56), a former member of the Upper Yarra and Dandenong Ranges Authority, submitted that, while he generally supported the Amendment, he considered that *"...the proposal to add in areas in the Township of Warburton is in conflict with policies contained in the Regional Strategy plan..."*. Mr Houlihan told the Advisory Committee that, in his view, Warburton should remain as a tourist asset and new social and economic infrastructure should be focused on Yarra Junction to capitalise on existing services there.

Ms Marsden, for the Save the Dandenongs League (submission 107) told the Advisory Committee that she considered that the no net increase policy should be upheld and valued

as it had been successful in protecting the Dandenongs. Ms Marsden considered that the effect of the policy should be that the LDRZ should remain as LDRZ1 for all areas of the Dandenong Ranges.

In its closing submission, Council stated:

The issue of consistency with the Regional Strategy Plan has been raised by several submitters. This has been covered by Council's submission to the Advisory Committee. Again, for the purposes of clarifying Council submits that the Amendment C143 is consistent with the Regional Strategy Plan, but I acknowledge that the policies of the RSP can be open to interpretation. One of the key policy statements of the strategy is about limiting residential development in the Dandenong Ranges and Yarra Valley.

...There shall be no net increase in the total provision for residential development in the Dandenong Ranges; and no significant increase in the Yarra Valley and the southern foothills...". (page 8 and 98).

One of the issues we are faced with in interpreting this statement is where exactly does this apply to and does this relate to urban containment policies i.e. maintaining township boundaries now through the Urban Growth Boundary or does it extend to prohibiting planning scheme amendments that facilitate infill development within townships. The RSP clearly contemplates further intensification of township areas providing it is undertaken sensitively and protects environmental and landscape features. It is submitted that the policy statements in the RSP relating to limiting residential development in the Dandenong Ranges and Yarra Valley should not necessarily preclude potential infill development or some further intensification opportunities and relate more to ensuring the townships are not expanded beyond the current boundaries.

Again Council submits that Amendment C143 has responded appropriately to the policy considerations of the RSP by acknowledging the environmental characteristics of the Dandenong Ranges and accordingly, proposes to retain the current provisions of the LDRZ in key areas of the Dandenong Ranges.

6.4 Discussion

As noted by the Council and the submitters above, the Strategy plan requires that:

There shall be no net increase in the total provision for residential development in the Dandenong Ranges; and no significant increase in the Yarra Valley and the southern foothills beyond that provided for in proposals approved or exhibited at the date of adoption of this Policy.

The Strategy plan also says that all urban areas should be consistent with the township policy areas.

(i) The Dandenong Ranges

The policy requirement for the Dandenong Ranges is that there should be “...no net increase in the total provision for residential development...” (Advisory Committee emphasis)

As the suburbs of the southern Dandenongs are proposed to be retained in the LDRZ1, no opportunity is created for an increase beyond what is currently possible.

Clause 15 of the Terms of Reference notes that the inclusion of three areas in the Amendment could potentially result in a conflict with the Strategy plan. The three areas are:

- About ten lots around the intersection of Ruby Road and Bright Road, Montrose
- About 43 lots on the north side of Monbulk Road, around Carcoola Road, Monbulk.
- About 20 lots between Baynes Park Road and Emerald-Monbulk Road, Monbulk.

All these areas are proposed to be included in the LDRZ2 and adjoin other areas also proposed for LDRZ2. It is not clear to the Advisory Committee why these areas have been specifically identified and no submissions were made about them. Should the Council or DELWP consider there is an inconsistency with the Strategy plan in relation to these three areas, they have the opportunity to address this with the changes to the Strategy Plan associated with the implementation of Amendment C148.

(ii) The Yarra Valley

The policy requirement for the Yarra Valley is that there should be “...no significant increase in the Yarra Valley and the southern foothills beyond that provided for in proposals approved or exhibited at the date of adoption of this Policy.” (Advisory Committee emphasis)

The Advisory Committee notes that, in relation to Warburton, the Strategy Plan appears to envisage, at section 3.17, that any future expansion should be focussed on Healesville and Yarra Junction, rather than Warburton, consistent with the submission of Mr Houlihan above.

