



# WHITEHORSE PLANNING SCHEME REVIEW 2018

**Report prepared by Strategic Planning Unit  
Planning and Building Department  
City of Whitehorse**

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## GLOSSARY

### General terms

Department of Environment, Land, Water and Planning	DELWP
Environmentally Sustainable Development	ESD
Local Planning Policy Framework	LPPF
Major Activity Centre	MAC
Managing Residential Development Advisory Committee	MRDAC
Municipal Association of Victoria	MAV
Municipal Strategic Statement	MSS
Neighbourhood Activity Centre	NAC
State Planning Policy Framework	SPPF
Structure Plan	SP
Urban Design Framework	UDF
Victorian Civil and Administrative Tribunal	VCAT
Victorian Planning Authority	VPA
Whitehorse Planning Scheme	Planning Scheme

### Zones

Commercial Zone	CZ
General Residential Zone	GRZ
Industrial Zone	INZ
Low Density Residential Zone	LDRZ
Mixed Use Zone	MUZ
Neighbourhood Residential Zone	NRZ
Public Conservation and Resource Zone	PCRZ
Public Use Zone	PUZ
Public Park and Recreation Zone	PPRZ
Residential Growth Zone	RGZ
Road Zone	RDZ
Special Use Zone	SUZ
Urban Floodway Zone	UFZ

### Overlays

Bushfire Management Overlay	BMO
Design and Development Overlay	DDO
Development Plan Overlay	DPO
Environmental Audit Overlay	EAO
Environmental Significance Overlay	ESO
Heritage Overlay	HO
Land Subject to Inundation Overlay	LSIO
Neighbourhood Character Overlay	NCO
Parking Overlay	PO
Public Acquisition Overlay	PAO
Significant Landscape Overlay	SLO
Special Building Overlay	SBO
Vegetation Protection Overlay	VPO

## 1. EXECUTIVE SUMMARY

The Whitehorse Planning Scheme (Planning Scheme) guides decisions about land use and development within the City of Whitehorse. Section 12B(1) of the *Planning and Environment Act 1987* requires that the whole Planning Scheme be reviewed “no later than one year after each date by which it is required to approve a Council Plan under section 125 of the *Local Government Act (1989)*.”

The most recent Council elections were held in October 2016 and a new Council plan was approved in June 2017. Consequently the review of the Planning Scheme is to be completed for Council consideration by 30 June 2018. The period of review for this report is January 2014 – December 2017.

This report fulfills these statutory requirements. The review undertaken has incorporated an assessment of the performance of the Planning Scheme against set measures within the Planning Scheme itself and has also included consultation within Council to gauge its effectiveness and rigour.

In April 2018 the Deputy Secretary, Planning, at the Department of Environment, Land, Water and Planning (DELWP) wrote to all Councils to advise that:

*“As part of the Smart Planning program, the department is proposing changes to the form and content of planning schemes which may be implemented by the Minister for Planning as an amendment to the Victoria Planning Provisions in mid-2018.*

*Recognising that this work coincides with the 30 June 2018 requirement for the review of planning schemes under section 12B(1) of the Planning and Environment Act 1987, it would be prudent to extend the required date to 31 December 2018 for those councils that wish to complete their review informed by details of the Smart Planning amendment...*

*If council wishes to finalise the review process by the original 30 June 2018 timeline, department officers will continue to provide advice on the amendment as it becomes available”.*

Council officers considered this advice and decided to finalise the review by the original completion date of 30 June 2018, with the view to monitoring the outcomes of the changes proposed by Smart Planning when they are introduced by the Minister for Planning.

## 2. INTRODUCTION

### 2.1 Purpose of the review

The Whitehorse Planning Scheme (the Planning Scheme) was initially approved on 5 August 1999 as part of the 'new format' planning schemes, which were introduced progressively across Victoria between 1997 and 2000. The Municipal Strategic Statement (MSS) and Local Planning Policies, which establish the strategic framework for the consideration of planning permit applications and planning scheme amendments was reviewed in 2001 and 2002. Amendment C50 (part 1) to implement the outcomes of the MSS review, the Housing Strategy, two Character Studies, the Box Hill Urban Design Framework and Melbourne 2030, was gazetted in August 2006. This work represented a significant update and improvement to the structure, content and operation of the original Planning Scheme.

A second review of the Planning Scheme was undertaken in 2010 following Council elections in November 2008, and a consequential new Council Plan approved in June 2009. Changes recommended were implemented via two amendments. Amendment C132 (stage one) was gazetted in February 2011, and updated and made various corrections to the Planning Scheme. Amendment C133 (stage two) specifically addressed the schedules to the eight Significant Landscape Overlays within the Planning Scheme, and was gazetted in March 2012.

A third review of the Planning Scheme was undertaken in 2014 following Council elections in October 2012, and a consequential new Council Plan approved in June 2013. Changes recommended were implemented via an amendment to the Planning Scheme. Amendment C177 was gazetted in July 2016 and made various corrections to the Planning Scheme.

Section 12B(1) of the *Planning and Environment Act 1987* now requires that the whole Planning Scheme be reviewed "no later than one year after each date by which it is required to approve a Council Plan under section 125 of the Local Government Act (1989)." Section 125 of the Local Government Act (1989) requires that a Council must prepare and approve a Council Plan "within the period of 6 months after each general election or by the next 30 June, whichever is later."

The most recent Council elections were held in October 2016 thus requiring the approval of a new Council Plan by the end of 30 June 2018. As a consequence of these statutory requirements the review of the Planning Scheme was to be completed and considered by Council by 30 June 2018. As per the Executive Summary, this date was extended until 31 December 2018 for those councils wishing to complete their review informed by the details of the Smart Planning amendment. The period of review for this report is January 2014 to December 2017.

### 2.2 Scope of the review

The scope of this project has been to:

- Identify any components of the Planning Scheme's MSS and Local Planning Policy Framework (LPPF) to be updated and make recommendations for review;
- Review the application of the various zones and overlays in the Planning Scheme and ensure that the schedules to these controls are updated and aligned with current policies.
- Identify any possible gaps in the policy and planning control framework that will potentially need to be addressed through further work on formal amendment processes; and
- Evaluate the effectiveness of the operation of the Planning Scheme based on the review and monitoring measure set out in the MSS.

### 2.3 Review process

The review process has been undertaken in line with the State Government Practice Note *Review of Planning Schemes*, as well as the *Continuous Improvement Review Kit*, developed for the purposes of guiding the review of planning schemes by the State Government and the Municipal Association of Victoria (MAV). Both of these documents set out the requirements, scope and tools available to prepare a planning scheme review.

The review has followed the stages set out below:

- Project scoping
- Data gathering and preliminary analysis
- Consultation
- Report and recommendations

The review has involved consultation with Councillors, Council officers, and consultants who regularly represent Council at the Victorian Civil and Administrative Tribunal (VCAT), to assess how the planning scheme is achieving the current strategic objectives set out in the MSS, and to determine what future refinements may be necessary to improve the overall operation of the Scheme.

The review also involved a community survey which was advertised in the local newspaper and via social media. The survey had 86 visits between 19 March and 22 April 2018. The survey included questions about the themes contained in the MSS and LPPF around neighbourhood character, the environment, activity centres, heritage and transport. Council also received hard copy submissions from various groups and individuals.

#### **2.4 What happens after the review?**

Council will consider a report on the review prior to it being sent to the Minister for Planning for consideration. Sending the report to the Minister finalises Council's obligations under the Act.

The review may require Council funding to implement some of the recommendations, which will be the subject of future budget considerations.

### 3. EFFECTIVENESS OF CURRENT PLANNING POLICY

#### 3.1 Review against Monitoring Measures

Clause 21.09 of the MSS sets out a series of measures of the achievement of strategic policy directions of the Scheme. The achievement of the indicators and targets identified is summarised below.

Key element	Indicator/s	Targets	Achievements
Encourage an ecologically sustainable Whitehorse.  (Clause 21.05)	Successful implementation of Council's Water Action Plan and Energy Action Plan	<p>A 20% reduction in community water consumption by 2020 consistent with the City of Whitehorse Water Action Plan, 2008-2013.</p> <p>A 30% reduction in community greenhouse gas emissions by 2020 consistent with the City of Whitehorse Energy Action Plan.</p> <p>Reduction of waste and litter consistent with the principles and actions in the City of Whitehorse Waste Management Plan (2011-2018).</p>	<p>Community targets for both water and energy consumption have not been tracked since 2013/14 and 2006 respectively. This is due to Council not adopting community targets in its new Sustainability Strategy 2016-2022, with the review of its outgoing Sustainability Strategy 2008-2013, Water Action Plan 2008-2013 and Energy Action Plan 2009-2014.</p> <p>This is due to the challenges of obtaining relevant data (historically this has been census data released every 5 years) and attributing Council-run community programs to such consumption figures.</p> <p>Given that this data has not been tracked since 2013/14 and 2006, it is not the best data to continue to monitor the effectiveness of the planning scheme. Officers believe that targets should be relevant and up to date.</p> <p>Total waste to landfill collected in 2016/17 equated to 63,672 tonnes, a 0.46% increase compared to 2015/16. This shows a steady trend, taking in consideration the consistent population increase of the municipality, which demonstrates the community's efforts to recycle more and reduce waste through recycling, composting and green waste.</p> <p>The Environmentally Sustainable Development Policy was implemented in an interim form into the Whitehorse Planning Scheme through Amendment C130 on 19 November 2015 (current sunset of Clause 22.10 is 30 June 2019).</p>
Maintain, develop and enhance our built environment.  (Clause 21.06)	<p>Support and promote greater housing diversity (including affordable housing) balanced with preserving the heritage, landscape, cultural and natural environments.</p> <p>In partnership with the community and key stakeholders</p>	Implementation of Housing Policy and an Affordable Housing Policy and response to state government targets.	<p>Since the adoption of the Housing Strategy and Neighbourhood Character Study in April 2014, all applications in residential areas have been assessed against these tools. The application of the Significant Landscape Overlays, Neighbourhood Character Overlays, Heritage Overlays, Design and Development Overlays and Vegetation Protections Overlays reinforces this outcome. Council's Housing Strategy and Neighbourhood Character Study will continue to guide housing policy.</p> <p>Adopted structure plans or urban design framework plans for Burwood Heights, Nunawading / Megamile / Mitcham and Blackburn / Megamile west, Box Hill, Burwood Village and Tally Ho Activity Centres have all been used as the basis of assessment for applications and planning scheme</p>



	develop policy and principles that define and guide responsible and appropriate development.		<p>amendments within their respective study areas.</p> <p>These Structure Plans are further reinforced by the application of Clause 22.06 Activity Centres, in the LPPF. The Nunawading / Megamile / Mitcham and Box Hill Structure Plans are proposed to be updated.</p> <p>The Neighbourhood Activity Centre (NAC) Guidelines have also been used as the basis for assessment of applications within the respective NAC's.</p> <p>The post war Heritage Study 1945 was undertaken in 2015 and implemented into the Whitehorse Planning Scheme through Amendment C172 on 6 October 2016.</p>
Increase in the amount of quality open space and improvement in the sustainability of our natural environment.  (Clause 21.05)	Continue to develop a municipality which retains, enhanced and increases open space and sustainable streetscapes.	Open space acquired in priority areas as identified in the Whitehorse Open Space Strategy.	Council has obtained five properties for development as open space since 2011. Two of the sites that have been obtained have now been developed as open space.
Dynamic local economic environment that is regionally connected.  (Clause 21.07)	<p>Support the development of a sustainable, growing local economy.</p> <p>Support the industrial and retail sectors.</p> <p>Support the growth of health, education and business sectors.</p>	<p>Implement the Economic Development Strategy 2014-2019</p> <p>Review car parking demand and supply in the Box Hill Metropolitan Activity Centre</p>	<p>A number of key projects continue to and have been delivered in response to the 5 Key Actions of the Whitehorse Economic Development Strategy 2014-19, relating to:</p> <ul style="list-style-type: none"> <li>• Retail Activity Centres <i>Online business pages on Wbiz Website completed for 9 retail precincts</i> <i>Annual Think Local Buy Local campaigns</i> <i>Festive Decorations Installations</i></li> <li>• Box Hill Metropolitan Activity Centre <i>Box Hill First Stakeholder Group</i> <i>Preliminary Business Case – Box Hill Transport Interchange</i> <i>Investment Facilitation</i></li> <li>• Local Business Development <i>Whitehorse Business Week - Annual Boost your Business Program – Annual Business Workshops, Seminars, Programs and Services</i></li> <li>• Regional Development and Investment Attraction <i>Melbourne East Regional Economic Development Group</i> <i>Regional Business Forum / Conference</i> <i>Whitehorse Investment and Development Facilitation Service</i> <i>Whitehorse Investment Facilitation Office – Box Hill</i></li> <li>• Skilled People and Business <i>Whitehorse / Deakin Tertiary Business Skills Program</i> <i>Learn Local Program – Whitehorse Neighbourhood Houses</i> <i>Business Mentoring Services</i></li> </ul> <p>Council undertook the Box Hill Central</p>

			<p>Activities Area Car Parking Strategy in 2014. The Study included identifying existing and potential future car parking availability and recommended actions to address any constraints and shortfalls.</p> <p>Council adopted the Car Parking Strategy on 23 June 2014 and it was implemented into the Planning Scheme on 3 December 2015 through Amendment C158.</p> <p>The Amendment introduced Clause 45.09 Parking Overlay into the Planning Scheme and applied Schedule 1 to the Parking Overlay to the Box Hill Metropolitan Activity Centre. The new Schedule introduced parking objectives and set out particular car parking rates for new office and residential uses.</p>
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Clause 21.09 sets out measures for the operational effectiveness of the Scheme in relation to how planning permits have been assessed and processed. These measures are as follows:

**Planning Scheme Review Recommendations**

1. Update the targets and indicators in relation to the strategic policy directions of the scheme at Clause 21.09 to reflect the strategic directions and actions included in the Council Plan 2017-2021 (as relevant to planning policy). These include:

Strategic Directions	Strategies	Indicators
Maintain and enhance our built environment to ensure a liveable and sustainable city. (Council Plan Strategic Direction 2)	<p>Support development which respects the natural and built environments and neighbourhood character while achieving a balanced approach to growth.</p> <p>Continue to advocate for greater housing diversity including affordable and social housing.</p> <p>Advocate for enhanced transport accessibility and improved transport routes and modes (including active transport).</p> <p>Maintain, enhance and create shared community spaces that promote the neighbourhood character and provide a safe and enjoyable meeting place for everyone.</p>	<p>Number of actions or activities that protect neighbourhood character</p> <p>Participating in the Eastern Affordable Housing Alliance.</p> <p>Number of transport advocacy programs.</p> <p>Number of ESD assessments undertaken.</p> <p>Undertaking Built Environment Awards</p>
Protect and enhance our open spaces and natural environments. (Council Plan Strategic Direction 3)	<p>Continue to develop a municipality which sustainably manages, enhances and increases trees and vegetation in the streetscapes, parks and gardens</p> <p>Continue to develop a municipality which retains, enhances and increases open space and sustainable streetscapes.</p> <p>Continue to educate and create</p>	<p>Introduction of adequate tree controls across the municipality.</p> <p>Open space acquired in priority areas as identified in the Whitehorse Open Space Strategy.</p> <p>Attendance at tree education programs and</p>

	awareness of the importance of sustaining our natural environment including the importance of trees and vegetation in an urban environment	events.
Support a healthy local economy.	Support the development of a sustainable, growing local economy.  Support the growth of health, education and commercial sectors.	Actions undertaken from the Economic Development Strategy 2014-2019.

Key element	Indicator/s
Efficient decision making process.	Number and nature of decisions made.  Time taken for decisions.  Feedback from development industry on timeframes and costs associated with applications processed.
Efficient operation of the new system.	Degree of compliance of applications with MSS and local policy objectives.  Consistency of decisions (delegate, council, VCAT) with strategic policy objectives.  Degree of VCAT support for the clarity of the MSS and local policies.

The above indicators are assessed in the following sections.

### 3.2 Statutory Planning Activity Audit

An audit of statutory planning activity over the review period 2014-2017 has been undertaken in order to provide an indication of the staffing levels within the Statutory Planning Unit and to analyse the number and nature of applications received and decisions made.

The following table provides a summary of permit applications for the audit period (it does not reflect all application categories or the total number of applications, received by Council, which is 5574). A full summary of all categories of permit applications is included in Attachment 4.

Application type	2014	2015	2016	2017
Advertising Sign	27	36	44	42
Business	81	54	67	39
Heritage	27	15	24	28
Industrial	19	29	23	26
Multiple Dwellings	571	418	451	377
Single Dwelling	10	17	32	47
Special Landscape Area	79	59	78	49
Subdivision	288	332	282	196

Over the review period, 462 Council decisions (approximately 8% of all applications) were lodged for review at VCAT. Of the applications reviewed by VCAT over this period, Council was successful in having its decisions or stipulated conditions upheld on average 40% of the time, which is very similar to the percentage of decisions upheld in the previous review period (42%). This is compared to the metropolitan average of 52%, to the year ending June 2017.

### 3.3 VCAT Case Review

As part of the review process a cross section of VCAT cases has been selected to demonstrate how local planning policies have been tested at the Tribunal. Eight VCAT cases were assessed in order to gain a better understanding of the level of support for the various local provisions of the planning scheme. The implications of these decisions is summarised below.

Application	Policy Issue	VCAT Decision	Implications
WH/2015/1126 25 Holland Road, Blackburn South (Council decision)	Use and development of land for a child care centre in NRZ3.  Consideration of Clause 22.05 Non-residential uses in a residential area.	The decision of the responsible authority is affirmed.  In planning permit application WH/2015/1126 no permit is granted.	VCAT found that Clause 22.03 (Residential Development) is a difficult policy to apply to non-residential development because the introductory section of Clause 22.03 says that it applies to all applications for development while Clause 22.03-3 states that it is policy that Council will assess new applications for dwellings and subdivisions against the relevant objectives and strategies for housing change categories. It is recommended that Council review the relationship with Clause 22.05 (Housing) and Clause 22.03.  It was argued that Clause 22.05 (Non-residential uses in Residential Areas) is redundant given that the residential zones include a set of non-residential uses decision guidelines. VCAT was critical of the parts of the policy that encourage existing buildings to be used for non-residential uses and for any new buildings to “harmonise” with the built form character, suggesting that this an out-dated approach to considering non-residential uses in residential areas. It is recommended that this policy be reviewed.
WH/2015/1090 464 Burwood Highway, Vermont South (Council decision)	Construction of a five storey building, plus two basement levels, containing 50 dwellings.  Interaction between RGZ and NRZ/GRZ, particularly relating to height, setbacks, overshadowing.	The decision of the responsible authority of set aside.  In permit application WH/2015/1090 a permit is granted and directed to be issued for the land at 464 Burwood Highway and 1-3 Charlnet Drive, Vermont South.	This decision highlighted the discretionary nature of the RGZ height controls, and difficulty with reconciling the interface with the properties that are within the NRZ as there are limited local policies or overlays to guide the transition. Council had previously sought lesser, mandatory, heights within the RGZ but these were ultimately not approved by the Minister for Planning.  Council is currently undertaking the Residential Corridor Built Form Study, which specifically aims to identify what further guidance might be required for this interface, where more intense development is interacting with less intense development.
WH/2016/108 1 Sparks Avenue, Burwood (Delegated decision)	Use and development of the land for a 73 place childcare centre.  Consideration of Clause 22.05 Non-residential uses in a residential zone	The decision of the Responsible Authority set aside.  In planning permit application WH/2016/108 a permit is granted and directed to be issued for the land in accordance with the endorsed plans and conditions.	VCAT did not agree with Council’s reasons for refusing the application and therefore this decision (together with WH/2015/1126 above) indicates that Clause 22.05 requires review, particularly where it relates to developments that meet the criteria for locating in residential areas but Council feels that there will be unacceptable amenity impacts and the development does not respect the neighbourhood character.  Therefore, like above, it is recommended that the policy at Clause 22.05 be reviewed.
WH/2016/866 15 McKeon Road, Mitcham	Alterations to an existing shop front and construction of	The decision of the responsible authority is set aside.	During the hearing, Council accepted that the parts of the drafting of the DDO4 could be improved and creates some uncertainty

(Delegated decision)	a three storey building to be used as a medical centre (existing use) and two dwellings (one on each of the upper levels).  Consideration of DDO4 where it relates to heights and setbacks.	In planning permit application WH/2016/866 no permit is granted.	as to the intended outcome, particularly when the height and setback expectations use differing terms such as residential zone, residential street, residential property and residential area.  It is recommended that Council reassess the wording of DDO4, relating to height and setback expectations. It is also recommended that Council review the issue of fair and equitable development opportunities for adjoining properties in the NACs.
WH/2016/708 46 Kenmare Street, Mont Albert (Delegated decision)	The construction of seven double storey attached townhouses, above a basement car park.	The decision of the responsible authority is set aside.  In planning permit application WH/2016/708 a permit is granted to be issued for the land in accordance with the endorsed plans and conditions.	VCAT concluded that there is very little difference in the NRZ5 to the GRZ4 in terms of the potential development outcomes. The purposes of the two zones do vary, but not to a degree where medium density development could not be contemplated within the NRZ5.  It is therefore recommended that the policy position for the NRZ5 and GRZ4 are reviewed.
WH/2015/761 25 Howard Street, Box Hill (Delegated decision)	The development of five attached dwellings in a tandem arrangement. Four dwellings would be three storeys and the dwelling at the rear would be two storeys.	The decision of the responsible authority is affirmed.  In planning permit application WH/2015/761 no permit is granted.	This decision affirms Council's refusal on the grounds of overdevelopment and inappropriate built form on the edge of the Box Hill MAC.  The decision also confirms that amenity of future residents is important along with amenity of pedestrians and residents of adjoining properties.
WH/2017/227 15 Creek Road, Mitcham (Delegated decision)	The removal of one Algerian oak tree.	The decision of the responsible authority is affirmed.  In planning permit application WH/2017/227 no permit is granted.	This decision affirms the strength of the VPO controls in protecting significant trees.  It affirms Council's decision to refuse the application on grounds of inconvenience.
WH/2016/1109 813 - 823 Whitehorse Road, Box Hill (Delegated decision)	The construction of buildings and works for a 16 storey building (comprising 89 dwellings, retail tenancies and office tenancies), with basement levels, use for dwellings, reduction of the car parking requirements of Clause 52.06, variation to the loading bay requirements of Clause 52.07, alteration of access to a Road	The decision of the Responsible Authority is set aside.  In planning permit application WH/2016/1109, a permit is granted and directed to be issued for the land at 813-823 Whitehorse Road, Mont Albert.	VCAT did not agree with the reasons Council gave for refusing the permit application (notwithstanding that a decision was not made within the statutory timeframe).  VCAT found that there was no justification for proposing a height limit. Whilst the decision affirms the investment and growth in Box Hill that is envisioned by the Structure Plan, it also reinforces that further strategic work is required to prepare guidance around built form controls for the MAC.  This further guidance on built form could form part of the work that is proposed in the 2018/19 Council budget regarding the vision of the Box Hill MAC. It is therefore recommended to be pursued at the earliest possible time.

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	Zone Category 1.		
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**Planning Scheme Review Recommendations**

- 2. Implement built form guidelines for land included in the RGZ along key residential corridors where the land in the RGZ interfaces with land in the NRZ or GRZ.
- 3. Review Clause 22.05 Non-residential uses in a residential zone
- 4. Review the wording about height and setbacks in DDO4.
- 5. Review the policy position of NRZ5 compared to GRZ4.

## 4. POLICY CHANGES SINCE THE LAST REVIEW

The following section summarises the changes in planning policy and strategy that have occurred since the previous planning scheme review in 2014. The purpose of this section is to identify further work to be completed by Council to implement these changes, as well as investigate any implications that may have arisen or may arise from the introduction of new planning policies.

### 4.1 State planning policy

In May 2014, the State government released *Plan Melbourne*, a metropolitan planning strategy for the city. This process included a Ministerial Advisory Committee (Advisory Committee) who made recommendations regarding the strategy.

Since its election in November 2014, the current State government has undertaken a number of reforms to state planning policy. In 2015, the State government announced that the Advisory Committee was reforming to review *Plan Melbourne*. Based on the Advisory Committee's findings, a public discussion paper was launched in 2015, which was known as the *Plan Melbourne Refresh*.

#### Plan Melbourne

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In March 2017, the State government released *Plan Melbourne 2017-2050*, the metropolitan planning strategy for the city. *Plan Melbourne* builds on the work of previous metropolitan strategies, including Melbourne 2030, Melbourne @ 5 Million and the previous version of *Plan Melbourne*.

The nine principles in *Plan Melbourne* are as follows:

1. A distinctive Melbourne
2. A globally connected and competitive city
3. A city of centres linked to regional Victoria
4. Environmental resilience and sustainability
5. Living locally – 20 minute neighbourhoods
6. Social and economic participation
7. Strong and healthy communities
8. Infrastructure investment that supports balanced city growth
9. Leadership and partnership

The seven outcomes in *Plan Melbourne* are as follows:

1. Melbourne is a productive city that attracts investment, supports innovation and creates jobs
2. Melbourne provides housing choice in locations close to jobs and services
3. Melbourne has an integrated transport system that connects people to jobs and services and goods to market
4. Melbourne is a distinctive and liveable city with quality design and amenity
5. Melbourne is a city of inclusive, vibrant and healthy neighbourhoods
6. Melbourne is a sustainable and resilient city
7. Regional Victoria is a productive, sustainable and supports jobs and economic growth.

There are 32 directions outlining how these outcomes will be achieved and 90 policies detailing how the directions will be turned into action.

