

# GOLDEN PLAINS PLANNING SCHEME

## AMENDMENT C97GPLA

### EXPLANATORY REPORT

#### Who is the planning authority?

This amendment has been prepared by the Minister for Planning, who is the planning authority for this amendment.

The amendment has been made at the request of the Ramsey Property Group.

#### Land affected by the amendment

The amendment applies to land at 251 Hopes Plains Road, Inverleigh (Lot A PS701788) and adjoining Lot A PS701787W to the south (refer **Figure 1**).



**Figure 1** – Subject site

The subject land is an undeveloped greenfield parcel on the eastern fringe of the settlement boundary of Inverleigh. It is included within the Low Density Residential Zone (LDRZ) and affected by schedule 5 to the Design and Development Overlay (DDO5) - Low Density Residential Zone Setbacks, and schedule 9 to the Development Plan Overlay (DPO9) - Barrabool Views Low Density Residential Development.

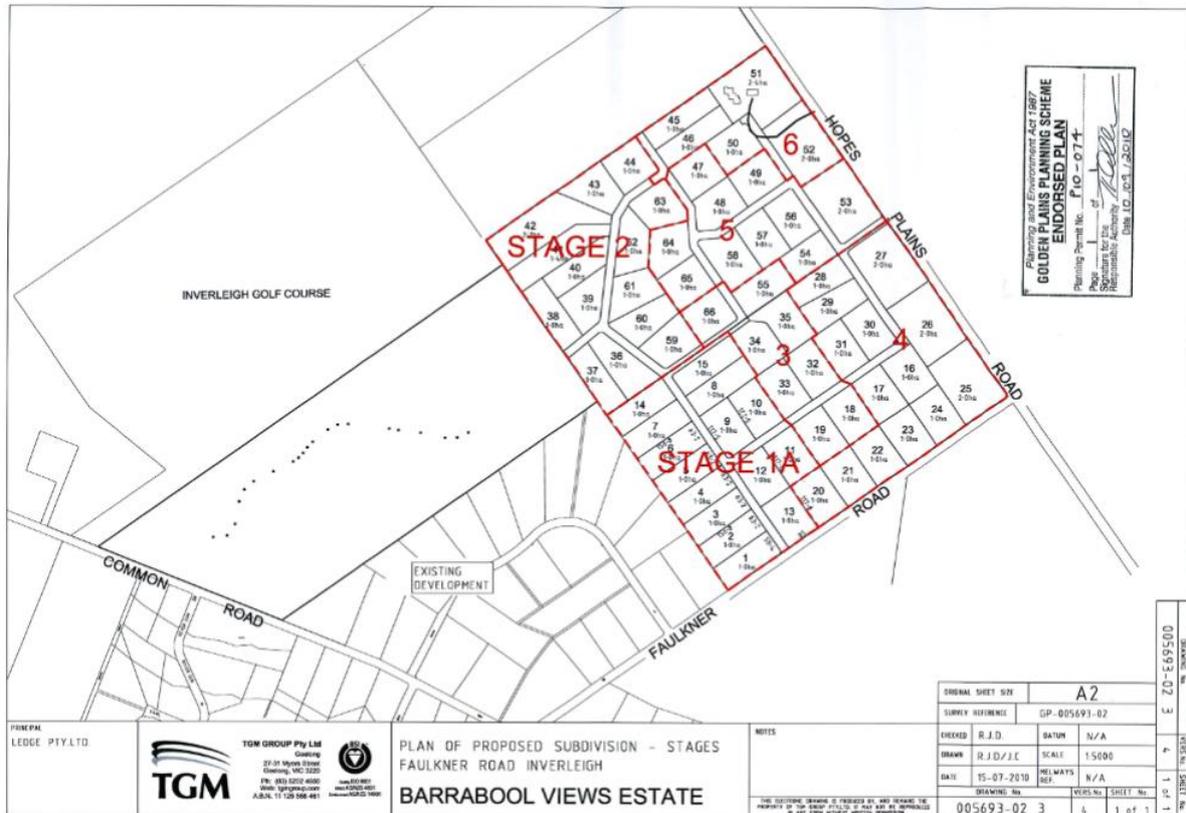
The following restrictions exist on the subject land:

- Two Section 173 agreements (AJ182335X and AJ55524S) are registered on the land pursuant to DPO9, which stipulates following registration of the Plan of Subdivision for each stage of the

land, no further subdivision is to occur. The applicant has advised that the plan of subdivision for this stage has not been lodged for registration.

- Covenant (PS648609R) exists over a portion of the site of 5 metres adjacent to Hopes Plains Road pertaining to an indigenous vegetation protection zone. No vegetation is to be removed and no buildings are to be located within this zone.

Planning Permit P10-074 was granted on 10 October 2010 and permitted a sixty-six (66) lot subdivision including five lots of 2 hectares and one lot of 2.4 hectares on the subject land (refer endorsed plan at **Figure 2**).



**Figure 2** – Endorsed plan

An extension of time was granted on 25 September 2019 and the permit will expire if the plan of subdivision is not certified by 10 October 2021; or the registration of the subdivision is not completed within five years of the date of certification.

### What the amendment does

The amendment seeks to modify the provisions of DPO9 to change the minimum lot size for the subject land from 2 hectares to 0.4 hectares.

This will align the minimum lot size with the recent changes to the underlining zone affecting the site, LDRZ, made as part of C87gpla, which implemented the *Inverleigh Structure Plan, 2019 Golden Plains Shire* (ISP 2019). It will also mean that the subject land has the same potential minimum lot size as other undeveloped greenfield lots within the LDRZ as a result of C87gpla.

Specifically, the amendment:

- Modifies schedule 9 to Clause 43.04 (DPO9) to change the minimum lot size for the subject land from 2 hectares to 0.4 hectares.

### Strategic assessment of the amendment

#### Why is the amendment required?

The amendment is required to ensure consistency with amendment C87gpla, which implemented the key land use planning directions of the ISP 2019. The ISP 2019 identifies that the existing settlement boundary is sufficient to accommodate the anticipated growth in Inverleigh, providing the default minimum lot size in the LDRZ for unsewered lots of 0.4 hectares is applied. Therefore, amendment C87gpla deleted reference to minimum subdivision area provisions for Inverleigh in the schedule to the LDRZ.

The proposed change to the DPO9 will replace the existing minimum lot size of 2 hectares with 0.4 hectares for the subject land. This will ensure alignment with the LDRZ as amended under amendment C87gpla. It will also mean that the subject land has the same potential minimum lot size as other undeveloped greenfield lots within the LDRZ as a result of C87gpla.

The amendment will facilitate a future amendment to the existing subdivision permit P10-074, which currently limits the subdivision of the subject land into minimum 2 hectare lots.

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

The amendment implements the following objectives of planning in Victoria at section 4 of the *Planning and Environment Act 1987*:

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

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

The amendment is expected to address economic effects as it will facilitate the ability to amend the existing subdivision permit P10-074 to allow 0.4 hectare lots that will stimulate the Victorian economy during the COVID-19 pandemic. Given the economic circumstances created by the COVID-19 pandemic, stimulus of the Victorian economy is urgently required. Delays in facilitating the development would stand in the way of realising its economic benefits, which include investment and job creation. The economic benefits to Victorians that flow from the development, both presently and in the future, are in the interests of Victoria and achieve a net community benefit.

The amendment will not have significant environmental or social effects. In addition, the environment will not have significant effects on the proposed amendment.

### **Does the amendment address relevant bushfire risk?**

Inverleigh is in a Bushfire Prone Area (BPA) and as such all development needs to demonstrate that it meets the objective of Clause 13.02. A Bushfire Management Overlay (BMO) applies to land within the Inverleigh Flora and Fauna Reserve and the Golf Course that are located adjacent to the settlement boundary to the north. The subject land is not affected by the BMO.

The amendment does not propose to rezone additional land for development or alter the application of the existing BMO. However, it does propose to modify existing minimum lot sizes of the subject land which has the potential to increase the number of dwellings within future growth areas.