Having regard to the limited number of lots that are likely to have the potential for further subdivided in the Yarra Valley area as a result of the Amendment (see Table 2 and Attachment 1 to the Council submission (Document 2)), the Advisory Committee considers that, overall the increase in residential development likely to be produced by the proposed application of the LDRZ2 is not significant.

6.5 Conclusion

The Advisory Committee concludes that the level of inconsistency with the Strategy Plan appears small and notes that Council will have the opportunity to address this in conjunction with the expected changes to the Strategy Plan associated with the implementation of Amendment C148.

Appendix A Advisory Committee Terms of Reference

YARRA RANGES LOW DENSITY RESIDENTIAL ZONE

ADVISORY COMMITTEE

Terms of Reference - Revised

Version 2: 14 June 2016

Advisory Committee appointed pursuant to Part 7, Section 151 of the *Planning and Environment Act 1987* (the Act) to provide advice on Amendment C143 to the Yarra Ranges Planning Scheme which seeks to insert a new schedule to Clause 32.03 Low Density Residential Zone which allows a minimum subdivision area of 0.2 hectares.

Name

1. The Advisory Committee is to be known as the 'Yarra Ranges Low Density Residential Zone Advisory Committee' (the Advisory Committee).
2. The Advisory Committee is to have members with the following skills:
 - a. Strategic and statutory planning
 - b. Bushfire management
 - c. Water catchment
 - d. Land economics
 - e. Expertise in assessing peri urban interface issues

Purpose

3. The purpose of the Advisory Committee is to provide advice to the Minister for Planning about the appropriateness of proposed Amendment C143 to the Yarra Ranges Planning Scheme (proposed Amendment C143) which seeks to insert a new schedule to Clause 32.03 Low Density Residential Zone which allows a minimum subdivision area of 0.2 hectares in some areas of the municipality.

Background

4. In July 2013, as part of the reforms to the residential zones, the former Minister for Planning amended the minimum subdivision size for lots within the Low Density Residential Zone (LDRZ) from 0.4 hectares to 0.2 hectares where reticulated water sewer is available. This was delivered through Amendment VC100. A planning permit is required to subdivide land in the LDRZ.
5. In the Yarra Ranges Planning Scheme a 0.4 ha minimum subdivision size was retained for all land by a Schedule to the Low Density Residential Zone. This ensured that the amendment was not inconsistent with the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan (the Strategy Plan).
6. Further to the introduction of the above amendment, ten metropolitan fringe councils (including Yarra Ranges Shire Council) wrote to the then Minister for Planning to advise that they would undertake further work to prepare permanent controls that better address local circumstances.

YARRA RANGES LOW DENSITY RESIDENTIAL ZONE

ADVISORY COMMITTEE

7. Since the approval of VC100, Yarra Ranges Shire Council has prepared proposed changes to the subdivision provisions in the LDRZ, informed by the community consultation undertaken by council during June 2014.
8. The council's community consultation resulted in the receipt of 54 detailed written submissions and 2,462 online feedback submissions. Council also received verbal feedback during council's public hearing concerning the proposed changes held on 13 September 2014.
9. On 28 October 2014, council resolved to:
 - a. Support the application of Schedule 1 to the LDRZ (LDRZ1) which permanently applies a minimum subdivision area of 0.4 hectares, in the following areas:
 - i. The suburbs of Belgrave, Belgrave Heights, Belgrave South, Tecoma, Upwey, Selby and Upper Ferntree Gully; and
 - ii. Areas within the Bushfire Management Overlay with the exception of Warburton; and
 - iii. Areas of uniform subdivision in Mooroolbark/ Lilydale; and
 - iv. The Bickleigh Vale estate as a result of heritage protection (HO75); and
 - v. Areas within the Erosion Management Overlay that are susceptible to debris flow; and
 - vi. 12 lots located outside the Urban Growth Boundary in Mount Evelyn.
 - b. Support the application of a new Schedule 2 to the LDRZ (LDRZ2) to areas connected to a reticulated water and sewerage system which were identified by council as being suitable for a minimum subdivision size of 0.2 hectares.
10. On 29 October 2014, council requested that the Minister for Planning, in summary, be planning authority for the amendment and prepare, adopt and approve proposed Amendment C143 under section 20(4) of the Act (without requiring notice of the amendment to be provided under 17, 18 and 19 of the Act) and implement any associated amendment that may be required to the Strategy Plan.
11. The amendment as proposed by council proposes 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 (LDRZ2). The existing Schedule to the Low Density Residential Zone is amended to become Schedule 1 (LDRZ1), and retains the 0.4 hectare minimum lot size requirement.
12. The amendment implements the findings of council's analysis and public consultation on subdivision in the Low Density Residential Zone and inserts Low Density Residential Zone - Schedule 2 in all areas with the exception of those listed below.
13. The Low Density Residential areas being retained in Schedule 1 include:
 - a. The suburbs of Belgrave, Belgrave Heights, Belgrave South, Tecoma, Upwey, Selby, Upper Ferntree Gully and part of Monbulk.
 - b. Most areas within the Bushfire Management Overlay with the exception of Warburton.
 - c. Areas within the Erosion Management Overlay susceptible to debris flow.

YARRA RANGES LOW DENSITY RESIDENTIAL ZONE

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- d. Areas of uniform subdivision as identified south of Hull Road, Lilydale.
 - e. The historic Bickleigh Vale subdivision Mooroolbark (H075).
 - f. 12 lots outside the Urban Growth Boundary in Mount Evelyn.
14. Any amendment to the Yarra Ranges Planning Scheme must be consistent with the approved Strategy Plan under section 46F of the Act.
 15. Proposed Amendment C143 would apply the LDRZ2 to three areas in Monbulk, which could potentially result in an inconsistency with the Strategy Plan. The three areas in Monbulk are as follows:
 - a. An area comprising approximately 10 lots around the intersection of Ruby Road and Bright Road, to the west of Stradbroke Road.
 - b. An area comprising approximately 43 lots on the north side of Redhill-Monbulk Road around Carcoola Road.
 - c. An area comprising approximately 20 lots between Baynes Park Road and Emerald-Monbulk Road
 16. Subject to the interpretation of the Strategy Plan, changes to the LDRZ contained in proposed Amendment C143 may potentially result in an inconsistency with the Strategy Plan. It is possible that Strategy Plan may need to be amended if the proposed Amendment C143 results in an inconsistency with the Strategy Plan.
 17. Any amendment to the Strategy Plan must comply with the requirements of Part 3A of the Act.
 18. If any of the land affected by proposed Amendment C143 is green wedge land within the meaning of section 46AA and 46AC of the Act and the Amendment C143 proposes to amend the planning scheme in the manner identified in section 46AF(1)(b) the amendment, if approved, must then be ratified in conformity with the requirements of Part 3AA of the Act.

Method

General – public notice

19. To assist the Advisory Committee, the Minister for Planning has written to council and requested council to give direct notice to affected parties, being those who previously made submissions to council (either via the online survey or in writing, or at the public hearing held by council on 13 September 2014) and other parties who expressed a desire to participate in the process to change the LDRZ provisions or any other interested party, inviting them to make a submission to the Advisory Committee and register to be heard at by Advisory Committee hearings.
20. The Minister has also requested that council provide public notice that the Advisory Committee is considering proposed Amendment C143 by placing notices in local newspapers generally circulating in Yarra Ranges Shire Council's area inviting any party to make a submission to the Advisory Committee and register to be heard at by Advisory Committee hearings.
21. The closing date for submissions is to be 20 business days after the date of the notice of the invitation to make a submission.

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22. The council is to provide appropriate privacy collection statements, notifying the use and disclosure of personal information provided in the submission, at the time of requesting submissions to ensure compliance with the *Privacy and Data Protection Act 2014*. All submissions are to be collected at the office of Planning Panels Victoria (PPV) in accordance with the 'Guide to Privacy at PPV'. Hard copies will be made for council and DELWP, and electronic copies may also be provided to other submitters upon request.
23. The following parties should be asked to make submissions and present to the Advisory Committee:
 - a. Yarra Ranges Shire Council;
 - b. Country Fire Authority;
 - c. Port Phillip and Western Port Catchment Management Authority;
 - d. Yarra Valley Water;
 - e. South East Water;
 - f. VicRoads.
24. Petitions and pro-forma letters will be treated as single submissions and only the first name to appear on the submission will receive correspondence in relation to the Advisory Committee matters.
25. The Advisory Committee may carry out any additional public notification or referral if it considers it to be appropriate