*Plan Melbourne* identifies six Melbourne metropolitan regions across Victoria. Whitehorse is located within the Eastern sub-region which also includes Knox, Manningham, Maroondah, Monash and Yarra Ranges. *Plan Melbourne* identifies that "a key focus for the Eastern Region will be consolidating its future growth in targeted areas (including the Monash National Employment and Innovation Cluster,

Box Hill and Ringwood). Opportunities for transport upgrades include potential road and rail links” (page 49 *Plan Melbourne* Implementation Plan).

The Implementation Plan identifies that Land Use framework plans will be developed for each of the metropolitan regions in the medium term (Action 1). The framework plans will be developed in conjunction with DELWP, DEDJTR, the VPA, Council, DHHS and DET. The plans are to include strategies for population growth, jobs, housing, infrastructure, major transport improvements, open space and urban forests. The preparation of the Eastern Region Land Use Framework Plan has commenced and is ongoing with involvement from officer and executive level of Council.

*Plan Melbourne* sets out Places of Significance that will be the focus for investment and growth. The Places of Significance include:

- Central city
- National employment and innovation clusters
- Metropolitan activity centres (MACs)
- State-significant industrial precincts
- Transport gateways
- Health/education precincts
- Major urban renewal precincts

Whitehorse includes one MAC / health and education precinct (Box Hill) and one education precinct (Deakin University). *Plan Melbourne* also identifies Major Activity Centres. Within Whitehorse, the following have been identified as Major Activity Centres:

- Burwood East-Tally Ho
- Burwood Heights
- Forest Hill Chase
- Nunawading

As mentioned above, Box Hill is designated under *Plan Melbourne* as a MAC and a health and education precinct. Policy 1.2.1 of *Plan Melbourne* states that MACs “are critical to growth across a regional catchment – giving communities good access to a range of major retail, community, government, entertainment, cultural and transport services” (page 36 *Plan Melbourne*). The policy also notes that MACs “will be hubs for public transport services and play a major service delivery role, attracting broad investment in education, health and housing at higher densities” and “all activity centres have the capacity to continue to grow and diversify the range of activities they offer” (page 37 *Plan Melbourne*).

Action 9 of the Implementation Plan involves reviewing the opportunities and constraints of the activity centre network and individual activity centres and Action 10 involves undertaking a review of the performance of activity centres against criteria that monitors the success of structure plans against future housing and employment needs. Both actions are medium term and will be undertaken in conjunction with DEDJTR and the VPA.

Policy 1.1.4 aims to support the significant employment and servicing role of health and education precincts across Melbourne. The Policy states that “major health and education precincts across metropolitan Melbourne have been identified for further services and jobs growth” and “these precincts stimulate innovation, create employment and are of fundamental importance to the emerging knowledge economy and surrounding communities” (page 34 *Plan Melbourne*).

The policy recognises that co-location of health and education facilities is important and will make better use of existing infrastructure, such as public transport, and support the growth of associated



businesses and industries. Action 6 of the Implementation Plan is to review the planning provisions for health and education precincts to support their current operation and future growth.

Other key concepts likely to influence planning in Whitehorse include:

- Managing the supply of new housing in the right locations to meet population growth and create a sustainable city.
- Providing certainty about the scale of growth in the suburbs.
- Continuing the '20-minute neighbourhood' concept which was introduced in the previous iteration of Plan Melbourne, to be implemented by the reformed residential zones and through the accommodation of the majority of new dwellings in established areas within walking distance to the public transport network and services / activity centres.
- Transitioning to a more sustainable city through innovative metropolitan planning approaches.
- Supporting good governance and strong partnerships.

#### **Planning scheme review recommendations**

**6.** In the drafting of new or revised plans and policies for places such as activity centres, consider *Plan Melbourne* and how its vision, directions, initiatives and actions will impact on planning across the municipality.

#### **VicSmart**

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The new VicSmart planning provisions were introduced into the VPPs and all Victorian planning schemes on 19 September 2014. 388 VicSmart applications were received by Council during the review period, with 191 being received in 2017 alone.

Application types that can be assessed under VicSmart include:

- Minor subdivision
- Buildings and works
- Tree removal and lopping
- Small advertising signs
- Car parking and loading bay waivers.

Changes were also made to the Planning and Environment Regulations to implement VicSmart, including:

- A prescribed time of 10 business days to assess and grant a permit
- A prescribed time of five business days within which the responsible authority may request further information and therefore pause the statutory timeframes
- Inserting a definition of a VicSmart application

Reforms to the VPPs in 2017 also included the addition of further VicSmart application classes, which aim to streamline planning permit applications. These are discussed in more detail in the section below.

#### **Planning scheme review recommendations**

**7.** Continue to monitor the VicSmart process, particularly relating to the interim SLO controls, resourcing implications and whether Council would seek any other specific types of applications that can be assessed under VicSmart.

## Changes to the Victoria Planning Provisions

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The most significant changes to the VPPs over the last four years have resulted from a further review of Victoria's planning zones by the Managing Residential Development Advisory Committee (MRDAC).

### **Reformed Zones**

Amendment C160 to the Whitehorse Planning Scheme proposed maximum heights in the RGZ of 3 storeys (11 metres) or 4 storeys (13 metres), depending on the location of the land in the RGZ.

However, the Minister for Planning did not approve these proposed heights, and they were not included in the Whitehorse Planning Scheme when the amendment was gazetted in October 2014.

The State Government appointed the MRDAC to review the residential zones that were introduced into Victorian planning schemes in 2014. Whitehorse presented to the MRDAC public hearing held in 2016. The MRDAC submitted its report to the State Government in July 2016 and made recommendations on a wide range of matters relating to residential growth, housing choice, and affordability.

In response, the State Government introduced a range of reforms to the residential zones based on the advice of the Committee. The reforms have been released during 2017 in conjunction with *Plan Melbourne (2017-2050)* and:

- Allow councils to define neighbourhood character and design objectives to be achieved.
- Strengthen building height controls in the Neighbourhood Residential Zone (NRZ) and the General Residential Zone (GRZ).
- Remove the limit on the number of dwellings that can be built on land in the NRZ.
- Introduce a new mandatory requirement for a minimum garden area to be provided in residential developments in the NRZ and GRZ (Amendment VC110 gazetted March 2017).

As part of the reforms, the State Government has also introduced minimum garden sizes for lots above 400m<sup>2</sup>. The garden area requirement increases the amount of garden space that must be provided for new residential developments. New developments in the NRZ and GRZ will need to comply with the new garden area requirement as it is a mandatory requirement and cannot be varied.

The reforms to the VPPs also included the addition of further VicSmart application classes, which aim to streamline planning permit applications. Additional classes include:

- Building and works up to \$1 million in industrial areas
- Building and works up to \$500,000 in commercial and some special purpose areas
- A range of low impact developments in rural areas (up to \$500,000 in agricultural settings and \$250,000 in more sensitive rural settings)
- small scale types of buildings and works in selected overlays
- subdivision, advertising signs and car parking waiver up to 10 spaces.

The State Government has given Councils three years to bring necessary changes to municipal planning schemes into line with the recent changes to the residential zones. The State Government has committed to working with Councils to align local schedules with the new zones and supporting Councils to define neighbourhood character, heritage and environmental values in their residential zones.

Council officers will monitor the effect of the reforms to the residential zones and undertake the necessary amendments to the planning scheme to ensure it is consistent with state policy. Council

officers will also review the application of the new VicSmart classes and how this affects the resourcing requirements for Council to meet the VicSmart timeline and targets.

Finally, reforms to the business zones occurred in 2013, during the previous review period. As a result of the reforms a greater range of uses (e.g. accommodation) are now considered as-of-right in a broader range of commercial areas across the municipality.

During the current review period there has been an increased interest in sites for residential development in areas such Tally Ho Business Park, particularly in terms of new developments falling under Section 1 Uses (not requiring a permit). Specifically, landowners are seeking to develop sites for residential uses in areas that are designated in the LPPF as primarily office areas.

Whereas, in areas such as the MegaMile Activity Centre, the reformed zones now allow commercial uses which were not originally intended for an area designated for the sale of bulky goods.

These uses, while not necessarily inappropriate for most commercial areas, may dilute the specialised business park nature of Tally Ho or use land otherwise intended for bulky goods retailing along the MegaMile.

#### **Planning scheme review recommendations**

8. Monitor, and review where required, the ongoing impact of the reformed residential zones.
9. Finalise the Residential Corridor Built Form Study.
10. Implement the findings of the Residential Corridor Built Form Study.
11. Investigate the impact of the reformed zones on development in the Tally Ho Business Park, and to a lesser extent the MegaMile Activity Centre, particularly in terms of new developments falling under Section 1 Uses (not requiring a permit).
12. Define neighbourhood character and design objectives for schedules to the residential zones as a result of the residential zone reforms.

#### ***Better Apartments Design Standards***

The *Better Apartments Design Standards* were introduced in late 2016 to improve the liveability and sustainability of apartments across Victoria. The standards were developed in consultation with community members, architects, planning and design practitioners, technical experts, the development industry, councils, and state government agencies.

Action 30 of the Implementation Strategy involves implementing the finalised apartment design standards to ensure that new apartments are environmentally sustainable, have amenity and quality functional layouts. This was a short term action and was implemented in the Victoria Planning Provisions and all planning schemes in Victoria through Amendment VC136 on 13 April 2017. Amendment VC136 inserted a new Clause 58 into the Planning Scheme and requires all apartment developments to consider a variety of standards relating to site layout, on-site amenity and facilities and internal amenity.

#### ***Bushfire Management Overlay***

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The Bushfire Management Overlay (BMO) mapping was updated in planning on 3 October 2017, via Amendment GC13.

The BMO is a planning control applied to land with the potential to be affected by extreme bushfires. Approximately 270 properties in the Whitehorse (in the suburb of Mitcham) are now affected by the BMO.

New development and uses in the BMO may require a planning permit. This ensures that bushfire hazards, such as vegetation, slope and site access are assessed, and that bushfire protection measures are in place to manage risk.

The mapping criteria were developed in partnership with the CFA and CSIRO as part of the Victorian Government's commitment to implement all recommendations of the 2009 Victorian Bushfires Royal Commission.

### **Ministerial Direction on the form and content of Planning Schemes**

The revised Ministerial direction on the form and content of Planning Schemes was introduced in May 2017. The revised direction includes a style guide to demonstrate how a planning scheme or planning scheme amendment must be prepared and presented, including font styles and size, alignment, indentation and spacing.

The revised direction includes the requirements for a planning scheme, including the content and order of a scheme, as well as how local provisions and schedules should be structured.

Of particular note, schedules to clauses should now only include a maximum of five objectives, whereas previously Council's had discretion for the number of objectives.

#### **Planning scheme review recommendations**

**13.** Review the Whitehorse Planning Scheme for compliance with the Ministerial Direction on the Form and Content of Planning Schemes.

### **Smart Planning**

In July 2016 the Department of Environment, Land, Water and Planning (DELWP) launched Smart Planning, a two-year program to reform Victoria's planning system. A major part of the program is updating the Victoria Planning Provisions (VPP) to increase their effectiveness and efficiency.

Smart Planning aims to reform the planning rules and policy in the Victorian planning system. Smart Planning released a discussion paper in October 2017 which outlined substantial reform to the VPP. This was driven by the identification that cumulative amendments to the VPP and local planning schemes has led to long and complex planning regulation.

The discussion paper outlined principles of a modernised VPP:

- digital first: provisions should be optimised for accessing through digital interfaces
- user focused: provisions should be accessible, transparent and understandable and users should be able to freely, instantly and intuitively access relevant information
- consistent: provisions should be applied simply and consistently regardless of the content
- proportional: provisions should impose a level of regulatory burden that is proportionate to the planning and environmental risks e.g. implementing code assessment for low risk applications
- land use focused: provisions should avoid conflict and overlap with other regulatory regimes
- policy and outcome focused: provisions should ensure that controls have a clear policy basis and are planning outcomes driven

Officers presented a report to the Council on 20 November 2017 regarding the discussion paper. Broadly, if implemented, the proposals sought by the reforms will have a significant impact on the

structure and way the current Planning Scheme is used and understood. In particular the proposed reforms to the current Local Planning Policy Framework (LPPF) and MSS will require Council to completely re-structure these components.

A review of the LPPF was discussed during the previous planning scheme review and included preliminary draft recommendations based on the current planning scheme structure, on the assumption that an amendment to implement these recommendations will precede a restructuring of the LPPF to fit within a new VPP structure.

Therefore further work will need to be undertaken once the final structure and content of the VPP are known. The timing and approach to the roll-out of a finalised VPP has not yet been finalised, however the discussion paper proposed that gazettal of an amendment would potentially occur mid 2018.

A review of the LPPF after gazettal of an amendment will potentially have significant resourcing implications for Council.

#### **Planning scheme review recommendations**

**14.** Implement the final outcomes of the Smart Planning program into the Whitehorse Planning Scheme and refer to a future budget process and/or to advocate for resourcing from the State Government to resource accordingly.

#### **4.2 Changes to local planning policy**

A series of planning scheme amendments have been undertaken since the completion of the last Planning Scheme Review in 2014. A number of these amendments implemented the findings and recommendations of the last review.

In total, 73 amendments have been approved over the period from January 2014 to December 2017. These can be categorised as follows:

- Thirty nine (39) State-initiated amendments to introduce new State wide policies or planning controls.
- Four (4) Council/State-initiated minor amendments where corrections in mapping or text have been undertaken.
- Fifteen (15) Council-initiated amendments to introduce new policies, strategies, controls or schedules, or amend existing provisions.
- Fifteen (15) Council-initiated site specific amendments to facilitate new development outcomes including seven (7) proponent requested amendments.

Of the amendments initiated by Council, eight (8) of these were submitted to the Minister for Planning to be implemented under section 20(4) of the *Planning and Environment Act 1987*, exempt from the notice requirements of sections 17, 18 and 19 of the *Act*.

#### **Selected panel report comments on amendments**

In order to gain a better understanding of how well Planning Panels Victoria consider the current Scheme sets the policy and strategic direction for the City, a number of important amendments have been reviewed. The amendments selected are those which have sought to introduce new policy or scheme controls into the Planning scheme. Summaries of the Panel reports offer insights into the strategic rigour of the Scheme in setting the basis for these various amendments.

#### **Amendment C110**

Amendment C110 proposed to implement the Tally Ho Major Activity Centre Urban Design Framework 2007 (UDF) by recognising adopted Urban Design and Landscape Guidelines 2013 that support the framework, introducing provisions consistent with both documents and by making the interim Tally Ho Activity Centre policy permanent.

The Panel believed that the series of implementation decisions following adoption of the UDF has resulted in issues. The Panel Report states that issues included introducing an 'interim' Clause 22.08, not formally reviewing the effectiveness of the UDF and interim clause earlier in the process before producing the subsequent Guidelines, and separating issues relating to the Tally Ho Activity Centre across numerous amendments (noting that Amendments C160, C157 and C110 concurrently affected the former ATV-0 site at 104-168 Hawthorn Road, Forest Hill).

The Panel identified that one of the fundamental issues to be resolved was whether the entire study area in the 2007 UDF and 2013 Guidelines should have been translated into the ultimate Tally Ho Activity Centre.

Ultimately, the Panel recommended that the amendment be modified prior to adoption. The Panel noted overall that:

- The UDF and Clause 22.08 would have benefitted from an independent assessment of their effectiveness in achieving the preferred built form outcomes and relevance against Plan Melbourne and revised SPPF. In the absence of this assessment, the Panel noted that each submitter had an opportunity to express their views about the exhibited provisions associated with the 2007 UDF.
- Separating provisions related to the Tally Ho Activity Centre across numerous amendments has limited the ability for integrated activity centre planning.
- Including low density residential areas that serve no function to the overall activity centre or are proposed to be zoned Neighbourhood Residential Zone will result in confusion and conflicts. As a consequence the boundary of the activity centre was reduced to exclude the former ATV-0 land and the established residential area to the south of the site.

The Minister for Planning approved the amendment on 30 September 2015 with changes. Importantly the approval inserted a new plan in Clause 22.08 to better show the land identified within the Tally Ho Activity Centre.

### **Amendment C153**

Amendment C153 was a combined amendment and planning permit application. The amendment proposed to rezone the former St Leo's College site at 15-31 Hay Street, Box Hill South from the Special Use Zone (Schedule 1) and the Public Use Zone (Schedule 1) to a mix of General Residential Zone (Schedule 1 and 2) and Residential Growth Zone (Schedule 1). The permit application sought approval to develop 310 residential units from single storey detached dwellings, four apartment buildings up to 7 storeys and ancillary uses including a café and community facilities.

The Panel understood the concerns of the submitters and observed that consultation will continue to be a significant challenge for the planning and development sector as consolidation continues in existing urban areas and there is an obligation on both proponents and Councils to ensure that communities are well informed about proposals.

The Panel found that the proposed development was consistent with State Policy and was broadly, but not well, supported by local policy. The Panel found that the development is well conceived and of a high standard and that the dwellings along Hay Street integrate well within the existing residential dwellings. The Panel noted residents' concerns about the capacity of some existing community infrastructure to accommodate increased population and was critical of Council for not having

considered that factor in detail nor apparently having the internal capacity to undertake such an assessment.

The Panel supported the Amendment subject to a number of minor changes. The Minister for Planning resolved to approve the rezoning to GRZ, but refused the planning permit.

#### **Amendment C155**

Amendment C155 proposed to rezone the land at 56 and 58-74 Station Street, Nunawading to the Residential Growth Zone and Mixed Use Zone, apply a new DPO6 and the EAO.

The Panel concluded that the Amendment was supported by the relevant sections of the SPPF and LPPF. The Panel found that the Amendment is strategically justified and the DPO is appropriate for managing future development on the subject land.

The Panel found that the exhibited DPO is prescriptive and duplicates provisions and process found in other parts of the Planning Scheme. The panel recommended changes that sought to simplify the provisions and balance prescription and flexibility in the controls. The Panel recommended that the Amendment is adopted subject to changes. The recommended changes related to amending Schedule 6 to the DPO to amend various requirements including traffic management, landscaping, construction management and the provision of public art.

Council adopted the amendment with the changes as recommended by the Panel and the Minister for Planning subsequently approved the Amendment.

#### **Amendment C158**

Amendment C158 proposed to apply a Parking Overlay to the Box Hill MAC and implement the car parking rates and other directions from the Box Hill Activities Area Car Parking Strategy 2013.

The Panel concluded that the Car Parking Strategy properly considers the local parking demand and supply and proposed appropriate parking rates for office and residential development, subject to increasing the residential visitor parking rate from 0.1 spaces to 0.2 spaces for the first five dwellings with a total number of 5 spaces per development. The Panel considered the likely impacts of reduced parking rates on surrounding residential areas and concluded that:

- There are existing issues with overflow car parking on residential streets unrelated to Amendment C158 that should be addressed by Council.
- The Parking Strategy implementation plan appropriately addresses a range of car parking issues in Box Hill, including: impacts on residential areas; provision of adequate car parking for businesses; and ongoing monitoring of parking demand and supply.
- The reduced car parking rates proposed in the Amendment are unlikely to result in a worsening of parking overflow problems.

Ultimately, the Panel recommended that the Amendment should be adopted as exhibited, subject to the amending the residential visitor parking rate as recommended by the Panel.

Council did not fully support the recommendation of the Panel to cap the visitor parking spaces and the Minister for Planning approved the Amendment as recommended by Council (that is, without a cap on visitor car parking spaces).

#### **Amendment C164**

Amendment C164 proposed to apply the Heritage Overlay to 15 Hopetoun Parade, Box Hill, 127 Whitehorse Road, Blackburn and properties in Shalimar and Parkleigh Courts and Fortescue Grove, Vermont South which were collectively known as the Blue Flame precinct.

The Panel determined that they could attach little weight to the City of Whitehorse Post 1945 Heritage Study as it was in draft form at the time of the hearing and had not been considered by Council or made available for public comment. Based on the submissions to the hearing, the Panel recommended that the Amendment be adopted as exhibited subject to the removal of 127 Whitehorse Road, Blackburn from the Heritage Overlay.

Subsequently, Council at its meeting 16 February 2015 resolved to delete the proposed heritage overlay at 127 Whitehorse Road, Blackburn as recommended by the independent Planning Panel.

Furthermore, Council at its meeting 16 March 2015 resolved to abandon the proposed heritage overlay to the properties included in the precinct known as the Blue Flame Project. Council notified the Minister for Planning of these decisions.

#### **Amendment C167**

Amendment C167 proposed to rezone 35 Hay Street, Box Hill South from the Special Use Zone (Schedule 2) to a new General Residential Zone (Schedule 6). The Panel identified that the site is ideally located along the Gardiners Creek corridor in a residential area within close proximity to transport, employment and services. The Panel also noted that it is a discreet location at the end of Hay Street and adjacent to the Creek and that any development should be of a scale that respects the existing neighbourhood character.

The Panel concluded that residential development should occur on the site and that the new schedule to the GRZ is appropriate to achieve this. The Panel also concluded that the proposed planning provisions will not allow development of the scale that will adversely affect the existing neighbourhood character and that any site specific issues can be addressed during a future planning permit application.

The Panel recommended that the Amendment be adopted as exhibited and the Minister for Planning approved the Amendment as recommended. As a result of this Amendment and Amendments C153 and C155 there is now a need to address the preferred neighbourhood character of sites that were previously not included in a residential zone.

#### **Amendment C172 (part 2)**

Amendment C172 (part 2) sought to apply the Heritage Overlay (HO) to 12 individual places across the municipality as identified in the City of Whitehorse Post 1945 Heritage Study.

The parent amendment was split into two parts after exhibition and Part 1 was adopted by Council and sent the Minister for Planning for approval. Part 2 was referred to an independent Planning Panel for review.

The Panel noted that each of the places had been recommended for inclusion in the HO schedule as an individual heritage place, and therefore have been considered in isolation and irrespective of their streetscape context or the style or age of adjacent properties.

The Panel concluded that the Amendment was strategically supported by the Planning Scheme and the objectives of the *Act*. The Panel also concluded that the City of Whitehorse Post 1945 Heritage Study provided a sound basis for the application of the HO to defined places.

The Panel recommended that the Amendment be adopted as exhibited subject to the citation for HO283 (24 Arnott Street, Mont Albert North) being amended to note that the brick wall at the front of the property is not considered to be significant and that HO291 (1 Verona Street, Vermont South) be deleted from the Amendment.

#### **Amendment C174**



On 14 October 2014 the new residential zones came into effect in the City of Whitehorse, with the gazettal of Amendment C160 to the Planning Scheme. The (former) Minister for Planning approved Council's proposed residential zones with a number of changes. One of these was that he introduced Schedule 7 to all NRZ areas without any variations (Council had proposed six Schedules to the NRZ, each with different variations to the requirements of ResCode).

The Minister noted that the then Department of Transport, Planning and Local Infrastructure (DTPLI) raised concerns with the schedules to the NRZ as proposed by Council. The Minister therefore requested that the Residential Zones Standing Advisory Committee (RZSAC) consider the schedules to the NRZ, including the ResCode variations, as proposed by Council.

Council presented its submission to the RZSAC. The Advisory Committee report concluded that:

Based on the reasons set out in this Report, the Residential Zones Standing Advisory Committee recommends that draft Amendment C174 to the Whitehorse Planning Scheme be adopted, prepared and approved pursuant to section 20(4) of the Planning and Environment Act, 1987 subject to including the recommended schedules included in the Advisory Committee's report.

The changes from the versions proposed by Council, with the RZSAC's rationale in brackets, are:

- Loss of minimum lot sizes (the local policy and schedules will be sufficient).
- Loss of reference to significant trees removed within the 3 years prior to the application being lodged being replaced (no compelling reason for this requirement).
- Loss of maximum building height in NRZ5 (repeats what is in the zone).
- Loss of decision guidelines cross referencing other parts of the scheme (other parts of the scheme have to be considered by default).

However, Council was successful in obtaining a number of the provisions it requested. This includes:

- Permit requirement for new dwellings on lots less than 500sqm (NRZ1-4).
- Reduced site coverage allowances (maximum 40% in NRZ1-4 and 50% in NRZ5).
- Increased permeability requirements (minimum 40% in NRZ1-4 and 30% in NRZ5).
- The requirement for two canopy trees per dwelling (of at least 12 metres in height in NRZ1-4 and 8 metres in NRZ5).
- Modified side and rear setbacks.
- Increased private open space requirements.

The Minister for Planning ultimately approved Schedules 1, 2, 3, 5 and 5 to the NRZ into the Planning Scheme. The Amendment was revised in accordance with the Advisory Committee's report except changes to the side and rear setbacks.

### **Amendment C175**

The Box Hill Transit City Activity Centre Structure Plan is the key strategic planning document for Box Hill. Overall, Council is satisfied with the Structure Plan however, when it was adopted in 2007, it would not have anticipated the scale and pace of development that Box Hill has experienced, and continues to, experience. While the Structure Plan provides some guidance around the built form of development, Council identified that it required more detail on the outcomes sought.

Council therefore prepared the Box Hill Metropolitan Activity Centre Built Form Guidelines to provide guidance and direction on the built form and qualities of future development and the public realm in key areas of the MAC. The Guidelines considered building outcomes such as setbacks and frontages, view lines, heights and relationship to the public realm and building qualities such as articulation, depth, separation, overshadowing, landscaping and pedestrian and vehicle access.

Amendment C175 sought to implement the Guidelines by introducing a new Schedule 6 to Clause 43.02 Design and Development Overlay (DDO) into the Planning Scheme and applying it to Precincts B, C, D, E and F the Structure Plan area.

Amendment C175 also proposed to rezone various properties in the Structure Plan area broadly in line with the Structure Plan and to make minor changes to Clause 21.07 (Economic Development) and Clause 22.07 (Box Hill Metropolitan Activity Centre) in the Planning Scheme to reference the Guidelines.

