

## **WHITEHORSE PLANNING SCHEME**

### **AMENDMENT C167**

#### **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 James Livingston Planning on behalf of Visconti Investments Pty Ltd.

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

The amendment applies to 35 Hay Street, Box Hill South. The subject land has been excised from the northwest corner of the Box Hill Golf Course and comprises an area of 2,425m<sup>2</sup>.

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

The amendment proposes to introduce Schedule 6 to the General Residential Zone into the Whitehorse Planning Scheme and rezone 35 Hay Street, Box Hill South from the Special Use Zone (Schedule 2) to the General Residential Zone (Schedule 6).

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

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

The land is currently zoned as Special Use Zone (Schedule 2 - Private Sport and Recreation Facilities). The land was subdivided in 2012, excising this parcel of land from the Box Hill Golf Club. The site was recently renumbered as 35 Hay Street, Box Hill South. The subject site is located to the east of Gardiners Creek and south of the end of Hay Street. Residential dwellings exist to the west of the site and a 15.33m shared trail corridor has been created on the plan of subdivision between the subject land and those dwellings. An industrial estate is located to the east of the Box Hill Golf Course, approximately 180m from the subject land.

The site is no longer required by the Box Hill Golf Club, 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 General Residential Zone (GRZ) would be the most appropriate zoning outcome for this site. The rezoning of this site to GRZ will allow the site to be developed for moderate housing growth while respecting the character of the surrounding area. The location of this site, situated at the end of Hay Street and adjacent to an established residential area, provides a logical rationale for this proposed zoning.

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 of 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 the use of a private sport and recreation facility, being the Box Hill Golf Club. The land has been excised from this facility and now sits as vacant, cleared land available for redevelopment. On this basis a strategic assessment of the proposal has been undertaken which has confirmed that the 2,425m<sup>2</sup> would be more appropriately used for housing.

The rezoning of the site would provide for the fair, orderly, economic and sustainable use and development of the land.

The amendment would implement the objectives of planning in Victoria.

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

The rezoning of this site to GRZ will allow the site to be developed for moderate housing growth while respecting the character of the surrounding area. The site is currently vacant. The site is surrounded by a row of trees along the western boundary and another abutting the creek on the eastern boundary. Neither of these rows of trees is located on the subject site. The development of the site will allow for landscaping sensitive to the ecology of the Gardiners Creek environs.

The development of the land 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.

The rezoning of the site will provide potential for local employment through construction of any residential development on the site and increase the number of residents within the catchments of the Box Hill and Forest Hill Activity Centres.

The Middleborough/Clarice Road Industrial Precinct is identified in the *Whitehorse Industrial Strategy 2011* as a precinct that will deliver offices; office/warehouse; and office/factory units. As such, the rezoning of the subject site to General Residential will not affect the operation of this industrial precinct.

The amendment will enable the site to be appropriately developed and suitable landscaping can be provided within any development.

### **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 for any further development of the site.

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

The amendment complies with the Ministerial Directions on the Form and Content of Planning Schemes and Strategic Assessment Guidelines. No other Ministerial Direction applies to the amendment.

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

The amendment supports and implements State Planning Policy as follows:

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

Clause 11.02 (Urban Growth) contains an objective (11.02-1) to ensure a sufficient supply of land is available for residential uses. A strategy for planning for urban growth is to consider opportunities for the consolidation, redevelopment and intensification of existing urban areas.

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

The rezoning of this land will allow for appropriate urban growth and the development of an existing vacant site. Redevelopment of an infill site such as this supports the key directions of the Melbourne metropolitan planning strategy.

Clause 15 (Built environment and heritage) seeks to ensure that all new land use appropriately responds to its landscape and valued built form. Strategies include ensuring that redevelopment contributes to diversity and choice, quality living environments, accessibility and sustainability. This rezoning is appropriate for the area and responds to State policy.

Clause 16 (Housing) requires 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. This land is within walking distance of a number of bus routes that provide access to the Box Hill Central Activities Area and Burwood Heights, Forest Hill and Nunawading Activity Centres and has access to the Gardiners Creek trail.

The rezoning of this land to General Residential will assist in meeting these policies, and will enable the provision of housing choice in an appropriate location.

Clause 18 (Transport) seeks 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.

Clause 19 (Infrastructure) promotes the efficient use of existing infrastructure.

The rezoning of this land will make efficient use of existing provisions.

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

The amendment is consistent with and implements the objectives of the Whitehorse Municipal Strategic Statement.

Particularly Clause 21.06 (Housing) identifies the need for housing to meet the needs of future residents in an appropriate and sustainable manner, while responding to the existing residential character and to ensure there is appropriate management between housing and non-residential uses. This amendment will allow for the development of an appropriate site for moderate housing growth.

Clause 21.07 (Economic Development) seeks to manage the sensitive interfaces between key industrial precincts such as the Middleborough/Clarice Road Industrial Area and adjoining residential areas. The *Whitehorse Industrial Strategy* indicates that while the Industrial 1 zoning is appropriate for this land, the likely uses are offices, warehouses and showrooms.

These new uses will have a lesser amenity impact on adjoining residential areas and therefore require a smaller buffer distance than for other industries. 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 Precinct.

Local planning policies within the Whitehorse Planning Scheme seek to provide for the future housing requirements of the municipality in appropriate locations including activity centres and key redevelopment sites. Policy includes providing a range of housing types to respond to the housing needs of the community.

The amendment supports and implements the policy and objectives of the LPPF.

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

The VPP Practice Note for the Special Use Zone states that, amongst other points, this zone should only be used if other zones cannot achieve a desired outcome. As the land is no

longer required as a part of the Box Hill Golf Course and has recently been sold it is appropriate to find a more applicable zoning for this land.

This site is to the south of an area identified as a strategic redevelopment site. While this land is smaller in size, the abutting residential uses and proposed development to the north indicates that the use of the General Residential Zone for this site ensures the proper use of the Victoria Planning Provisions.

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

Relevant agencies will be notified during the exhibition stage of the amendment.

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

The amendment will not have a significant impact on the transport system as defined by Section 3 of the *Transport Integration Act 2010* (TIA).

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

### **Resource and administrative costs**

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

The amendment will require future planning permits to allow the redevelopment of that land if the proposed use and/or development is not as-of-right. The planning department of Council is able to consider future planning permit applications for this 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 in the City of Whitehouse at Nunawading, Vermont South, Blackburn and Box Hill; and
- On the internet at: [www.whitehorse.vic.gov.au/Planning-Scheme-Amendments.html](http://www.whitehorse.vic.gov.au/Planning-Scheme-Amendments.html)

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.dtpli.vic.gov.au/publicinspection](http://www.dtpli.vic.gov.au/publicinspection).

### **Submissions**

Any person who may be affected by the amendment may make a submission to the planning authority. The closing date for submissions is **Friday 6 March 2015**.

A submission must be sent to:

Vanessa Mogg  
Strategic Planner  
Whitehorse City Council  
Locked Bag 2  
Nunawading Delivery Centre VIC 3131  
Or via email to [strategic.planning@whitehorse.vic.gov.au](mailto:strategic.planning@whitehorse.vic.gov.au)

### **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 Monday 25 May 2015
- panel hearing: week commencing Monday 22 June 2015

## **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 public may view the submissions 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 available 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.