Public Hearing

26. The Advisory Committee is expected to carry out public hearings and provide all submitters with an opportunity to be heard.
27. The Advisory Committee may inform itself in any way it sees fit but must consider:
 - Relevant provisions of the Act, including sections 4 and 12; and
 - Any relevant provisions of the Yarra Ranges Planning Scheme including State and Local Planning Policies; and
 - The Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan approved under Part 3A of the Act; and
 - Any relevant Ministerial Direction;
 - Any relevant documentation prepared by or for council, or otherwise provided to the Committee;
 - All submissions and evidence made in relation to proposed Amendment C143, and the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan.
28. The Advisory Committee:
 - may limit the time of parties appearing before it;
 - may prohibit or regulate cross-examination;

YARRA RANGES LOW DENSITY RESIDENTIAL ZONE

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- is not required to inspect every property affected by the proposed amendment.

Submissions are public documents

29. The Advisory Committee must retain a library of any written submissions or other supporting documentation provided to it directly to it until a decision has been made on its report or five years has passed from the time of its appointment.
30. Any written submissions or other supporting documentation provided to the Advisory Committee must be available for public inspection until the submission of its report, unless the Advisory Committee specifically directs that the material is to remain 'in confidence'.
31. Any written submissions or other supporting documentation provided to the Advisory Committee will be provided to the council, unless the Advisory Committee specifically directs that the material is to remain 'in confidence' within 10 business days after the closing date for submissions.

Outcomes

32. The Advisory Committee must produce a written report for the Minister for Planning providing:
 - a. Advice about the nature and extent of community consultation which has occurred regarding proposed Amendment C143.
 - b. Advice about the views of the community and other affected persons concerning proposed Amendment C143.
 - c. Advice about the nature and extent of submissions received in relation to proposed Amendment C143.
 - d. Recommendations on the appropriateness of proposed Amendment C143 in light of the relevant provisions of the Act, the local provisions of the Yarra Ranges Planning Scheme, the State Planning Policy Framework, the Local Planning Policy Framework and the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan, including whether the proposed planning scheme amendment should proceed; and
 - e. Recommendations about the appropriate process to amend the planning scheme, if proposed Amendment C143 is to proceed.
 - f. Advice about any relevant inconsistencies between proposed Amendment C143 and the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan.
 - g. If there are inconsistencies between proposed Amendment C143 and the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan, and an amendment to the Plan is suggested, recommendations about:
 - i. The appropriateness of an amendment to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan; and
 - ii. the appropriate process for this to occur, given that any amendment to the Plan must accord with the requirements of Part 3A of the Act; and
 - iii. any relevant alternatives to an amendment to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan.

YARRA RANGES LOW DENSITY RESIDENTIAL ZONE

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- h. Any other relevant matters raised in the course of the Advisory Committee hearing/s.
 - i. A list of persons who made submissions.
 - j. A list of persons consulted and / or heard.
33. The Advisory Committee may apply to vary these Terms of Reference in any way it sees fit prior to submission of its report to the Planning Minister.

Timing

34. The closing date for submissions is to be 20 business days after the date of the notice of the invitation to make a submission.
35. The Advisory Committee is required to commence its hearings process no later than 45 business days after the closing date for submissions.
36. The Advisory Committee is required to submit its report in writing as soon as practicable but no later than 45 business days from the completion of its hearings.

Fee

37. The fee for the Advisory Committee will be set at the current rate for a Panel appointed under Part 8 of the *Planning and Environment Act 1987*.
38. The costs of the Advisory Committee will be met by the Department of Environment, Land, Water and Planning.

Project Manager

39. Administrative and operational support to the Advisory Committee will be provided by Adrian Salmon, Manager Projects of Planning Services and can be contacted at adrian.salmon@delwp.vic.gov.au or (03) 8392 5462.
40. Day to day liaison for the Advisory Committee will be through Greta Grivas, Senior Project Manager of Planning Panels Victoria and can be contacted at greta.grivas@delwp.vic.gov.au or (03) 8392 6393.