The Panel ultimately recommended that the majority of the amendment, other than the proposed rezoning, be abandoned.

The Panel concluded that the Guidelines were not soundly based and as a result they did not support the content of the proposed DDO. Notwithstanding this assessment, the Panel also included commentary on the specific provisions referred to in the DDO, such as the design objectives, exemption for permits, general requirements, heights, setbacks, landscaping, heritage and key views.

The Panel believed that the proposed heights do not seem to make obvious sense and they could not identify any rationale for the proposed heights in the Guidelines. The Panel could not find the strategic justification for the Amendment in the Guidelines and therefore they concluded that the Guidelines lack strategic rigor and are not an appropriate basis for an Amendment.

The Panel concluded that State Planning Policy clearly requires investment and growth to be focused in Box Hill and the Amendment may limit the redevelopment potential of the Interchange. The Panel agreed that the development of a DDO has significant strategic support and it is specifically recommended by the Structure Plan.

Council considered the Panel report at its meeting on 25 June 2018.

### **Amendment C181**

Amendment C181 proposed to introduce Schedule 5 to the Vegetation Protection Overlay (VPO) and apply it to 31 individual properties across the municipality. The Amendment also proposed to include the City of Whitehorse Significant Tree Study 2015 as an Incorporated Document in the Schedule to Clause 81.01 of the Scheme.

The Panel supported the use of the VPO to protect the significant trees identified in the Significant Tree Study and concluded that as there are no buildings and works or subdivision controls then this overlay is less onerous than other environmental overlays. The Panel did not comment on the VPO being less effective in protecting significant trees.

The Panel also supported the suggestion by the Study consultant that Council explore ways to assist owners in the management and maintenance of significant trees. This could be included in future work relating to the introduction of permanent, municipal wide, SLO controls. The Panel recommended that the Amendment be adopted as exhibited, subject to the removal of several properties from the proposed VPO5 and consequential amendments to the Significant Tree Register.

The Minister for Planning approved the Amendment subject to minor changes made to the Schedule to Clause 81.01 and the Schedule 5 to Clause 42.02 to update the year of the Incorporated Document.

### **Environmentally Efficient Design Local Policies – Advisory Committee and Panel Report**

The Advisory Committee was appointed by the Minister for Planning in June 2013 to provide advice to the Minister on the applicability and suitability of including environmental sustainability requirements in

planning schemes of six municipalities – Banyule, Moreland, Port Philip, Stonnington, Whitehorse and Yarra.

The Committee found that there is a strong legislative and policy framework that supports the need for sustainable development and which recognises that both planning and building have a significant role to play in achieving it. The Committee also found that achieving sustainability in planning and development should be undertaken using the most efficient mechanisms to minimise the cost to consumers and the development industry.

The Committee identified that a state wide approach to sustainability would be the most effective way to achieve the greatest sustainability outcomes, however there is still a potential role for local policies. The Committee found that any local approach should include a sunset clause that would enable it to be reviewed upon the introduction of any State wide approach.

The Committee concluded that sustainability and sustainable development has a long history in planning and that as above, in principle, a State-wide approach is the best way to facilitate an increased focus on sustainability. However, until this is finalised, the Committee was supportive of the amendments to the six planning schemes and recommended that they proceed.

The Committee also found that other initiatives (e.g. training, awards, energy pricing etc.) are an important part of achieving sustainable development outcomes, however they need to be part of a suite of measures which are supported by a strong and clear planning and building regulatory framework.

Council ultimately adopted Amendment C130 to the Planning Scheme, which introduced a new Clause 22.18 Environmentally Sustainable Development local policy and updated Clause 21.05 Environment to reference environmentally sustainable development.

The Minister for Planning approved the amendment for an interim period with changes, being the removal of any mandatory targets or standards, consistent with the Ministers commitment at the Building Ministers Forum where local government variations were seen as a key source of inconsistencies across administrative boundaries.

#### **Planning scheme review recommendations**

15. Update the relevant mapping in the Planning Scheme to better identify the land for the Tally Ho Activity Centre.
16. Identify and document the preferred neighbourhood character for sites that as a result of recent Amendments have now been included in a residential zone.
17. Continue to advocate for a permanent ESD policy at the local level, if not implemented state-wide.
18. Continue to monitor Planning Panel reports for implications and directions regarding the future application of policy, and to resolve any outstanding issues that arise from their recommendations.

#### **4.3 Strategic work within Council**

The following section summarises work within Council that is either currently subject to a planning scheme amendment or not yet implemented through the planning scheme. There are several other studies and strategies that have been prepared since the last planning scheme review that have already been implemented in the planning scheme. These are summarised above under section 4.2 Changes to Local Planning Policy.

#### **Council Plan 2017 – 2021 and Council Vision 2013 – 2023**

The Council Plan sets out the strategic objectives that Council will pursue over the next four years. The Council Plan has five strategic directions and 33 strategies to be implemented. The strategic directions include:

- Support a healthy, vibrant, inclusive and diverse community.
- Maintain and enhance our built environment to ensure a liveable and sustainable city.
- Protect and enhance our open spaces and natural environments.
- Strong leadership and open and accessible government.
- Support a healthy local economy.

The themes from the consultative processes of the Council Plan have helped inform the Vision and aspirations for the municipality. The Council Vision 2013 – 2023 states that “We aspire to be a healthy, vibrant, prosperous and sustainable community supported by strong leadership and community partnerships.

#### **Planning scheme review recommendations**

**19.** Amend Clause 21.03 A Vision for the City of Whitehorse reference and reflect the Vision, Strategic Objectives and Strategic Directions of the Council Vision and Council Plan 2017 – 2021.

**20.** Review subsequent Clauses 21.05 Environment, 21.06 Housing, 21.07 Economic Development, 21.08 Infrastructure and 21.09 Monitoring and Review to ensure their alignment with the Strategic Objectives and Strategies of the Council Vision and Council Plan 2017 – 2021.

#### **Municipal Public Health and Wellbeing Plan 2017-2021**

Council’s Municipal Public Health and Wellbeing Plan (the Plan) is closely aligned with the *Council Vision 2013 – 2023* and the *Council Plan 2017 – 2021*, sharing the same goals for the municipality. Under the requirements of Section 26E of the *Public Health and Wellbeing Act 2008* a Municipal Public Health and Wellbeing Plan must be consistent with the MSS prepared under section 12A of the *Act*. The Plan utilises the State Government’s Municipal Public Health Planning Framework *Environments for Health – Promoting Health and Well Being through Built, Social, Economic and Natural Environment*.

The following goals are identified in the Plan:

- Connected, safe, respected and resilient people, families and communities
- Accessible, safe and welcoming places for all people
- A sustainable environment and shared open spaces
- Communicating, actively engaged Council
- Economic opportunity for people

The priorities are supported by a number of actions across Council acknowledging the contribution of all departments to the health and wellbeing of the community. The actions relevant to planning relate to continuous improvement to the Planning Scheme, introduction of municipal wide tree controls to reduce tree removal, advocating for affordable housing and infrastructure improvements and continuing to realise the Urban Realm vision.

#### **Planning scheme review recommendations**

**21.** Advocate to the State Government to include a state-wide policy, objectives and strategies that address healthy and universal design principles.

#### **Affordable Housing Policy 2010**

Council's Affordable Housing Policy is an internal policy that articulates actions currently being taken or planned to be taken by Council in supporting affordable housing within the municipality. Relevant to the Planning Scheme Review, the Policy suggests that Council:

- Develop a local planning policy encouraging affordable housing for inclusion in the Whitehorse Planning Scheme;
- Continue to identify opportunities for affordable housing in designated structure plans. Where appropriate provide greater detail to encourage a mix of low cost rental accommodation (through registered housing associations) as well as areas of greater diversity / density.

The Policy also recommends that Council:

- Identifies suitable Council-owned sites and considers partnerships between the State government, housing associations/providers and other relevant parties to deliver affordable housing.
- Identifies appropriate and under-utilised non-Council owned sites (including airspace) and considers the negotiation of joint ventures or public-private partnerships between landowners, State government, housing associations and providers, financiers and other relevant parties to deliver affordable housing.
- Continues to monitor and advocate for current and future housing needs.
- Continues to promote the benefits of housing diversity and affordability.

#### **Planning scheme review recommendations**

**22.** Advocate to the State Government for the appropriate tools/mechanisms to include affordable housing in future development, and potentially establishing relationships with registered housing associations to undertake developments and manage low cost rental accommodation.

#### **4.4 Current Key Planning Scheme Amendments**

Council is currently in the process of preparing or undertaking the following key planning scheme amendments.

##### **Amendment C175: Box Hill Metropolitan Activity Centre Built Form Guidelines**

The draft *Box Hill Metropolitan Activity Centre Built Form Guidelines* (the Guidelines) were prepared in response to the identified need to provide guidance on the built form and public realm in key areas of Box Hill. Amendment C175 proposed to implement the findings of the Guidelines by introducing a new Schedule 6 to the Design and Development Overlay (DDO) and applying it to various precincts within the Activity Centre, rezoning various parcels of land as recommended in the Box Hill Transit City Activity Centre Structure Plan adopted in 2007 (the Structure Plan) and making minor changes to local planning policy to reference the Guidelines.

The draft Guidelines and Amendment C175 were exhibited from Thursday 16 February 2017 until Friday 17 March 2017.

At the meeting on 15 May 2017, Council resolved to request the Minister for Planning appoint an independent Planning Panel to consider the Amendment and the submissions received.

A Panel Hearing was convened at the Box Hill Town Hall from Monday 24 July 2017 until Friday 4 August 2017. The Panel Report was received by Council on Friday 6 October 2017. The Panel Report recommended that the proposed rezoning be adopted while the proposed DDO and policy changes be abandoned.

Council considered the Panel Report at its meeting on 25 June 2018 (This Amendment is further discussed on section 4.2).

### **Amendment C191 and Amendment C196: Municipal Wide Significant Landscape Overlay**

Trees are the most significant determinant of the character of the various areas within the City of Whitehorse, with tree canopy covering a significant proportion of the municipality. Council undertook a municipal-wide tree study, as a key initiative in the 2015/2016 budget. The Study investigated the importance of vegetation, in particular tree cover, to the municipality, examined the existing strategic framework for vegetation controls and scoped options to protect and enhance tree canopy, as development and future growth inevitably occurs over time.

At its meeting of 18 July 2016, Council resolved to adopt the Whitehorse Tree Study Final Options Report and seek authorisation from the Minister for Planning to prepare and exhibit an amendment to the Planning Scheme to implement the recommendations from the Tree Study.

Amendment C191 seeks to implement the recommendations of the Tree Study by extending the Significant Landscape Overlay (SLO) to all residential land in the municipality on an interim basis. The request for interim controls was lodged with the Minister for Planning in May 2017.

Amendment C196 seeks to implement the recommendations of the Tree Study by extending the SLO to all residential land in the municipality on a permanent basis. The request for permanent controls was lodged concurrently with Amendment C191.

Amendment C191 was approved by the Minister for Planning on 28 December 2017 and formally gazetted into the Whitehorse Planning Scheme on 8 February 2018. The Minister for Planning directed Council to undertake further strategic work before seeking to undertake an amendment to implement the controls on a permanent basis.

#### **4.5 New demographic and statistical data**

Clause 21.01 of the MSS, *Municipal Profile*, provides a general demographic profile of the municipality. This profile includes data relating to population, housing and economic activity and is based on information from the 2006 Census undertaken by the Australian Bureau of Statistics (ABS), as well as data analysis commissioned by Council and undertaken by .id Consulting. Since the last Planning Scheme Review in 2014, new demographic and statistical data has become available, based on the 2016 Census and more recent analysis completed by .id Consulting.

#### **Planning scheme review recommendations**

**23.** Update Clause 21.01 to reflect updated .id Consulting data on population, housing and economic activity.

#### **4.6 Corrections to the Planning Scheme**

Under Section 12 of the Act, Council must regularly review the provisions of the Planning Scheme, which includes identifying and correcting errors and anomalies.

The Strategic Planning Unit keeps a record of errors and anomalies that have been identified in the Planning Scheme. The corrections generally relate to mapping anomalies, text errors, removing redundant controls or amending overlay provisions to reflect their intent.

All of the anomalies and errors are minor in nature and do not affect the intent of policy or controls.

#### **Planning scheme review recommendations**

**24. Undertake a corrections amendment to the Planning Scheme.**

## 5. GAP ANALYSIS

### 5.1 Current planning scheme

A number of clauses in the planning scheme identify further strategic work to be undertaken in order to strengthen the overall operation of the planning scheme. The following table sets out the further strategic work identified in the planning scheme and their status to date.

Clause	Further Strategic Work	Status
21.05-6 Environment	Develop an Environmentally Sustainable Development policy.	Clause 22.10 (Environmentally Sustainable Development) was introduced by Amendment C130 on 19 November 2015.
	Review further areas for inclusion in Significant Landscape Overlays and Neighbourhood Character Overlays.	The <i>Housing and Neighbourhood Character Review (2014)</i> recommends the review of:  Garden Suburban Precinct 16 for investigation for potential partial inclusion in the Neighbourhood Character Overlay. A preliminary investigation has been completed for Garden Suburban Precinct 16.  Bush Suburban Precinct 9 for investigation for potential partial inclusion in the Significant Landscape Overlay. A separate investigation for Bush Suburban Precinct 9 has yet to be undertaken and is dependent on an outcome of further work relating to blanket tree controls.
21.06 Housing	None listed, but a number of the strategies indicate further work	Ongoing
21.07-6 Economic Development	Implement the Box Hill Central Activities Area Car Parking Strategy 2014	Box Hill Car Parking Strategy came into effect in Whitehorse Planning Scheme on 3 December 2015
	Investigate appropriate tools and locations for requiring Development Contributions across the municipality.	Box Hill developer contributions mechanism: feasibility undertaken in 2016/2017 and recommended information gaps are currently being addressed.  Note: The State Government is still in the process of preparing Standard Development Contributions (SDC). As of May 2014, the Minister for Planning has provided a formal response to the recommendations of the SDC Advisory Committee appointed to investigate SDC.
	Prepare further Structure Plans, as appropriate, for identified areas or centres.	Monitoring/review of current structure plans is undertaken regularly to ensure ongoing relevance.  Money allocated in 2017/18 budget to commence review Nunawading/Megamile Structure Plan
21.08-Infrastructure	Investigate appropriate tools and locations for requiring Development Contributions across the municipality.	See note above regarding 21.07-6.
22.06-5 Activity Centres	Prepare Structure Plans for Centres as required.	See note above regarding 21.07-6.
	Prepare Business Plans for Activity Centres.	Ongoing



**Planning scheme review recommendations**

**25.** Amend Clauses 21.05-6, 21.07-6 and 21.08-6 of the MSS to remove reference to work completed.

**5.2 Previous planning scheme review**

The previous planning scheme review identified further strategic work to be undertaken in order to strengthen the overall operation of the planning scheme. Over the course of the past four years, many of these pieces of work have been actioned, while others have not yet begun. The following table sets out a selection of key clauses and further strategic work identified in the MSS and their status to date.

Refer to Attachment 6 for the full list of all recommendations from the previous 2014 review.

Report Reference	Recommendation	Action required	Status
3.1.1	Delete the Indicator in Clause 21.09 'Change in number of amendments'. As discussed in the previous Planning Scheme Review (2010), this does not provide a useful indication of the efficient operation of the Planning Scheme.	Amend LPPF	Completed via Amendment C177
3.1.2	Update the targets and indicators in relation to the strategic policy directions of the scheme at Clause 21.09 to reflect the strategic indicators and actions included in the Council Plan 2013-2019 (as relevant to planning policy).	Amend LPPF	Completed via Amendment C177
3.3.2	Continue the preparation and implementation of the Box Hill CAA Car Parking Strategy.	In progress	Strategy and Amendment C158 completed
4.1.1	Update relevant clauses of the MSS and Local Planning Policies to reference Plan Melbourne, particularly where the current metropolitan strategy, Melbourne 2030, and principles and terminology from this document are specifically mentioned, including: Clause 21.01 Municipal profile Clause 21.04 Strategic directions Clause 21.06 Housing* Clause 21.07 Economic development Clause 22.06 Activity Centres* Clause 22.07 Box Hill Central Activities Area Clause 22.08 Tally Ho Activity Centre Clause 22.09 Blackburn and Megamile (West) Activity Centres Clause 22.11 Burwood Heights Major Activity Centre Clause 22.12 Former Brickworks Site – 78 Middleborough Road, East Burwood *Currently being updated through Amendment C160 and C162.	Amend LPPF	Completed via Amendment C177
4.1.7	Continue to monitor the outcomes of the recommendations of the SPPF Review Advisory Committee, any future response from the Minister for Planning, and the implications of these for the Whitehorse Planning Scheme.	Monitor / Future work / projects	Ongoing. Gazettal of an amendment expected mid 2018.
4.3.1	Amend Clause 21.03 A Vision for the City of Whitehorse reference and reflect the Vision, Strategic Objectives and Strategic Directions of the Council Vision and Council Plan 2013 – 2017.	Amend LPPF	Completed via Amendment C177
4.3.3	Under Clause 21.03, refer to the Municipal Public Health and Wellbeing Plan, as an overarching	Amend LPPF	Completed via Amendment

Report Reference	Recommendation	Action required	Status
	document that together with the Municipal Strategic Statement and Council Plan and Vision, guides decision making in Whitehorse.		C177
4.3.6	Update Clause 21.04 Strategic Directions to take into account the outcomes of the Housing and Neighbourhood Character Review.	Amend LPPF	Completed via Amendment C162
4.3.7	Include The Whitehorse Housing Strategy as a reference document in Clause 22.14 Student accommodation policy.	Amend LPPF	Completed via C177
4.3.8	Review other provisions within the Planning Scheme to ensure consistency with the changes proposed by Amendment C160. Known inconsistencies include: Reference to the Residential 1 Zone in Clause 22.14 Student Accommodation Policy Front fence heights referred to in Schedule 1 to the Neighbourhood Character Overlay (NCO1). NCO1 alters the ResCode front fence height standard to 1.5 metres on sites abutting a Road Zone 1 (RDZ1), and 1.2 metres on all other streets. The proposed schedule 1 to the Neighbourhood Residential Zone (NRZ1) applying to the same area alters the ResCode front fence height standard to 1.2 metres, or 1.8 metres with at least 20% transparency if adjacent to a RDZ1 or Road Zone 2 (RDZ2). The maximum building height in Schedule 1 to the Neighbourhood Residential Zone (NRZ1) is set at 8 metres. The current planning permit trigger for building heights across schedules 1, 2, 3, 5 and 8 to the Significant Landscape Overlay (SLO) is set at 9 metres. This is now redundant, and should either be deleted or set at 8 metres.	Amend LPPF or overlays	Completed via Amendment C177 except for those relating to the NRZ1 (relating to the ongoing inconsistencies between the NCS and the building regulations)
4.3.10	Update Clause 21.07-1 Economic Development with more recent information and data from the Economic Development Strategy.	Amend LPPF	Completed via Amendment C177
4.3.11	Update Clause 21.08, Infrastructure, with reference to relevant key issues and actions from the Whitehorse Integrated Transport Strategy 2011 and the Whitehorse Community Road Safety Strategy 2013.	Amend LPPF	Completed via Amendment C177. Also amended the DCP reference.
4.3.12	Continue to implement policy actions in relation to the Affordable Housing Policy through Amendment C160.	In progress	Amendment C160 gazetted in 2014.
4.3.15	Continue with the preparation and implementation of the Box Hill CAA Car Parking Strategy. Reference the Car Parking Strategy under the existing Clause 21.08 Infrastructure and Clause 22.07 Box Hill Central Activities Area policy. This work is likely to be subject to a planning scheme amendment in the near future.	In progress	Car parking strategy finished in 2014 and subject of Amendment C158 which was gazetted in December 2015.
4.5.1	Update Clause 21.01 to reflect updated .i.d Consulting data on population, housing and economic activity.	Amend LPPF	Completed via Amendment C177
5.1	Amend Clauses 21.05-6, 21.07-6 and 21.08-7 of the MSS to remove reference to work completed.	Amend LPPF	Completed via Amendment

Report Reference	Recommendation	Action required	Status
			C177. References in Clause 21.05 to Ecovision also updated. Clause 21.07-6 updated but nothing in Clause 21.08-7 to update.
5.3	Delete the following statement under Clause 21.07-6: "Prepare local parking precinct plans for all relevant commercial centres", and replace with "Complete and implement the Box Hill Central Activities Area Car Parking Precinct Plan".	Amend LPPF	Completed via Amendment C177. Replaced with 'Implement the Box Hill Central Activities Area Car Parking Strategy 2014'.
5.4	Delete the following statement under Clause 21.07-6: "Prepare a Development Contributions Plan for inclusion in the Planning Scheme", and replace with "Investigate appropriate tools and locations for requiring Development Contributions across the municipality".	Amend LPPF	Completed via Amendment C177
6.7	Continue to manage residential development within activity centres through the implementation of Amendment C160 and the new residential zones.	In progress	Amendment C160 gazetted in 2014.

## 6. KEY ISSUES EMERGING FROM CONSULTATION

As part of the review process, an internal and external consultation program has been undertaken.

Internal consultation included:

- A Councillor workshop;
- A workshop with the Statutory Planning Unit who apply the Planning Scheme on a daily basis;
- Discussions with various departments who regularly use the Planning Scheme; and
- Discussions with consultants who frequently represent Council at VCAT.

External consultation was undertaken through a survey which was released to the community for a period of four weeks. This was advertised in the local newspaper and via social media. While all of the observations and suggestions arising from the consultation process have been recorded, not all have direct relevance to the operation of the planning provisions. The survey questions are included in Attachment 5. The survey site had 86 visits between 19 March and 22 April 2018, although not all registered visitors answered every question. Council also received seven (7) hard copy surveys from various groups and individuals, including the Metro East Bicycle User Group, Blackburn Village Residents Group and Bellbird Resident's Advocacy Group.

The consultation outcomes of other recent projects have also been integrated into the recommendations of this report. The high volume of strategic work undertaken over the past year has provided this process with valuable community and stakeholder input. In particular, the consultation outcomes of the Whitehorse Tree Study and Amendment C175 (Box Hill Built Form Guidelines) have highlighted a number of relevant considerations for the Planning Scheme Review. These are included under the themes below.

Each theme is broadly discussed, and then specific feedback is provided.

### **Municipal Strategic Statement**

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The Municipal Profile (Clause 21.01) will require updating to include current population and housing figures based on the most recent Census data.

The Vision for the City of Whitehorse (Clause 21.03) will also require updating to reflect the Vision and objectives in the most recently adopted Council Plan.

Finally, a review will be required of Clause 21.05 (Environment), Clause 21.06 (Housing), Clause 21.07 (Economic Development) and 21.08 (Infrastructure) to ensure they align with the Strategic Objectives and Strategies of the Council Plan.

The State Government is currently undertaking a review of the structure of planning schemes. This review may have implications for Whitehorse, therefore the outcome of the review will be monitored.

Internal feedback did not raise any additional issues about the MSS.

In response to the question:

- Are current sections of the MSS still relevant?

Around 18 responses from the community survey were satisfied that the current sections of the MSS are still relevant. Many of the free-form responses felt that Whitehorse was overdeveloped and that the current sections of the MSS did not respond to the changes being experienced in various parts of the municipality. Some respondents felt that the MSS was being ignored by developers or needs to be

updated, particularly as it relates to the Box Hill MAC. Respondents were concerned about inappropriate and high-rise development.

One respondent submitted that the MSS does not take into account changes in technology for advertising signs.

A couple of respondents felt that the MSS does not adequately discuss heritage and needs to be upgraded. This includes reference to National Trust classified streets and the protection of heritage homes and gardens with stricter Heritage and Vegetation Overlays and harsher penalties (fines up to a \$1 million) for breaching overlays.

Some respondents discussed the level of development experienced in areas included in the RGZ. This included width of streets leading to difficult access arrangements and therefore more emphasis on public transport, walking and cycling.

One respondent feels that the population growth figures contained in the MSS need to be re-calculated as a result of the growth in medium and high density development.

Tree removal and retention was also raised by respondents who feel that the tree canopy is being removed and Council needs to commit to monitoring and enhancing the vegetation and tree canopy. Moon scaping of lots prior to development was also raised as an on-going issue. Some respondents felt that tree controls need to be revised and extended, such as having regular post-development Council inspections, a standard method of tree assessment, a municipal tree canopy assessment tool and better promotion of the Significant Tree Register.

Housing issues, particularly the development of a second dwelling on one lot, was raised by respondents particularly where it interacts with tree loss.

Some of the responses received were outside the scope of the MSS review. This included advocacy work that Council is currently undertaking, including increase in fines for illegal tree removal, upgrading of public transport facilities in Whitehorse, the development of major institutions in Box Hill and the implications for Whitehorse regarding the construction of the North East Link. Finally, it was suggested that the Street Tree Policy requires urgent review, developers should pay a reasonable fee for street tree removal and that the Tree Education Officer program should be funded on a permanent basis.

### **Local Policies**

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The Planning Scheme contains the following local policies:

22.01	Heritage Buildings and Precincts
22.02	Visual Amenity and Advertising Signs
22.03	Residential Development
22.04	Tree Conservation
22.05	Non-residential uses in Residential Areas
22.06	Activity Centres
22.07	Box Hill Central Activities Area
22.08	Tally Ho Activity Centre

22.09	Blackburn and Mega mile (West) Activity Centres
22.10	Environmentally Sustainable Development
22.11	Burwood Heights Major Activity Centre
22.12	Former Brickworks Site, 78 Middleborough Road, East Burwood
22.13	14 Federation Street, Box Hill
22.14	Student Accommodation Policy
22.15	Public Open Space Contribution
22.16	Industrial Areas Design Guidelines
22.17	Gaming

Internal discussion noted that many of the existing local policies are still relevant. Some felt that Clause 22.17 (Gaming) was outdated and that Clause 22.01 (Heritage Buildings and Precincts) was too lengthy. Officers believe that these are still appropriate local policies and should be retained, however as elaborated on in sections below, Clause 22.02 (Visual Amenity and Advertising Signs) and Clause 22.05 (Non-residential uses in Residential Areas) may require revision.

