

**WHITEHORSE PLANNING SCHEME**  
**AMENDMENT C194**  
**PLANNING PERMIT APPLICATION WH/2016/1196**  
**EXPLANATORY REPORT**

**Who is the planning authority?**

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

The Amendment has been made at the request of Golden Age Station Street Box Hill Development Pty Ltd.

**Land affected by the Amendment**

The Amendment applies to 517 and 519-521 Station Street, which is currently utilised as a public car park and the Box Hill Central Children's Service Centre, and 2-8 Oxford Street Box Hill, which is currently occupied by the Uniting Church and associated facilities.

The site is approximately 11,700m<sup>2</sup> in size and has frontages to Station Street, Cambridge Street and Oxford Street.



Figure 1 – Lots included in amendment

The Amendment is a combined planning permit application and planning scheme amendment under Section 96A of the *Planning and Environment Act 1987* (the Act). The planning permit application applies to 517 and 519-521 Station Street, Box Hill only (7,300m<sup>2</sup>), as outlined in the below map.



Figure 2 – Lots included in permit application

### What the amendment does

The Amendment proposes to:

- Rezone the land at 517 and 519-521 Station Street Box Hill from Public Use Zone Schedule 6 (PUZ6) to Mixed Use Zone (MUZ) amending Planning Scheme Map No 1.
- Rezone the land at 2-8 Oxford Street Box Hill from Residential Growth Zone 2 (RGZ2) to Mixed use Zone (MUZ) amending Planning Scheme Map No 1.
- Amend the Schedule to Clause 52.03 to include the Incorporated Document entitled “517 and 519-521 Station Street, Box Hill, December 2016”.
- Amend the Schedule to Clause 81.01 to include the Incorporated Document entitled “517 and 519-521 Station Street, Box Hill, December 2016”.

The Incorporated Document to be included at Clause 52.03 provides design guidance for the development of the land at 517-521 Station Street, in accordance with the *Box Hill Transit City Activity Centre Structure Plan June 2007* (the Structure Plan) and specifically the requirement for the site within the draft Box Hill Metropolitan Activity Centre Built Form Guidelines (the Guidelines), which is anticipated to implement built form controls over the precinct via Planning Scheme Amendment C175.

Within the draft Built Form Guidelines, the subject land is identified as being subject to a ‘separate design brief, which is developed by way of the Incorporated Document’.

The Incorporated Document exempts the development of the subject land from the requirements of Clause 32.04-9 of the Whitehorse Planning Scheme (the Scheme), relating to building on lots that abut another residential zone.

The planning permit application for 517 and 519-521 Station Street seeks approval for:

Building and works for the construction of a building of up to 18 storeys including rooftop plant plus up to 3 levels of basement car parking, comprising retail premises, office, restricted recreational facility (gymnasium), medical centre, accommodation, serviced apartments, child care facility, a reduction in the standard requirements for car parking facilities and alteration of access to a road in a Road Zone, Category 1.

Approval is sought for:

- Development of land within the MUZ pursuant to Clause 32.04;

- Use of land for more than one dwelling, residential hotel, retail premises, restricted recreational facility (gymnasium), office, and child care centre within the MUZ pursuant to Clause 32.04;
- Reduction in car parking requirement subject to Clause 52.06;
- Alterations to Road Zone Category 1 subject to Clause 52.29;

The draft planning permit for the site is attached as a separate document to this Explanatory Report.

## **Strategic assessment of the Amendment**

### **Why is the Amendment required?**

The amendment is required to facilitate the redevelopment of the land at 517 and 519-521 Station Street for the purposes of a multi-storey mixed use development as outlined above. The land is presently owned by Whitehorse City Council and zoned PUZ6, which does not appropriately facilitate the use and development sought by the planning permit application. Additionally, as the land will no longer be in public ownership, it cannot remain in the PUZ. This is the result of sale of the Council car park and childcare centre land together with the intention to replace the existing at grade car parking facility with a multi deck car parking facility on Harrow Street, Box Hill.

The amendment will facilitate land use and development in accordance with the Structure Plan, a reference document to Clause 22.07 – Metropolitan Activity Centre of the Scheme.

The rezoning of the land at 2-8 Oxford Street and the inclusion of this land in the Incorporated Document provides for a holistic and integrated approach to land use and built form and will provide for an appropriate transition in built form at the southern edge of the commercial core of the Box Hill Metropolitan Activity Centre (MAC). The MUZ will provide an appropriate zone transition between the MACs commercial core (Commercial 1 Zone), the subject land and the surrounding residential precinct to the south over Oxford Street within the RGZ2.

The application of the mixed use zone aligns with the rezoning map at Figure 8 of the Structure Plan and better aligns with the Activity Precincts at Figure 4 and Built Form Precincts at Figure 5 of the Structure Plan.

The rezoning is consistent with the Council's land use and built form strategies for the area and the specific sites, being an area identified for accommodating substantial growth within the MAC. The introduction of the Incorporated Document will specifically guide built form over the subject land in accordance with the public tender process to sell the land.

### **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 present and future interests of all Victorians.

The amendment will enable the fair, orderly, economic and sustainable use of land that will contribute to achieving the strategic planning objectives for the Box Hill MAC.

The rezoning of the land and introduction of an Incorporated Document to specifically guide the development of the site, will facilitate a higher density mixed use development which will contribute to the diversity of uses and built form and in turn achieve the vision for the Box Hill MAC.

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

### Economic

The amendment and issue of a planning permit for 517 and 519-521 Station Street will facilitate economic growth in the Box Hill MAC by facilitating mixed use higher density development which provides investment in the precinct. It will deliver increased employment opportunities by enabling office, commercial and retail uses, as well as investment and employment throughout the construction phase. It will provide an increase in higher density housing stock to meet demand.

The amendment will support the ongoing viability of the land, provide a higher and better use for the land within a designated MAC. The development may also act as a catalyst for increased investment in the MAC by other landowners.

### Social

The amendment will deliver positive social benefits through revitalising and activating a large parcel of underutilised land. The development will provide an improved community use through the re-development of the child care centre, will facilitate recreational and social interaction opportunities with the adjacent public open space and will provide a safer environment with activated street frontages and passive surveillance provided by the new built form and improved public realm that will replace the existing underutilised site.

The amendment will also provide increased housing supply and a different housing product to meet demand in the rapidly growing area.

### Environmental

The amendment enables any environmental impacts to be addressed in detail through the concurrent submission and consideration of a planning permit application for use and development at 517-521 Station Street.

The amendment and planning permit application will have positive effects on the environment by making efficient use of an underutilised site that is well connected to existing infrastructure in an established urban area.

The overall rezone of the land and introduction of the Incorporated Document is expected to have a positive impact on the environment by ensuring that new development enabled by the amendment is responsive to the surroundings by generating appropriate transitions in height and scale.

The development proposal incorporates a wide range of environmentally sustainable design (ESD) features to ensure the environmental impacts of intensifying the land uses on the site are minimised.

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

The land is within an established metropolitan area which is not a bushfire prone area.

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

The amendment has been prepared in accordance with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Planning and Environment Act 1987.

The amendment is consistent with Directions 9 (Metropolitan Strategy) and 11 (Strategic Assessment of Amendments).

Specifically, the amendment is consistent with the Ministerial Direction 9 Metropolitan Strategy (Plan Melbourne) given the use and redevelopment of the site will align with objectives to deliver jobs and investment and promote Melbourne as a global city of opportunity and choice, delivering social and economic benefits. Plan Melbourne identifies

Box Hill as a Metropolitan Activity Centre providing significant opportunities for investment in retail, education, entertainment, and higher density residential development.

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

The amendment and planning permit application to facilitate the rezoning and development of the land supports the State Planning Policy Framework, including:

Clause 9 – Plan Melbourne, as outlined above.

Clause 11 – Settlement, through providing for a diversity of land uses, including forms of higher density housing and increased commercial and retail investment supporting and strengthening the role and function of the Box Hill MAC as a primary location for higher density housing and business, retail, entertainment hub for this part of Melbourne.

Clause 15 – Built Form which seeks to achieve high quality architectural outcomes that contribute positively to the local urban environment, enhance and activate the public realm, and ensures development equity.

Clause 16 Housing, through providing well located residential development to meet housing needs on an underutilised piece of land within an activity centre proximate to services, including community infrastructure and public transport.

Clause 17 – Economic Development, which seeks to ‘encourage development which meets the communities’ needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.’

Clause 18 – Transport, by locating high density development of commercial and accommodation uses in a location with the highest level of access to public transport.

Clause 19 – Infrastructure, which promotes the efficient use of existing infrastructure provisions, promoting that where possible, new development that capitalises on existing community, social, cultural and development infrastructure facilities. Particularly the amendment will locating a child care centre and social infrastructure in an identified MAC and provide improved public spaces for the local community.

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

Consistent with the policy objectives of the Municipal Strategic Statement and Local Planning Policy Framework, this amendment will align with relevant clauses as below:

Clause 21.03 (A vision for the city of Whitehorse) outlines the objectives of Whitehorse’s Council Plan. The amendment will assist with achieving the vision through maintaining and enhancing the built environment to ensure a liveable and sustainable city.

Clause 21.06 (Housing) encourages higher density residential growth within ‘substantial change’ areas, such as activity centres where the site is located (Box Hill MAC), that are best able to sustain substantial change. The size of the site and its characteristics provide the opportunity to accommodate higher-density residential development.

Clause 21.07 (Economic Development) establishes Box Hill as an identified Metropolitan Activities Centre (MAC) which provides significant opportunities for investment in commercial and retail, education, entertainment and medium and higher density residential development that will strength the role of the area as a major regional activity centre. The amendment will deliver a genuinely mixed use development and precinct through retail, office, and entertainment uses that will maximise employment opportunities and growth for Box Hill and Whitehorse more broadly

Clause 21.07-3 will be facilitated through the amendments enabling of the development of this site within the Box Hill MAC for a mixed use development that will become a focus of activity and reflecting an area identified for the substantial change within the municipality.

Clause 22.07-2 (Box Hill Metropolitan Activity Centre) implements the objectives of the Structure Plan. Objectives include ensuring that the MAC can continue to expand in line with market demand, to ensure that Box Hill provides accessible, lively and comfortable public spaces that offer diverse opportunities for recreation and social engagement and to support walking and cycling as sustainable and healthy means of travel in and around Box Hill. Additionally, the objectives also include encouraging significantly increased use of public transport and a reduction of private vehicle use for travel to and from the MAC.

The amendment seeks to accommodate a more intensive and diverse range of activities that increase choices and opportunities, encourage employment growth, offer opportunities for recreational and social engagement, and supports synergies between different uses. The amendment also seeks to create accessible and lively public spaces and encourage walking and cycling by creating pedestrian links and providing for bicycle use and storage. The amendment will facilitate this through the rezoning of the land to better align with the objectives of the Structure Plan.

The introduction of the Incorporated Document will apply site specific built form and design objectives and guidelines for the subject land and will deliver a development that aligns with the intent of the Structure Plan.

Clause 22.07-3 recognises the need to create more and diverse opportunities for housing that will contribute to the land use mix and economic and social activities of the area, protect access to public open space, improve pedestrian amenity, and promote economic growth within the Box Hill MAC. The amendment will facilitate these objectives by rezoning the land to MUZ, introducing an Incorporated Document into the Planning Scheme and considering a planning permit application that responds to these objectives.

Regarding built form objectives; the amendment will facilitate transitional heights around the core of the activity centre to the fringes, integrate new development with existing heritage buildings and encourage design excellence.

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

The amendment makes proper use of the Victoria Planning Provisions by rezoning land to the MUZ and updating the schedules to Clauses 52.03 and 81.01 to insert an Incorporated Document titled '517 and 519-521 Station Street, Box Hill, December 2016' into the Scheme.

The amendment utilises a site specific provision to enable a planning permit to be sought to use the land for the purposes of accommodation in association with a higher density mixed use development outcome on the site. The amendment is appropriate as it will facilitate a planning permit application process for this specific site whilst also allowing for further strategic work associated with the implementation of the objectives of the Structure Plan, to be pursued by Council.

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

The views of relevant agencies will be sought during the combined planning scheme amendment/planning permit application process.

### **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. While the amendment is not considered to have a direct impact on the Transport Integration Act or transport system, it will facilitate a development which has proximate access to public transport systems and established road networks.

In particular, the subject sites are within walking distance to the Box Hill interchange, tram routes along Whitehorse Road and bus routes along Station Street and Whitehorse Road.

Pedestrian links are also proposed to be provided and accessibility is proposed to be enhanced across, and adjacent to, the sites.

## Resource and administrative costs

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

It is not anticipated the amendment will have a significant administrative impact on 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, 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;
- On the internet at: [www.whitehorse.vic.gov.au](http://www.whitehorse.vic.gov.au); and
- 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 and/or planning permit may make a submission to the planning authority. Submissions about the Amendment and planning permit must be received by **Monday 29 May 2017**.

A submission must be sent to:

Mail      Amendment C194  
            Whitehorse City Council  
            Locked Bag 2  
            Nunawading Delivery Centre VIC 3131

Email     [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 14 August 2017
- panel hearing: week commencing Monday 11 September 2017