

## **WHITEHORSE PLANNING SCHEME**

### **AMENDMENT C110**

#### **EXPLANATORY REPORT**

#### **Who is the planning authority?**

This amendment has been prepared by Whitehorse City Council, which is the planning authority for this amendment.

The amendment has been made at the request of Whitehorse City Council.

#### **Land affected by the amendment**

The amendment applies to land within the Tally Ho Major Activity Centre (MAC). The Activity Centre is generally located at the intersection of Burwood Highway and Springvale Road, Burwood East. Generally, it includes the Burwood East Reserve, Tally Ho Business Park and the Crossway Baptist Church, the Burvale Hotel and the Global Television Studios (former channel 10 studios).

#### **What the amendment does**

The amendment proposes to:

- Implement recommendations of the *Tally Ho Major Activity Centre Urban Design Framework 2007*,

Specifically, the amendment:

- Modifies Clause 21.05 Environment to include adoption of the *Tally Ho Major Activity Centre Urban Design and Landscape Guidelines 2013* as a strategy for achieving objectives of the clause.
- Modifies Clause 21.06 Housing to include application of a Development Plan Overlay to the Global Television Studios at 104-168 Hawthorn Road Forest Hill and the introduction of a Design and Development Overlay to parts of the Tally Ho MAC.
- Modifies Clause 21.07 Economic Development to refer to the introduction of design and development controls to the Tally Ho MAC.
- Reinstates the *City of Whitehorse Responsible Gambling Policy 2011* as a reference document in Clause 21.07 which was deleted due to an administrative error.
- Modifies Clause 22.06 Activity Centres to refer to the Tally Ho MAC and include the *Tally Ho Major Activity Centre Urban Design Framework 2007* as a Reference Document.
- Modifies Clause 22.08 Tally Ho MAC to make this Clause a permanent local policy and reflect the inclusion of detailed design, built form and landscape controls for the Tally Ho MAC in a new schedule to the Design and Development Overlay (DDO).
- Introduces a new Schedule 9 to Clause 43.02 Design and Development Overlay (DDO9) and applies it to key parts of the Tally Ho MAC, including 4 precincts, to guide the future form of development within the Centre.
- Introduces a new Schedule 5 to Clause 43.04 Development Plan Overlay (DPO5) and applies this to the Global Television Studio site at 104-168 Hawthorn Road Forest Hill.
- Makes the *Tally Ho Major Activity Centre Urban Design Framework 2007* a permanent reference document in Clause 21.05 (Environment), Clause 21.06 (Housing), Clause 21.07 (Economic Development), Clause 22.06 (Activity Centres) and Clause 22.08 (Tally Ho Activity Centre).

- Makes the *Tally Ho Urban Design and Landscape Guidelines 2013* a permanent reference document in Clause 21.05 (Environment) Clause 21.06 (Housing) Clause 21.07 (Economic Development) Clause 22.06 (Activity Centres) and Clause 22.08 (Tally Ho Activity Centre).

## **Strategic assessment of the amendment**

### **• Why is the amendment required?**

The Tally Ho MAC is a regional hub for high technology commerce incorporating a number of key commercial, recreational and residential precincts.

The *Tally Ho Major Activity Centre Urban Design Framework*, (UDF), was adopted by Council in 2007. It represents the Whitehorse Council's vision, objectives and strategies for guiding development in Tally Ho for the next 15-20 years. The Tally Ho Urban Design and Landscape Guidelines have been prepared in order to implement the UDF. The intention of the Guidelines is not to replace or supersede the UDF, but rather to provide greater detail as to the ultimate built form and landscape outcomes for key parts of the MAC.

Currently the Whitehorse Planning Scheme includes an interim local policy at Clause 22.08 for the Tally Ho Activity Centre, which reiterates the objectives of the UDF. It is appropriate that a clear urban form and landscape vision is articulated as permanent planning controls for the MAC, through this amendment.

The amendment is needed to implement both the UDF and the Urban Design and Landscape Guidelines. The amendment provides a clear direction for new development by introducing new schedules to the Design and Development Overlay and the Development Plan Overlay, updating local policy and introducing the UDF and the Urban Design and Landscape Guidelines as reference documents.

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

The amendment gives effect to and is consistent with the following objectives of planning in Victoria identified in Section 4 (1) of the *Planning and Environment Act 1987*.

- *To provide for the fair, orderly, economic and sustainable use, and development of land.*
- *To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.*
- *To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.*
- *To protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community.*

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

#### *Environmental effects*

The amendment is expected to have a positive impact on the environment by ensuring that new development respects the natural environment and landscape setting of the Tally Ho MAC and maintains the high standard of existing design and image of the Centre. The amendment also encourages the adoption of ecologically sustainable design principles through building design requirements included in the proposed Design and Development Overlay.

#### *Social and economic effects*

The amendment is expected to strengthen the Tally Ho MAC's role as a high technology business hub of state significance, and develop Tally Ho as a MAC that meets the diverse needs for both business and the broader community. This will have both positive economic and social effects by encouraging appropriate development in the centre.

The amendment will help to increase accessibility to pedestrian, cycling and public transport infrastructure throughout the activity centre, as well as enhance the experience of the centre for both employees and visitors, through the quality and extent of landscaping, thereby having a positive social effect for the community.

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

N/A

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

The amendment is consistent with the Minister's Direction No. 9, Metropolitan Strategy, specifically:

Direction 1, Policy 1.1: *'Build up activity centres as a focus for high quality development, activity and living for the whole community'*.

Direction 5, Policy 5.1: *'Promote good urban design to make the environment more liveable and attractive'*, and Policy 5.2: *'Recognise and protect cultural identity neighbourhood character and sense of place'*.

These policies seek to ensure that development in activity centres is designed to fit the context and enhance the character of the area through the promotion of good urban design. The design objectives recognise the unique cultural heritage and identity of the Tally Ho MAC. They also encourage improvements to the existing sense of place and a more unified image for the Centre.

The amendment has been prepared in accordance with Ministerial Direction No. 11 – Strategic Assessment of Amendments as described in this explanatory report.

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7 of the Act.

The amendment is being prepared in accordance with Ministerial Direction No. 15 – The Planning Scheme Amendment Process

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

The amendment implements the following State Planning Policies:

**11.01- Activity Centres**

*To build up activity centres as a focus for high-quality development, activity and living for the whole community by developing a network of activity centres.*

*To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community.*

**11.02 – Urban Growth**

*To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*

*To locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create benefits for sustainability while protecting primary production. Major sources of raw materials and valued environmental areas.*

*To facilitate the orderly growth of urban areas.*

**15.01 – Urban Environment**

*To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.*

*To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.*

#### **15.02 – Sustainable development**

*To encourage land use development that is consistent with the efficient use of energy and the minimization of greenhouse emission.*

#### **16.01 – Residential Development**

*To promote a housing market that meets community needs.*

*To promote new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport*

*To identify strategic redevelopment sites for large residential development in metropolitan Melbourne.*

*To provide for a range of housing types to meet increasingly diverse needs.*

*To deliver more affordable housing closer to jobs, transport and services.*

#### **17.01 Commercial**

*To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.*

The new design and development controls primarily implemented by the amendment, articulate a clear urban form and landscape vision for the Tally Ho MAC. This is expected to provide enhanced opportunities for business development in the MAC, as well as improved community facilities. The amendment also seeks to establish appropriate planning provisions for Tally Ho that reinforce the need for new development to positively respond to the existing landscape character and built form identity of the MAC. Application of the proposed DPO5 to the Global Television site will facilitate development and provide greater certainty for the community.

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

The Municipal Strategic Statement (MSS) acknowledges the MAC status of Tally Ho on the Strategic Framework Plan in Clause 21.04.

Clause 21.05 seeks to maintain and enhance the municipality's environment. The amendment will achieve this objective through facilitating an environmentally sustainable development and providing landscaped areas which will include additional planting, retention of existing vegetation and visual amenity improvements.

Clause 21.06 addresses the need for variety in housing type reflected through density, maintaining neighbourhood character while allowing non-residential uses in residential areas. The amendment will assist achieve this objective by encouraging good design which reflects neighbourhood character and allowing flexible densities.

Clause 21.07 acknowledges Tally Ho as the preferred location for further retail, commercial, residential and cultural activities, with improvements to design and amenity supporting social interaction and community activities. The City of Whitehorse has the largest concentration of offices outside of the central city and St Kilda Road, with Tally Ho being a significant area for large office buildings and information technology related businesses. As such, Clause 21.07-3 states the relevant objective of continued investment in high quality office space in attractive landscaped settings within the Tally Ho commercial precinct. The continued enhancement of the Tally Ho Major Activity

Centre is facilitated through the Urban Design Framework and the built form controls proposed by the Amendment.

Clause 22.06 states that the vision for the Tally Ho MAC is for it to function primarily as an office precinct but at the same time, improve community facilities.

The Tally Ho Major Activity Centre policy at Clause 22.08 reflects the directions contained in State Policy. The amendment supports Clause 22.08 by updating the policy to recognise that the Tally Ho Urban Design and Landscape Guidelines have been prepared and to ensure the objectives and directions of the Guidelines are reflected in the policy. In addition, the amendment makes permanent the interim provisions of this policy through refinements to the Clause and permanent introduction of the Tally Ho MAC UDF as a reference document in the Whitehorse Planning Scheme.

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

The amendment makes proper use of the Victoria Planning Provisions.

The Urban Design and Landscape Guidelines are to be given appropriate weight through DDO9, DPO5 and by updating the local policy to include the Guidelines as a reference document. This will ensure that the Tally Ho MAC develops appropriately to meet the needs of both the local community and business.

The DPO is the most appropriate planning scheme tool to ensure an overall plan describing future use and development is prepared for the Global Television Studios site before further permits can be issued.

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

The views of the relevant agencies will be considered through the exhibition process.

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

The amendment is not expected to have any noticeable impact on the transport system. There are no applicable statements of policy principles.

## **Resource and administrative costs**

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

The amendment is not considered to have a significant impact on the resource and administrative costs of the responsible authority.

Although it is anticipated that some additional resources will be needed as a result of the amendment in order to assess the development plan for the Global television site, this will be offset by the requirement that applications which comply with the proposed DPO will not require advertising.

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

The amendment is available for public inspection, free of charge, during office hours at the following places:

- Whitehorse City Council, Planning Counter, Civic Offices, 379 Whitehorse Road, Nunawading;

- Whitehorse City Council Service Centres at Box Hill Town Hall and Forest Hill Chase;
- Libraries in the City of Whitehorse at Blackburn, Box Hill, Nunawading and Vermont South; and
- On the Internet at: [www.whitehorse.vic.gov.au/amendment-C110.htm](http://www.whitehorse.vic.gov.au/amendment-C110.htm)

The amendment can also be inspected free of charge at the Department of Transport, Planning and Local Infrastructure website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection).

## **Submissions**

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the amendment must be received by 14 April, 2014.

A submission must be sent to:

Pamela Neivandt

Senior Strategic Planner

Whitehorse City Council

Locked Bag 2

Nunawading Delivery Centre 3131

## **Panel hearing dates**

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

- directions hearing: Week commencing 23 June 2014.
- panel hearing: Week commencing 14 July 2014.

Any personal information you may include in any submission to Council on the Amendment is collected for planning purposes in accordance with the *Planning and Environment Act 1987* (the Act). The public may view the submission whilst the Amendment is being considered. In accordance with the "Improving Access to Planning Documents" Practice Note dated December 1999, a copy of your submission may be made upon request. If you fail to provide this information your comments may not be considered. You may access this information by contacting Council on 9262 6303.

**Julie Reid**

**General Manager**

**City Development**