#### *Pressure for non-industrial uses in industrial zones*

One of the key issues identified was the continuing pressure for non-industrial uses in industrial zones. It was reported that an increasing number of applications were being submitted for uses such as places of worship, recreation and retail. The question was raised as to whether Council should be safeguarding all industrial precincts or whether some areas called for more flexibility than others based on their locational characteristics. The *Whitehorse Industrial Strategy 2011* is relatively silent on this matter, noting that there are some threats to existing industrial precincts in terms of non-industrial uses, but providing little guidance for decision making.

Feedback received also highlighted a potential issue regarding car parking rates for industrial areas where there is now increased flexibility for non-industrial uses. In particular it was suggested that additional guidance around car parking rates be provided for multi-use applications that include complementary uses such as offices.

The Whitehorse Economic Development Strategy 2014 recommends that the work undertaken by the Industrial Strategy be reviewed to respond to business commercial needs. Future reviews should include a detailed analysis of the current situation as well as detailed guidance for decision makers.

Through internal discussions, it was agreed that Council should recognise the pressures on higher level manufacturing uses to relocate to more convenient and economically efficient locations outside the municipality. Where this is the case, industrial service functions and compatible non-industrial land uses that result in job retention and creation should be encouraged.

#### *Signage Policy*

Internal feedback pointed towards several VCAT decisions where Council's Visual Amenity and Advertising Signs policy at Clause 22.02 had been set aside. It was suggested that the policy may be too prescriptive, and that more discretion may need to be included, particularly in areas facing substantial levels of change and where new technology is now available e.g. new forms of electronic signage.

In addition, the need for greater flexibility for signage in public parks and recreation areas was discussed. Sporting clubs, in particular, often enquire about signage to promote their activities and fund raising efforts but planning scheme policy currently restricts this under Clauses 36.02 (Public Parks and Recreation Zone [PPRZ]) and 52.05 (Advertising Signs). All land subject to Clause 36.02 is currently included in 'Category 4 – Sensitive Areas' of Clause 52.05. This is the most restrictive signage area and allows only for unobtrusive signs. However there is also the need to protect parkland from intrusive advertising that reduces or removes the amenity experienced by parkland users.

One option available to Council is the inclusion of all land within the Public Parks and Recreation Zone (PPRZ) in 'Category 3 – High Amenity Areas', a measure that has been pursued by the City of Ballarat. The planning panel for the Amendment C168 to the Ballarat Planning Scheme recommended that the amendment be adopted as exhibited. The panel also recommended the inclusion of policy guidelines in the MSS or at Clause 22, based on the policy guidance included in their Advertising Signs Guidelines. A similar course of action could be pursued by Council in order to provide an opportunity to consider advertising signage in appropriate circumstances.

Concern has also been raised about hoarding of construction sites, where it is installed prior to any works commencing and/or it contains extensive advertising that does not relate to the development. This has been raised as an issue across the municipality, but seen predominately within the Box Hill MAC. Council could look to review the assessment of hoarding when combined with advertising.

In response to the question:

- Are there additional issues not covered by the local policies?

The responses included discussion about a wide range of topics, including provision of solar panels and associated infrastructure on commercial, residential and government buildings. One respondent feels that the MSS should also include a policy about resilience, health and wellbeing of local communities, including planning for a community that facilitates community connection. Other topics that the respondents felt are not covered by the local policies include education, provision of more open space, sustainable transport and heritage. The Planning Scheme currently contains guidance about heritage at Clause 22.01 (Heritage Buildings and Precincts). The provision of open space and sustainable transport are discussed in Clause 21.08 (Infrastructure), while issues relating to education are outside the scope of the review.

Many of the respondents were concerned by overdevelopment, and the implications for neighbourhood character of existing residential areas. These included parking, traffic management, amenity and loss of vegetation. Many of these respondents also raised the development and planning of the Box Hill MAC, including lack of car parking and width of footpaths.

Finally, some respondents feel that Council ignores the local policy and that the rights and opinions of existing residents are not being taken into account. Similar to the first question above, some of the responses received were outside the scope of the MSS review. This included improvement of the Box Hill transit station, improvement in traffic management around Box Hill and the North East Link.

#### **Planning scheme review recommendations**

**26.** Continue to progress further strategic work to apply SLO9 on a permanent basis.

**27.** Continue to advocate for a permanent Environmentally Sustainable Development policy.

**28.** Investigate policy and control measures to provide increased flexibility for signage associated with sporting clubs on Council-owned land.

**29.** In any future update of the Nunawading/Megamile Major Activity Centre Structure Plan (and other structure plans across the municipality) consider the importance of providing guidance for signage and make consequential changes to Clause 22.02 (Visual Amenity and Advertising Signs) to implement any future recommendations.

## **Neighbourhood Character**

Clause 21.06 (Housing) of the Planning Scheme discusses neighbourhood character and housing in the municipality. Feedback from internal consultation raised the issue of social housing vs affordable housing, and whether there should be a distinction made between the two housing types. Within Clause 21.06-5 (Housing Affordability) it was felt that social housing needs to be identified as a key issue and additionally, access to affordable and social housing should be noted as an objective.

Broad feedback from internal discussion indicates that the objectives under Clause 21.06-6 (Housing Design) do not relate to built form and instead refer to provision of vegetation, protection of neighbourhood character and provision of infrastructure.

There was concern raised about the rate of change across the municipality and how this change, and then consolidation of multiple lots, may affect the neighbourhood character and the immediate area around a new development. Questions were raised as to whether Council could impose density restrictions on development. Council has, through past planning scheme amendments, attempted to impose density controls e.g. 1 dwelling per 320sqm. These controls were ultimately not approved by the Minister for Planning.

Additional feedback from community groups included:

- Stronger guidelines are required for advertising in residential areas
- A study into long term demand for child care and aged care facilities should be undertaken to ensure that the needs of the Whitehorse community are being met
- Larger developments (e.g. 40+units) should include a proportion of public housing units and accessible units to allow aging in place

Finally, impact on community infrastructure, such as schools, was raised as a concern where new residential development was proposed. Such infrastructure is a state government responsibility. Council has an advocacy role and will continue to advocate on behalf of the community.

### *Reformed residential zones*

As discussed in section 4.1, the reformed zones introduced by the State government may allow a greater range of uses in some instances without a planning permit. Specific recommendations are made in Section 4.1 to address any issues that may result from the introduction of the new and amended zones.

Further feedback was received during internal consultation regarding the policy relating to substantial change, particularly in and around Blackburn. Relating to the VCAT case for 4-6 Frankcom Street, feedback indicates that the policy did not reflect Council's position and the definitions for the geographic areas were vague and ambiguous.

Finally, internal feedback indicates that there are some inconsistencies between the Planning Scheme and the Building Regulations relating to residential development, specifically where single dwellings on allotments do not trigger a planning permit. Council's Building Team have identified a number of areas where irregularities between the siting provisions and the residential zones is causing an overall inconsistency of buildings in the municipality.

### *Pressure for non-residential uses in residential zones*



One of the key issues identified in both internal and external discussions was the continuing pressure for non-residential uses in residential zones. It was reported that an increasing number of applications were being submitted for uses such as childcare centres. The question was raised as to whether Council should be safeguarding residential precincts or whether some areas called for more flexibility than others based on their locational characteristics, such as access to public transport, main roads and commercial areas.

Some internal discussions called for Council to prepare criteria to direct the location of child care centres and/or prepare a map indicating where child care centres are permitted.

In response to the question:

- Do the current policies and controls adequately manage neighbourhood character?

A large number of respondents do not feel that the current policies and controls adequately manage neighbourhood character. Additionally, many felt that the local policies and controls were ignored by Council and that the opinions of residents were largely ignored.

Many of the respondents were concerned about overdevelopment, loss of neighbourhood character and vegetation. Many felt that the neighbourhood character was being eroded by in-fill development and small lot sizes. Some felt that guidance and controls about neighbourhood character should be expanded to include the commercial areas of the municipality.

One respondent felt that neighbourhood character is subjective and that striking a balance between retaining attractive qualities of a neighbourhood and permitting quality designed and attractive medium density development is only tricky when a community is afraid of change. Finally, one respondent discussed the importance of managing the size of the dwelling and believed that policy should be developed to downsize housing size and encourage more dual density or medium density (5 storey max) in all residential zones

- What do you like most about your neighbourhood?

Many of the respondents value the canopy trees, vegetation and gardens of their neighbourhood. Many of the respondents also liked the location in regards to public transport, accessibility to schools, shopping centres, community facilities and the low rise development.

Other respondents valued the neighbourhood character, proximity of large parks and single storey development.

- How can change be best managed in your neighbourhood?

Respondents suggested a range of ways that change could be best managed in their neighbourhood, including:

- Respecting existing neighbourhood character
- Heavier penalties for the removal of vegetation (including mature trees)
- Increased setbacks for development
- Only allowing appropriate development and mandating better design of homes
- Public and active transport strategies based on transport modelling
- Increased parking around train stations
- More open space, street trees and gardens
- Prohibiting high rise/apartment/multi-dwelling development
- Provide more on-site car parking and prohibit parking in the street
- More development along light rail corridors and around train stations to preserve low density suburbs

Some respondents would like more consultation with the community and local residents. A couple of respondents suggested cutting back immigration however this is outside the scope of the planning scheme and the remit of Council. Additionally, suggestions for improved public transport, extra schools and more hospitals are also outside the jurisdiction of Council, and will require continued advocacy by Council. Finally, some respondents felt that there was little Council could do to manage change across the municipality.

#### **Planning scheme review recommendations**

**30.** Review any inconsistencies between the Planning Scheme and the Building Regulations as they relate to single dwellings on allotments which do not trigger a planning permit.

**31.** Review the objectives under Clause 21.0-6 (Housing Design) to ensure they relate to built form.

**32.** Investigate how larger developments could include public housing units and accessible units to allow aging in place.

**33.** Review controls relating to hoarding of construction sites and how this is managed across the municipality.

#### **Environment**

It was identified by Council's VCAT consultants that Clause 21.05 (Environment) of the Planning Scheme does not fully explore the nexus between landscaping and built form.

The key issues identified in Clause 21.05-2 is the promotion of vegetation protection, promotion of design excellence and visual amenity, however the objectives in Clause 21.05-3 make no reference to built form. Additionally, some of the strategies identified do not have a connection to the objectives.

Specifically, the protection of valued landscapes and vegetation was considered to be a key theme for the municipality. Instances were highlighted where the Significant Landscape Overlays (SLOs) failed to provide a desired outcome when decisions were reviewed at VCAT. Commentary from internal consultation included challenges with the requirement for replacement planting of SLO trees when trees are removed, the protection of smaller trees and understorey and the better promotion of the Tree Education program.

The Blackburn Village Residents Group submitted several suggestions:

- Reference to the Character statements should be included e.g. 'respect neighbourhood character where it supports the Objective 1. To protect and enhance areas with special natural, environmental, cultural .....
- Developers should be asked to contribute or plant street trees in front of developments in accordance with Council requirements.
- Ensure better compliance with documentation requirements at the Planning Application stage (including detailed landscape plans to be included, standard arborist assessment methodology, statement demonstrating how Neighbourhood Character and SLO objectives have been met).
- Planning applications should be encouraged to consider an indigenous planting palette.
- ESD policies should be strengthened to include measurable outcomes such as the achievement of a 6 star rating.
- Ensure greater resources are available for monitoring and compliance of conditions of permits and responding to illegal tree removal.
- There is a need for a recognised standard of assessment for trees and vegetation, by arborists, e.g. AS 4970-2009 - Protection of trees on development sites. This was also suggested by others.
- SLO needs to be strengthened and more weight given to retention and protection of canopy trees

The Bellbird Residents Advocacy Group submitted the following about SLO1:

- Explicitly quote the National Trust citation in section 1.0 “Statement of nature and key elements in landscape” to ensure that the landscape heritage values identified in this citation are recognised and valued, including recognising the importance of more than just canopy trees. This was also raised by other respondents to the Planning Scheme consultation.
- Provide an explicit link between Section 4 Decision Guidelines and Section 2 Objectives to include specific actions and activities that outline how the objectives will be achieved.
- There needs to be better aligned linkage between Section 3 Permit Requirements and Section 2 Objectives. The extent of any landscape alteration should be limited and better compliance and penalty provisions should be incorporated to ensure the objectives of the SLOs are managed as intended and that post-development enforcement is more aggressively pursued.
- Permit exemptions for dead, dying and dangerous trees should be modified so that no verbal approvals are allowed, except for an immediately dangerous tree. “Dying and dangerous” need to be explicitly defined. It would also be helpful if the wording from Clause 3 of the SLO itself were repeated in the Schedule to state that only that section of the tree which represents an immediate risk can be removed or destroyed.
- Council needs to develop and incorporate a set of appropriate activities for both its strategic & annual delivery plans that outlines how it intends to deliver on its landscape protection, amenity and environmental objectives, particularly focusing on the SLO1 and parts of SLO2.

One community group submitted that the “notice to neighbours” requirement for planning permit applications in the SLO areas needs to be revised so that neighbours are informed of any developments and in particular any tree felling/lopping that impacts their property and neighbourhood amenity. Additionally, advice about permits issued should be advertised on the site boundary at least 2 days prior to tree removal. They also suggested that the on-line register of planning applications should include all requests, reports, Council inspections and approvals regarding vegetation removal.

The City of Whitehorse currently has in place a comprehensive framework of planning policies, controls, practices and education programs that seek to protect and enhance vegetation. Council is not proposing to review the current SLO controls. Instead Council is undertaking further work to seek permanent SLO controls across all residential land in the municipality and appropriately resource the initiative.

In response to the question:

- Do the current policies and controls adequately address environmental considerations?

Some respondents agreed outright that the current policies and controls adequately address environmental considerations in Whitehorse. However many highlighted that vegetation and trees are being removed when land is developed. Some respondents seek increased fines for developers who cut down trees. This is an issue that Council has consistently advocated to the State Government about.

Some respondents highlighted that the loss of trees and increased development also results in affected waterways and erosion after rain events.

- How can important environmental assets be managed in a changing urban area like Whitehorse?

A couple of respondents expressed that the existing controls are sufficient to manage change. Other respondents suggested a variety of measures, including:

- Establishment of bio links between parks and open spaces
- Increased open space areas around Activity Centres
- Increased setbacks and tree planting on development sites

- Restrictions on size of dwellings
- Increased fines and penalties for illegal vegetation removal
- More community consultation regarding removal and degradation of trees
- Education of residents about importance of vegetation
- Proactive inspection of planning permits

#### **Planning scheme review recommendations**

**34.** Review Clause 21.05 (Environment), to ensure that the nexus between development and environment is fully explained.

**35.** Review the tree replacement requirements.

#### **Activity Centres**

There was some feedback regarding the effectiveness of planning policies for activity centres, particularly in the context of their use and interpretation at VCAT. Discussion include whether Council can control the appearance of buildings within activity centres, the mitigation or elimination of glare and reflection of sunlight from taller buildings and the maintaining of good access between activity centres and the surrounding residential areas.

The Box Hill MAC was consistently raised as an area of concern by internal and external consultation. It was suggested that the development should be halted in the Box Hill MAC until such time that an appropriate plan for the activity centre is finalised. It should be noted that Council does not have the ability to halt development and that this function sits with the Minister for Planning, who has the ability to “call-in” planning permit applications.

Notwithstanding the above suggestion, it was proposed that the *Box Hill Structure Plan 2007* and Clause 22.07 (Box Hill Central Activities Area) could be strengthened, or even reviewed, to provide additional guidance around the character of the built form. In particular some of the key issues raised included:

- The increased frequency of applications for buildings beyond the heights envisaged by the Structure Plan, particularly in the northern precincts of the activity centre.
- The need for additional guidance in terms of applying reduced and zero side setbacks in precincts where this is specified.
- The need for further discussion regarding transitional heights between precincts and at the edge of the activity centre.
- The increased frequency of applications in the precincts south of the railway line for predominantly residential developments with limited ground level retail, not true mixed used developments envisaged by the Structure Plan.

Any review of the Structure Plan, or any further strategic work for the MAC should ensure permeability and accessibility for pedestrians and cyclists both North/South and East/West to key destinations include transport nodes, government buildings, retail and residential land uses.

In terms of planning for activity centres more generally, the point was raised that structure plans carry limited weight at VCAT unless they are adequately implemented through the planning scheme. It is however acknowledged that Council’s structure plans require periodical review to ensure they retain relevance and influence.

The need to update the Nunawading/MegaMile Major Activity Centre and Mitcham Neighbourhood Activity Centre Structure Plan has been acknowledged by Council through a new budget initiative in the 2017/2018 budget process to analyse background information on the activity centre with further funding to update the Structure Plan is proposed in the 2018/2019 budget.

Funding has also been proposed to be allocated to the 2018/2019 budget to review the vision for the Box Hill MAC and identify if the Box Hill Transit City Activity Centre Structure Plan requires updating. Internal consultation raised the *Smart Cities and Suburbs Program* as a potential funding mechanism to deliver projects for the various Activity Centres in the municipality. The Smart Cities program is a Federal Government initiative that encourages applications for projects, led by local governments, which apply innovative solutions to challenges faced by urban areas across Australia.

In the preparation and review of structure plans, it was also suggested that Council should clearly define the purpose and expectations of future character for precincts, give a clear explanation of the desired outcome, and provide the rationale behind the decisions made and controls proposed. This will assist Council in defending its decisions when they are reviewed at VCAT.

Additional feedback related to parking and traffic congestion as significant, and growing, issues. It was suggested that no dispensations should be given to developments seeking a reduction in car parking in activity centres. Additionally, feedback indicates that adequate setbacks should be provided in the activity centres to allow for planting of canopy trees.

In response to the question:

- What are the key issues affecting activity centres in Whitehorse?

Respondents highlighted what they felt were the key issues affecting activity centres, including:

- Lack of car parking
- Traffic congestion
- Access to public transport and connectivity between centres and surrounding areas
- Aging facilities and infrastructure
- Inappropriate and bulky development
- Expensive shops
- Unsafe and unattractive pedestrian environment and insufficient footpath width
- Lack of diversity in land uses (e.g. too many shops/cafes – lack of service industry)
- Lack of open space and vegetation

The Box Hill public transport interchange was raised as an issue by multiple respondents, as was the Box Hill MAC generally. Council has consistently advocated for an upgrade to the transport interchange, however this is under the jurisdiction of the State Government. It was also noted that activity centres need to respect the amenity of surrounding residential areas. Some respondents were happy with the development in Box Hill, however were concerned about amenity impacts such as wind tunnels.

- What contributes to a great activity centre?

Many of the respondents were able to provide what they thought were components of a great activity centre. These included:

- Open space and green links
- Adequate car parking
- Safe and universally accessible pedestrian environment
- Good access to public transport
- A mixture of businesses and land uses
- Attractive built environment
- Quality public realm for people with a wide range of activities
- Appropriate height of development
- Sufficient infrastructure

### *Higher density development*

An ongoing issue for Whitehorse and indeed all areas across metropolitan Melbourne is the location and form of higher density residential and mixed use development. Concern was raised about the cumulative impact of higher density development, for example, one development is satisfactory however this establishes a precedent for further development which affects the neighbourhood character.

Pressure for higher densities of residential development in areas adjoining activity centres continues through the submission of applications and their success at VCAT. Council is currently undertaking the Residential Corridor Built Form Study, which has analysed development occurring adjacent to, or outside, activity centres but within the RGZ along main transport corridors in the municipality. This looks to provide further guidance on the transition from the RGZ to GRZ or NRZ land and whether further built form controls are required to manage this interface.

Council will continue to review the development of higher density uses outside the RGZ and Activity Centres.

Another matter raised was the incorporation of amenity and ESD measures in new higher density developments. The State Government has now superseded the Guidelines for Higher Density Residential Development with the Urban Design Guidelines for Victoria and the Apartment Design Guidelines for Victoria. A related issue raised included the need to protect solar panels from overshadowing. Access to sunlight is currently only considered in terms of amenity and does not take into account overshadowing of solar panels. This is a matter to be dealt with at the State government level as a consistent State-wide approach needs to be taken.

There is also an ongoing theme related to landscaping and the provision and protection of trees in areas facing substantial change. Given that these are aspects that contribute significantly to the valued character of the municipality, it is important that Council continues to take a balanced approach in the application of the Tree Conservation Policy, while being mindful of the challenges this faces at VCAT. In the case of *Penlan Australia Pty Ltd v Whitehorse CC* ([2014] VCAT 191), the Tribunal saw the objectives of Clause 22.04 (Tree Conservation) and Clause 22.07 (Box Hill Central Activities Area) as being incompatible with one another. In its decision the Tribunal gave greater weight to the latter, deleting the draft conditions imposed by Council in relation to tree protection and tree protection zones.

The Minister for Planning approved a new interim, municipal wide, schedule to the SLO across all residential land in the municipality not already covered by SLO Schedules 1-8. In the RGZ, which traditionally has seen higher density development, a planning permit is required to remove a tree within the Minimum Street Setback. This is to recognise that higher density development is to be directed towards the RGZ, however the streetscape and neighbourhood character is still important and trees are an integral part of that.

#### **Planning scheme review recommendations**

- 36.** Continue to monitor the outcomes of existing structure plans and urban design frameworks with a view to reviewing these documents if/when their recommendations are complete or redundant.
- 37.** Review the Box Hill Transit City Activity Centre Structure Plan and the merits of undertaking additional strategic work to guide the development of the Box Hill MAC.
- 38.** Continue to review residential development within activity centres as a result of the implementation of Amendment C160 and the new residential zones.
- 39.** Monitor the application of the Better Apartment Design Guidelines. If these fall short of addressing issues facing Whitehorse, Council should consider preparing additional guidelines for the municipality.

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## Heritage

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In response to the question:

- Should there be more specific guidance for heritage applications?

Seventeen respondents felt that there should be more specific guidance for heritage applications. Eight respondents did not feel that there should more guidance. Some respondents felt that the current guidance is appropriate, and that it needs to be more strongly enforced by Council.

One respondent felt that it is very important to keep a sense of heritage in Whitehorse, while another respondent felt that photos of buildings would be adequate to preserve the history of the area.

- Do the properties and precincts already identified adequately reflect our heritage?

Sixteen respondents believe that the properties and precincts already covered reflect the heritage of Whitehorse. One respondent believes that Koori heritage should be reflected more in the city's history and that heritage is not merely buildings e.g. the National Trust streets in Blackburn and the landscaping of Ellis Stones in the median strip on Canterbury Road east of Mitcham/Boronia Road. One respondent feels that the Heritage Overlay can be expanded to cover post war houses, while another respondent suggests that the heritage homes could form part of a Heritage Walk/Drive to showcase the properties in Whitehorse. Council undertook the Post 1945 Heritage Study which was finalised in June 2016 and subsequently the subject of Amendment C172.

One respondent feels that there are too many heritage properties and precincts, while others believe that there is very little left of the heritage in Whitehorse, particularly around Box Hill.

Finally, one respondent believes that owners of heritage properties should properly maintain their property to qualify for the Heritage Assistance Fund.

### Planning scheme review recommendations

**40.** Monitor the criteria for the Heritage Assistance Fund.

**41.** Consider including a discussion about cultural heritage in Clause 22.01 (Heritage Buildings and Precincts).

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## Transport

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Internal discussions raised a number of considerations, particularly about car parking rates and the provision, or otherwise, of on-site car parking. In some instances, the number of usable lanes on roads is being reduced due to kerb side parking of vehicles that cannot park on the relevant property. It was noted that there has been a perceived increase in car ownership that contributes to additional vehicles, particularly where adult children are living longer at home or where there are share houses with multiple occupants. Concern was also raised about safe ingress and egress from properties.

Discussion was also held about the introduction of developer and/or infrastructure contributions to subsidise additional transport infrastructure within the municipality, and in particular within activity centres.

The Metro East Bicycle User Group suggested that a new 'Active Transport Contribution' provision, similar to the open space provision, be added to the Planning Scheme. They submitted that this would require developers to provide shared paths not only within the confine of the development site, but also on public land to connect to nearby paths and trails. They suggest creating an 'Active Transport Contribution' local planning policy outlining that developers are to provide 2% of the improved capital value of the development. Submissions also called for integration with other strategies and council

expenditure on cycling and walking where council can include permit conditions that enforce developers of large sites to provide an interface to nearby bicycle or walking paths.

In response to the question:

- How can sustainable transport outcomes be better prioritised in development?

Respondents suggested a variety of methods for prioritising sustainable transport outcomes. Many suggested better public transport infrastructure, particularly in the Box Hill MAC. Some also noted that there should be more parking at railway stations, whilst others suggested that walking and cycling to train stations should be encouraged. Short trips via bicycle or walking should also be promoted.

Other suggestions included:

- Building a railway line to Doncaster Hill which would alleviate pressure on Box Hill. This is outside the scope of the planning scheme review.
- Developer contributions for public transport improvements
- Improved bus services that connect with train services
- Less development or limiting dwelling numbers on lots
- Undertaking transport modelling
- Lowering of speed limits on streets around Box Hill
- More clearways around activity centres, including Box Hill
- Promotion of car sharing in development
- Safe pedestrian and cycle routes
- Rezoning tram corridors to better promote development near mass transit

Some of these suggestions, particularly those relating to public transport improvements and improved bus services, are outside the scope of the review. Finally, there were suggestions about direct rail to Melbourne airport, a rail line to Doncaster and double decker buses and trains. Council can advocate to the State Government about these concepts.

- Can you provide examples where car parking for development is working effectively? What has been the key to effective car parking?

No residential examples were provided where car parking for development is working effectively. Three commercial/retail properties (Home Hardware/Forest Hill Chase/Eastland) were given as locations where car parking is effective.

Many respondents submitted that there are inadequate levels of car parking being provided, particularly at railway stations and in the Box Hill MAC. Some advised that they now avoid Box Hill as there is limited car parking available.

One respondent stated that parking at hospitals is typically overloaded; however this is outside the scope of the Planning Scheme review. One respondent suggested a shuttle service for larger workplaces, such as hospitals, to car parks on the outskirts of commercial areas.

Some respondents suggested that if public transport was more attractive, less people would choose private transport which would alleviate some of the car parking issues. One respondent stated that providing excessive amounts of car parking only encourages car use and dependency and that active transport should be prioritised.

#### **Planning scheme review recommendations**

**42.** Monitor the provision of car parking for development located in Activity Centres.

**43.** Progress the development of an infrastructure contributions scheme for the Box Hill MAC.



**44.** Continue to advocate for the upgrading of the Box Hill transport interchange.

## 7. SUMMARY OF RECOMMENDATIONS

The summary of recommendations below includes all of the actions throughout the report. Each recommendation falls under one of the following categories, in terms of the type of action required:

- Advocate
- Amend LPPF or overlays
- Future work / projects
- Considerations for future Urban Design Frameworks (UDFs) or Structure Plans (SPs)
- Monitor
- Monitor, with view to preparing further guidance
- Preparation / implementation in progress

No.	Recommendation	Action required	Priority
1	Update the targets and indicators in relation to the strategic policy directions of the scheme at Clause 21.09 to reflect the strategic directions and actions included in the Council Plan 2017-2021 (as relevant to planning policy).	Amend LPPF or overlays	Short term
2	Implement built form guidelines for land included in the RGZ along key residential corridors where the land in the RGZ interfaces with land in the NRZ or GRZ.	Preparation / implementation in progress	Short term
3	Review Clause 22.05 Non-residential uses in a residential zone	Future work / projects	Short term
4	Review the wording about height and setbacks in DDO4.	Future work / projects	Short term
5	Review the policy position of NRZ5 compared to GRZ4.	Future work / projects	Short term
6	In the drafting of new or revised plans and policies for places such as activity centres, consider Plan Melbourne and how its vision, directions, initiatives and actions will impact on planning across the municipality.	Future work / projects	Long term
7	Continue to review the VicSmart process, particularly relating to the interim SLO controls, relating to the resourcing requirements and whether Council would seek specific types of applications that can be assessed under VicSmart.	Monitor, with view to preparing further guidance	Short term
8	Monitor, and review where required, the ongoing impact of the reformed residential zones.	Monitor, with view to preparing further guidance	Medium term
9	Finalise the Residential Corridor Built Form Study.	Preparation / implementation in progress	Short term
10	Implement the findings of the Residential Corridor Built Form Study.	Future work / projects	Medium term

No.	Recommendation	Action required	Priority
11	Investigate the impact of the reformed zones on development in the Tally Ho Business Park, and to a lesser extent the MegaMile Activity Centre, particularly in terms of new developments falling under Section 1 Uses (not requiring a permit).	Future work / projects	Short term
12	Define neighbourhood character and design objectives for schedules to the residential zones as a result of the residential zone reforms.	Future work / projects	Medium term
13	Review the Whitehorse Planning Scheme for compliance with the Ministerial Direction on the Form and Content of Planning Schemes.	Future work / projects	Short term
14	Implement the final outcomes of the Smart Planning program into the Whitehorse Planning Scheme and refer to a future budget process and/or to advocate for resourcing from the State Government to resource accordingly.	Future work / projects	Short term
15	Update the relevant mapping in the Planning Scheme to better identify the land for the Tally Ho Activity Centre.	Amend LPPF or overlays	Short term
16	Identify and document the preferred neighbourhood character for sites that as a result of recent Amendments have now been included in a residential zone.	Future work / projects	Medium term
17	Continue to advocate for a permanent ESD policy at the local level, if not implemented state-wide.	Advocate	Ongoing
18	Continue to monitor Planning Panel reports for implications and directions regarding the future application of policy, and to resolve any outstanding issues that arise from their recommendations.	Monitor, with view to preparing further guidance	Ongoing
19	Amend Clause 21.03 A Vision for the City of Whitehorse reference and reflect the Vision, Strategic Objectives and Strategic Directions of the Council Vision and Council Plan 2017 – 2021.	Amend LPPF or overlays	Short term
20	Review subsequent Clauses 21.05 Environment, 21.06 Housing, 21.07 Economic Development, 21.08 Infrastructure and 21.09 Monitoring and Review to ensure their alignment with the Strategic Objectives and Strategies of the Council Vision and Council Plan 2017 – 2021.	Amend LPPF or overlays	Short term
21	Advocate to the State Government to include a state-wide policy, objectives and strategies that address healthy and universal design principles.	Advocate	Ongoing
22	Advocate to the State Government for the appropriate tools/mechanisms to include affordable housing in future development, and potentially establishing relationships with registered housing associations to undertake developments	Advocate	Ongoing

No.	Recommendation	Action required	Priority
	and manage low cost rental accommodation.		
23	Update Clause 21.01 to reflect updated .id Consulting data on population, housing and economic activity.	Amend LPPF or overlays	Short term
24	Undertake a corrections amendment to the Planning Scheme.	Future work / projects	Short term
25	Amend Clauses 21.05-6, 21.07-6 and 21.08-6 of the MSS to remove reference to work completed.	Amend LPPF or overlays	Short term
26	Continue to progress further strategic work to apply SLO9 on a permanent basis.	Future work / projects	Short term
27	Continue to advocate for a permanent Environmentally Sustainable Development policy.	Advocate	Ongoing
28	Investigate policy and control measures to provide increased flexibility for signage associated with sporting clubs on Council-owned land.	Future work / projects	Medium term
29	In any future review of the Nunawading/Megamile Major Activity Centre Structure Plan (and other structure plans across the municipality) consider the importance of providing guidance for signage and make consequential changes to Clause 22.02 (Visual Amenity and Advertising Signs) to implement any future recommendations.	Considerations for future Urban Design Frameworks (UDFs) or Structure Plans (SPs)	Medium term
30	Review any inconsistencies between the Planning Scheme and the Building Regulations as they relate to single dwellings on allotments which do not trigger a planning permit.	Future work / projects	Short term
31	Review the objectives under Clause 21.0-6 (Housing Design) to ensure they relate to built form.	Future work / projects	Medium term
32	Investigate how larger developments could include public housing units and accessible units to allow aging in place.	Future work / projects	Medium term
33	Review controls relating to hoarding of construction sites and how this is managed across the municipality.	Future work / projects	Medium term
34	Review Clause 21.05 (Environment), to ensure that the nexus between development and environment is fully explained.	Amend LPPF or overlays	Medium term
35	Review the tree replacement requirements.	Monitor, with view to preparing further guidance	Short term
36	Continue to monitor the outcomes of existing structure plans and urban design frameworks with a view to reviewing these	Considerations for future Urban Design	Long term

No.	Recommendation	Action required	Priority
	documents if/when their recommendations are complete or redundant.	Frameworks (UDFs) or Structure Plans (SPs)	
37	Review the Box Hill Transit City Activity Centre Structure Plan and the merits of undertaking additional strategic work to guide the development of the Box Hill MAC.	Considerations for future Urban Design Frameworks (UDFs) or Structure Plans (SPs)	Short term
38	Continue to review residential development within activity centres as a result of the implementation of Amendment C160 and the new residential zones.	Monitor, with view to preparing further guidance	Medium term
39	Monitor the application of the Better Apartment Design Guidelines. If these fall short of addressing issues facing Whitehorse, Council should consider preparing additional guidelines for the municipality.	Monitor, with view to preparing further guidance	Medium term
40	Monitor the criteria for the Heritage Assistance Fund.	Monitor, with view to preparing further guidance	Ongoing
41	Consider including a discussion about cultural heritage in Clause 22.01 (Heritage Buildings and Precincts).	Amend LPPF or overlays	Long term
42	Monitor the provision of car parking for development located in Activity Centres.	Monitor, with view to preparing further guidance	Ongoing
43	Progress the development of an infrastructure contributions scheme for the Box Hill MAC.	Preparation / implementation in progress	Short term
44	Continue to advocate for the upgrading of the Box Hill transport interchange.	Advocate	Ongoing

**ATTACHMENT 1**

**SUMMARY OF STRATEGIES COMPLETED OR COMMENCED BY THE STRATEGIC PLANNING  
UNIT OVER THE REVIEW PERIOD**

<b>Strategy Title</b>	<b>Status</b>	<b>Further implications</b>
<i>Box Hill Built Form Guidelines (2016)</i>	Subject to Amendment C175	
<i>Box Hill Central Activities Area (CAA) Car Parking Strategy (2014)</i>	Subject to Amendment C158 Gazetted December 2015	
<i>Box Hill Infrastructure contributions Plan (Stage 1) Scoping Study (ongoing)</i>	Commenced 2017	Additional information needs are currently being addressed
<i>Box Hill Urban Realm Treatment Project (ongoing)</i>	In progress. Commenced 2016	Completion due 2018
<i>Municipal Wide Tree Study (2017)</i>	Completed 2016	Strategic basis for Amendment C191 and C196
<i>Neighbourhood Project (2017)</i>	Completed 2017	Legacy project 2018
<i>Post 1945 Heritage Study (2016)</i>	Strategic basis for Amendment C172 Part 1 gazetted April 2016 Part 2 gazetted October 2016	
<i>Residential Corridor Built Form Study (ongoing)</i>	Commenced 2017	
<i>Significant Tree Study (Round Three) (2015)</i>	Completed 2015	Strategic basis for Amendment C181, gazetted August 2016
<i>Whitehorse Heritage Review (2012)</i>	Subject to Amendment C157 Part 1 gazetted August 2016 Part 2 gazetted June 2017	
<i>Whitehorse Housing and Neighbourhood Character Review (2014) including:</i> <ul style="list-style-type: none"> <li>• <i>Whitehorse Housing Strategy 2014</i></li> <li>• <i>Whitehorse Neighbourhood Character Study 2014</i></li> <li>• <i>Neighbourhood Activity Centre Urban Design Guidelines 2014</i></li> </ul>	Subject to Amendments C160/162 Amendment C160 gazetted in October 2014 Amendment C162 gazetted in September 2015 Amendment C174 gazetted in November 2015	
<i>Whitehorse Landscape Guidelines (2012)</i>	Adopted July 2012.	Currently subject to review
<i>Whitehorse Urban Realm Vision Project (2015)</i>	Completed 2015.	
<i>Whitehorse Vision for the Healesville Freeway Reservation (2014)</i>	Final Vision endorsed by Council March 2014 and submitted to VicRoads for consideration as part of its Structure Planning process. This process was later abandoned State government election in 2015	Ongoing engagement with VicRoads and State government regarding the commitment to transform the Reservation into public open space.

**ATTACHMENT 2**

**FULL LIST OF AMENDMENTS TO THE WHITEHORSE PLANNING SCHEME: JANUARY 2014-  
DECEMBER 2017**



### Council-initiated planning scheme amendments

Number	Changes	Gazettal date
C156	The amendment changes Clause 22.06 - Activity Centres to extend the expiry date of the policy reference to the Nunawading/MegaMile Major Activity Centre and Mitcham Neighbourhood Activity Centre Structure Plan. The amendment also changes Clause 22.08 – Tally Ho Activity Centre to extend the expiry date of the policy by one year to 31 January 2015.	20 March 2014
C165	The amendment introduces a site specific control at Clause 52.03 and associated Incorporated Document (845-851 Whitehorse Road, Box Hill, Incorporated Document April 2014) at Clause 81.01 to enable a mixed use development at 845-851 Whitehorse Road, Box Hill.	11 September 2014
C160	The amendment introduces the reformed residential zones, applies them across the municipality and updates the planning scheme maps to reflect the reformed commercial zones.	14 October 2014
C200	The amendment rezones part of the Healesville Freeway reservation from General Residential Zone Schedule 5 and Neighbourhood Residential Zone Schedule 7 to Public Park and Recreation Zone.	27 November 2014
C163	The amendment applies an interim Heritage Overlay (HO) to the land at 11 Shalimar Court, Vermont South.	19 March 2015
C171	The amendment introduces a site specific control at Clause 52.03 to enable a planning permit to be sought for a mixed use development at 12-14 Nelson Road, Box Hill and amends Clause 81.01 to introduce the associated incorporated document titled '12-14 Nelson Road, Box Hill, Incorporated Document, October 2014'.	14 May 2015
C159	Amends various provisions of the planning scheme to correct mapping anomalies and text errors, and deletes redundant planning controls.	21 May 2015
C173	Updates the Local Planning Policy at Clause 22.06 - Activity Centres, by extending the expiry date of the policy reference to the Nunawading/MegaMile Major Activity Centre and Mitcham Neighbourhood Activity Centre Structure Plan to 31 May 2016.	21 May 2015
C180	Amends zoning Map 3 of the Whitehorse Planning Scheme to allow for the rezoning the land from Public Use Zone – Schedule 2 (Education) to Public Use Zone – Schedule 6 (Local Government).	3 September 2015
C170	The amendment rezones 78 Middleborough Road, Burwood East from Priority Development Zone to Commercial 1 Zone, Residential Growth Zone and General Residential Zone, introduces Schedule 6 to the Development Plan Overlay into the Whitehorse Planning Scheme and applies it to the land and makes subsequent changes to Clause 22.11 – Burwood Heights Activity Centre and Clause 22.12 – Former Brickworks Site, 78 Middleborough Road, Burwood East.	10 September 2015
C162	The amendment introduces Schedule 4 to the Design and Development Overlay into the Whitehorse Planning Scheme, applies the overlay to 60 Activity Centres within the Whitehorse municipality, makes consequential changes to Clauses 21.04 and 22.06 and includes the Neighbourhood Activity Centre Urban Design Guidelines 2014 as a reference document.	24 September 2015
C110	The amendment implements the Tally Ho Major Activity Centre Urban Design Framework 2007 and the Tally Ho Urban Design and Landscape Guidelines 2013 by amending the Local Planning Policy Framework at Clause 21.05,21.06,21.07,22.06 and 22.08; inserts Schedule 9 to Clause 43.02 and Schedule 5 to Clause 43.04; applies the Design and Development Overlay Schedule 5	22 October 2015

Number	Changes	Gazettal date
	to 104-168 Hawthorn Road, Forest Hill and applies Schedule 9 of the Design and Development Overlay to land within the Tally Ho Activity Centre.	
C174	The amendment introduces Schedules 1, 2, 3, 4 and 5 to the Neighbourhood Residential Zone into the Whitehorse Planning Scheme.	12 November 2015
C130	Inserts a new local policy titled “Environmentally Sustainable Development” into the planning scheme.	19 November 2015
C158	<p>Apply Schedule 1 to the Parking Overlay to the Box Hill Activity Centre. The Box Hill Activity Centre is generally the area bounded by Severn Street to the north, Watts Street and William Street to the east, Albion Road and Carrington Street to the south and Elgar Road to the west.</p> <p>Amend Clause 21.08 to make reference to the application of a Parking Overlay for land in the Box Hill Activity Centre and include the Box Hill Central Activities Area Car Parking Strategy 2013 as a reference document.</p> <p>Amend Clause 22.07-2 to make reference to the recommendations of, and include the Box Hill Central Activities Area Car Parking Strategy 2013 as a reference document.</p> <p>Insert Clause 45.09 Parking Overlay into the Whitehorse Planning Scheme.</p> <p>Insert a new Schedule 1 to Clause 45.09 Parking Overlay for land in the Box Hill Activity Centre.</p> <p>Amend the Schedule to Clause 61.03 to include new planning scheme overlay maps (PO1 and PO2) in the Whitehorse Planning Scheme.</p> <p>Delete the Heritage Overlay (HO273) that applies to 11 Shalimar Court, Vermont South.</p>	3 December 2015
C167	Introduces Schedule 6 to the General Residential Zone (GRZ6) into the Whitehorse Planning Scheme and its application to 35 Hay Street, Box Hill South which is currently zoned Special Use Zone – Schedule 2 (SUZ2).	14 January 2016
C210	Inserts a new incorporated document titled “Deakin University Burwood Link Project, November 2015” in the Schedule to Clause 52.03 and the Schedule to Clause 81.01 to allow land identified in the incorporated document to be used and developed for the purposes of a pedestrian bridge subject to conditions and amends Clause 61.01 to make the Minister for Planning the responsible authority for administering and enforcing the scheme for the ‘Deakin University Burwood Link Project’.	14 January 2016
C183	The amendment inserts a new incorporated document titled Level Crossing Removal Project – Blackburn Road, Blackburn and Heatherdale Road, Mitcham Incorporated Document, December 2015 (the incorporated document) into the schedules to Clause 52.03 and Clause 81.01 of the Whitehorse Planning Scheme to facilitate the level crossing removals, without a permit, subject to conditions in the incorporated document.	3 March 2016
C155	The Amendment rezones the land at 56 and 58-74 Station Street Nunawading to Mixed Use and Residential Growth Zones and applies a Development Plan Overlay and Environmental Audit Overlay to the site.	10 March 2016
C172 (Part 1)	The amendment applies the Heritage Overlay to 7 places identified in the City of Whitehorse Post 1945 Heritage Study and updates Clause 22.01 Heritage Buildings and Precincts.	14 April 2016
C153	The amendment rezones 15-31 Hay Street Box Hill South to the General Residential Zone Schedule 5 and applies the Environmental Audit Overlay over the site.	19 May 2016

Number	Changes	Gazettal date
C177	The Amendment updates the Whitehorse Planning Scheme in accordance with the Whitehorse Planning Scheme Review 2014 and makes minor changes to Schedules in the General Residential Zone and Residential Growth Zone.	14 July 2016
C211	Amends Schedule 1 to Clause 42.02 Vegetation Protection Overlay to correct an obvious error.	21 July 2016
C157 (Part 1)	The Amendment implements the findings of the Whitehorse Heritage Review 2012, by applying the Heritage Overlay to 27 places across the municipality, amends Clause 22.01 Heritage Buildings and Precincts and corrects the mapping for HO282 (Concept Constructions Display Home Precinct).	4 August 2016
C187	Amends the Schedule to Clause 43.01 Heritage Overlay and Planning Scheme Map 2HO to apply interim heritage control to 65 Esdale Street, Nunawading until 30 December 2016	11 August 2016
C181	The Amendment implements recommendations from the City of Whitehorse Significant Tree Study 2016 by inserting Schedule 5 to Clause 42.02 Vegetation Protection Overlay (VPO5) into the Whitehorse Planning Scheme and applying the VPO5 to 27 properties in the municipality.	25 August 2016
C172 (Part 2)	The Amendment implements the findings of the City of Whitehorse Post 1945 Heritage Study, 2015 by applying the Heritage Overlay to 11 individual places across the municipality.	6 October 2016
C186	The Amendment rezones ten properties within the Box Hill Activity Centre Transit City Structure Plan area from Commercial 2 Zone to the Commercial 1 Zone and Mixed Use Zone, applies the Environmental Audit Overlay and makes associated changes to the Schedules to Clauses 53.02 and Clause 81.01.	20 October 2016
C188	The Amendment replaces the interim Heritage Overlay controls with permanent Heritage Overlay controls for the property at 65 Esdale Street, Nunawading.	8 December 2016
C185	Rezones land at 2-4 Bruce Street and 7 Elland Avenue, Box Hill from Public Use Zone Schedule 6 (Local Government) to Mixed Use Zone.	15 December 2016
C212	Removes the Heritage Overlay HO256 from 385-395 Burwood Highway, Vermont South.	23 February 2017
C195	The Amendment alters the planning scheme maps and the Schedule to the Heritage Overlay so that the Whitehorse Planning Scheme is consistent with the Victorian Heritage Register.	11 May 2017
C157 (Part 2)	The Amendment applies a Heritage Overlay HO272 partially over the site at 104-168 Hawthorn Road, Forest Hill (Former ATV-O Television Studios).	1 June 2017
C182	The Amendment rezones land at 217 and 219-233 Burwood Highway, Burwood East, from Residential Growth Zone (Schedule 2) to the Mixed Use Zone and applies the Environmental Audit Overlay to the land.	22 June 2017
C189	The Amendment corrects a number of mapping and ordinance anomalies within the Whitehorse Planning Scheme.	13 July 2017
C192	The Amendment rezones six properties from the General Residential Zone – Schedule 1 to Commercial 1 Zone, introduces the Design and Development Overlay – Schedule 4 across the sites and an Environmental Audit Overlay to one property.	21 December 2017

**State-initiated planning scheme amendments – 2014 (13)**

Number	Changes	Gazettal date
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Number	Changes	Gazettal date
VC115	<p>Changes the Victoria Planning Provisions and relevant planning schemes by:</p> <ul style="list-style-type: none"> <li>• providing that the permit exemptions at Clauses 62.01, 62.02-1 and 62.02-2 do not apply to permit requirements in Clause 36.03 'Public Conservation and Resource Zone';</li> <li>• amending Clause 36.03-1 'Tables of Uses' to require a use listed in Clause 62.01 be subject to conditions that a use must be conducted by, on behalf of a public land manager or be specified in an incorporated plan; and</li> <li>• amending Clause 36.03-3 to require an application for a permit to be accompanied by the written consent of the Secretary to the Department of Environment and Primary Industries where there is no public land manager for the subject land.</li> </ul>	4 April 2014
VC108	<p>Amends Clause 52.38 (2009 Bushfire recovery) to extend the timeframe for continued use of a building for temporary accommodation without a planning permit to 30 April 2015.</p> <p>Amends Clause 52.39 (2009 Bushfire – Replacement buildings) to extend the timeframe for submitting a site plan to the responsible authority for rebuilding a dwelling, dependent person's unit or building used for agriculture to 30 April 2015.</p>	16 April 2014
VC111	<p>Amends Clause 37.07 – Urban Growth Zone in "Part A – Provisions for land where no precinct structure plan applies" to align with the reformed Farming Zone approved by VC103 by:</p> <ul style="list-style-type: none"> <li>• Reducing the restrictions for alterations and extensions to dwellings, out-buildings and farm buildings.</li> <li>• Removing the requirement for a mandatory section 173 agreement which restricts future subdivision after an initial subdivision is approved.</li> <li>• Removing the prohibition on camping and caravan park, funeral parlour, helicopter landing site, industry (other than rural industry), landscape gardening supplies, market, motor racing track, pleasure boat facility, service station, trade supplies, transport terminal, warehouse (other than rural store) and any use listed in Clause 62.01 if any requirement is not met.</li> <li>• Removing conditions restricting group accommodation, place of assembly (other than carnival, circus and place of worship), residential hotel, restaurant and store (other than freezing and cool storage and rural store).</li> <li>• Removing permit requirements for primary produce sales, rural industry (other than abattoir and sawmill) and rural store, if the condition opposite the use is met.</li> <li>• Increasing the threshold for persons that can be accommodated in a bed and breakfast from six to 10 without a permit.</li> <li>• Making amusement parlour and nightclub prohibited.</li> <li>• Requiring applications for warehouse and industry uses to be to the Metropolitan Planning Authority (for applications within metropolitan Melbourne) or the Department of Transport, Planning and Local Infrastructure (for applications outside metropolitan Melbourne) referred in accordance with section 55 of the Planning and Environment Act 1987 (the Act).</li> <li>• The Amendment also amends Clause 66 – Referral and Notice Provisions to replace "Growth Areas Authority" with "Metropolitan Planning Authority" to reflect the creation of the new planning authority.</li> </ul>	16 April 2014
VC106	<p>The Victoria Planning Provisions (VPP) and all planning schemes are amended to recognise Plan Melbourne and Victoria's regional growth plans by:</p>	30 May 2014

Number	Changes	Gazettal date
	<ul style="list-style-type: none"> <li>• Inserting a new clause 9, which requires any references in the planning scheme to Melbourne 2030 and Melbourne 2030: A planning update Melbourne @ 5 Million (Department of Planning and Community Development, 2008) to be disregarded and requires planning and responsible authorities to consider and apply Plan Melbourne.</li> <li>• Deleting clauses 11.04-1 to 11.04-5 in the State Planning Policy Framework (SPPF), which set out planning objectives and strategies from Melbourne 2030, and introducing new clauses 11.04-1 to 11.04-6 which set out objectives and strategies taken from the vision in Plan Melbourne. Existing clauses 11.04-6 to 11.04-8 have been renumbered as 11.04-7 to 11.04-9 respectively.</li> <li>• Inserting clauses 11.06 – 11.13 in the SPPF which set out the objectives and strategies of Victoria’s eight regional growth plans.</li> <li>• Removing references to Melbourne 2030, Melbourne 2030: A planning update Melbourne @ 5 Million, the Activity Centres and Principal Public Transport Network Plan, 2010 and Ready for Tomorrow – a Blueprint for Regional and Rural Victoria from the following clauses in the State Planning Policy Framework: <ul style="list-style-type: none"> <li>• clause 11 (Settlement);</li> <li>• clause 16 (Housing);</li> <li>• clause 17 (Economic Development);</li> <li>• clause 18 (Transport); and</li> <li>• clause 19 (Infrastructure).</li> </ul> </li> <li>• Deleting the Activity Centres and Principal Public Transport Network Plan, 2010 from the list of incorporated documents in clause 81.01.</li> </ul>	
GC6	<p>The Amendment removes floor space restrictions in planning schemes following the introduction of the reformed commercial zones in Amendment VC100. The floor space caps are removed from zones and overlays in activity centres, commercial centres and employment areas in metropolitan Melbourne planning schemes which currently restrict retail and other associated commercial uses.</p>	5 June 2014
VC116	<p>Amendment VC116 changes the VPP and all planning schemes by replacing the User Guide and Clauses 52.04, 52.06, 52.35, 54, 55 and 56 to delete references to the Residential 1 Zone, Residential 2 Zone and Residential 3 Zone; deletes Clause 32.01 - Residential 1 Zone from the VPP and 24 planning schemes; deletes Clause 32.02 - Residential 2 Zone from the VPP and 6 planning schemes; deletes Clause 32.06 - Residential 3 Zone from the VPP and 3 planning schemes; amends Clause 32.08 - General Residential Zone to include the following words “shown on the planning scheme map as GRZ, R1Z, R2Z and R3Z with a number (if shown)” in the VPP and 59 planning schemes; amends Clause 43.03 – Incorporated Plan Overlay to delete references to the Residential 1 Zone, Residential 2 Zone and Residential 3 Zone from the VPP and 24 planning schemes; amends Clause 43.04 – Development Plan Overlay to delete references to the Residential 1 Zone, Residential 2 Zone and Residential 3 Zone from the VPP and 71 planning schemes; amends Clause 43.05 – Neighbourhood Character Overlay to delete references to the Residential 1 Zone, Residential 2 Zone and Residential 3 Zone from the VPP and 14 planning schemes; amends Clause 57 to delete references to the Residential 1 Zone, Residential 2 Zone and Residential 3 Zone from the VPP and 17 planning schemes; changes the Ararat, Ballarat, Banyule, Brimbank, Darebin, Greater Geelong, Greater Shepparton, Knox, Latrobe, Maribyrnong, Moonee Valley, Moorabool, Moreland, Nillumbik, Port Phillip, Southern Grampians, Whitehorse and Yarra planning schemes by introducing Clause 32.08 - General Residential Zone and inserting Schedules to the General Residential Zone which replicate Schedules for any of the deleted Residential 1,</p>	1 July 2014

Number	Changes	Gazettal date
	Residential 2 and Residential 3 Zones; changes the Cardinia, Frankston, Greater Geelong, Kingston, Melton, Mornington Peninsula and Whittlesea planning schemes by inserting or amending Schedules to the General Residential Zone to replicate Schedules for any of the deleted Residential 1, Residential 2 and Residential 3 Zones.	
VC109	<p>The amendment changes the Victorian Planning Provisions (VPP) and all Victorian planning schemes by amending:</p> <ul style="list-style-type: none"> <li>• Clause 44.06 'Bushfire Management Overlay' (BMO) to move the application requirements to Clause 52.47 and include a new mandatory condition for bushfire bunkers.</li> <li>• Clause 52.17 'Native Vegetation' to enable the clearing of native vegetation to be undertaken by private landholders on Crown land with the written permission of the Secretary of the Department of Environment and Primary Industries for the purposes of maintaining wild dog exclusion fences.</li> <li>• Clause 52.47 'Planning for bushfire' to provide approved and alternative bushfire safety measures for new single dwellings, replacement or extension to an existing dwelling and other buildings.</li> <li>• Clause 52.48 'Bushfire Protection: Exemptions' to provide exemptions for the provision of defensible space for a dwelling approved under the BMO.</li> <li>• Clause 66 'Referral and Notice Provisions' to change the referral authority status for relevant fire authorities for some development from determining to recommending referral authority.</li> </ul>	31 July 2014
VC113	The amendment changes the Victoria Planning Provisions (VPP) and all planning schemes by amending Clause 52.32 – Wind energy facility to enable minor amendments to be made to a Wind energy facility planning permit issued prior to 15 March 2011.	31 July 2014
VC117	The amendment changes the Victoria Planning Provisions and all planning schemes in Victoria by introducing a new Clause 11.14 – Planning for distinctive areas and including the Mornington Peninsula Localised Planning Statement (Victorian Government, 2014) as a policy guideline.	22 August 2014
VC118	<p>The amendment changes the Victoria Planning Provisions (VPP) and all Victorian planning schemes by:</p> <ul style="list-style-type: none"> <li>• Amending Clause 52.09 to correct errors.</li> <li>• Replacing references to the "Prostitution Control Act 1994" with the "Sex Work Act 1994" in Clause 52.46 and Clause 72 in the to reflect the change to the name of that Act.</li> <li>• Replacing the reference to "Clause 55.09-1" with "Clause 56.09-1" in Clause 56.09.</li> <li>• Deleting the expired Clause 56.10</li> <li>• Replacing the number "3" with the word "three" in Clause 62 to improve the grammatical form of that clause.</li> <li>• Amending Clause 66 to correct outdated references to planning scheme provisions and to update references to regulations.</li> <li>• Deleting the reference to "Laundromat" from the definition of "Service Industry" in Clause 74. Amendment VC87 moved "Laundromat" to the "Shop" definition but omitted to remove it from the "Service Industry definition".</li> <li>• Amending the list of land uses under the definition of "Earth and Energy Industry" in Clause 74 to remove minor technical errors.</li> </ul> <p>Amends a condition in the use 'Supermarket' in the section 2 table to Clause 34.02-1 in the VPP and all relevant planning schemes to remove an inadvertent error.</p> <p>Deletes the reference to 'Clause 52.05-6' in Clause 37.04-5 of the Capital City Zone in the VPP and all relevant planning schemes because</p>	22 August 2014

Number	Changes	Gazettal date
	<p>Clause 52.05-6 does not specify a category of advertising control. Updates and corrects the descriptions of people, bodies or departments in:</p> <ul style="list-style-type: none"> <li>• The schedule to Clause 66.04 - Referral of permit applications under local provisions, in the Latrobe, South Gippsland and Wellington planning schemes.</li> <li>• Schedule 1 to the State Resource Overlay (SRO) in the Latrobe and Wellington Planning Schemes.</li> </ul>	
VC120	<p>The Amendment changes the Victoria Planning Provisions and all planning schemes by introducing a new Clause 52.43 Live music and entertainment noise.</p>	4 September 2014
VC114	<p>The amendment changes the Victoria Planning Provisions (VPP) and all planning schemes by :</p> <ul style="list-style-type: none"> <li>• Introducing a new Clause 90 to create a new section in the VPP for the VicSmart planning assessment provisions.</li> <li>• Introducing a new Clause 91 which sets out the planning assessment process for VicSmart applications.</li> <li>• Introducing a new Clause 92 which sets out the classes of application that are a State VicSmart application and the relevant provision of Clause 93 that contains the information requirements and decision guidelines that apply to each class of State VicSmart application.</li> <li>• Introducing a new Clause 93 which sets out the information requirements and decision guidelines for each class of State VicSmart application.</li> <li>• Introducing a new Clause 94 to provide the ability to specify classes of local VicSmart applications and the relevant clause or schedule that contains the information requirements and decision guidelines that apply to each class.</li> <li>• Introducing a new Clause 95 which sets out the information requirements and decision guidelines for each class of local VicSmart application.</li> <li>• Amending the Schedules to Clause 61.01 to specify the Chief Executive Officer of the council as the responsible authority for deciding a VicSmart application in the planning scheme. For the French Island and Sandstone Island Planning Scheme, Port of Melbourne Planning Scheme and Alpine Resorts Planning Scheme specify the Minister for Planning as the responsible authority for deciding a VicSmart application in the planning scheme.</li> <li>• Making consequential changes to the VPP User Guide to recognise the new VicSmart provisions and to turn off consideration of Clause 65 decision guidelines for a VicSmart application.</li> <li>• The amendment changes the Ballarat Planning scheme by: <ul style="list-style-type: none"> <li>• Introducing a schedule to Clause 94 to create local VicSmart classes of application for buildings and works and subdivision affected by Clause 42.02-2 Design and Development Overlay Schedules 1 and 3-16 (inclusive).</li> <li>• Introducing a schedule to Clause 95 to create information requirements and decision guidelines for the local VicSmart classes of application.</li> </ul> </li> <li>• The amendment changes the Greater Geelong Planning scheme by: <ul style="list-style-type: none"> <li>• Introducing a schedule to Clause 94 to create additional local VicSmart classes of application for the following applications under the Activity Centre Zone: <ul style="list-style-type: none"> <li>• Boundary realignment</li> <li>• Subdivision of an existing building or car space</li> <li>• Subdivision of land into two lots</li> <li>• Buildings and works up to \$250,000</li> </ul> </li> </ul> </li> </ul>	19 September 2014

Number	Changes	Gazettal date
	<ul style="list-style-type: none"> <li>• Advertising signs</li> <li>• Reducing car parking spaces</li> <li>• Licensed premises.</li> <li>• Introducing a schedule to Clause 95 to create information requirements and decision guidelines for the local VicSmart classes of application:               <ul style="list-style-type: none"> <li>• Buildings and works up to \$250,000</li> <li>• Licensed premises.</li> </ul> </li> <li>• The State information requirements and decision guidelines set out in Clause 93 are used for the other local VicSmart classes of application.</li> </ul>	
VC123	<p>The amendment changes the Victoria Planning Provisions and most planning schemes in Victoria by amending Clause 34.02 – Commercial 2 Zone to make small scale supermarkets (up to 1800 square metres) adjoining, or with access to, a Road Zone not requiring a planning permit in the City of Greater Geelong (consistent with the treatment of supermarkets in this zone in metropolitan Melbourne). Supermarkets greater than 1800 square metres will require a planning permit in the City of Greater Geelong (consistent with metropolitan Melbourne). Other non-metropolitan planning schemes supermarkets larger than 1800 square metres are prohibited in the C2Z.</p>	13 November 2014

**State-initiated planning scheme amendments – 2015 (7)**

Number	Changes	Gazettal date
VC124	<p>The amendment changes the Victoria Planning Provisions (VPP) and all planning schemes by:</p> <ul style="list-style-type: none"> <li>• Amending Clause 19.01-1 'Provision of Renewable Energy' to reference the updated Policy and planning guidelines for development of wind energy facilities in Victoria (Guidelines).</li> <li>• Amending Clauses 42.01 'Environmental Significance Overlay', 42.02 'Vegetation Protection Overlay', 42.03 'Significant Landscape Overlay', 44.01 'Erosion Management Overlay', 44.02 'Salinity Management Overlay', 52.16 'Native Vegetation Precinct Plan' and 52.17 'Native Vegetation' to introduce an exemption from requirements to obtain a permit to remove, destroy or lop vegetation and to update references to the name of a government department. The permit exemption applies to vegetation removed, destroyed or lopped on Crown land and by a person acting under and in accordance with an authorisation order made under sections 82 or 84 of the Traditional Owner Settlement Act 2010.</li> <li>• Amending Clause 52.32 'Wind Energy Facility' to           <ul style="list-style-type: none"> <li>• reduce the allowable distance of a turbine to a dwelling from two kilometres to one kilometre (consent is required from the owner of a dwelling to locate a turbine closer than one kilometre to the dwelling)</li> <li>• clarify the application of the one kilometre rule to applications for minor amendments to existing permits</li> <li>• reference the updated Guidelines.</li> </ul> </li> <li>• Amending Clause 61.01-1 'Minister is the Responsible Authority' to make the Minister for Planning the responsible authority for all new planning permit applications for the use and development of land for the purpose of a Wind energy</li> </ul>	2 April 2015



Number	Changes	Gazettal date
	facility.	
VC119	<p>The Amendment changes the Victoria Planning Provisions and all planning schemes by:</p> <ul style="list-style-type: none"> <li>• amending Clause 52.38 (2009 Bushfire recovery) to extend the timeframe for continued use of a building for temporary accommodation without a planning permit to 30 September 2018;</li> <li>• amending Clause 52.39 (2009 Bushfire – Replacement buildings) to extend the timeframe for submitting a site plan to the responsible authority for rebuilding a dwelling, dependent person’s unit or building used for agriculture to 30 September 2017.</li> </ul>	30 April 2015
VC125	<p>The amendment changes the Victoria Planning Provisions and all planning schemes by amending:</p> <ul style="list-style-type: none"> <li>• Amending Clause 19.01-1 ‘Provision of Renewable Energy’ to reference the updated Policy and planning guidelines for development of wind energy facilities in Victoria (Guidelines).</li> <li>• Amending Clause 52.32 ‘Wind energy facility’ to reference the updated Guidelines and update the application requirements to address the electricity transmission or distribution system.</li> <li>• Amending Clause 74 ‘Land Use Terms’ to change the definition of Wind energy facility to include the use of the transmission or distribution system of power lines to connect the wind energy facility to the electricity network.</li> </ul>	11 June 2015
VC128	<p>The Amendment changes the Victoria Planning Provisions and all planning schemes by:</p> <ul style="list-style-type: none"> <li>• Amending Clause 18.04-1 (Melbourne Airport) and Clause 18.04-2 (Planning for airports) to include the National Airports Safeguarding Framework (NASF) as a policy guideline.</li> <li>• Amending Clause 18.04-1 (Melbourne Airport) to update the policy guidelines by replacing Melbourne Airport Master Plan (Australia Pacific Airports (Melbourne) Pty Ltd, September 2008) with Melbourne Airport Master Plan, 2013.</li> <li>• Amending Clause 11.14-1 (Localised planning statements) to include the Bellarine Peninsula Localised Planning Statement (Victorian Government, 2015) (BPLPS) as a policy guideline.</li> </ul>	8 October 2015
VC101	<p>The Amendment:</p> <ul style="list-style-type: none"> <li>• Removes the following reference documents from the VPP and all planning schemes: <ul style="list-style-type: none"> <li>• A Vision for Victoria to 2010; Growing Victoria Together (Department of Premier and Cabinet, 2005) from Clause 11 (Settlement);</li> <li>• Alpine Development Code 1997 from Clause 12 (Environmental and Landscape Values) and from Clause 21.03 (Key planning strategies) in the Alpine Planning Scheme;</li> <li>• Growing Victoria Together (Department of Premier and Cabinet, 2001) from Clause 11 (Settlement); and</li> <li>• Ready for Tomorrow – a Blueprint for Regional and Rural Victoria (State Government of Victoria, 2010) from Clause 14 (Natural resource management).</li> </ul> </li> <li>• Updates a number of reference and incorporated</li> </ul>	29 October 2015

Number	Changes	Gazettal date
	<p>documents with new versions in the VPP and all planning schemes, by:</p> <ul style="list-style-type: none"> <li>• Updating the reference document Apiary Code of Practice (May 1997) to Apiary Code of Practice (May 2011) in Clause 14 (Natural resource management) and Clause 62 (Uses, buildings, works, subdivisions and demolition not requiring a permit);</li> <li>• Updating the reference document Alpine Resorts 2020 Strategy to Alpine Resorts Strategic Plan (State Government of Victoria, Alpine Resorts Co-ordinating Council 2012) in Clause 12 (Environmental and landscape values) and in schedules 1 and 2 to Clause 37.02 (Comprehensive Development Zone) in the Alpine Resorts Planning Scheme;</li> <li>• Updating the incorporated document Code of Practice for Fire Management on Public Land, (Department of Sustainability and Environment, 2006) to Code of Practice for Bushfire Management on Public Land (Department of Sustainability and Environment, 2012) in Clause 81.01 (Table of documents incorporated in this scheme);</li> <li>• Updating the incorporated and reference document Code of Practice for Timber Production (Department of Sustainability and Environment, 2007) to Code of Practice for Timber Production (Department of Environment and Primary Industries, 2014) in Clause 14 (Natural resource management), Clause 52.18 (Timber Production) and Clause 81.01 (Table of documents incorporated in this scheme);</li> <li>• Updating the incorporated and reference document Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management (Publication 891.2, EPA, 2008) to Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management (Publication 891.3, EPA, February 2013) in Clause 19 (Infrastructure) and Clause 81.01 (Table of documents incorporated in this scheme);</li> <li>• Updating the reference document Guidelines for planning permit applications in open, potable water supply catchment areas (Department of Planning and Community Development, 2009) to Guidelines for planning permit applications in open, potable water supply catchment areas (Department of Sustainability Environment, 2012) in Clause 14 (Natural resource management) and Clause 19 (Infrastructure);</li> <li>• Updating the reference document Victorian Cycling Strategy (State Government of Victoria, 2009) with Cycling into the Future 2013-23 (State Government of Victoria, 2012) in Clause 18 (Transport).</li> <li>• Removes Particular Provisions 52.40 (Government funded education facilities) and 52.41 (Government funded social housing) from the VPP and all planning schemes as these provisions expired on 30 June 2012 and supported the Commonwealth's completed Nation Building Economic Stimulus Plan.</li> <li>• Makes a number of corrections, clarification and updates to the VPP and all planning schemes including:</li> </ul>	

Number	Changes	Gazettal date
	<ul style="list-style-type: none"> <li>• Updating Clause 19 (Infrastructure) and 52.32 (Wind Energy Facility) to insert the publication information for the Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria;</li> <li>• Updating Clause 52.06 (Car parking) to remove a double reference to the car parking demand assessment;</li> <li>• Updating Clause 52.33 (Shipping container storage) to reflect that in addition to land in a Special Use Zone established for port-related activities, the Particular Provision also does not apply to land in the Port Zone;</li> <li>• Updating Clause 52.36 (Integrated public transport planning) and Clause 66 (Referral and notice provisions) to ensure the Public Transport Development Authority is referred to by its correct legal title (rather than Public Transport Victoria);</li> <li>• Updating Clause 62.01 (Uses, buildings, works, subdivisions and demolition not requiring a permit) correct the name of the Urban Floodway Zone; and</li> <li>• Updating Clause 63.07 (Compliance with codes of practice) to remove the repealed Section 55 of the Conservation Forests and Lands Act 1987.</li> <li>• Makes a number of corrections, clarifications and updates to some planning schemes including: <ul style="list-style-type: none"> <li>• Updating Schedule 3 to Clause 37.01 (Special Use Zone) in the Maribyrnong Planning Scheme to correct an error in the land description; and</li> <li>• Updating the schedules to Clause 61.03 (What does this scheme consist of?) in the Banyule, Baw Baw, Boroondara, Campaspe, Casey, Greater Dandenong, Greater Shepparton, Manningham, Melbourne, Monash, and Wodonga planning schemes to ensure the Parking Overlay maps are referenced.</li> </ul> </li> <li>• Updates government department names to their current titles as a result of machinery of government changes in the VPP User Guide, Clause 12 (Environmental and landscape values), Clause 14 (Natural resource management), Clause 36.03 (Public Conservation and Resource Zone), Clause 44.01 (Erosion Management Overlay), Clause 44.02 (Salinity Management Overlay), 52.15 (Heliport and helicopter landing site), Clause 52.18 (Timber production), Clause 52.24 (Community care unit), Clause 56.07 (Integrated water management) and Clause 66 (Referral and notice provisions).</li> <li>• Updates government department names in the schedules to Clause 66.04 (Referral of permit applications under local provisions) in the Alpine Resorts, Ararat, Ballarat, Bass Coast, Baw Baw, Buloke, Campaspe, Cardinia, Casey, Colac Otway, Darebin, French Island / Sandstone Island, Glenelg, Greater Bendigo, Greater Dandenong, Greater Shepparton, Hume, Kingston, LaTrobe, Macedon Ranges, Manningham, Maroondah, Melbourne, Melton, Mitchell, Moira, Moonee Valley, Moorabool, Mornington Peninsula, Mount Alexander, Moyne, Murrindindi, Port Phillip, South Gippsland, Southern Grampians, Surf Coast, Swan Hill, Wellington, West Wimmera, Whittlesea, Wodonga and Wyndham planning schemes.</li> </ul>	

Number	Changes	Gazettal date
	<ul style="list-style-type: none"> <li>• Updates government department names in the schedules to Clause 66.06 (Notice of permit applications under local provisions) in the Alpine Resorts, Ararat, Bass Coast, Brimbank, Colac Otway, Greater Bendigo, Horsham, Loddon, Maribyrnong, Melbourne, Mount Alexander, Northern Grampians, Port Phillip, Pyrenees, Queenscliffe, Swan Hill, Wyndham, Yarra and Yarriambiack planning schemes.</li> </ul>	
VC107	<p>The Amendment makes changes to the Victoria Planning Provisions (VPP) and all planning schemes by:</p> <ul style="list-style-type: none"> <li>• Amending Clause 19.01-1 (Provision of Renewable Energy) to reference the updated Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria (guidelines);</li> <li>• Amending Clause 52.32 (Wind energy facility) to reference the updated guidelines and make changes to wording;</li> <li>• Amending Clause 61.01-1 (Minister is Responsible Authority) to make the Minister for Planning the responsible authority for all new planning permit applications for use or development of land for the purpose of a utility installation and minor utility installation used to transmit or distribute electricity generated by a Wind energy facility; and</li> <li>• Amending Clause 74 (Land Use Terms) to change the definition of Wind energy facility to remove reference to the use of the transmission or distribution systems of power lines to connect the wind energy facility to the electricity network.</li> <li>• Amending Clause 18.04-2 (Planning for airports) to include the recently approved Avalon Airport Master Plan (Avalon Airport Australia Pty Ltd, September 2015) as a policy guideline; and</li> <li>• Amending Clause 45.02 (Airport Environs Overlay) and Clause 45.08 (Melbourne Airport Environs Overlay) to replace reference to Australian Standard AS 2021-2000, Acoustics - Aircraft Noise Intrusion - Building Siting and Construction, with the 2015 revision issued by Standards Australia Limited.</li> <li>• Amending schedules to Clause 81.01 in some planning schemes applying an Airport Environs Overlay or Melbourne Airport Environs Overlay to update the list of incorporated documents to replace reference to Australian Standard AS 2021-2000, Acoustics - Aircraft Noise Intrusion - Building Siting and Construction, with the 2015 revision issued by Standards Australia Limited.</li> </ul>	26 November 2015
VC121	<p>The amendment changes the State Planning Policy Framework (SPPF) of the Victoria Planning Provisions (VPP) and all planning schemes by relocating an updated Clause 11.04-9 (River corridors) to a new Clause 12.05 (Rivers), and introduces a new Clause 12.05-2 (Yarra River protection).</p>	21 September 2015

**State-initiated planning scheme amendments – 2016 (4)**

Number	Changes	Gazettal date
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Number	Changes	Gazettal date
VC126	<p>The Amendment changes the Victoria Planning Provisions (VPP) and all planning schemes by:</p> <ul style="list-style-type: none"> <li>• Amending Clause 52.32 (Wind energy facility) to: <ul style="list-style-type: none"> <li>• exempt an application to amend a permit for a wind energy facility made under section 97I of the Planning and Environment Act 1987 (the Act) from requirements in section 97E (if the amendment of the permit does not increase the number of turbines or change the location of a turbine in specified circumstances),</li> <li>• clarify that the location of a turbine is measured from the centre of its tower at ground level for the purpose of provisions relating to the amendment of a permit,</li> <li>• update the reference to the Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria (the guidelines), which have been amended to reflect the amendments to Clause 52.32, and</li> <li>• make minor corrections.</li> </ul> </li> <li>• Amending Clause 19.01-1 (Provision of renewable energy) to update the reference to the guidelines and delete reference to the outdated Renewable Energy Action Plan (Department of Sustainability and Environment, July 2006).</li> <li>• Amending Clause 61.01 (Administration and enforcement of this scheme) to remove the Minister for Planning's designation as the responsible authority for matters under expired Clauses 52.40 (Government funded education facilities) and 52.41 (Government funded social housing).</li> </ul>	28 January 2016
VC127	<p>The Amendment changes the Victoria Planning Provisions and all planning schemes by:</p> <ul style="list-style-type: none"> <li>• Amending Clauses 11 (Settlement), 12 (Environmental and Landscape Values) and 13 (Environmental Risks) of the State Planning Policy Framework to update reference to the Victorian Coastal Strategy (Victorian Coastal Council, 2008) with reference to the 2014 version.</li> <li>• Amending Clause 52.23 (Shared Housing) to clarify that only the use of land and not development is exempt from a permit under the provision.</li> </ul> <p>The Amendment changes the Bass Coast, Bayside, Colac-Otway, Corangamite, East Gippsland, Frankston, French Island and Sandstone Island, Glenelg, Greater Geelong, Hobsons Bay, Kingston, Mornington Peninsula, Moyne, Port Phillip, Queenscliffe, Warnambool, Wellington and Wyndham Planning Schemes by amending any local policies that refer to any outdated Victorian Coastal Strategy with reference to the 2014 version.</p>	4 February 2016
VC130	<p>The Amendment changes the Victoria Planning Provisions (VPP) and all planning schemes by amending Clause 52.32 (Wind energy facility) to delete clause 52.32-8.</p>	4 July 2016
VC131	<p>The amendment changes the Victoria Planning Provisions and all planning schemes by amending Clause 52.19 - Telecommunications facility, to exempt a permit application for a telecommunications facility funded (or partly funded) under the Commonwealth Government's Mobile Black Spot Programme from the notice and review requirements of the Planning and Environment Act 1987.</p>	24 November 2016

**State-initiated planning scheme amendments – 2017 (6)**

Number	Changes	Gazettal date
VC110	Implements the government's response to the recommendations of the Managing Residential Development Advisory Committee by amending Clause 72 to introduce a new general term, "garden area" and amending the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone and Township Zone.	27 March 2017
VC135	The amendment introduces additional classes of application into the VicSmart provisions, and increases the 'cost of development' threshold of some existing VicSmart buildings and works classes of application.	27 March 2017
VC134	The Amendment changes the Victoria Planning Provisions and all planning schemes in Victoria by introducing the new Metropolitan Planning Strategy and making corresponding updates to the State Planning Policy Framework. It also restructures Clause 11, includes policy-neutral updates and administrative changes and introduces new and updated incorporated and reference documents.	31 March 2017
VC136	<p>Amendment VC136 introduces state-wide planning requirements for apartment developments. The Amendment changes the Victoria Planning Provisions (VPP) and all planning schemes in Victoria by:</p> <ul style="list-style-type: none"> <li>• Inserting a new Particular Provision at Clause 58 (Apartment developments) to introduce new requirements for apartment developments of five or more storeys (excluding a basement) in a residential zone and all apartment developments in other zones.</li> <li>• Amending Clause 55 (Two or more dwellings on a lot and residential buildings) to include new requirements for apartment developments.</li> <li>• Deleting Clause 52.35 (Urban context report and design response for residential development of five or more storeys). The content of Clause of 52.35 is translated into Clause 58.01.</li> <li>• Amending clauses 32.04 (Mixed Use Zone), 32.05 (Township Zone), 32.07 (Residential Growth Zone) and 32.08 (General Residential Zone) to:</li> <li>• Require an application for an apartment development of five or more storeys (excluding a basement) to meet the requirements of Clause 58.</li> <li>• Update the decision guidelines to require the responsible authority to consider the objectives, standards and decision guidelines of Clause 58 before deciding on an application for an apartment development of five or more storeys (excluding a basement).</li> <li>• Specify application requirements for an apartment development in the Residential Growth Zone and the General Residential Zone.</li> <li>• Include transitional provisions for applications lodged before the approval date of this Amendment.</li> <li>• Amending Clause 32.09 (Neighbourhood Residential Zone) to include transitional provisions for applications lodged before the approval date of this Amendment.</li> <li>• Amending clauses 34.01 (Commercial 1 Zone), 37.01 (Special Use Zone), 37.02 (Comprehensive Development</li> </ul>	13 April 2017

Number	Changes	Gazettal date
	<p>Zone), 37.04 (Capital City Zone), 37.05 (Docklands Zone), 37.06 (Priority Development Zone) and 37.08 (Activity Centre Zone) to:</p> <ul style="list-style-type: none"> <li>• Require an application for an apartment development to meet the requirements of Clause 58.</li> <li>• Update the decision guidelines to require the responsible authority to consider the objectives, standards and decision guidelines of Clause 58 before deciding on an application for an apartment development.</li> <li>• Specify application requirements for an apartment development.</li> <li>• Include transitional provisions for applications lodged before the approval date of this Amendment.</li> <li>• Amending Clause 43.05 (Neighbourhood Character Overlay) to prevent Standards B35 to B49 (inclusive) of Clause 55 from being modified in a schedule to the overlay.</li> <li>• Amending Clause 72 (General Terms) to introduce a definition for the term 'Apartment'.</li> </ul>	
VC133	<p>The Amendment corrects inconsistencies and improves the structure of planning schemes to enable their migration into the Planning Scheme Information Management System (PSIMS) to improve access to, and more efficient amendment of, the planning schemes in Victoria.</p> <p>The changes are administrative and technical corrections and will align with a new Ministerial Direction on The Form and Content of Planning Schemes issued under section 7(5) of the Planning and Environment Act 1987 (the Act).</p>	25 May 2017
VC137	<p>The amendment introduces additional classes of application into the VicSmart provisions for residential zones.</p>	27 July 2017
VC139	<p>The amendment:</p> <ul style="list-style-type: none"> <li>• introduces new planning requirements for racing dog keeping and training facilities;</li> <li>• introduces new guidelines for apartment developments;</li> <li>• removes redundant references to the Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2005), Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004), Safer Design Guidelines for Victoria (Crime Prevention Victoria and Department of Sustainability and Environment, 2005) and Activity Centre Design Guidelines (Department of Sustainability and Environment, 2005) in the State Planning Policy Framework (SPPF) and zones and inserts references to the Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017) in the SPPF; and</li> <li>• introduces a new state planning policy for Healthy neighbourhoods</li> </ul>	29 August 2017
GC72	<p>The Amendment extends the expiry of the Local Planning Policy Environmental Sustainable Development that applies to Banyule, Monash, Moreland, Port Phillip, Stonnington, Whitehorse and Yarra Planning Schemes and the Stormwater Local Planning Policy in the Casey Planning Scheme until 30 June 2019.</p>	31 August 2017
VC132	<p>Amendment VC132 is a general amendment that makes a number of administrative corrections and other changes to the Victoria Planning Provisions (VPP) and all planning</p>	19 September 2017

Number	Changes	Gazettal date
	schemes in Victoria.	
GC13	<p>The Amendment updates the mapping and ordinance for the Bushfire Management Overlay across Victoria by:</p> <ul style="list-style-type: none"> <li>• Inserting updated BMO maps in 64 planning schemes.</li> <li>• Inserting schedules to Clause 44.06 in 47 planning schemes.</li> <li>• Deleting redundant references to the Wildfire Management Overlay (WMO).</li> <li>• Deleting the BMO (maps and ordinance) in some areas where the vegetation no longer meets the criteria as set out in Advisory Note 46.</li> <li>• Amending schedules to clause 61.03 for planning schemes to update the maps listed in the scheme.</li> </ul>	3 October 2017
VC141	<p>The Amendment changes the Victoria Planning Provisions (VPP) and all planning schemes by:</p> <ul style="list-style-type: none"> <li>• Amending Clause 19.01-1 – updating policy guidelines to the revised document Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria (Department of Environment, Land, Water and Planning, November 2017)</li> <li>• Amending Clause 43.01 – Heritage Overlay, to ensure that an application to subdivide land for a place which is included in the Victorian Heritage Register is referred to the Executive Director under the Heritage Act 2017.</li> <li>• Amending Clause 52.19 – Telecommunications facility, to exempt a permit application for a telecommunications facility funded (or partly funded) under the Commonwealth Government's Mobile Black Spot Program from the notice and review requirements of the Planning and Environment Act 1987 (the P&amp;E Act).</li> <li>• Amending Clause 52.32 – Wind Energy Facilities, to reflect changes proclaimed through the Planning and Building Legislation Amendment (Housing Affordability and Other Matters) Act 2017 in relation to an amendment to a planning permit for a windfarm.</li> <li>• Amending Clause 66 – Referral and Notice Provisions, to include the Executive Director specified in the Heritage Act 2017 as a determining referral authority for an application to subdivide a heritage place included in the Victorian Heritage Register.</li> <li>• Amending the VPP to update the style and format based on the revised Ministerial Direction on the Form and Content of Planning Schemes (updated April 2017) issued under section 7(5) of the P&amp;E Act.</li> </ul>	21 November 2017
VC138	<p>The Amendment changes the Victoria Planning Provisions (VPP) and all planning schemes in Victoria to implement reforms relating to the Victorian Government's review of the planning provisions for native vegetation removal following the release of Protecting Victoria's Environment – Biodiversity 2037.</p>	12 December 2017
VC140	<p>The Amendment makes the State Planning Policy Framework for Bushfire clearer and more directive to enable a resilient response to settlement planning for bushfires.</p> <p>The Amendment makes changes to the Victoria Planning Provisions and all planning schemes by:</p> <ul style="list-style-type: none"> <li>• Inserting an updated State Planning Policy Framework at</li> </ul>	12 December 2017



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<b>Number</b>	<b>Changes</b>	<b>Gazettal date</b>
	Clause 10 Operation of the State Planning Policy Framework <ul style="list-style-type: none"><li>• Inserting an updated State Planning Policy Framework at Clause 13 Environmental Risks</li></ul>	

**ATTACHMENT 3**  
**STATUTORY PLANNING AUDIT**

## Statutory Planning Audit

This section audits the workload of the Statutory Planning department in order to analyse the volume of planning applications against the number of officers available to assess applications, and report on the number of decisions that were reviewed at VCAT.

### Staffing

Positions in the Statutory Planning Unit can be summarised as follows:

- 1 Assistant Manager
- 2 Team Leaders
- 11.4 Statutory Planning Officers – Effective Full Time (EFT)
- 4.7 Administration Staff

There are 14 EFT planning officers that are directly responsible for planning files. This takes into account that the Assistant Manager and Team leader do not directly assess planning applications.

### Workload

The table below summarises the number of applications received over the review period:

Application Type	2014	2015	2016	2017	Total
Advertising Sign	27	36	44	42	149
Business	81	54	67	39	241
Child Care Centre	4	8	8	13	33
Construction Management Plan		22	23	26	71
Education	5	6	4	3	18
Heritage	27	15	24	28	94
Industrial	19	29	23	26	97
Liquor Licence	8	11	10	12	41
Multiple Dwellings	571	418	451	377	1817
Native Vegetation Removal	1	1	1	1	4
Neighbourhood Character Overlay	4	5	4	2	15
Other	31	85	111	190	417
Permit Amendment	158	225	295	158	836
Public Open Space			1		1
Residential (Other)	64	63	47	24	198
Single Dwelling	10	17	32	47	106
Special Building Overlay	12	4	7		23
Special Landscape Area	79	59	78	49	265
Subdivision	288	332	282	196	1098
Telecommunications	1				1
Vegetation Protection Overlay	23	13	4	9	49
<b>Total</b>	<b>1413</b>	<b>1403</b>	<b>1516</b>	<b>1242</b>	<b>5574</b>

With 11.4 EFT planning officers available to assess the 1242 applications submitted over the 2017 calendar year, a ratio of 109 applications per officer is achieved. This is slightly higher than the ratio of applications generally sought by Councils, of between 50 and 100 per officer.

### VCAT Review

462 Council decisions were lodged for review at VCAT over the review period. Of the applications heard by VCAT, Council was successful in having its decisions or stipulated conditions upheld in approximately 40% of cases.

In addition to the decisions lodged for review at VCAT, there were 70 appeals heard against Council's failure to determine the application within the statutory timeframe.

**ATTACHMENT 4**  
**REVIEW OF KEY VCAT CASES**

## 1. Holland Road Holdings Pty Ltd v Whitehorse CC [2017] VCAT 314

<b>Subject land:</b>	25 Holland Road, Blackburn South
<b>Application for:</b>	Use and development of land for a 118 place child care centre in Neighbourhood Residential Zone (Schedule 3)
<b>Relevant policies / controls:</b>	Clauses 9, 10, 11, 12, 15, 18, 19, 21.05, 21.06, 21.08, 22.02, 22.03, 22.04, 22.05, 32.09, 52.05, 52.06, 52.34 and 65
<b>Decision:</b>	The decision of the responsible authority is affirmed. In planning permit application WH/2015/1126 no permit is granted.
<b>Summary of case:</b>	<p>The application was refused by Council on four grounds:</p> <ol style="list-style-type: none"> <li>1. Failing to comply with state and local planning policy, particularly Clauses 21.05 (Environment), 22.05 (Non-residential uses in residential areas) and 22.04 (Tree Conservation), in terms of maintaining the character of a residential area, providing an appropriate location for non-residential uses and provision of area for open space for planting of upper canopy trees and vegetation</li> <li>2. Unacceptable off-site amenity impacts and unresolved safety concerns on site that do not meet the requirements of Clauses 22.05 and 52.06-9 (Car parking).</li> <li>3. Development is incompatible with neighbourhood character because of impacts on streetscape, insufficient setbacks, inadequate landscaping opportunities, inappropriate building materials and car parking in the front setback.</li> <li>4. Insufficient information provided to support the proposed signage which fails to comply with Clauses 22.02 (Visual amenity and advertising signs) and 52.05 (advertising signs)</li> </ol> <p>The permit application appealed Council's decision to refuse a permit.</p> <p>NRZ3 includes a mandatory limit of 2 dwellings/lot and a maximum height of 8m (9m on a slope). NRZ3 applies to traditional bush suburban areas and the purpose of the zone is clearly aimed at limiting height and intensity.</p> <p>Standards only apply to residential development; however they provide indication as to the built form being sought in NRZ3. Clause 19.02-2 contains a single objective for educational facilities, only one has relevance to a child care centre. Local policies are more explicit and contain relevant provisions for non-residential uses. Neighbourhood character policy places the site within Bush Suburban Precinct 3, rear boundary abutting Bush Environment Precinct to the east.</p> <p>The presiding member noted that it is not the only inconsistency in policies, however ultimately it is a question where the proposal satisfactorily achieves the purpose of the NRZ concerning neighbourhood character.</p> <p>Clause 22.05 recognises that there is a legitimate need for non-residential uses in residential areas to serve the needs of the local community, be in highly accessible locations and the traffic they generate needs to be compatible with the role and function of the street and surrounding areas. Non-residential uses should only be allowed where they do not detract from the amenity of the area or have cause detrimental off-site amenity impacts.</p> <p>The site is not on a corner, does not abut a Road Zone Category 1 or 2 and has the effect of drawing non-residential traffic onto residential streets. The introduction of NRZ3 was aimed at respecting the identified neighbourhood character and the member concluded that a child care centre contributes to an</p>

	<p>erosion of character and was not persuaded that the application should be supported.</p> <p>The member did not accept arguments based on lack of need for a child care centre. The member found it inconceivable that a permit applicant experienced in the child care industry would seek to set up a centre if there was no demand.</p> <p>The proposed development achieved front, side and rear setbacks contained in precinct guidelines. VCAT was concerned about how the building presents to the street, extent of parking in the front setback and the width of the crossover and driveway. The member was not persuaded that the proposal reflects the residential character and streetscape because of the manner in which access and parking dominate the front setback.</p> <p>The proposed development would be visually prominent and strongly recognised as a non-residential use, compared to adjoining development. VCAT was not convinced that it integrates with, and respects the, surrounding neighbourhood as required by relevant policies.</p> <p>VCAT accepted the evidence that acoustic treatments can be provided to achieve the desired sound amelioration of the use. However VCAT was not persuaded that a 2.5 metre high acoustic barrier along the southern and eastern boundaries was appropriate in the NRZ5 where such form is discouraged.</p> <p>VCAT identified that the proposed car parking complies with the rate set at Clause 52.06 and given compliance with this would not refuse the permit on the basis of inadequate car parking. VCAT concluded that introducing another significant traffic generator is a poor outcome and contrary to local policy.</p> <p>Finally VCAT concluded that whilst landscaping will occur in the front setback, it would not be enough to reduce the visual dominance of the driveway, car parking and three storeys scale. For all the reasons above, VCAT determined that the proposal is not an acceptable outcome and affirmed Council's decision to refuse the application.</p>
<p><b>Comments / recommendations:</b></p>	<p>This case confirmed that Clauses 21.05 (Environment), 22.05 (Non-residential uses in residential areas) and 22.04 (Tree Conservation) are assisting Council to refuse applications which do not respect the neighbourhood character of specific areas. This decision also supports the provisions of Clause 22.03 (Residential Development).</p> <p>However, VCAT found that Clause 22.03 is a difficult policy to apply to non-residential development because the introductory section of Clause 22.03 says that it applies to all applications for development while Clause 22.03-3 states that it is policy that Council will assess new applications for dwellings and subdivisions against the relevant objectives and strategies for housing change categories. It also states that Council will ensure that the preferred character statements and relevant precinct guidelines will be applied to applications for dwelling and subdivisions. There is no reference to applying them to non-residential uses despite the specific reference in Clause 21.06-7 to applying the Neighbourhood Character Precinct Brochures with the Preferred Character Statements and Design Guidelines. It is recommended that Council review the relationship with Clause 21.06 and Clause 22.03.</p> <p>Finally, there was an argument that Clause 22.05 is redundant now given that the residential zones include a set of non-residential uses decision guidelines. VCAT was critical of the parts of the policy that encourage existing buildings to be used for non-residential uses and for any new buildings to "harmonise" with the built form character, suggesting that this an out-dated approach to</p>

	considering non-residential uses in residential areas. It is recommended that this policy framework be reviewed.
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## 2. The Charlnet Pty Ltd v Whitehorse CC [2016] VCAT 1660

<b>Subject land:</b>	464 Burwood Highway, Vermont South
<b>Application for:</b>	Construction of a five storey building, plus two basement levels, containing 50 dwellings.
<b>Relevant policies / controls:</b>	Clauses 9, 10, 11, 15, 16, 18, 21, 22.03, 22.04, 22.06, 22.10, 32.07, 52.06, 52.34, 52.35, 55 and 65
<b>Decision:</b>	The decision of the responsible authority of set aside. In permit application WH/2015/1090 a permit is granted and directed to be issued for the land at 464 Burwood Highway and 1-3 Charlnet Drive, Vermont South, in accordance with the endorsed plans and the conditions.
<b>Summary of case:</b>	<p>Council supported the development of the subject land, subject to the removal of one level of the proposed building being removed and relocation of the proposed basement access from Charlnet Drive to Burwood Highway. Council believed that the development in its current form does not achieve an acceptable transition to properties within the NRZ to the south.</p> <p>The site is within RGZ which has a purpose to provide for increased densities in buildings up to an including four storeys. Local policy includes the site in a substantial change area, which provides for housing growth with increased densities. There is no transition in this area to the NRZ land located to the rear. The land and surrounding land is within Garden Suburban Precinct 7 which prefers contemporary dwellings within larger lots, comprising spacious and established gardens.</p> <p>The RGZ preference for four storeys is a discretionary provision and Clause 32.07-4 and 32.07-9 refer to developments of more than five storeys. VCAT believes that it must be accepted that the RGZ contemplates developments of more than four storeys where an acceptable outcome is achieved.</p> <p>VCAT was satisfied that the setback of the building from the southern boundary goes some way to reduce the overall bulk of the building. The setbacks to the south and east are in excess of the requirements in Clause 55.04-1 and the materials selection and façade treatment are important. VCAT was satisfied with the front setback, landscaping and retention of large trees. VCAT believes increasing the setbacks from the southern boundary for Levels 3 and 4 will diminish the visual impact and therefore found that the proposal achieves an acceptable outcome with respect to its scale, height and massing.</p> <p>A central issue is the location of the basement access and VCAT accepted expert evidence on this matter. VCAT determined that relocating the basement access from the low point of the site to the service road is not a minor change and that the basement access has been provided in the logical location.</p> <p>The development sought a reduction from 10 to four visitor car parking spaces. VCAT accepted the expert evidence on this matter, that five on site visitor car parking spaces is sufficient to meet the empirical needs of the development.</p> <p>VCAT also reviewed objections relating to visual bulk, overlooking and overshadowing. VCAT was satisfied with the design response regarding these aspects of the development. VCAT also considered the impacts from an increase in traffic and accepted the expert evidence that the additional traffic</p>



	<p>is within the capacity of the road network and will not in itself cause safety issues.</p> <p>VCAT finally considered all other matters raised against the development, including impact on quality of life, ambience and safety, waste disposal arrangements, noise generation, impacts associated with excavation and construction and property values. VCAT did not agree with any of the arguments raised for these matters and set aside Council's decision to refuse a permit. VCAT granted a permit subject to conditions.</p>
<b>Comments / recommendations:</b>	<p>This decision tested the discretionary nature of the height controls for the RGZ, particularly where it interfaces with development in the NRZ and GRZ.</p> <p>VCAT identified that the most difficult issue is the interface with the properties to the immediate south that are within the NRZ as there are no local policies or overlays to guide the transition.</p> <p>Council is currently undertaking the Residential Corridor Built Form Study, which specifically aims to identify what further guidance might be required for this interface, where more intense development is interacting with less intense development. Council intends to monitor applications in this corridor as well as the outcomes of the Study and to progress implementation of the outcomes in the 2018/19 financial year.</p>

### 3. Intabuild v Whitehorse CC [2017] VCAT 234

<b>Subject land:</b>	1 Sparks Avenue, Burwood
<b>Application for:</b>	Use and development of the land for a 73 place childcare centre
<b>Relevant policies / controls:</b>	Clauses 9, 10, 11, 12, 15, 18, 19, 21.05, 21.06, 21.08, 22.02, 22.03, 22.04, 22.05, 32.08, 52.05, 52.06, 52.34 and 65
<b>Decision:</b>	<p>Decision of the Responsible Authority set aside.</p> <p>In planning permit application WH/2016/108 a permit is granted and directed to be issued for the land in accordance with the endorsed plans and conditions.</p>
<b>Summary of case:</b>	<p>The permit applicant appealed Council's failure to make a decision in the prescribed time for a 73 place childcare centre for a site on the north west corner of Highbury Road and Sparks Avenue.</p> <p>After lodgement of the application for review, Council decided to oppose the application on four grounds. These were of some length but can be broadly summarised into the following issues or concerns:</p> <ul style="list-style-type: none"> <li>• Not respecting neighbourhood character and failing to respond appropriately to site context.</li> <li>• Removal and impacts on significant trees and inadequate space for new landscaping.</li> <li>• Unacceptable built form impacts to the north and to Sparks Avenue.</li> <li>• Unacceptable off-site amenity impacts because of building bulk, mass and appearance.</li> </ul> <p>The site is in GRZ3 which allows for educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.</p> <p>The VCAT assessment states that "the Non-Residential Uses in Residential Areas policy at Clause 22.05-3 gives specific guidance about what might be an appropriate location for such uses". Particularly, non-residential uses are encouraged to be convenient walking distance to shopping centres and they are encouraged to be on corner sites abutting a Road Zone Category 1 and 2.</p>

	<p>The site meets this criteria, however it does not abut both a Road Zone Category 1 <u>and</u> 2. VCAT did not accept any arguments that there is no need for the child care centre and found that the use of the site for a child care centre is consistent with State and local planning policies and the purpose and decision guidelines of the GRZ as they relate to non-residential uses.</p> <p>VCAT concluded that the building achieves a high level of compliance with the design response and outcomes sought by the GRZ, the neighbourhood character policy guidelines and the non-residential uses policy. VCAT also found believes that the setbacks provide scope for landscaping, the design is well articulated and the building comprises a use and mix of materials, colours and finishes. VCAT concluded that the car parking complies with the rates at Clause 52.06 and the ingress and egress arrangements are within the capacity of the street. The member concluded that whilst there will be change to the street, there is a net community benefit from the child care centre.</p>
<b>Comments / recommendations:</b>	<p>VCAT did not agree with Council's reasons for refusing the application and therefore this decision indicates that Clause 22.05 may need updating, particularly where it relates to developments that meet the criteria for locating in residential areas but Council feels that there will be unacceptable amenity impacts and the development does not respect the neighbourhood character.</p>

#### 4. Meade v Whitehorse CC [2017] VCAT 1854

<b>Subject land:</b>	15 McKeon Road, Mitcham
<b>Application for:</b>	Alterations to an existing shop front and construction of a three storey building to be used as a medical centre (existing use) and two dwellings (one on each of the upper levels). Two car parking spaces are provided at the rear of the site in an off-set/split arrangement (one partly behind the other) so both can accommodate a car with space to open doors.
<b>Relevant policies / controls:</b>	Clauses 34 and 43
<b>Decision:</b>	The decision of the responsible authority is set aside. In planning permit application WH/2016/866 no permit is granted.
<b>Summary of case:</b>	<p>Applicant sought planning permission to construct a three storey building within a small strip of commercial properties located within a residential neighbourhood. The existing commercial properties are all single storey. A neighbouring property who lodged an objection to the application sought a review of Council's decision to support the proposal, largely because of the height of the proposed development.</p> <p>DDO4 applies to all Neighbourhood Activity Centres, and includes design objectives to ensure all new development is designed to respond to the immediate site environs, reflect the role of the centre and enhance the character of the surrounding residential areas. The specific NAC is within Category 1A, which is a small-medium neighbourhood centre on a standard width road, which is the lowest category of centre.</p> <p>VCAT found that understanding the relevant preferred maximum height is difficult due to the wording on DDO4 and because of the planning maps available online. The planning scheme maps online make it appear as though the commercial and residential zones abut each other, however the zoning maps from the state government's land channel show the commercial zone boundary located in the centre of the adjacent roads.</p> <p>The language in the preferred maximum height column uses the term 'boundary' which parties interpreted to reference both a property boundary and a zone boundary. Three storeys is the default position as the preferred</p>

	<p>maximum height contains no additional words to limit its applicability. The proposal was for a three storey development and therefore it accords with the DDO4 as it relates to the site.</p> <p>However VCAT was not satisfied that the proposed design acceptably achieves the built form expectations contained in DDO4. There are substantial changes that effectively create a whole new street frontage presentation. Additionally, as this is the first new development in the commercial strip and there are no other identified constraints, VCAT determined that there is no reason why a new building cannot comply with the preferred front setback. VCAT reiterated that the design objectives allow for change however it also requires new development to respond to immediate site environs and reflect the role of the centre, being a low scale commercial centre. VCAT concluded that the proposal is not a good design outcome as it does not achieve the design objective of DDO4 as the design should respond to and where possible seek to retain the low scale streetscape presentation.</p> <p>The design of the building also includes setbacks for parts of the second and third floors with windows facing the setback areas. VCAT does not believe that this is acceptable as it places a burden on the adjoining land to the south to develop to its full potential in accordance with DDO4, which is not a fair or equitable development outcome.</p> <p>VCAT also considered the design of the car park spaces and waste collection arrangements. VCAT accepted the advice of council's traffic engineers regarding the design of the car parking spaces as acceptable,</p> <p>Ultimately, VCAT resolve to set aside Council's decision to grant a permit. This is based on the design response being unacceptable in the location, compared to the requirements of DDO4.</p>
<p><b>Comments / recommendations:</b></p>	<p>During the hearing, Council accepted that the drafting of the DDO4 is clumsy and creates some uncertainty as to the intended outcome, particularly when the height and setback expectations use differing terms such as residential zone, residential street, residential property and residential area.</p> <p>For example, the preferred height varies according to proximity to a residential <u>zone</u>, however side &amp; rear setbacks vary according to proximity to a residential <u>property</u>. The reference to residential property appears problematic, especially as it relates to side setbacks, because it could be interpreted as requiring 1m side setback from any existing shop-top developments (residential properties) within a NAC, meaning that the first developers in a NAC will then prejudice the opportunities of their neighbours to build side boundary-boundary in a typical NAC.</p> <p>It is recommended that Council clarify the wording of DDO4, relating to height and setback expectations. It is also recommended that Council review the issue of fair and equitable development in the NACs.</p>

#### 5. Fantasy Group Pty Ltd v Whitehorse CC [2017] VCAT 1521

<b>Subject land:</b>	46 Kenmare Street, Mont Albert
<b>Application for:</b>	The construction of seven double storey attached townhouses, above a basement car park.
<b>Relevant policies / controls:</b>	Clauses 9, 10, 11, 15, 16, 21, 22.03, 22.04, 32.08, 52.06, 55 and 65
<b>Decision:</b>	The decision of the responsible authority is set aside.

	<p>In planning permit application WH/2016/708 a permit is granted and directed to be issued for the land in accordance with the endorsed plans and conditions.</p>
<p><b>Summary of case:</b></p>	<p>Council's grounds of refusal relate to the scale and bulk of the proposed development, the lack of landscaping opportunities between dwellings and the lack of transition to built form within the NRZ.</p> <p>VCAT found that the proposed development is an appropriate response to the existing neighbourhood character, the preferred character statement and the policy guidance from the Planning Scheme. The tribunal accepted independent expert evidence that the proposed development is an appropriate planning outcome, as the evidence was not tested in any way. The member concluded from their own assessment that the proposed built form is appropriate. They found that the development will present as an elevated two storey form and the setbacks will allow for the retention of two existing large canopy trees. This will assist the development to integrate with these aspects of the surrounding neighbourhood character.</p> <p>Council was critical of the cantilevered first floor however the tribunal found that this will reduce the visual bulk impact on the streetscape. VCAT concluded that the streetscape is undergoing change.</p> <p>Land to the south and further to the west is covered by NRZ5. When compared to GRZ4 that applies to the review site, there is very little difference in terms of the potential development outcomes. The comparison between the ResCode standards that have been varied in each of the zone schedules reveal that:</p> <ul style="list-style-type: none"> <li>• A larger front setback to any walls on boundaries is sought in GRZ4;</li> <li>• The same standards for site coverage, permeability and secluded private open space apply in both areas;</li> <li>• The side and rear setback standard is varied in GRZ4 to require more generous setbacks, but is not varied in NRZ5;</li> <li>• The varied walls on boundary standard in GRZ4 allows walls on only one side boundary, whereas the varied standard in NRZ5 allows walls on both side boundaries.</li> </ul> <p>VCAT identified that a slightly more intense built form could actually be found to be consistent with the varied standards in the NRZ5, as compared to GRZ4. VCAT found that many of the attributes of the proposed development on the review site, which comply with the varied standards found in GRZ4, provide a suitable transition to the form of development encouraged in the adjacent NRZ.</p> <p>VCAT found that overlooking from the proposed development has been appropriately addressed through the use of screening techniques and that the property will not cause unreasonable levels of off-site amenity impacts to the surrounding properties.</p> <p>The proposal provides more car parking spaces on site than what is required by the Planning Scheme and VCAT concluded that the proposed development appropriately provides for car parking and traffic movements.</p>
<p><b>Comments / recommendations:</b></p>	<p>VCAT concluded that when compared to GRZ4 that applies to the site, there is very little difference to the NRZ5 in terms of the potential development outcomes. The purposes of the two zones do vary, but not to a degree where medium density development could not be contemplated within the NRZ5.</p> <p>The key difference is in the policy context, where land within the NRZ5 is located within a minimal change area. Policy guidance at Clause 22.03-4 confirms that development within the minimal change area is to vary in that it will predominantly comprise detached and semi-detached dwellings. It is</p>

	therefore recommended that the policy differences between the NRZ5 and GRZ4 are clarified.
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## 6. Bayen v Whitehorse CC [2017] VCAT 498

<b>Subject land:</b>	25 Howard Street, Box Hill
<b>Application for:</b>	To develop five attached dwellings in tandem arrangement. Four dwellings would be three storeys. The dwelling at the rear would be two storeys.
<b>Relevant policies / controls:</b>	Clauses 9, 10, 11, 15, 16, 17, 18, 21, 22, 32.07, 44.05, 45.09, 52.06, 55 and 65
<b>Decision:</b>	The decision of the responsible authority is affirmed.  In planning permit application WH/2015/761 no permit is granted.
<b>Summary of case:</b>	<p>Council refused the application on the following grounds:</p> <ol style="list-style-type: none"> <li>1. Proposal does not comply with State and Local planning policy</li> <li>2. Proposal does not meet all of the objectives of Clause 55, relating to neighbourhood character, residential policy, integration with the street, streetscape, safety, landscaping, parking, side and rear setbacks, overlooking, private open space and solar access</li> <li>3. Proposal does not respond to preferred neighbourhood character</li> <li>4. Proposed car parking is not safe and convenient</li> <li>5. Proposal does not provide sufficient space for landscaping and tree planting</li> <li>6. Proposal requires site cuts that will impact on trees on adjoining lots</li> </ol> <p>Amended plans provided met some of the grounds above, including protection of trees on adjoining properties and height and massing of development. VCAT agreed that the site is suitable for redevelopment for multiple dwellings as the planning framework identifies the site as being in an area of substantial change, included in the RGZ and well located to the Box Hill MAC.</p> <p>Council argued that while the site is within the RGZ, the area should be provided a more tempered transition between areas of more intensive development in the MAC and less intensive development outside the activity centre.</p> <p>VCAT agreed with this argument that the review site is within an area where tempered change is expected. VCAT did not dispute that three storey dwellings could be appropriate, given the preferred character of the area, VCAT concluded that the development does not meet the aspirations and guidance provided in the planning scheme. VCAT agreed with Council that the proposal is not sufficiently tempered for an area of transition, due to the absence of landscaping opportunities, and the limited front setbacks and use of materials on the front façade.</p> <p>Finally, Council was critical of the amenity of the dwellings on the future residents, particularly relating to vehicle manoeuvring and parking. VCAT agreed with these criticisms, and affirmed Council's decision to refuse the permit.</p>
<b>Comments / recommendations:</b>	<p>This decision affirms Council's refusal on the ground of overdevelopment and inappropriate built form on the edge of the Box Hill MAC and reinforces the transition of intensity of development from the centre of the MAC to its edges.</p> <p>The decision also confirms that amenity of future residents with a proposed development is important along with amenity of pedestrians and residents of adjoining properties.</p>

### 7. Branagan v Whitehorse CC [2017] VCAT 1949

<b>Subject land:</b>	15 Creek Road, Mitcham
<b>Application for:</b>	Removal of one Algerian Oak tree
<b>Relevant policies / controls:</b>	Clause 93.06
<b>Decision:</b>	The decision of the responsible authority is affirmed.  In planning permit application WH/2017/227 no permit is granted.
<b>Summary of case:</b>	<p>Landowner wishes to remove tree from front of her yard on the following grounds:</p> <ul style="list-style-type: none"> <li>• Water damage to the ground floor of the dwelling caused by the tree</li> <li>• Tree shadows the north side of dwelling and prevents winter solar penetration, adding to thermal inefficiency and discomfort</li> <li>• The tree is unsafe for people and property</li> <li>• Tree requires constant maintenance</li> <li>• Tree may require landowner to relocate</li> </ul> <p>VCAT did not find any of the above grounds to be reasons for removing the tree. The member found that the design of the first floor extension was a major contribution to the water damage and that the water damage is insufficient grounds to remove the tree.</p> <p>The member did not give weight to the submissions about loss of winter solar penetration, as any loss in efficiency in the cooler months would be offset by the cooling effect of the tree canopy over the house in the hotter months.</p> <p>Risks to people and property could be managed or minimised by tree or roof maintenance or changes to roof design and that the costs to do this do not justify the removal of the tree.</p> <p>The member was not persuaded that the need for maintenance justifies the removal of a significant tree, nor does the neighbour having issues with the tree. Finally the member concluded that an “objectors subjective intention to move so that he or she no longer has to deal with the problem of a significant tree is not sufficient grounds for removing the tree”.</p>
<b>Comments / recommendations:</b>	This decision affirms Council’s refusal to permit the removal of a significant tree protected under the VPO3. It also reinforces that a request to remove a significant tree will only be granted if sufficient justification can be provided, not simply on the grounds of inconvenience.

### 8. Doyen Tower Pty Ltd v Whitehorse CC [2017] VCAT 1324

<b>Subject land:</b>	813 - 823 Whitehorse Road, Box Hill
<b>Application for:</b>	The construction of buildings and works for a 16 storey building (comprising 89 dwellings, retail tenancies and office tenancies), with basement levels, use for dwellings, reduction of the car parking requirements of Clause 52.06, variation to the loading bay requirements of Clause 52.07, alteration of access to a Road Zone Category 1.
<b>Relevant policies / controls:</b>	Clauses 9, 10, 11, 11.06, 15, 16, 17, 18, 19, 21.05, 21.06, 21.07, 22.06, 22.07, 22.10, 34.01, 52.06, 52.07, 52.34, 52.36, 65
<b>Decision:</b>	The decision of the Responsible Authority is set aside.  In planning permit application WH/2016/1109, a permit is granted and directed to be issued for the land at 813-823 Whitehorse Road, Mont Albert.

<p><b>Summary of case:</b></p>	<p>The applicants requested VCAT determine the application, as Council did not make a decision within the statutory timeframe. However Council did advise VCAT that it would have refused to grant a planning permit.</p> <p>The site sits near the western edge of the Box hill MAC, being in Built Form Precinct F of the Box Hill Structure Plan. This Precinct permits taller buildings that do not cause overshadowing of Key Open Spaces, residential precincts A or B or residential precincts beyond the study area. Transitional heights to be provided at edges of the precinct to respect the scale of neighbouring precincts.</p> <p>The Built Form Guidelines, proposed to be implemented by Amendment C175 would impose an eight storey height limit on the subject land. VCAT was aware that the Amendment was proceeding to a Panel Hearing around the same time and therefore they were not satisfied at that point that Amendment C175 was seriously entertained.</p> <p>The Planning Scheme did not specify a preferred or maximum height. Expert evidence tabled by the applicant details that there is strong strategic support for taller, prominent and more robust building in this location. VCAT accepted this evidence. VCAT also identified that the proposed uses are appropriate and that the site has locational advantages.</p> <p>VCAT relied on the evidence tabled by applicant's urban designer, who found that the basic design and appearance of the building is well resolved and acceptable. There was debate about the location of the fire booster equipment, however while VCAT acknowledged that the location is not ideal, they concluded that there is no other obvious location as the MFB have stringent access requirements.</p> <p>VCAT believes that the internal amenity of the new dwellings is satisfactory. VCAT accept the car parking arrangements. They noted that Council did not support a dispensation for car parking, which they feel is inconsistent with Clause 22.07 which seeks to encourage increased use of public transport and reduced rates of private vehicle transport. VCAT was satisfied that the proposed 15/16 storeys in height would be an acceptable transition down in height to this location near the edge of the activity centre.</p> <p>VCAT were satisfied that it is an acceptable outcome that a permit be issued for the proposal and that the substituted plans have effected significant improvements and that the proposed building will be a very positive addition to this streetscape/activity centre and sit in an appropriate manner alongside adjacent developments.</p>
<p><b>Comments / recommendations:</b></p>	<p>VCAT did not agree with the reasons Council gave for refusing the permit application (notwithstanding that a decision was not made within the statutory timeframe).</p> <p>VCAT found that there was no justification for proposing a height limit. Whilst the decision affirms the investment and growth in Box Hill that is envisioned by the Structure Plan, it also reinforces that further strategic work is required to prepare guidance around built form controls for the MAC. This work is proposed in the 2018/19 Council budget and is therefore recommended to be pursued at the earliest possible time.</p>

## **ATTACHMENT 5**

### **COMMUNITY SURVEY QUESTIONS**

#### **Introductory questions**

1. Please enter your suburb
2. Please select your age group

#### **Municipal Strategic Statement and Local Policies**

3. Are the current sections of the MSS still relevant?
4. Are there additional issues not covered by the existing local policies?

#### **Neighbourhood Character**

5. Do the current policies and controls adequately manage neighbourhood character?
6. What do you like most about your neighbourhood?
7. How can change be best managed in your neighbourhood?

#### **Environment**

8. Do the current policies and controls adequately address environmental considerations?
9. How can important environmental assets be managed in a changing urban area like Whitehorse?

#### **Activity Centres**

10. What are the key issues affecting activity centres in Whitehorse?
11. What contributes to a great activity centre?

#### **Heritage**

12. Should there be more specific guidance for heritage applications?
13. Do the properties and precincts already identified adequately reflect our heritage?

#### **Transport**

14. How can sustainable transport outcomes be better prioritised in development?
15. Can you provide examples where car parking for development is working effectively? What has been the key to effective car parking?

#### **Concluding questions**

16. If you would like to be notified when the Planning Scheme Review is being considered by Council, please enter your contact details.
17. Would you like your details included on a database to be notified about future strategic planning projects?



**ATTACHMENT 6**

**ASSESSMENT OF RECOMMENDATIONS IN PREVIOUS 2014 REVIEW**

<b>Report Reference</b>	<b>Recommendation</b>	<b>Action required</b>	<b>Status</b>
3.1.1	Delete the Indicator in Clause 21.09 'Change in number of amendments'. As discussed in the previous Planning Scheme Review (2010), this does not provide a useful indication of the efficient operation of the Planning Scheme.	Amend LPPF	Completed via Amendment C177
3.1.2	Update the targets and indicators in relation to the strategic policy directions of the scheme at Clause 21.09 to reflect the strategic indicators and actions included in the Council Plan 2013-2019 (as relevant to planning policy).	Amend LPPF	Completed via Amendment C177
3.3.1	Continue to implement the recommendations of the Housing and Neighbourhood Character Review, including the introduction of the new residential zones, and monitor their ongoing effectiveness and impact in terms of housing development.	In progress	New residential zones implemented via Amendment C160
3.3.2	Continue the preparation and implementation of the Box Hill CAA Car Parking Strategy.	In progress	Strategy and Amendment C158 completed
3.3.3	Provide clarity if needed regarding Council's expectations of tree planting and other landscaping measures in Substantial Change Areas.	Monitor	Ongoing
3.3.4	In any future review of the Nunawading/Megamile Major Activity Centre Structure Plan (and other structure plans across the municipality) consider the importance of providing guidance for signage.	Considerations for future UDFs or SPs	Ongoing
3.4.1	Once introduced, monitor the outcomes of the new residential zones, in terms of the levels of growth and change anticipated across the municipality.	Monitor	Ongoing
3.4.2	Continue the preparation and consideration of the Box Hill CAA Design Guidelines.	In progress	Ongoing
4.1.1	Update relevant clauses of the MSS and Local Planning Policies to reference Plan Melbourne, particularly where the current metropolitan strategy, Melbourne 2030, and principles and terminology from this document are specifically mentioned, including: Clause 21.01 Municipal profile Clause 21.04 Strategic directions Clause 21.06 Housing* Clause 21.07 Economic development Clause 22.06 Activity Centres* Clause 22.07 Box Hill Central Activities Area Clause 22.08 Tally Ho Activity Centre Clause 22.09 Blackburn and Megamile (West) Activity Centres Clause 22.11 Burwood Heights Major Activity Centre Clause 22.12 Former Brickworks Site – 78 Middleborough Road, East Burwood *Currently being updated through Amendment C160 and C162.	Amend LPPF	Completed via Amendment C177

Report Reference	Recommendation	Action required	Status
4.1.2	In the drafting of new or revised plans and policies for places such as activity centres, consider Plan Melbourne and how its vision, directions, initiatives and actions will impact on planning across the municipality.	Considerations for future UDFs or SPs and planning scheme amendments	Ongoing
4.1.3	Monitor the ongoing impact of the new residential zones, for example, with regard to the increased flexibility afforded to small-scale commercial uses in the Residential Growth Zone, and in the medium-term, consider the need for further guidance under Council's Non-residential uses in residential areas policy at Clause 22.05.	Monitor, with view to preparing further guidance	Ongoing
4.1.4	Monitor development in the MegaMile Activity Centre and the Tally Ho Business Park, particularly in terms of new developments falling under Section 1 Uses (not requiring a permit).	Monitor	Ongoing
4.1.5	Await the preparation of a Practice Note providing guidance for shops and supermarkets in the reformed commercial zones.	Monitor	Ongoing
4.1.6	Monitor the ongoing impacts, if any, of the wider range of uses allowed in the Industrial 1, 2 and 3 Zones. In the medium to long term, consider the need for further policy, for example, around the appropriate design of small scale supermarkets and shops in the Industrial 3 Zone.	Monitor, with view to preparing further guidance	Ongoing
4.1.7	Continue to monitor the outcomes of the recommendations of the SPPF Review Advisory Committee, any future response from the Minister for Planning, and the implications of these for the Whitehorse Planning Scheme.	Monitor / Future work / projects	Ongoing. Gazetted of an amendment expected mid 2018.
4.2.1	Continue to monitor Planning Panel reports for implications and directions regarding the future application of policy, and to resolve any outstanding issues that arise from their recommendations.	Monitor	Ongoing
4.3.1	Amend Clause 21.03 A Vision for the City of Whitehorse reference and reflect the Vision, Strategic Objectives and Strategic Directions of the Council Vision and Council Plan 2013 – 2017.	Amend LPPF	Completed via Amendment C177
4.3.2	Review subsequent Clauses 21.05 Environment, 21.06 Housing, 21.07 Economic Development and 21.08 Infrastructure to ensure their alignment with the Strategic Objectives and Strategies of the Council Vision and Council Plan 2013 – 2017.	Amend LPPF	Clauses 21.05, 21.06, 21.07 and 21.08 have no reference to CV or CP but are consistent with them.
4.3.3	Under Clause 21.03, refer to the Municipal Public Health and Wellbeing Plan, as an overarching document that together with the Municipal Strategic Statement and Council Plan and Vision, guides decision making in Whitehorse.	Amend LPPF	Completed via Amendment C177
4.3.4	Advocate to the State Government to include a state-wide policy, objectives and strategies that address healthy design principles.	Advocate	Ongoing
4.3.5	Consider the introduction of a local policy under a new Planning Policy Framework to integrate healthy by design principles that address any municipal-wide issues.	Future work / projects	Ongoing

Report Reference	Recommendation	Action required	Status
4.3.6	Update Clause 21.04 Strategic Directions to take into account the outcomes of the Housing and Neighbourhood Character Review.	Amend LPPF	Completed via Amendment C162
4.3.7	Include The Whitehorse Housing Strategy as a reference document in Clause 22.14 Student accommodation policy.	Amend LPPF	Completed via C177
4.3.8	Review other provisions within the Planning Scheme to ensure consistency with the changes proposed by Amendment C160. Known inconsistencies include: Reference to the Residential 1 Zone in Clause 22.14 Student Accommodation Policy Front fence heights referred to in Schedule 1 to the Neighbourhood Character Overlay (NCO1). NCO1 alters the ResCode front fence height standard to 1.5 metres on sites abutting a Road Zone 1 (RDZ1), and 1.2 metres on all other streets. The proposed schedule 1 to the Neighbourhood Residential Zone (NRZ1) applying to the same area alters the ResCode front fence height standard to 1.2 metres, or 1.8 metres with at least 20% transparency if adjacent to a RDZ1 or Road Zone 2 (RDZ2). The maximum building height in Schedule 1 to the Neighbourhood Residential Zone (NRZ1) is set at 8 metres. The current planning permit trigger for building heights across schedules 1, 2, 3, 5 and 8 to the Significant Landscape Overlay (SLO) is set at 9 metres. This is now redundant, and should either be deleted or set at 8 metres.	Amend LPPF or overlays	Completed via Amendment C177 except for those relating to the NRZ1 (relating to the ongoing inconsistencies between the NCS and the building regulations)
4.3.9	Work with DTPLI to resolve matters related to the application of the new residential zones to certain areas across the municipality, where the controls may impose undue constraints on development. These areas include larger sites across the municipality, and residential sites within the Box Hill Metropolitan Activity Centre.	Future work / projects	Ongoing
4.3.10	Update Clause 21.07-1 Economic Development with more recent information and data from the Economic Development Strategy.	Amend LPPF	Completed via Amendment C177
4.3.11	Update Clause 21.08, Infrastructure, with reference to relevant key issues and actions from the Whitehorse Integrated Transport Strategy 2011 and the Whitehorse Community Road Safety Strategy 2013.	Amend LPPF	Completed via Amendment C177. Also amended the DCP reference.
4.3.12	Continue to implement policy actions in relation to the Affordable Housing Policy through Amendment C160.	In progress	Amendment C160 gazetted in 2014.
4.3.13	In any future revisions to Structure Plans, investigate further suitable sites for affordable housing, and potentially establishing relationships with registered housing associations to undertake developments and manage low cost rental accommodation.	Considerations for future UDFs or SPs	Ongoing
4.3.14	In any review of the Nunawading Megamile MAC and Mitcham NAC Structure Plan, take into account the Mitcham Station Precinct Built Form and Public Realm Guidelines.	Considerations for future UDFs or SPs	In progress

Report Reference	Recommendation	Action required	Status
4.3.15	Continue with the preparation and implementation of the Box Hill CAA Car Parking Strategy. Reference the Car Parking Strategy under the existing Clause 21.08 Infrastructure and Clause 22.07 Box Hill Central Activities Area policy. This work is likely to be subject to a planning scheme amendment in the near future.	In progress	Car parking strategy finished in 2014 and subject of Amendment C158 which was gazetted in December 2015.
4.5.1	Update Clause 21.01 to reflect updated .i.d Consulting data on population, housing and economic activity.	Amend LPPF	Completed via Amendment C177
5.1	Amend Clauses 21.05-6, 21.07-6 and 21.08-7 of the MSS to remove reference to work completed.	Amend LPPF	Completed via Amendment C177. References in Clause 21.05 to Ecovision also updated. Clause 21.07-6 updated but nothing in Clause 21.08-7 to update.
5.2	Delete the following statement under Clause 21.05-6: "Prepare a Development Contributions Plan for inclusion in the Planning Scheme", and instead refer to the future investigation of the application of a levy under the Standard Development Contributions to be introduced by the State Government.	Amend LPPF	Not made as this statement is not in this Clause.
5.3	Delete the following statement under Clause 21.07-6: "Prepare local parking precinct plans for all relevant commercial centres", and replace with "Complete and implement the Box Hill Central Activities Area Car Parking Precinct Plan".	Amend LPPF	Completed via Amendment C177. Replaced with 'Implement the Box Hill Central Activities Area Car Parking Strategy 2014'.
5.4	Delete the following statement under Clause 21.07-6: "Prepare a Development Contributions Plan for inclusion in the Planning Scheme", and replace with "Investigate appropriate tools and locations for requiring Development Contributions across the municipality".	Amend LPPF	Completed via Amendment C177
6.1	Provide clarification, if needed, regarding the application of car parking rates in the new and amended zones, consistent with Advisory Note 25: New Car Parking Provisions June 2012.	Monitor	Ongoing
6.2	As per the recommendations of the Whitehorse Economic Development Strategy 2014, it is recommended that the work undertaken by the Whitehorse Industrial Strategy 2011 be monitored. Any future reviews should include an investigation into industrial sites and precincts that may be no longer suited to supporting the future needs of	Future work / projects	Ongoing

Report Reference	Recommendation	Action required	Status
	higher level manufacturing uses, and the identification of possible compatible uses.		
6.3	In any future review of the Nunawading/Megamile Major Activity Centre Structure Plan (and other structure plans across the municipality) consider the importance of providing guidance for signage, and make consequential changes to the Advertising Signs policy at Clause 22.02 to implement any future recommendations.	Considerations for future UDFs or SPs	Ongoing
6.4	Investigate policy and control measures to provide increased flexibility for signage associated with sporting clubs on Council-owned land.	Future work / projects	Ongoing
6.5	Continue to monitor the outcomes of existing structure plans and urban design frameworks with a view to reviewing these documents if/when their recommendations are complete or redundant.	Monitor / Future work / projects	Ongoing
6.6	Continue the preparation of the Box Hill Built Form Guidelines.	In progress	Draft Guidelines finished in 2016 and subject of Amendment C175.
6.7	Continue to manage residential development within activity centres through the implementation of Amendment C160 and the new residential zones.	In progress	Amendment C160 gazetted in 2014.
6.8	Continue to identify strategic redevelopment sites throughout the municipality.	In progress	Ongoing
6.9	Monitor the State government's progress with the review of the Higher Density Residential Development Guidelines. If these fall short of addressing issues facing Whitehorse, Council should consider preparing guidelines for the municipality, similar to those prepared by other Councils.	Monitor, with view to preparing further guidance	The Higher Density Residential Design Guidelines have now been superseded by the Urban Design Guidelines for Victoria and the Apartment Design Guidelines for Victoria.
6.10	Provide clarification, if needed, around Council's expectations regarding trees and landscaping in Substantial Change areas.	Monitor	Ongoing
6.11	Consider reviewing the SLO schedules to provide greater clarity regarding which decision guidelines apply to each permit requirement.	Amend overlays	Ongoing
6.12	In a future Corrections Amendment to the Whitehorse Planning Scheme, under SLO2, rephrase and relocate the following statement to the Decision Guidelines: "A building may be closer than 4 metres provided it does not alter the existing ground level or topography of the land". The Decision Guideline should read "Whether works within 4 metres of a tree propose to alter the existing ground level or topography of the land".	Amend overlays	To be done with the next VPO amendment.

<b>Report Reference</b>	<b>Recommendation</b>	<b>Action required</b>	<b>Status</b>
6.13	Consider reviewing Schedules 2 and 4 to the VPO to include additional reference to replacement trees and offset planting.	Amend overlays	Ongoing