

## WHITEHORSE PLANNING SCHEME

### AMENDMENT C170

#### EXPLANATORY REPORT

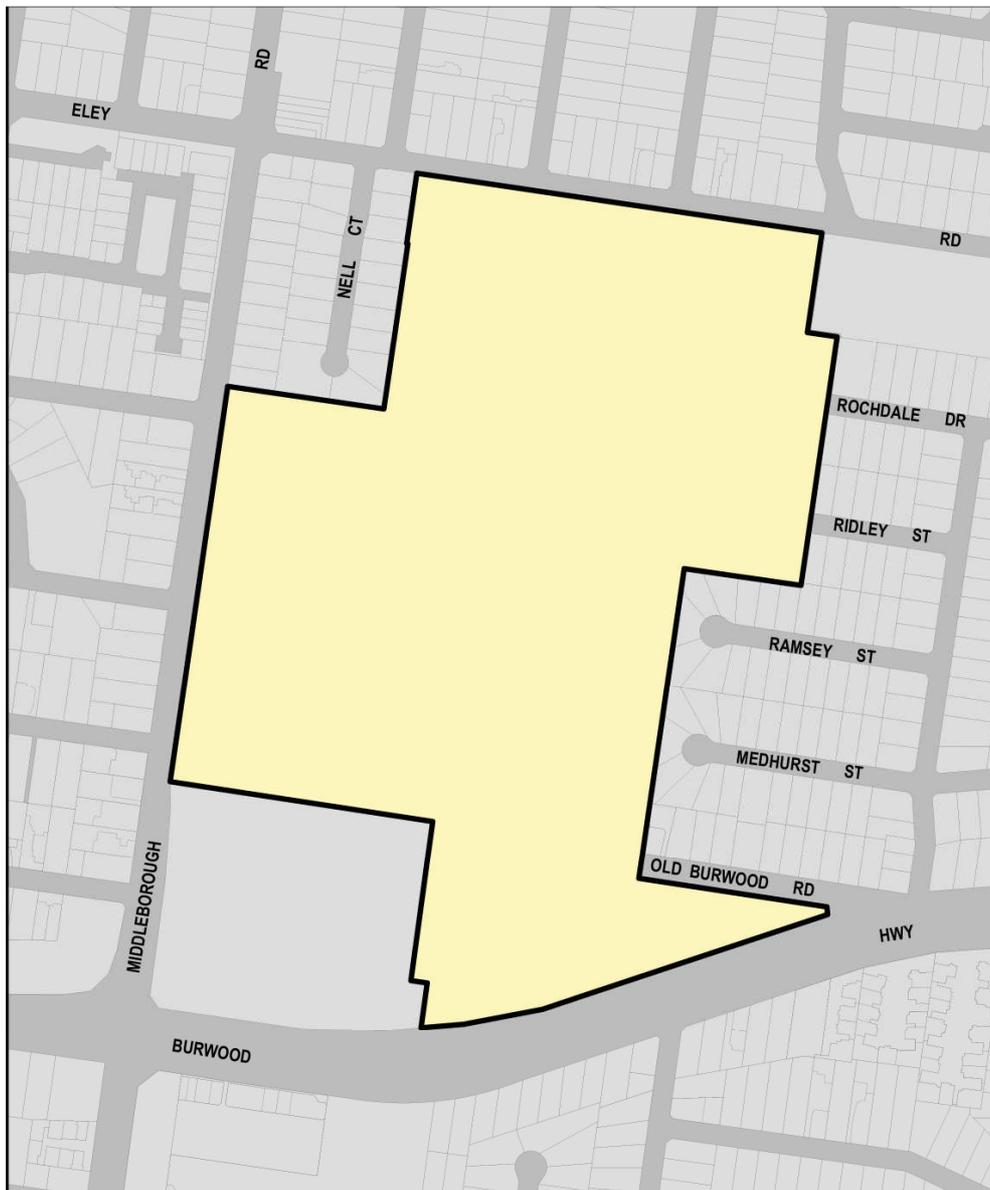
#### Who is the planning authority?

This amendment has been prepared by the Minister for Planning, who is the planning authority for this amendment.

The Amendment has been made at the request of Australand C/- Tract Consultants.

#### Land affected by the Amendment

The amendment applies to the former brickworks site at 78 Middleborough Road, Burwood East. The site covers approximately 20 hectares of vacant land fronting Eley Road, Middleborough Road and Burwood Highway.



