

WHITEHORSE PLANNING SCHEME

AMENDMENT C182

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 Whitepark Consulting (previously JMPlanning) on behalf of Bob Jane Corporation Pty Ltd.

Land affected by the amendment

The amendment applies to the land at 217 Burwood Highway and 219-223 Burwood Highway, Burwood East.

What the amendment does

The amendment:

- Rezones 217 Burwood Highway and 219-223 Burwood Highway, Burwood East, from the Residential Growth Zone Schedule 2 (RGZ2) to the Mixed Use Zone (MUZ).
- Applies an Environmental Audit Overlay (EAO) to 217 Burwood Highway and 219-223 Burwood Highway, Burwood East.
- Amends Planning Scheme Maps 05ZN and 05EAO.

Strategic assessment of the amendment

Why is the amendment required?

The RGZ2 prohibits the use of the property for service industry and retail premises. The rezoning to MUZ permits these land uses subject to a planning permit, and related assessments.

The MUZ responds to the intended future land use and its history, and respects the existing land use (petrol station with car wash) on the land at 217 Burwood Highway. The MUZ facilitates the desired service industry land use for the sites and also allows for future commercial and residential opportunities, particularly as they abut a major intersection and are located directly opposite a designated Neighbourhood Activity Centre. The MUZ provides an effective land use buffer for surrounding residential properties, and the Burwood One Neighbourhood Activity Centre.

Given the historical use of the subject land as approved, past and present, and acknowledging the surrounding residential land, the EAO is required to ensure any future development and use of the land and surrounding residential properties are effectively protected.

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

The objectives of planning in Victoria are outlined within Section 4(1) of the Planning and Environment Act 1987. They 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 protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community.
- To balance the presents and future interests of all Victorians.

The site at 217 Burwood Highway is currently used for a petrol station and the site at 219-223 Burwood Highway was previously used as a petrol station. The sites are strategically located at the intersection of two major arterial roads that have excellent access to the local and broader community. The rezoning to MUZ allows the current use to continue and also facilitates the future development of the sites for commercial, retail or residential uses.

The rezoning of 219-223 Burwood Highway, Burwood East, to MUZ means that the desired use of the land for a Bob Jane T-Mart service centre would be a permissible land use in the Planning Scheme under the zone.

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

The rezoning to the MUZ has no significant impacts on the environment due to the sites' location in an established urban area. The land at 217 Burwood Highway will continue for the foreseeable future as a petrol station and associated car wash. The land at 219-223 Burwood Highway has been cleared and the previous use of a petrol station has been decommissioned and remediated, including the removal of the underground petrol tanks. The application of an EAO requires that the land is declared suitable before any sensitive land use is established.

The rezoning of the sites to MUZ allows the development of commercial and retail uses that serve the immediate and broader area. Any future development of the sites will need to be cognisant of the interfaces to, and respect the character of, the surrounding residential area. The sites abut a major road intersection and the rezoning allows future development of a greater range of residential and/or commercial uses that complement the sites' location and surrounding land uses.

The MUZ provides the opportunity for commercial and residential development into the future, however neither site is of a size that could result in a development that would compete with nearby commercial developments, in particular Burwood One. The sites allow for smaller scale commercial, service and retail development that complement the existing supermarkets, discount department stores and tenancies in Burwood One.

Does the amendment address relevant bushfire risk?

Bushfire risk is 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 Ministerial Direction on the Form and Content of Planning Schemes and the Strategic Assessment Guidelines.

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

Clause 11.02-1 to the SPPF discusses the supply of urban land and notes the objective "to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses". The rezoning of the sites to MUZ allows for the initial development of the site at 219-223 Burwood Highway for commercial and service industry uses, but also provides opportunity for future residential or commercial development on the sites.

Clause 17.01-1 to the SPPF sets strategies for Business to "provide new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres" and "provide small scale shopping opportunities that meet the needs of local residents and workers in

convenient locations” and “provide outlets of trade-related goods or services directly serving or ancillary to industry and which have adequate on-site car parking.”

Clause 17.01-2 to the SPPF sets as strategies for Out of Centre Development for Metropolitan Melbourne to *“ensure that proposals or expansion of single use retail, commercial and recreational facilities outside activity centres are discouraged by giving preference to locations in or on the border of an activity centre”* and *“ensure that out-of-centre proposals are only considered where the proposed use or development is of net benefit to the community in the region served by the proposal or provides small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.”*

The rezoning of the sites to the MUZ directly responds to and furthers these strategies. The subject sites, which have longstanding commercial uses, are located adjacent to a neighbourhood activity centre and front the intersection of two main roads which perform as the gateway to the adjoining activity centre. The proposed development of the land at 219-223 Burwood Highway is orientated to the intersection with adequate on-site parking and provides opportunity for further commercial and/or residential development into the future.

The proposed use of the land for service industry and retail premises (typically automotive/trade related supplies) permitted pursuant to the MUZ and complementing the existing petrol station with car wash use provides on-going net benefit to the surrounding community, local residents and workers.

Clause 18.01-1 of the SPPF discusses Integrated Transport and has the objective to *“create a safe and sustainable transport system by integrating land-use and transport”*. The sites are strategically located at the intersection of two major roads and also located adjacent to the Number 75 Tram Route between Vermont South and Docklands and the Number 703 Smartbus Route between Blackburn and Middle Brighton. This allows for access to the sites by private vehicle, public transport and active transport and integrates the land uses on the site with the surrounding uses and transport modes.

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

The Municipal Strategic Statement (MSS) recognises that large neighbourhood activity centres, such as Burwood One, play an important role in the economic activity of the municipality and that this role should be further enhanced.

The MSS also recognises the important contribution the industrial sector plays in the City’s economy, considered relevant to the proposed service industry use of the land. Clause 21.07-3 provides the key objectives to the MSS seeking to strengthen the manufacturing sector, attract new investment, manage sensitive interfaces with adjoining residential areas, facilitate high quality, attractive and environmentally sustainable development and to facilitate the continued enhancement of the Burwood One Neighbourhood Activity Centre.

The rezoning facilitates development and uses commensurate to the site specific ‘attributes’ afforded to the land, is responsive to the existing use as a petrol station and adjoining neighbourhood activity centre, whilst also respecting and providing a suitable land use and transition to adjoining residential areas.

The local planning policy at Clause 22.05 Non-Residential Uses in Residential Areas is partially relevant to the amendment given the existing residential zoning of the land, and existing and proposed land uses. To this effect, Clause 22.05-2 provides key objectives including the need to avoid the concentration of non-residential uses where it would create a defacto commercial area.

The amendment implements this objective by recognising the ongoing commercial potential of the site and allowing a mix of uses, including commercial and residential.

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

The amendment is consistent with the intent and use of the Victorian Planning Provisions as it applies the MUZ to residentially zoned land which has operated and presented as a

commercial use, located on properties at the intersection of two major roads and adjoining a neighbourhood activity centre.

The MUZ provides a suitably responsive land use buffer and transition to the surrounding residential land and facilitates the development of service industry and retail premises, whilst also accommodating a potential range of future uses, including residential, as permitted by the zone.

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

There were no opposing submissions received by any relevant agency through the exhibition process.

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

There is no impact on the transport system as a result of the amendment. The current land use at 217 Burwood Highway will remain and the proposed development at 219-223 Burwood Highway is unlikely to cause a growth in private vehicle usage or public transport patronage substantially higher than what the transport network currently experiences.

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 resource or administration costs associated with this proposed amendment.

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, 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
- At the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection.