

## **WHITEHORSE PLANNING SCHEME**

### **AMENDMENT C153**

#### **EXPLANATORY REPORT**

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

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

The amendment has been made at the request of Canaan Holdings Pty Ltd.

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

The amendment applies to the land at 15-31 Hay Street, Box Hill South (Lot 1 TP 419413). The land is commonly referred to as the St Leo's site.

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

The amendment proposes to rezone 15-31 Hay Street, Box Hill South from Special Use Zone and Public Use Zone to Residential Growth Zone and General Residential Zone, introduce the Residential Growth Zone, Schedule 1 to the Residential Growth Zone, General Residential Zone and Schedule 1 and 2 to the General Residential Zone into the planning scheme and apply an Environmental Audit Overlay to the site.

Concurrent with the preparation of the planning scheme amendment, is a planning permit application pursuant to section 96A (1) of the *Planning and Environment Act 1987*, that affects the subject land. Planning Application WH/2012/872 proposes to allow for the construction of a mixed use development incorporating 310 dwellings, development and use of land for a retirement village, and use of land for a food and drink premises (café), shop and associated buildings and works on land subject to inundation.

The development will demolish the existing buildings on the site to allow for a mixture of detached and townhouse type dwelling developments to Hay Street, four (4) multi-storey apartment complexes to the centre of the site, and a low density retirement village component to the site's east (on the existing oval adjoining Gardiner's Creek).

##### **Strategic assessment of the amendment**

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

The land is currently within a Special Use Zone, which reflects the previous use of the site as a private catholic school. The zone was introduced into the Whitehorse Planning Scheme through the New Format Planning Scheme in 1999 on the basis of the existing use and the strategic intent of the site was unclear and therefore the appropriate zone could not be established.

The site is no longer used for this purpose, and the Practice Note on the use of the zone requires that where there is the potential to use other tools from the Victoria Planning Provisions that the zone be replaced. The Victorian State Government has since released a suite of new residential zones, and Council is in the process of determining the most appropriate zone for the adjoining residential land under Council's *Housing and Neighbourhood Character Review*.

Within this context, a strategic assessment of the new zones has been undertaken as part of the amendment request, which has determined that a combination of the GRZ and RGZ is the most appropriate zoning outcome. The rationale behind this stems from consideration of the site's residential and industrial interfaces balanced against the strategic redevelopment potential of the well-located subject site (which precludes use of the Neighbourhood Residential Zone). In addition, the GRZ and RGZ allows for a variety of residential and community based uses commensurate with the character of the area in a manner that allows regulation of built form outcomes through the insertion of a schedule.

The amendment is therefore required to provide the relevant planning framework for the facilitation of appropriate development of the land.

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

The objectives of planning in Victoria include:

- To provide for the fair, orderly, economic and sustainable use, and development of land;
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- To facilitate development in accordance with the objectives; and,
- To balance the present and future interests of all Victorians

The subject land is currently zoned for use as a private school. The school is no longer operating, entailing that the vacant site is available for redevelopment. On this basis a strategic assessment of the proposal has been undertaken which has confirmed that the five hectare site would be more appropriately used for the provision of housing. In addition to making a meaningful contribution to municipal housing stock, the redevelopment of the site would also enable the provision and enhancement of open space and vegetation areas adjoining the Gardiner's Creek trail to the benefit of existing and future residents and visitors.

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

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

The rezoning of the site to GRZ and RGZ will allow the site to be redeveloped for a number of dwellings. This development will provide accommodation for future residents of Box Hill South, and will offer housing diversity as well as the redevelopment of an appropriately located development site that is well located to existing infrastructure and amenities.

It is proposed to retain road links to the existing residential area to the west and provide pedestrian and bicycle links through the site which will enhance the interaction between existing and future populations.

The proposed housing development will also provide potential for local employment and increase the number of residents within the catchments of the Box Hill and Forest Hill Activity Centres.

It is considered that with the close proximity of existing industrial areas to the east and the changing nature of industrial uses locating in the Middleborough/Clarice Road Industrial area, a residential development - particularly on the site of the existing school buildings - will not be detrimental to the development of this industrial estate. The area can maintain its preeminent status and provide for future warehouse and office developments.

The detailed noise and air quality assessments undertaken by SLR Consultants indicate that existing and future industries will not be constrained by the residential development of the St

Leo's site. GHD Consultants have also assessed the required separation distances for existing and future industries and concludes that:

- *The proposed residential development is not constrained for sensitive land use when appropriate buffer distances are applied to the existing industries in the industrial zoned area to the east and south of the site;*
- *For existing industries the appropriate buffers should be scribed from the envelope of potential emitting sources. Allowance can be made for plausible future expansions when defining the envelope;*
- *Given the Whitehorse Industrial Strategy goals, it is unlikely that future industries requiring significant (i.e. > 100 m) would be allowed to establish in the north end of the Box Hill South Industrial Precinct.*

A Cultural Heritage Management Plan has been prepared for the site and two archaeological sites have been identified in the north-east corner of the site adjoining Gardiners Creek. This would reflect the highly disturbed and altered landscape from the construction of the school and associated oval. It is proposed to retain these areas within an open space link adjoining the creek, to fence the sites and place clean fill on the site to avoid harm to the sites.

A historical archaeological site has been recorded in the north-east corner of the land associated with an early settler family, the Collings. This site will be located within the open space and landscaped area adjoining Gardiners Creek and can be appropriately protected from works. The proposed amendment does not affect the Pound House on 988 Canterbury Road, which is subject to the Heritage Overlay.

A detailed assessment of all vegetation on the site has been undertaken. Most of the vegetation has been planted or forms part of gardens and the site has been significantly degraded through the construction of buildings and ovals for the school.

It is proposed to retain some vegetation of high retention value and enhance the vegetation particularly along the banks of Gardiners Creek.

The proposed rezoning will enable the site to be more appropriately developed and suitable replacement planting and landscaping can be provided within any new development.

No native vegetation that is not exempt from the need for a planning permit has been identified for removal on the site.

Finally, the capacity for environmentally sustainable design and water sensitive urban design under the proposal will further enhance environmental benefits.

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

The land is not identified as Bushfire prone and nor is it included in a Bushfire Management Overlay. The site is generally within an urban environment and adjoins managed open space areas. The fire risk is minimal and appropriate mechanisms will be incorporated into the proposed development, through the Building Permit process, to protect residents from potential fire risks.

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

The amendment and concurrent permit documents comply with the Ministerial Directions on the Form and Content of Planning Schemes and Strategic Assessment Guidelines. No other Ministerial Direction applies to the amendment and concurrent planning permit.

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

The proposal directly supports and implements State Planning Policy as follows:

Clause 11 (Settlement) identifies that planning should anticipate and respond to the needs for existing and future communities. Planning should contribute to diversity of choice, a high standard of urban design and amenity, energy efficiency, accessibility and integration of land use and transport. In particular planning is to facilitate sustainable development and take advantage of existing settlement patterns and investment in transport, service utilities and community infrastructure.

Clause 11.02 Urban growth contains an objective to ensure a sufficient supply of land is available for residential uses. Strategies include considering opportunities for the intensification of existing urban areas, neighbourhood character and service limitations.

Policies included in Clause 11.04 seek to set clear limits on the outward growth of Melbourne including containing urban development within the established urban area.

The subject site is located within the existing urban area, which positions the site as a strategic infill development opportunity. The proposed redevelopment can make a meaningful contribution to housing diversity and choice, in a strategically located site adjoining public transport routes and activity centres. Strategic infill development such as this directly supports key directions of the Melbourne Metropolitan Strategy.

The built environment and heritage policy at Clause 15 seeks to create urban environments that are safe, functional and provide good quality environments. Strategies include ensuring that redevelopment contributes to diversity and choice, quality living environments, accessibility and sustainability.

Development should also respond to its context and reinforce any special landscape qualities. The proposed development of the site provides an appropriate built form and landscape response to the creek and residential environs. The policy also includes an objective to ensure the design of subdivisions achieves attractive, liveable and sustainable neighbourhoods.

The Housing policies at Clause 16 require planning to provide for housing diversity, with new housing having access to services and be planned for long term sustainability including walkability to schools, activity centres and transport. Land should also be provided for affordable housing.

Clause 16.01-1 (Integrated Housing) promotes housing that meets community needs. Strategies including increasing yields in suitable locations, ensuring housing is integrated with infrastructure and services and is water and energy efficient.

The location of housing, Clause 16.01-2 contains an objective to locate housing with good access to public transport and services. Strategies include encouraging higher densities on sites well located for access to public transport. There are a number of bus routes within walking distance of the site that provide access to Box Hill Central Activities Area and Burwood Heights, Forest Hill and Nunawading Activity Centres.

The provision of a wider choice of housing is also supported by Policy 16.01-4 (Housing diversity).

The amendment will enable the provision of a range of housing choices in an appropriate location.

The Transport policies at Clause 18 seek to create a safe and sustainable transport system that encourages use of public transport and promotes the use of walking and cycling as alternatives to motorised trips.

The amendment will enable the development of a key site that adjoins the Principal Public Transport Network and the Gardiners Creek Regional Linear bicycle trail. The development will provide opportunities to increase the use of these two alternative transport networks.

The Clause 19 Infrastructure policies promote the efficient use of existing infrastructure and particularly the reuse of waste and stormwater. The amendment including the concurrent planning permit application will provide a suitable opportunity to encourage a sustainable subdivision that includes appropriate water sensitive urban design techniques.

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

The Local Planning Policy Framework of the Whitehorse Planning Scheme builds on the policy base of the State Planning Policy Framework. It seeks to provide for the future housing requirements of the municipality in appropriate locations including activity centres and key redevelopment sites. This includes providing a diverse range of housing types to respond to the housing needs of the community. The policies also seek to promote appropriate built form and vegetation retention within new housing developments.

The site has an area of approximately 5 hectares, is located adjacent to public transport routes and is not within any specific policy area or character area. It also adjoins the existing residential area of Box Hill South and the proposed rezoning to permit its redevelopment for additional housing is a logical infill development within the existing Box Hill South area.

It is located close to a number of bus routes, and is accessible to the Metropolitan Activity Centre of Box Hill and Activity Centres of Nunawading, Forest Hill and Burwood Heights. In addition it is also accessible by bus or bicycle to Deakin and Monash Universities, and Box Hill TAFE.

The site is appropriate for infill development. It is of a scale to allow it to create its own character whilst respecting and responding to the character of the adjoining residential areas.

A key strategic issue is the site's proximity to an existing industrial area. Council's Industrial Study indicates that while it is appropriate to retain the existing Industrial 1 zone for the area, the nature of uses is likely to change. This is reflected in the grant of a planning permit for the redevelopment of the former Amcor property for offices, warehouses and showrooms. The industrial study indicates that other large sites, such as the former Rhodia plant, will also likely be redeveloped for similar uses. This is consistent with trends for inner metropolitan areas where industrial manufacturing is in decline.

These new uses will have a lesser amenity impact on adjoining residential areas and therefore require a smaller buffer distance than for industries which have a more significant air and noise pollution impact. It is considered that the development of housing on the subject land will not impact on the continued operation of the existing Middleborough/Clarice Road industrial area.

The proposal will also provide appropriate open space areas and enhance links between the key linear trail along Gardiner's Creek and the residential area to the west of the site.

Appropriate sustainability measures to provide for energy and water efficiencies and management of stormwater will be incorporated into the proposed development and associated landscaping.

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

The amendment proposes to redevelop the site for dwellings and rezone the site to the GRZ and RGZ concurrently with a planning permit application for its redevelopment. This is consistent with the principles of the Victoria Planning Provisions. The use of the GRZ and RGZ and a concurrent planning permit is proposed to provide guidance for the future development of the site, and is the most appropriate mechanism to be used for the site.

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

Discussions have been held with the Department of Transport, Planning and Local Infrastructure, Environment Protection Authority, Department of Business and Innovation and Melbourne Water. Their comments have been addressed in the design and layout of the proposed development to minimise impact on the flood plain and stormwater flows and to address the relationship between future residential and industrial development.

Other authorities will be notified of the proposal during the exhibition process.

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

This amendment will not have a significant impact on the transport system as defined by Section 3 of the *Transport Integration Act 2010* (TIA). In addition, the Minister for Planning has not issued any statements of policy principles to respond to.

The proposed amendment and planning permit provides for the provision of an appropriate infill development close to existing bus routes and rail lines and will enable future residents to access public transport.

A Green Travel Plan has been prepared to support the use of alternative travel modes including public transport and cycling.

## **Resource and administrative costs**

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

There are no additional impacts on resources or administrative costs associated with this amendment, as the proposed rezoning and planning permit are being considered together and will guide future development of the subject site.

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

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

- Whitehorse City Council, Planning Counter, 379 Whitehorse Road, Nunawading.
- Whitehorse City Council Service Centres at Box Hill Town Hall and Forest Hill Chase Shopping Centre.
- Libraries at Nunawading, Vermont South, Blackburn and Box Hill.
- On the internet at: <http://www.whitehorse.vic.gov.au/Amendment-C153.html>

The amendment can also be inspected free of charge at the Department of Transport, Planning, and Local Infrastructure website at <http://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 27 May 2014. A submission must be sent to:

Andrea Skraba  
Senior Strategic Planner  
Whitehorse City Council  
Locked Bag 2  
Nunawading Delivery Centre VIC 3131

A submission that 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 to be held on the following dates (noting that these dates may be varied):

- Directions Hearing – week commencing 18 August 2014
- Panel Hearing – week commencing 15 September 2014

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.*