Clause 13.02-1S requires development to be directed to low risk locations where a bushfire attack level of BAL 12.5 can be achieved for the construction of future dwellings. Whilst Inverleigh has a medium risk of bushfire impact from woodland and grassland fires from the northwest, west or south, the risk can be adequately mitigated in the planning and implementation of development and achieve a low bushfire risk. These bushfire mitigation measures include separation distances to ensure a radiant heat flux of 12.5 kilowatts/square metre under AS3959 is achieved. According to the submitted *Bushfire Risk Assessment – Response to Clause 13.02 – 251 Hopes Plains Road, Inverleigh*, the bushfire hazards can be mitigated and the intended use of the land for conventional residential subdivision is deemed appropriate.

The views of CFA will be considered in the preparation of this amendment, following consultation under section 20(5) of the Act.

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

The amendment is consistent with the *Ministerial Direction Form and Content of Planning Schemes* under section 7(5) of the Act. It has also been considered against *Ministerial Direction No. 11 – Strategic Assessment of Amendments*.

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

The amendment supports and implements the following provisions of the Planning Policy Framework (PPF):

- Clause 11 (Settlement) by facilitating sustainable development that takes advantage of the existing settlement patterns and investment.
- Clause 11.01-1L (Settlement) by maintaining an urban break between Geelong, Bannockburn, Batesford and Inverleigh.
- Clause 11.03-6L (Inverleigh), as amended under C87gpla, by supporting moderate residential growth within the existing defined settlement boundary consistent with the ISP 2019.
- Clause 16.01-2L (Location of residential development in Golden Plains Shire) by directing residential development to townships that have reticulated water, sewerage and storm water management, community services and facilities and convenient access to commercial and retail centres.
- Clause 17 (Economic Development) by contributing to the economic wellbeing of the state and fostering economic growth by providing land, facilitating decisions and resolving land use conflicts, so that each region may build on its strengths and achieve its economic potential.

The amendment also supports the *G21 Regional Growth Plan (2013)* by ensuring growth of Inverleigh is limited to existing settlement boundaries.

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

Not applicable

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

The amendment supports and implements the following provisions of the Municipal Planning Strategy (MPS):

- Clause 02.03-1 (Settlement) by encouraging residential development within the existing defined settlement boundary and maintaining a clear distinction between urban and rural areas.
- Clause 02.03-6 (Housing) by encouraging the consolidation of sites and intensification of development in existing towns where it avoids detrimentally altering the character or quality of these areas.
- Clause 02.03-9 (Infrastructure) by directing development to areas with access to water and sewerage systems. Reticulated water is available for most of the township. Whilst there are no reticulated sewerage systems in Inverleigh, the LDRZ ensures the town can manage its own wastewater systems.

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

The amendment makes proper use of the Victorian Planning Provisions (VPP) by amending the DPO9 to ensure consistency with the minimum lot size provisions of the LDRZ. Consistency with the minimum lot sizes of the LDRZ is considered to be making use of the appropriate VPP tool. The LDRZ provides for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater onsite. Inverleigh is not connected to reticulated sewerage therefore requires lower residential densities to support onsite sewerage treatment.

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

The views of the responsible authority were presented at the Panel hearing for amendment C87gpla. The views of CFA will be considered in the preparation of this amendment, following consultation under section 20(5) of the Act.

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

The amendment is likely to have an impact on the transport system at a local level in the vicinity of the subject land. However, it is not considered that it will have a significant impact on the transport system given that the proposed change only affects a small parcel of the broader land subject to DPO9 and LDRZ in Inverleigh.

### **Resource and administrative costs**

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

The amendment will not have a significant impact on the resource and administrative costs of the responsible authority. However, an amendment to the existing subdivision permit P10-074 to allow 0.4 hectare lots will result in the payment of additional development contributions. The co-ordination and administration of development contributions will have resource and administrative implications for the responsible authority.

### **Where you may inspect this Amendment**

The amendment is available for public inspection, free of charge, at the Department of Environment, Land, Water and Planning website [www.planning.vic.gov.au/have-your-say](http://www.planning.vic.gov.au/have-your-say).

The amendment can also be inspected free of charge at the Golden Plains Shire website at <https://www.goldenplains.vic.gov.au>.