RICHARD WYNNE MP
Minister for Planning

Date: 29/6/16



Hon Richard Wynne MP
Minister for Planning

8 Nicholson Street
East Melbourne, Victoria 3002
Telephone: 03 8683 0955
DX210066

Ms Kathy Mitchell
Chief Panel Member
GPO Box 2392
MELBOURNE 3001

Ref: MB9031845


Dear Ms Mitchell *Kathy*

YARRA RANGES LOW DENSITY RESIDENTIAL ZONE ADVISORY COMMITTEE

I refer to the Yarra Ranges Low Density Residential Zone Advisory Committee which I appointed on 17 December 2015.

In response to the Bushfire Management Overlay (BMO) mapping update, I have decided to vary the Terms of Reference for the Yarra Ranges Low Density Residential Zone Advisory Committee (addendum enclosed).

This means that the Advisory Committee must consider the implications of the proposed BMO mapping update on Yarra Ranges Amendment C143.

If you require any further information on this matter, please contact David Portelli, Senior Planner, Department of Environment, Land, Water and Planning on (03) 8683 0997.

Yours sincerely



HON RICHARD WYNNE MP
Minister for Planning

23/11/16



Addendum 1 to the Yarra Ranges Low Density Residential Zone Advisory Committee
Terms of Reference

(Version 2: dated 14 June 2016 Signed by Minister for Planning 29 June 2016)

The Terms of Reference for the Yarra Ranges Low Density Residential Zone Advisory Committee are amended as follows:

- A After considering the advice of the Department of Environment, Water, Land & Planning, I have decided to add an additional point under Clause 32 of the Terms of Reference as follows:
- The Advisory Committee must consider the appropriateness to amend the planning scheme in light of the proposed Bushfire Mapping Overlay update.



Hon Richard Wynne MP
Minister for Planning

Date *23/11/16*

Appendix B Submitters to the Amendment

No.	Submitter
1	Joanna Konomas
2	Graeme Posker
3	Chris Arthur
4	Sandra Hogg
5	Rod Newbery
6	Ross Anderson
7	Jessica Slots
8	Michael Ritter
9	Wendy Smith
10	Raymond Sammut
11	Tracey Mitchell
12	Bruce Oakley
13	Karen Sanson
14	Joel Stephenson
15	Joan Drew
16	Paul Landman
17	Michael Wallace
18	Michael Boyce
19	Michelle Holland
20	Erin Gurr
21	Mark Cleeland
22	Gerry De Bont
23	Barry Meech
24	Andy & Rina Pignataro
25	Sandra Hogg
26	Michael Randall
27	Douglas Neal
28	John Franklin & Catherine Franklin
29	Lisa Bullock
30	Sharon Beavis

No.	Submitter
31	Georgia Hartin
32	Eligio Guglielmi
33	Leanne Webster
34	Brian Kelly
35	Simion Tishler
36	Richard Dewaard
37	Ron Roberts
38	Trevor Ludeman
39	Peter & Margaret Goldup
40	Lynne Seamer
41	Michael Spruhan
42	Casey Adams
43	Adele Horkings
44	Julia Cadwallader
45	Catherine Keast
46	Anthony Wright
47	Gregory Jones
48	Peter & Jenny Loebert
49	Alan Clarke
50	George Stoppa
51	Brian Westlake
52	Fay Clarke
53	Jan Heald
54	John Chivers
55	Claudio Beltrami
56	Richard Houlihan
57	Murray Thomas
58	Tadeusz Czaszejko & Marta Duklan
59	John Anwin
60	Jennifer Mclean
61	Garry Scott
62	Averill Masters

No.	Submitter
63	Kerrie & Graham Walter
64	Harley Barlow
65	Lucy Barlow
66	Graeme & Dawn Paton
67	Zoe Hunter
68	Hazel Hunter
69	Phillip Jacovelli
70	David Barlow
71	Gwynda Kreltzheim
72	Anthony Wright
73	Peta Freeman
74	Darren Campbell
75	Farlie Sykes
76	Geoffrey Heyme
77	Brian & Valerie Hughes
78	Angie Hume
79	Michael Harrop
80	Maureen Bond
81	Paul O'Halloran
82	Maarten Mulder
83	Gwenda Donaldson
84	Neville Wilson
85	Paul Cadwallader
86	Elizabeth Boyd
87	Clive Boyd
88	Bronwyn Baade
89	John Scherpenzeel
90	Fiona Mundy (nee Flanigan)
91	Paula Ewington
92	Edith Huebel
93	Helen Higgins
94	Vivienne Weissel

No.	Submitter
95	Justyn Caldwell
96	Denise Zebisch
97	Karl Williams
98	Kristina Bradshaw
99	Graeme & Debra Wright
100	Lang Baulch
101	Ronald Bishop
102	Norbert Glockner
103	Bryan Allatt
104	Matt Gorman
105	Gary Maisey
106	Adam Sandri
107	Ross Duncan Whitford
108	Paul Gallant
109	Malcolm Matheson
110	Gerard Gilfedder
111	Stewart & Angela Hayes
112	Carmel Lafranchi
113	Daniel Pardon
114	Tammy Garrett
115	Trevor & Leanne Ingamells
116	Rosalind Marulanda
117	Carolyn Ebdon
118	Neil Bennett
119	Patricia Green
120	Hugh Green
121	Leslie Mankey
122	Russell & Janice Smith
123	Melody Kreltshheim
124	Deb Bennett
125	Beverley Alston
126	Janet Lancaster

No.	Submitter
127	Merlin Brown
128	Catherine Russell
129	Peter De Ryk
130	Erin Skurrie
131	Urbis Pty Ltd
132	Urbis Pty Ltd
133	Urbis Pty Ltd
134	Stephen O'Loughlin
135	Stephen Reeves
136	Judy Hamilton
137	Mary Hall
138	Peter Ross & Marita Ross
139	John & Margaret Winnett
140	Karen Frith
141	Francis Boekel
142	Wendy Barnes
143	Jeffrey Smith

Appendix C Parties to the Advisory Committee Hearing

In order of appearance:

Submitter	Submission	Represented by
DAY ONE: Thursday 24 November 2016		
Department of Environment Land and Water		David Portelli Adrian Salmon (Day 1) Rory Shannon (Day 1)
Yarra Ranges Council (Opening submission)		Rachael Hughes
Country Fire Authority	114	Anne Coxon
Thomas & George Pty Ltd	131, 132, 133	Rebecca Scullion, Urbis
Carol Newbery	104	Matt Gorman, Big Picture Urban Rural
Lang Baluch	100	
Claudio Beltrami	55	
David Keast	45	
John Winnett	139	
DAY TWO: Friday 25 November 2016		
Romka Haitsma	38	Trevor Ludeman, Project Planning Development Pty Ltd
Selby Uplink Pty Ltd	72	Anthony Wright
Anthony Wright	46	
Save the Dandenongs League Inc	107	Ross Whitford Betty Marsden
Flona Mundy	90	
Gwenda Donaldson	83	
Denise Zebisch	96	
Peta Freedman	73	
Peter Goldup	39	
Faye & Alan Clarke	49	
Faye Clarke	52	

Submitter	Submission	Represented by
Lucy Barlow	65	
Richard Houlihan	56	
Farlie Sykes	75	
Michael Spruhan	41	
Michael Harrop	79	
Neil Bennet	118	
Paul Cadwallader	85	
Neville Wilson	84	
Yarra Ranges Council (Closing submission)		Damian Closs

Appendix D Document list

No.	Date	Description	Presented by
1	24/11/16	DELWP submission (inc draft new BMO maps)	D Portelli
2	24/11/16	Council submission	R Hughes
3	24/11/16	<i>Healesville Structure Plan</i> : COUNCIL August 2016	R Hughes
4	24/11/16	<i>Healesville Land Use Planning Study</i> : Planisphere 2014	R Hughes
5	24/11/16	<i>Healesville Structure Plan Environment Study</i> : Brett Lane & Associates, February 2014	R Hughes
6	24/11/16	CFA submission (sub 114)	A Coxson
7	24/11/16	Site Photos (subs 131, 132 & 133)	R Scullion
8	24/11/16	Submission: 2-3 Parkhaven Ct, Healesville. (sub 131)	R Scullion
9	24/11/16	Submission: 79 Edinburgh Rd, Lilydale & 7-11 Charles Rd, Lilydale. (sub 132)	R Scullion
10	24/11/16	Submission: 342 Cambridge Rd, Montrose, 27-33 Old Hereford Rd, Mt Evelyn, 13 Renouf Ct, Mt Evelyn and 174 Cardigan Rd, Mooroolbark. (sub 133)	R Scullion
11	24/11/16	Zoning & location map, 10 Lalors Lane, Healesville (sub 104)	M Gorman
12	24/11/16	Proposed plan of subdivision, 10 Lalors Lane, Healesville (sub 104)	M Gorman
13	24/11/16	Slope Stability Assessment, 10 Lalors Lane, Healesville (sub 104)	M Gorman
14	24/11/16	VCAT decision P1529/2014. (sub 104)	M Gorman
15	24/11/16	Submission: 27-33 Old Hereford Rd, Mt Evelyn (sub 100)	L Baulch
16	24/11/16	Submission: 1 Edinburgh Rd, Lilydale (sub 55)	C Beltrami
17	24/11/16	Submission: 1 Allenby Rd, Lilydale (sub 45)	D Keast
18	24/11/16	Location & sewer map : 1 Allenby Rd, Lilydale (sub 45)	D Keast
19	24/11/16	<i>Healesville Structure Plan Bushfire Study</i> : Terramatrix, 2014	R Hughes
20	25/11/16	Submission: 44-64 Maroondah Hwy, Healesville (sub 38)	T Ludeman
21	25/11/16	Planning Property Report : 44-64 Maroondah Hwy, Healesville (sub 38)	T Ludeman
22	25/11/16	Page 49 of the Healesville Land Use Planning Study (sub 38)	T Ludeman
23	25/11/16	Page 91 of the Council Meeting Agenda 9/8/2016 (sub 38)	T Ludeman
24	25/11/16	Zoning plan: 44-64 Maroondah Hwy, Healesville (sub 38)	T Ludeman
25	25/11/16	Submission : 5A Morley St, Selby (sub 72)	A Wright
26	25/11/16	Submission: 5 Morley St, Selby (sub 46)	A Wright

No.	Date	Description	Presented by
27	25/11/16	Submission: 17 Monbulk Rd, Belgrave (sub 81)	P O'Halloran
28	25/11/16	Submission No 1: Save the Dandenongs League Inc. (sub 107)	R Whitford
29	25/11/16	Submission No 2: Save the Dandenongs League Inc. (sub 107)	B Marsden
30	25/11/16	Submission notes (sub 96)	D Zebisch
31	25/11/16	Submission: 43 Sandells Rd, Tecoma (sub 73)	P Freeman
32	25/11/16	Submission: 103 Birmingham Rd, Mt Evelyn (sub 39)	P Goldup
33	25/11/16	Submission: 41-47 Trevallyn Cl, Montrose (sub 49)	A & F Clarke
34	25/11/16	Rate notice & other documents: 12 Heath Rd, Belgrave South (sub 52) (See also Document 42)	F Clarke
35	25/11/16	Zoning map & photos: Edinburgh Rd, Mooroolbark (sub 75)	F Sykes
36	25/11/16	Submission: 5-7 Belgrave-Hallam Rd, Belgrave (sub 41)	M Spruhan
37	25/11/16	Submission: 5-7 Copeland Dr, Montrose (sub 85)	P Cadwallader
38	25/11/16	Submission: 600 Hull Rd, Lilydale (sub 84)	N Wilson
39	28/11/16	Notes of oral submission (<i>by e-mail</i>) (sub 90)	F Mundy
40	28/11/16	Notes of oral submission (<i>by e-mail</i>) (sub 83)	G Donaldson
41	29/11/16	Notes of opening statement (<i>by e-mail</i>) (subs 131, 132 & 133))	R Scullion
42	29/11/16	Notes of oral submission (<i>by e-mail</i>) (sub 52)	F Clarke
43	29/11/16	Table of outcomes of all LDRZ reviews consequent on Amendment VC100, by DELWP (<i>by e-mail</i>)	D Portelli
44	2/12/16	Notes of oral submission (<i>by e-mail</i>) (sub 65)	L Barlow
45	2/12/16	CFA Response to the <i>Healesville Structure Plan Bushfire Study</i> (Document 19) (<i>by e-mail</i>) (sub 114)	A Coxson
46	2/12/16	Council response and closing remarks (<i>by e-mail</i>)	D Closs
47	7/12/16	Notes of oral submission (<i>by e-mail</i>) (sub 41)	M Spruhan

Appendix E Maps of the proposed LDRZ and updated BMO areas

