

# WHITEHORSE PLANNING SCHEME

## AMENDMENT C230whse

### EXPLANATORY REPORT

#### Who is the planning authority?

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

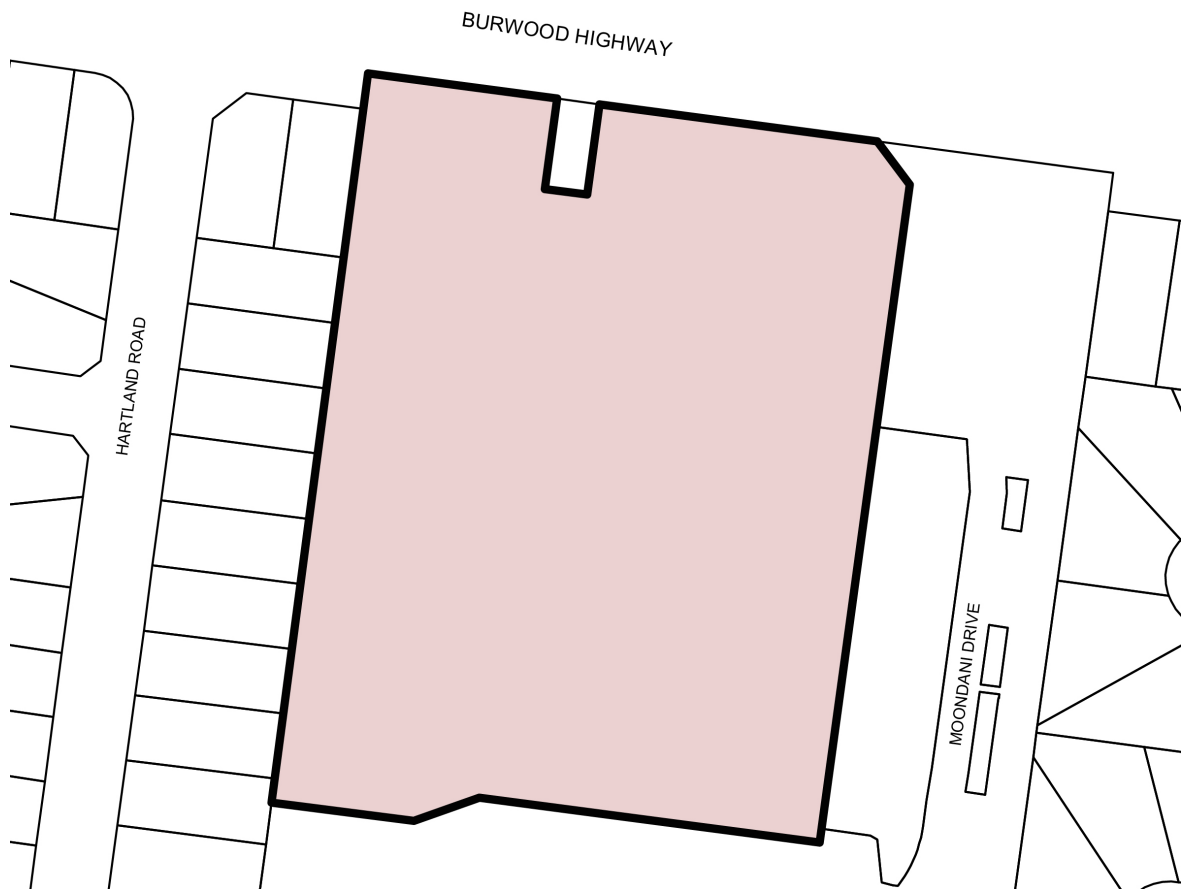
The proposed amendment has been made at the request of Tract, on behalf of the land owner.

#### Land affected by the amendment

The proposed amendment applies to the following three lots:

- 490-500 Burwood Highway, Vermont South;
- Flat 1/490-500 Burwood Highway, Vermont South;
- Flat 2/490-500 Burwood Highway, Vermont South.

The site is also known as the former Australian Road and Research Board (ARRB) site and is formally described as Lot 1 on Plan of Subdivision 518296N.



Map 1 Location of the amendment area.

#### What the amendment does

The proposed amendment makes the following changes to the Whitehorse Planning Scheme.

- Amends the Local Planning Policy Framework at Clause 21.06 (Housing) by changing the map.
- Amends the Local Planning Policy Framework at Clause 22.03 (Residential Development) by changing the map.
- Rezones the land from the Transport Zone Schedule 4 (TRZ4) to the Residential Growth Zone Schedule 3 (RGZ3).
- Amends Schedule 5 to Clause 42.02 Vegetation Protection Overlay and applies it to the land.
- Inserts Schedule 10 to Clause 42.03 Significant Landscape Overlay into the planning scheme and applies it to the land.
- Amends the Schedule to Clause 43.01 Heritage Overlay to include reference to the updated statement of Significance, *Former Australian Road and Research Board, 490–500 Burwood Highway, Vermont South – Statement of Significance (Whitehorse City Council, June 2021)*.
- Inserts Schedule 6 to Clause 43.02 Design and Development Overlay into the planning scheme and applies it to the land.
- Applies Clause 45.03 Environmental Audit Overlay (EAO) to the land.
- Amends the Schedule to Clause 72.04 to incorporate two documents, *Former Australian Road and Research Board, 490–500 Burwood Highway, Vermont South – Statement of Significance (Whitehorse City Council, June 2021)* and *Statement of Tree Significance, 490–500 Burwood Highway, Vermont South (September 2021)*.
- Amends planning scheme maps 06DDO Design and Development, 06EAO Environmental Audit, 06SLO Significant Landscape, 06VPO Vegetation Protection and 06ZN Zones accordingly.

## **Strategic assessment of the amendment**

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

The proposed Amendment rezones land in the TRZ4 that is no longer required for a public purpose. The land is now in private ownership and the TRZ4 has subsequently become redundant and does not enable use and development that is not in accordance with the transport purpose of the public land zone. Land in private ownership cannot remain in a TRZ4. A change to the zoning of the Amendment land is required to enable its future use and development.

The proposed Amendment will facilitate the residential redevelopment of a strategic development site in a well-serviced area of Vermont South that is close to an activity centre, public transport, public open space and the Tally Ho Business Park.

The new suite of planning controls will guide the transition of the site from a redundant TRZ4 to a residential land use, which better aligns with the surrounding residential land uses and the nearby activity centre context.

The DDO will ensure any future development of the site respects the existing neighbourhood character by providing an appropriate transition at the interfaces with the established adjacent residential area, while also responding to the opportunities and constraints presented by the site.

The unique landscape character of the land will be preserved and enhanced through application of the SLO and VPO controls. The heritage features of the site will continue to be protected via an updated Statement of Significance that clearly outlines the significant and contributory elements of the heritage place.

The EAO is required to ensure any potential contamination on the land is identified and remediated prior to any sensitive use (including residential) occurring on the land.

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

The objectives of planning in Victoria are outlined at Section 4(1) of the *Planning and Environment Act 1987*. They include:

- a) *To provide for the fair, orderly, economic and sustainable use, and development of land.*
- c) *To secure a pleasant, efficient and safe working, living and recreational Environment for all Victorians and visitors to Victoria.*

d) *To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.*

g) *To balance the present and future interest of all Victorians.*

The rezoning of the amendment area will replace a redundant zone with a new suite of planning controls that facilitate and guide the development of a residential community on the land (objective A). The proposed controls will ensure that any future development on the site appropriately responds to the surrounding established residential area, protects significant vegetation, ensures the continued conservation of the significant heritage elements, and facilitates safe and pleasant residential development (objectives C and D).

The proposed amendment will enable additional housing in a well-serviced area of the municipality, thereby contributing to the growing demand for housing in the City of Whitehorse. The proposed controls will ensure that future development responds to the existing site constraints and interfaces to preserve the amenity of adjoining and nearby residents (objective G).

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

The proposed Amendment has been assessed against sections 12(2)(b) and (c) of the Act to consider the environmental, social and economic effects and whether or not the Amendment results in a net community benefit.

The proposed zone and overlay provisions will better align the planning controls with the environmental, landscape and heritage values of the site, ensuring that these attributes are given due regard in any future development proposal. The amendment will include application of the Environmental Audit Overlay (EAO), which will require remediation of any potential contamination prior to the commencement of sensitive uses on the site, including residential.

The proposed Amendment seeks to preserve the significant landscape and canopy tree characteristics of the site through the application of the SLO and VPO to assist in the retention and incorporation of existing and new vegetation in any future development, and contribute to urban cooling and greening.

The proposed amendment is expected to have positive economic and social effects by removing a redundant PUZ and applying a new set of planning controls that enable residential use and development in a well-serviced location that is in proximity to the Vermont South Shopping Centre, the Principal Public Transport Network and various other facilities and services. In this manner, the proposed Amendment will contribute to the achievement of 20-minute neighbourhoods in the municipality. Employment opportunities will be generated during the construction of any future development and expenditure of the new residential community will contribute to the economic viability of the nearby shopping centre.

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

The amendment will not result in any increase to the risk to life as a priority, property, community infrastructure and the natural environment from bushfire. The amendment land is not within a designated bushfire prone area. Bushfire risk is therefore not considered relevant to this amendment.

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

This proposed Amendment is consistent with the requirements of the *Ministerial Direction on the Form and Content of Planning Schemes* under section 7(5) of the Act.

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

This Direction requires the planning authority to be satisfied that any land proposed for sensitive uses is free from potential contamination. It is proposed that an EAO be applied to the site as part of the Amendment to ensure that potentially contaminated land issues are addressed before development for a sensitive use occurs.

#### *Ministerial Direction No. 9 Metropolitan Strategy*

This Direction outlines the requirements of planning scheme amendments considering relevant directions or policies in Plan Melbourne 2017-2050, being the relevant Metropolitan Planning Strategy. The proposed Amendment supports the following policy directions of Plan Melbourne:

- *Policy 2.1.1 - Facilitate an increased percentage of new housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport.* The Amendment proposes to rezone redundant TRZ land for the potential supply of new housing close to existing infrastructure in an accessible urban location that is close to a large neighbourhood activity centre and public transport.
- *Policy 2.1.4 – provide certainty about the scale of growth in the suburbs.* The proposed rezoning and application of overlay controls that specify requirements for future development, provide certainty regarding the extent and form of development envisaged for the Amendment land.
- *Policy 2.2.3 – support new housing in activity centres and other places that offer good access to jobs, services and public transport.* The proposed Amendment facilitates the delivery of additional housing that will add diversity to housing choice in a location close to public transport, an activity centre and an employment precinct.
- *Policy 2.4.2 – Facilitate the remediation of contaminated land, particularly on sites in developed areas of Melbourne with potential for residential development.* The proposed application of the EAO will ensure that any contaminated land is appropriately remediated prior to the commencement of residential development.
- *Policy 4.4.1 – Recognise the value of heritage when managing growth and change.* The proposed Amendment ensures the longevity of the heritage place by facilitating its adaptive reuse, and enabling future growth and change in a manner that respects the significance of the heritage asset.
- *Policy 5.1.1 – Create mixed-use neighbourhoods at varying densities.* The proposed Amendment will enable diversity in housing and opportunities for some non-residential uses in accordance with the RGZ.

#### *Ministerial Direction No. 11 – Strategic Assessment of the Amendment*

This Direction requires a comprehensive strategic evaluation of a planning scheme amendment. The requirements of this Direction are satisfied by using the assessment contained in this report for the proposed amendment documentation.

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

This Direction outlines the set times for completing the steps in the planning scheme amendment process. The Amendment will continue to comply with the requirements of this Direction.

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

The PPF supports land use and development that takes advantage of existing infrastructure in established areas of Melbourne. Relevant policies include:

##### *Clause 11.02-2 – Supply of urban land*

The proposed Amendment will increase the supply of housing in an existing urban area by rezoning underutilised land for higher density residential development.

##### *Clause 12.05-2S – Landscapes*

The Amendment seeks to protect and enhance the significant vegetation and landscape character of the of the ARRB site by identifying and protecting outstanding tree specimens via a VPO control and through the application of a SLO to ensure that the landscape character is maintained and enhanced as the site transitions to a residential use.

##### *Clause 13.04-1S – Contaminated and potentially contaminated land*

This policy seeks to ensure that contaminated and potentially contaminated land is used and developed safely and that any contamination is remediated before a site is used or developed for a sensitive use. Due to the nature of the past use of the site by ARRB and the various bitumen and concrete testing operations that occurred on the land, the Amendment proposes to apply the EAO to the site. This will ensure that remediation of any contaminated land occurs before the land is developed for residential use.

##### *Clause 15.01-1S – Urban design*

This policy requires development to consider and respond to the local context and contribute to functional, enjoyable and safe urban environments that improve amenity. The proposed controls, and particularly the DDO schedule will require development proposals to respond to the landscape, built

form and cultural context and respect existing elements of heritage significance.

*Clause 15.01-3S – Subdivision design*

This clause supports the creation of liveable and sustainable residential areas that are safe, attractive and diverse. The Amendment will facilitate a range of lot sizes to suit a variety of dwelling and household types, catering for differing needs and aspirations. The location of the site in a well-serviced area of Vermont South promotes sustainable lifestyles through reduced car dependency.

*Clause 15.03-1S – Heritage conservation*

Clause 15.03-1S provides a list of strategies to ensure the conservation of places of heritage significance. The Amendment will ensure the conservation of the heritage place, while also enabling adaptive reuse of a heritage building where the former use has become redundant. The built form requirements and building envelopes in the DDO6 ensure that an appropriate setting and context for the heritage place is maintained.

*Clause 16.01-1R – Housing supply - Metropolitan Melbourne*

This regional policy encourages the supply of new housing in proximity to neighbourhood activity centres with good access to public transport that assist in the delivery of 20-minute neighbourhoods. The proposed rezoning will facilitate the delivery of higher density forms of housing close to existing shops, services and public transport.

*Clause 18.01-1S – Land use and transport planning*

This policy seeks to “create a safe and sustainable transport system by integrating land use and transport”. The Amendment site is located on a major road that is serviced by bus routes and a tram route which terminates approximately 120 metres from the site at the Vermont South shopping centre. This allows for access to the site by private vehicle, public transport and active transport, and integrates future land use with the surrounding uses and transport modes.

Rezoning of the land and the application of overlay controls will support the above policies by facilitating residential development on a well-located site that benefits from close proximity to a variety of services and facilities. The overlay controls will ensure that future development addresses the constraints and opportunities of the site, including the heritage elements and environmental features.

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

The Amendment gives effect to several objectives under Clause 21 and Clause 22 of the Whitehorse Planning Scheme as summarised below.

*Clause 21.05 Environment*

This Clause acknowledges the natural, visual and built environment features that are significant to the municipality. In particular, tree preservation is noted as being “vitaly important within the City”. Key issues include the promotion of vegetation protection and regeneration, heritage protection, design excellence and visual amenity. As the site contains numerous large and significant canopy trees, it is important that the amendment promotes the protection and enhancement of this landscape quality. The proposed VPO recognises the three outstanding tree specimens on the site, while the SLO seeks to preserve the landscape character that is unique to this site.

*Clause 21.06 – Housing*

▪ *Clause 21.06-1*

This clause recognises that the municipality is under increasing pressure to accommodate more people who are attracted to the area, while also retaining the valued high-quality residential environment. The proposed Amendment nominates the site as a ‘substantial change’ area with opportunities for housing growth at increased densities on a site that can support a substantial number of new houses.

▪ *Clause 21.06-2 – Vision*

The proposed Amendment seeks to meet the needs of future residents by promoting housing growth in locations within walking distance of public transport and local services such as shops, parks and education. The mix of townhouse and apartment style dwellings will increase the diversity of the housing mix, catering to a wide range of needs and lifestyle preferences. While the Amendment will facilitate new development, the overlay controls will ensure that the valued heritage character and landscape significance is preserved and sensitive interfaces appropriately managed.

- *Clause 21.06-3 – Housing Location*  
The proposal aligns with substantial change area objectives and supports increased residential densities in a location with good access to public transport, services and facilities.
- *Clause 21.06-4 – Housing Diversity*  
The Amendment seeks to diversify the variety of housing types within Vermont South by providing opportunities for townhouse and apartment dwelling styles.
- *Clause 21.06-5 – Housing Affordability*  
The Amendment will facilitate a range of housing types and sizes that will provide opportunity for a diverse array of future residents.
- *Clause 21.06 – Housing design*  
The proposed overlay controls seek to facilitate an appropriate design response in a substantial change area that contributes to the neighbourhood character while supporting additional housing.

*Clause 22.01 – Heritage and Building Precincts*

The Amendment seeks to maintain and preserve the existing heritage place, allowing for its appropriate adaptive reuse, while also ensuring that new development on the site is sympathetic to the heritage fabric and context. The Amendment will update the Statement of Significance applying to the site, providing greater clarity on significant and contributory elements of the heritage place. Future planning permit applications will need to be supported by a Heritage Impact Assessment and management plan for the future conservation and reuse of the former administration building.

*Clause 22.03 – Residential Development*

- *Clause 22.03-2 Objectives* includes numerous objectives around residential development in the municipality. These include, to ensure development contributes to the preferred neighbourhood character where specified, to ensure that new development does not detract from the natural environment and ecological systems, and to recognize the potential for change as a result of new social and economic conditions, changing housing preferences and state and local planning policies. The proposed rezoning will ensure any future development contributes to the neighbourhood character of the established residential area to the west, south and east. The proposed application of the DDO6 identifies design objectives and lists requirements around built form, landscaping and traffic and transport.

*Clause 22.04 – Tree Conservation*

The proposal seeks to retain high and medium value trees on the site and incorporate these into the future design response. Three outstanding tree specimens will be individually recognised under the VPO5, and the broader landscape character of the site will be retained and enhanced via the SLO10.

*Clause 22.10 – Environmentally Sustainable Development*

The proposed Amendment supports Council's commitment to creating an environmentally sustainable city. The DDO6 requires the consideration of ESD principles and development that has the potential to attain a long-term, zero carbon outcome.

**How does the amendment support or implement the Municipal Planning Strategy?**

The Whitehorse Planning Scheme does not contain a Municipal Planning Strategy at Clause 02.

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

The amendment makes proper use of the Victorian Planning Provisions by utilising a zone (RGZ) that reflects the strategic redevelopment opportunity presented by the site. The current TRZ4 is no longer appropriate as the site is privately owned and the public use has ceased. Residential use and development cannot occur until the site has been rezoned.

The proposed rezoning to RGZ is consistent with Planning Practice Notes No. 90 *Planning for housing* (PPN90) and No. 91 *Using the residential zones* (PPN91). The Amendment area is consistent with the substantial change characteristics outlined in PPN90 by virtue of its large size, proximity to activity centres, public transport and employment precincts, and its ability to create a new built form character. While the site does have special heritage and landscape qualities, these aspects can be appropriately

managed through the overlay controls proposed. In accordance with PPN91, the RGZ is the most appropriate zone to apply to areas identified for substantial change.

The amendment makes consequential changes to the Housing Framework Plan in Clause 21.06 to include the amendment land in a substantial change area, and to the Neighbourhood Character Precincts map at Clause 22.03, to include the amendment land in the Garden Suburban 7 precinct.

The application of the DDO6 assists in tailoring the built form outcome to the specific opportunities and constraints presented by the site, including the sensitive residential interfaces. In particular, the DDO6 provisions consider the appropriate extent and form of any future development and its relationship with the heritage and landscape characteristics of the site. The DDO6 will allow for exemptions from notice and review of future applications for buildings and works that are located away from the sensitive site interfaces, provided the development does not exceed the preferred maximum building heights set out in DDO6.

The VPO and SLO controls recognise and manage the unique treed character of the site and original landscape themes of the former land use. This will ensure that significant trees and stands of trees are retained and incorporated into any future proposal, as well as guide new landscaping.

Application of the EAO over the entire site is appropriate given the former use of the site and the bitumen and concrete testing operations that were carried out on the land by ARRB.

**The Heritage Overlay will be retained across the entire site, with an updated Statement of Significance providing greater clarity and direction regarding the various heritage elements on the land.**

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

As part of the exhibition of the amendment, the views of relevant agencies and public authorities will be sought.

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

The amendment is considered to be consistent with the objectives of the Transport Integration Act 2010. It is not expected that the proposed amendment will have a discernible impact on the existing road network, nor will it compromise the safety or operation of the existing transport system.

The Amendment will be referred to the Department of Transport during the exhibition phase.

**Resource and administrative costs**

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

In the long term, the new planning provisions will have minimal impact on the resource and administrative costs of the Responsible Authority. However, to the extent that the Amendment will encourage new residential development, it is anticipated that in the short term there will be an increase in applications for planning permits.

**Where you may inspect this amendment**

The amendment can be inspected free of charge at the Whitehorse City Council website at [www.whitehorse.vic.gov.au](http://www.whitehorse.vic.gov.au)

The amendment is available for public inspection, free of charge, during office hours at the following places:

- Whitehorse City Council, Planning Counter, 397 Whitehorse Road, Nunawading
- Whitehorse City Council Service Centres at Box Hill Town Hall and Forest Hill Chase Shopping Centre;
- Libraries in the City of Whitehorse at Nunawading and Vermont South.

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

### **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 beginning **5 September 2022**
- panel hearing: week beginning **3 October 2022**

Anyone who has made a submission that has been referred to a Panel has an opportunity to be heard. All submitters will be formally advised in writing of any Directions or Panel Hearing and the date.

### **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.