## What the amendment does

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.

Specifically, the amendment:

- Rezones the land from Priority Development Zone Schedule 1 to part Commercial 1 Zone, part General Residential Zone Schedule 5 and part Residential Growth Zone Schedule 3.
- Introduces and applies Schedule 6 to the Development Plan Overlay to the site.
- Amends Clause 22.11 and Clause 22.12 to make it consistent with metropolitan planning strategy and to reflect the development intentions for the land, including the addition of a new reference document.
- Deletes *Former Brickworks Site Framework Plan report (July 2005)* from the list of Reference Documents in Clause 22.11 and replace it with *Burwood East Master Plan and Urban Design Report (January 2015)*.
- Deletes *Former Brickworks Site Framework Plan report (July 2005)* from the list of Reference Documents in Clause 22.12 and replace it with *Burwood East Master Plan and Urban Design Report (January 2015)*.
- Removes Clause 37.06 – Priority Development Zone and Schedule 1 to the Priority Development Zone from the Whitehorse Planning Scheme.

## Strategic assessment of the Amendment

### Why is the Amendment required?

The amendment is required to facilitate the redevelopment of the former brickworks site for residential, retail and other uses in accordance with the Burwood Heights Structure Plan. The site is identified as a strategic redevelopment site and represents a significant opportunity for infill development of a mixed use nature comprising residential, retail and open space activities which will reinforce the significance of this location as a centre of mixed use activity.

### How does the Amendment implement the objectives of planning in Victoria?

The amendment implements the objectives of planning in Victoria, contained in section 4 of the *Planning and Environment Act 1987*, in the following way:

(a) the amendment provides for the fair, orderly, economic and sustainable use and development of land as it facilitates the redevelopment of a currently underutilised parcel of land and will result in the creation of a diverse, vibrant and orderly neighbourhood that represents a more efficient use of existing infrastructure.

(b) the amendment provides for the protection of natural resources and the maintenance of ecological processes and genetic diversity through appropriate landscaping and open space provision.

(c) the amendment provides a pleasant and safe working and recreational environment for all Victorians and visitors to Victoria through the development of a high quality residential and retail neighbourhood and the removal of a vacant former industrial site with residential interfaces.

(d) there is no heritage significance on the site.

(e) the amendment will not inhibit the orderly provision of public utilities and other facilities for the benefit of the community.

(f) the amendment facilitates development in accordance with the objectives set out in objectives A, B, C, D and E.

(g) the amendment seeks to balance the present and future interests of all Victorians by providing substantial capital investment into Burwood East and providing a high quality residential area, retail facilities and open spaces available for use by the community.

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

### Environmental

The remediation and redevelopment of this site provides a positive environmental outcome. In accordance with Ministerial Direction Number 1 (Potentially Contaminated Land) and the Potentially Contaminated Land Planning Practice Note, the amendment retains the existing Environmental Audit Overlay (EAO) applying to the subject site to ensure that potentially contaminated land is suitable for more sensitive uses. A Statement or Certificate of Environmental Audit must be issued prior to the commencement of any such use or associated works.

### Social

The amendment is expected to have a number of positive social impacts including:

- Providing an easily accessible neighbourhood that provides for diversity in housing types in the area that caters for both the current and projected household profile.
- Providing a well-designed development that integrates with the existing local community.
- Removing a redundant former industrial site.

### Economic

The amendment provides for a number of positive economic impacts including:

- The removal of vacant land in a primary location within a metropolitan activity centre.
- The more efficient use of existing infrastructure.
- The provision of additional retail floor space that will diversify the range of uses in the activity centre and help to meet current and future demand.
- The provision of direct and indirect full time and part time employment.

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

The site is not subject to a Wildfire Management Overlay and is not located on land designated as a 'Bushfire Prone Area' under the Victoria Planning Provisions.

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

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the *Planning and Environment Act 1987* and meets the requirements of relevant Ministerial Directions as follows:

### Ministerial Direction No. 1 – Potentially Contaminated Land

Section 12 (2)(a) of the *Planning and Environment Act 1987* will be satisfied in respect of Ministerial Direction 1 – Potentially Contaminated Land through the retention of the requirement for a Certificate or Statement of Environment Audit prior to the commencement of a sensitive use or associated works.

