

WHITEHORSE PLANNING SCHEME

AMENDMENT C123

EXPLANATORY REPORT

Who is the planning authority?

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

The amendment has been made at the request of The Crossway Baptist Church Inc.

Land affected by the amendment.

The amendment applies to land known as the Crossway Baptist Church site, which includes the following addresses:

- 2-18 Vision Drive, Burwood East
- 27-29 Vision Drive, Burwood East
- 709 Highbury Road, Burwood East

What the amendment does.

The amendment seeks to facilitate the redevelopment of the Crossway Baptist Church site by applying Development Plan Overlay Schedule 4 (DPO4) to the land being a new, site-specific schedule. The DPO4 requires that a development plan be approved to guide the future use and development of the site prior to the issue of any planning permit.

Strategic assessment of the amendment

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

The Crossway Baptist Church anticipates a growth of its church community from the current 4,000 attendees to 10,000 attendees per week over the next ten years. The church cannot accommodate the projected patronage in its current form and therefore a redevelopment of the site is required.

The proposed redevelopment seeks to retain the existing facilities whilst providing new, integrated additional facilities. It is envisaged that the additions will generally extend from the south and east of the existing building to increase the floor area by two and a half times.

The Crossway Baptist Church anticipates that the proposed redevelopment will occur in stages and over a number of years. The DPO4 will ensure that the redevelopment occurs in a planned and integrated manner, by requiring that any planning permit for buildings and works accords with an approved development plan. In this way, the DPO is the most appropriate tool to guide the proposed redevelopment.

An approved development plan must provide an outline of the key form of future use and development. Prior to approval of a development plan by the responsible authority (Whitehorse City Council), the proposed plan must be displayed for 14 days to allow for public comment. Once a development plan is approved, planning permit applications will generally be exempt from third party notification requirements.

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

The amendment will provide for and facilitate the fair, orderly, economic and sustainable use and development of land.

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

The amendment addresses the environmental effects of the redevelopment by including the following specific requirements of the DPO4:

- Submission of an Environmentally Sustainable Development Management Plan and Green Travel Plan as part of a planning permit application;
- Retaining and upgrading the existing water retarding basin; and
- Incorporation of environmentally sustainable design principles into the building and landscape design.

The amendment provides for positive social impacts by facilitating the redevelopment of the site to accommodate a growth in the church community, providing improved community facilities and more opportunities for social interaction.

The amendment will have a positive economic effect for Crossway Baptist Church by providing a framework for the future redevelopment of the site. This framework includes a simplified planning permit application process whereby applications which are generally in accordance with an approved development plan, are exempt from most notification requirements of Section 52 of the *Planning and Environment Act 1987*.

Additionally, the amendment provides for positive economic effects external to the Crossway Baptist Church site, by way of the proposed commercial car park at 27-29 Vision Drive, Burwood to replace the current at-grade car park. The additional car parking will accommodate existing demand and future expansion of the adjoining Tally Ho Business Park. Ultimately, this will allow for the continued improvement and competitiveness of the Business Park.

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

These provisions are not relevant to this amendment.

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

The amendment complies with the requirements of *Minister's Direction No. 9 – Metropolitan Strategy*, as further discussed below.

The amendment also complies with *Minister's Direction No. 11 – Strategic Assessment of Amendments*, as the amendment considers the comprehensive strategic evaluation and its outcomes, as outlined in this Explanatory Report.

The amendment is also consistent with Ministerial Direction – *The Form and Content of Planning Schemes* pursuant to Section 7(5) of The Act.

- **How does the amendment support or implement the State Planning Policy Framework?**

The amendment supports the State Planning Policy Framework (SPPF) by implementing a number of State objectives, including:

- **Clause 11.01 Activity Centres**

The activity centres clause of the SPPF seeks to concentrate development within activity centres. Accordingly, the amendment seeks to redevelop a site within an existing activity centre and thereby concentrate land uses within the Tally Ho Major Activity Centre (MAC). In this way, the amendment will also broaden the range of activities of the MAC by expanding an existing community facility and assisting to broaden or consolidate the mix of uses in the MAC.

- **Clause 11.02 – Urban Growth**

This clause seeks to facilitate the orderly and sequenced development of urban areas. The amendment achieves this by providing development that is guided by the existing Tally Ho Urban Design Framework (Tally Ho UDF) applicable to the wider Tally Ho activity centre, as well as the proposed development plan to guide development specifically for the Crossway Church site. Both the Tally Ho UDF and development plan will ensure that redevelopment is well-planned.

- **Clause 15.01 Urban Environment**

Clause 15.01 seeks to create urban environments that are safe, functional and liveable. The amendment facilitates this by providing a significant improvement to the existing urban environment through proposed elements such as a landmark feature, formal landscaping and improved pedestrian access. These features will collaboratively create a sense of place and cultural identity to the site.

The proposed design identified through the development plan will maximise the site's features to ultimately create a high quality architectural and urban design outcome.

- **Clause 15.02 Sustainable Development**

The sustainable development clause of the SPPF encourages development that uses efficient energy practices and minimises greenhouse gas emissions. The proposed design of the church redevelopment seeks to incorporate energy and resource efficiency considerations through the use of features such as solar chimneys, vertical axis wind turbines, shade canopies and solar absorber panels.

- **Clause 18.01 Integrated Transport**

The objectives of Clause 18.01 seek to create an integrated transport system which coordinates all modes of transport. The amendment appropriately integrates the proposed land use with transport planning and has considered the impacts on the surrounding transport network. This has been achieved by: ensuring appropriate access is provided to the site in consideration of anticipated patronage; coordinating transport infrastructure upgrades; requiring a Green Travel Plan for any proposed development; and providing safe and convenient pedestrian and cycling access internal and external to the site.

- **Clause 18.02 Movement Networks**

The movement networks clause seeks to promote and manage the use of sustainable personal transport such as walking, cycling and public transport, managing the road system and providing car parking. The amendment meets the objectives of the clause through:

- providing a high quality pedestrian and cycling environment
- ensuring an adequate supply of car parking is provided
- upgrading the existing transport infrastructure to improve access for pedestrians, cyclists and motorists, particularly in relation to the intersection of Vision Drive and Springvale Road.

- **Clause 19.02 Community Infrastructure**

The above clause seeks to develop a strong cultural environment through encouraging a wider range of cultural facilities at MACs through a fairer distribution of and access to social and cultural infrastructure. The amendment meets the objectives of the clause by providing for the expansion of an important community facility with a regional function, within an existing MAC.

• **How does the amendment support or implement the Local Planning Policy Framework?**

- **Clause 21.05 – Environment**

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 21.07 – Economic development**

Clause 21.07 seeks to increase investment and employment opportunities and enable appropriate growth of the church and existing and future businesses. The amendment achieves this by providing opportunity for continued investment within the Tally Ho MAC through the provision of the commercial car park at 27-29 Vision Drive, Burwood East. The surplus of parking will allow for car parking offsets for the redevelopment of sites within the Tally Ho MAC.

Clause 21.07 also identifies the need to enhance the Tally Ho MAC through the UD F. Suitably, the amendment is seeking to guide the redevelopment of the site in accordance with the adopted Tally Ho UDF.

- **Clause 22.06 – Activity centres**

The vision for the Tally Ho MAC is to primarily serve as an office precinct, but also to improve facilities for the resident community. Thus the redevelopment of the Church addresses the key objectives for the site by providing upgraded, additional community facilities for use by members and non-members of the church community, with an overall benefit of enhancing community focus and increasing the range of uses and community facilities available.

- **Clause 22.08 – Tally Ho Activity Centre**

Clause 22.08 is an interim policy (until 31 January 2013) and translates the objectives and strategies of the Tally Ho UDF. This amendment meets a number of the key objectives of the clause, namely facilitating development that:

- Creates a sustainable urban environment ;
- Increases the mix of uses in existing and new development;
- Reduces at-grade car parking;
- Provides community facilities that meet current and future needs of the local population and
- Enhances the quality and extent of landscaping.

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

The Incorporated Plan Overlay (IPO) and Development Plan Overlay (DPO) are the preferred methods for guiding future development of land. The VPP Practice Note 'Applying the Incorporated Plan and Development Plan Overlay' states:

'The IPO and DPO are flexible tools that can be used to implement a plan to guide the future development of the land such as an outline development plan, detailed development plan or master plan.

The overlays have two purposes:

- to identify areas that require the form and conditions of future use or development to be shown on a plan before a permit can be granted to use or develop land; and*
- to exempt a planning permit application from notice and review if it is generally in accordance with an approved plan.'*

Given the site is in single ownership, the DPO is the most appropriate tool to guide future development on the site as the redevelopment aspirations are unified and the DPO allows Council to approve the development plan, as compared to the Minister for Planning as is the case of the IPO. Whilst the DPO limits third parties from making comment on a proposed development plan, the subject DPO4 has been site specifically drafted to include a formal public exhibition process to allow for public comment in the Council approval process.

Given the site's proximity to adjoining residential development and the extent of proposed redevelopment, it is essential to require that a development plan guide a staged redevelopment of the site, so that it occurs in an integrated and planned manner. An approved development plan will provide certainty of the nature of future development of the subject site, prior to the issue of a planning permit.

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

The key agency involved in the amendment is VicRoads, given the proximity of the site to Springvale Road - a nominated arterial road. Considerable consultation with VicRoads was undertaken during preparation of the adopted Tally Ho UDF. VicRoads will continue to be informally consulted throughout the amendment and planning permit process for the site, and formally during the exhibition stage of the amendment process and further as a referral authority under Section 66.03 during the future planning permit process.

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

The amendment is anticipated to have an impact on the transport system outside normal business hours, given that the number of church community members, is expected to increase approximately two and a half times. Accordingly, the amendment addresses the transport objectives by:

-Providing a social facility that is accessible to and integrated with the surrounding transport system. In particular, the site's planning has given consideration to the .proximity of both tram and Smartbus public transport routes, bicycle paths, pedestrian paths as well as the arterial road network;

-Proposing site-specific infrastructure internal and external to the site, which directly accommodates the proposed land use. Of note, the anticipated patronage for the subject site will increase the traffic volumes carried in the nearby road network. To mitigate traffic impacts, the amendment proposes to signalise the intersection of Vision Drive and Springvale Road to aide traffic movements and increase safety. (This is consistent with recommendations in the adopted UDF.)

-Facilitating investment in Victoria by providing car park offsets for the Tally Ho MAC through the multi-level commercial car park;

-Providing for shared/leasing arrangements of car parking thereby making more efficient use of transport infrastructure;

-Promoting alternative transport modes through infrastructure that accommodates greater mobility for walking and cycling such as pedestrian safety barriers, and separated walking/cycling paths. Additionally, the DP04 requires that a planning permit application be accompanied with a Green Travel Plan which addresses opportunities for alternative forms of transport as well as car pooling; and Incorporating a phasing schedule which ensures the timely delivery of upgraded transport infrastructure.

Overall, the accessibility of various modes of transport, consolidation of car parking within the Tally Ho MAC and the Green Travel Plan requirement will assist in providing an integrated transport outcome for the site's proposed redevelopment.

There are no applicable statements of policy principles prepared under section 22 of the Transport Integration Act 1020

Where you may inspect this Amendment

During the exhibition period the amendment, any documents that support the amendment and the explanatory report about the amendment, will be available for inspection free of charge, during office hours at the following locations:

- Whitehorse City Council, Planning Counter, Civic Offices located at: 379 Whitehorse Road, Nunawading
- Libraries in the City of Whitehorse located at: Blackburn, Box Hill, Nunawading and Vermont South
- City of Whitehorse Service Centres located in: the Box Hill Town hall and the Forest Hill Chase Shopping Centre
- City of Whitehorse webpage at: www.whitehorse.vic.gov.au/amendment-c123.html
- Department of Planning and Community Development web site at: www.dpcd.vic.gov.au/planning/publicinspection

Any person who may be affected by the amendment may make a submission to the planning authority. The closing date for submissions is **Monday 28 May 2012**. A submission must be sent to:

Pamela Neivandt
Senior Strategic Planner
Whitehorse City Council
Locked Bag 2
Nunawading Delivery Centre, 3131

Panel Hearing

A submission, which seeks to change the amendment and is not accepted by the planning authority will be referred to an independent Panel appointed by the Minister under Part 8 of the *Planning and Environment Act 1987*.

If a submission is referred to a Panel, a Directions Hearing and Panel Hearing are scheduled to be held on the following dates:

- Directions Hearing, week of 6 August 2012
- Panel Hearing, week of 3 September 2012.

Anyone who has made a submission that has been referred to a Panel has an opportunity to be heard. All submitters will be formally advised in writing of any Directions or Panel Hearing and the date.

PRIVACY STATEMENT

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.

**Mrs Julie Reid
General Manager
City Development**