

WHITEHORSE PLANNING SCHEME

AMENDMENT C94

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 Whitehorse City Council.

Land affected by the amendment.

The amendment applies to all land zoned Business 1 and Mixed Use in the Mitcham Neighbourhood Activity Centre.

What the amendment does.

The amendment will introduce a permanent Design and Development Overlay Schedule 5 (Clause 43.02 Schedule 5) – Mitcham Neighbourhood Activity Centre Height Limits over the Neighbourhood Activity Centre to provide preferred maximum height limits for buildings as shown in the Table and Maps to the schedule.

The new Design and Development Overlay Schedule 5 will replace the existing interim Schedule 5 and Schedule 6, which both expired on 7 July 2010.

The amendment also makes consequential changes to Clause 21.07.

Strategic assessment of the amendment

- Why is the amendment required?

The amendment is required to ensure future development in the Mitcham Neighbourhood Activity Centre responds appropriately to the local character of the centre and achieves suitable built form outcomes for the different parts of the centre. In particular it seeks to guide development within the centre on a permanent basis as part of the implementation of the adopted *Nunawading/MegaMile Major Activity Centre and Mitcham Neighbourhood Activity Centre Structure Plan* (April 2008).

The amendment will also ensure that the height controls for the Mitcham Neighbourhood Activity Centre are generally consistent with the adopted structure plan.

- How does the amendment implement the objectives of planning in Victoria? (S.4 of the Planning and Environment Act 1987)

The amendment is required in order to provide for the orderly development of land, consistent with the objectives of Section 4(1) of the *Planning and Environment Act 1987*.

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

The amendment will have positive environmental effects as it seeks to ensure that new development is designed to a scale sensitive to the surrounding development. Existing buildings within the Mitcham Neighbourhood Activity Centre are 2 to 3 storeys, or less than 9 metres in height. This amendment will ensure that new development within the centre maintains consistency with the scale of the existing built form and will therefore minimise the potential for insensitive development in locations that will dominate the local shopping centre and surrounds.

The amendment will provide opportunities for taller buildings in specific locations, The Design and Development Overlay sets higher maximum heights for 1-19 Colombo Street, the Coles supermarket site, the Mitcham Hotel site and in the vicinity of the Mitcham Station than the surrounding commercial land. The Overlay recognises that these sites have characteristics that enable more intense development to be constructed. The preferred maximum height limits generally reflect the heights in the adopted structure plan.

The amendment will have positive economic impacts by ensuring that the implications for the viability of the shopping centre are considered prior to approving development within the centre. Through completion of the structure plan, the necessary review and consultation has been undertaken to

ensure that an appropriate balance is reached between the development aspirations of property owners, the amenity of nearby properties and the protection of valued characteristics of the affected areas.

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

Section 12(2) (a) of the *Planning and Environment Act 1987* requires a Planning Authority to have regard to the Minister's Directions.

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

The amendment is consistent with the Minister's Direction No. 9, Metropolitan Strategy *Melbourne 2030*, specifically:

Direction 1, Policy 1.1: '*Build up activity centres as a focus for high quality development, activity and living for the whole community*'.

Direction 5, Policy 5.1: '*Promote good urban design to make the environment more liveable and attractive*', and Policy 5.2: '*Recognise and protect cultural identity, neighbourhood character and sense of place*'.

The proposed preferred maximum height limits are consistent with and support these directions and policies. The policy specifies that development in these centres should be designed to fit the context and enhance the character of the area while promoting good urban design. The application of preferred maximum height limits within Mitcham's low rise Neighbourhood Activity Centre will ensure these objectives can be met. *Melbourne 2030* also encourages higher density housing in and around activity centres, including neighbourhood centres.

The amendment is also affected by Ministerial Direction No. 11 – Strategic Assessment of Amendments, which seeks to ensure a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces is undertaken. This Direction has been complied with and the details of the strategic assessment are outlined in this Explanatory Report.

The amendment is not affected by any other Ministerial Direction.

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

The amendment is consistent with the State Planning Policy Framework of the Planning Scheme, particularly Clause 11 (Settlement) and Clause 15 (Built Environment and Heritage). Both Clauses recognise that, while increased development will occur around activity centres, there are particular sensitivities within Neighbourhood Activity Centres. Planning policies should be developed to achieve the following outcomes:

- Clause 11.01-2 (Activity centre planning) To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community.
- Clause 15.01-2 (Urban design principles) To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.
- Clause 15.01-5 (Cultural identity and neighbourhood character) To recognise and protect cultural identity, neighbourhood character and sense of place.

The height of development within neighbourhood activity centres has a significant influence on the character of the centre and surrounding residential areas. This amendment is expected to provide appropriate planning provisions to reinforce the need for new development to positively respond to the amenity of the Mitcham Neighbourhood Activity Centre.

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

Clause 21.07 Economic Development identifies that *Melbourne 2030* seeks to build up activity centres as a focus for high quality development including the ability to locate a substantial proportion of new housing within activity centres. The structure planning process is also identified as being vital to identifying the potential of individual centres and to involving the community in the planning process.

The clause identifies a hierarchy of activity centres consistent with *Melbourne 2030* and outlines that neighbourhood activity centres including Mitcham need to be assessed to determine whether it is appropriate to develop these centres as mixed use precincts with a suitable mix of uses including cafes and even small scale residential development.

The application of preferred maximum height limits will allow new development within the Mitcham Neighbourhood Activity Centre to reflect the neighbourhood character and guide growth within the centre as envisaged in the adopted structure plan.

Local Planning Policy

The local planning policy for activity centres at Clause 22.06 specifies that any new development in any of the neighbourhood activity centres must improve the visual amenity and streetscape of the centre.

The amendment is consistent with this policy, as it addresses one of the key attributes to visual appearance within the Mitcham Neighbourhood Activity Centre, relating to height of the built form.

This amendment is consistent with the Local Planning Policy Framework of the Whitehorse Planning Scheme, in particular:

- Clause 21.05 – Environment – which stresses the importance for new development to achieve high quality design.
 - Clause 21.06 – Housing – which addresses the distribution of housing in the municipality, the degree to which new development should respond to the character of existing residential areas and managing the interface between residential and non-residential uses.
 - Clause 21.07 – Economic - which recognizes the importance of neighbourhood centres in the community, and the potential for the amenity of these centres to be vastly improved by high quality design.
 - Clause 22.06 – relating to the preparation of structure plans for specialised and neighbourhood activity centres as required.
- Does the amendment make proper use of the Victoria Planning Provisions?

Amendment C94 makes proper use of the Victoria Planning Provisions by applying a Design and Development Overlay to provide for the urban design and built form outcomes of new development within the Mitcham Neighbourhood Activity Centre.

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

There are no additional referral authorities created by this amendment. Comments were sought from all referral authorities through the exhibition process and no objections were received.

- Is the amendment likely to have a significant impact on the transport system, as defined by section 3 of the *Transport Integration Act 2010*?

The amendment will not have an impact on the transport system.

- Are there any applicable statements of policy principles prepared under section 22 of the *Transport Integration Act 2010*?

There are no applicable statements of policy principles.

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

The proposed amendment is not expected to have any significant impacts on the resource and administrative costs of the responsible authority.

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
379-397 Whitehorse Road
NUNAWADING VIC 3131

City of Whitehorse Libraries:

- Blackburn
- Box Hill
- Vermont South

City of Whitehorse Service Centres:

- Box Hill
- Forest Hill

On the Internet, at:

www.whitehorse.vic.gov.au/Planning-Scheme-Amendments.html

The amendment can also be inspected free of charge at the Department of Planning and Community Development web site at:

www.dpcd.vic.gov.au/planning/publicinspection