The ongoing inclusion of the land within the Environmental Audit Overlay will ensure the land is suitable for a use which could otherwise be significantly adversely affected by any contamination.

### Ministerial Direction No. 9 – Metropolitan Strategy

Ministerial Direction No. 9 requires all Planning Scheme amendments in the metropolitan area to have regard to the Metropolitan Strategy document Plan Melbourne. The

amendment responds to and complements the relevant policy objectives of Plan Melbourne by providing for development within an area well serviced by existing public transport and existing service infrastructure.

The amendment will enable residential and retail development based on a sustainable urban design outcome through the creation of a walkable neighbourhood and an integrated street network to create links to facilities and services. The amendment will consolidate urban activity within an activity centre and aims to minimise car trips and encourage walking and cycling and the use of public transport.

#### Ministerial Direction No. 11 – Strategic Assessment of Amendments

The purpose of this Direction is to ensure a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces. This assessment meets the requirements of this Direction.

#### Ministerial Direction No. 15 – The Planning Scheme Amendment Process

The purpose of this Direction is to set times for completing steps in the planning scheme amendment process.

#### Ministerial Direction No. 16 – Residential Zones

The purpose of this Direction is to direct planning authorities about applying the Residential Growth Zone, General Residential Zone and Neighbourhood Residential Zone through a planning scheme amendment.

The adopted Whitehorse Housing Strategy 2014 reaffirms the subject site as a strategic redevelopment opportunity and location for “Substantial Change” for housing growth. In this context the application of the Residential Growth Zone to the site is consistent with this Direction.

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

The amendment is consistent with the State Planning Policy Framework in that it:

- Achieves settlement objectives by removing the existing conflict of land uses;
- Facilitates urban consolidation by providing for population growth in close proximity to established services and facilities;
- Provides the opportunity for good quality, energy efficient urban design; and
- Allows for more efficient use of existing infrastructure.

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

The amendment will facilitate the development of vacant former industrial land identified as a strategic redevelopment site. The proposal is consistent with many policy directions contained within the LPPF.

Changes to the LPPF are required to reflect the new development proposal for the site. In particular, Clause 22.11 – Burwood Heights Major Activity Centre and Clause 22.12 – Former Brickworks Site, 78 Middleborough Road, East Burwood are to be modified to ensure that the provisions of the policies provide an appropriate policy context for the new development proposal.

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

The proposed amendment makes appropriate use of the Victoria Planning Provisions through the implementation of the Commercial 1 Zone, the Residential Growth Zone, the General Residential Zone and the Development Plan Overlay (DPO).

The application of the Commercial 1 Zone to the retail centre and the application of the Residential Growth Zone and General Residential Zone to the balance of the site suitably reflects the intent of the redevelopment of the site and will provide an appropriate framework for future use and development on the land.

The combination of planning controls provides an appropriate level of certainty for Council and the community as to the use and development outcomes that can be expected on the site.

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

A number of stakeholders were consulted during the preparation of the amendment. Extensive consultation has been undertaken as part of the *Burwood East Master Plan and Urban Design Report*.

The amendment is consistent with the overriding objectives of Plan Melbourne and sustainable urban development. It adopts fundamental neighbourhood planning principles by establishing a new residential neighbourhood and retail facilities in a location to serve a walkable catchment. The amendment also supports transport objectives of integrating all modes of transport (public, private, walking and cycling) within a new development.

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

The *Transport Integration Act 2010* establishes a framework for the provision of an integrated and sustainable transport system in Victoria. The Act provides for a system in which all transport activities and modes work together and recognises the interdependency of transport and land use.

The amendment will facilitate development which integrates with and promotes a sustainable transport system to better address transport accessibility, housing affordability and sustainable communities. This integration will ensure that the transport system is able to support the land use outcomes as foreshadowed by this amendment and similarly that the proposed land use patterns support the use of an integrated transport system.

### **Resource and administrative costs**

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

The consideration and implementation of the amendment and the future development and use is not anticipated to give rise to any unreasonable resource or administrative costs for Whitehorse City Council. The exemption from notice requirements for future applications will result in cost efficiencies for the Council. The amendment will provide the appropriate planning framework for Council to efficiently plan for this complex site.

### **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**  
Municipal Offices  
379-397 Whitehorse Road  
Nunawading VIC 3121

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection).