

WHITEHORSE PLANNING SCHEME

AMENDMENT C231

EXPLANATORY REPORT

Who is the planning authority?

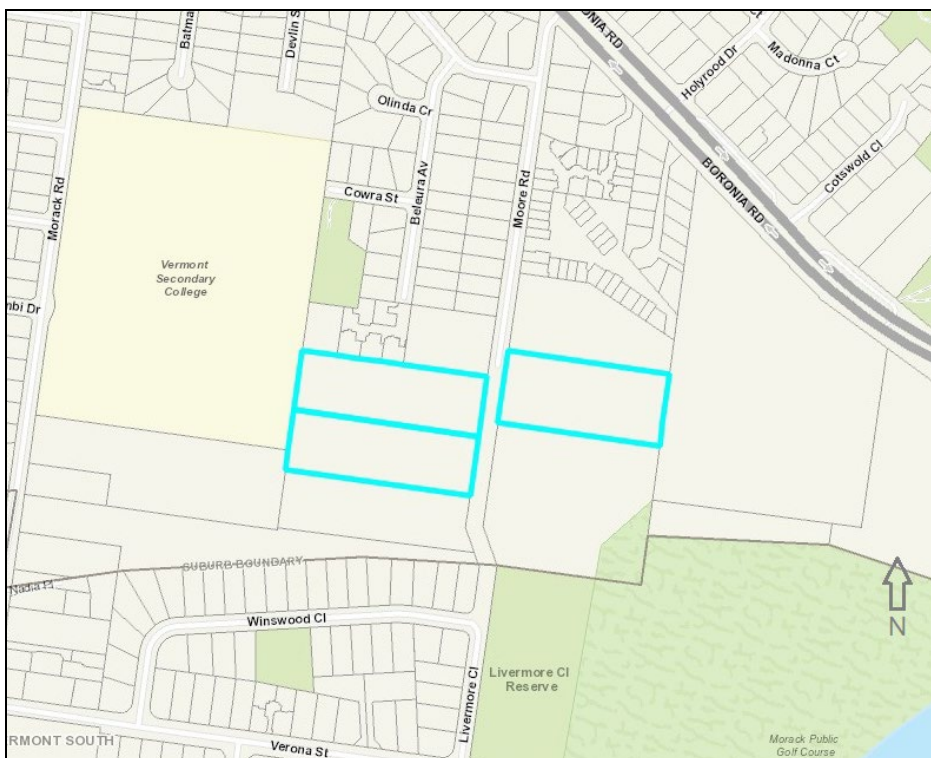
This proposed amendment has been prepared by the Whitehorse City Council, which is the planning authority for this amendment.

The proposed amendment has been made at the request of Whitehorse City Council.

Land affected by the amendment

The proposed amendment applies to the following three lots:

- 34-40 Moore Road, Vermont;
- 37-43 Moore Road, Vermont;
- 42-50 Moore Road, Vermont.



Map 1 Location of the amendment sites.

What the amendment does

The proposed amendment rezones land at 34-40 Moore Road, 37-43 Moore Road and 42-50 Moore Road, Vermont, from the General Residential Zone Schedule 5 (GRZ5) to the Neighbourhood Residential Zone Schedule 3 (NRZ3).

The proposed amendment also makes slight adjustments to the Housing Framework Plan at Clause 21.06 and MAP 1: Neighbourhood Character Precincts at Clause 22.03.

Specifically, the proposed amendment:

- Rezones the land at 34-40, 37-43 and 42-50 Moore Road, Vermont from the General Residential Zone Schedule 5 (GRZ5) to the Neighbourhood Residential Zone Schedule 3 (NRZ3).
- Amends the Local Planning Policy Framework at Clause 21.06 Housing by making consequential changes to the map.
- Amends the Local Planning Policy Framework at Clause 22.03 Residential Development to make consequential changes to the map.
- Amends Planning Scheme Map 6ZN.

Strategic assessment of the amendment

Why is the amendment required?

The GRZ5 does not reflect City of Whitehorse's vision for housing in this area and does not align with the desired outcomes for Limited Change Areas.

The subject land is within and adjacent to a Limited Change Area where the established Bush Suburban neighbourhood character should be conserved and enhanced. The Whitehorse Planning Scheme identifies the Neighbourhood Residential Zone as the appropriate zone to apply in Limited Change Areas.

Rezoning the three sites will remove a zoning inconsistency arising from surplus land in the former Healesville Freeway corridor, with some parcels being sold by State Government, and ensure that development potential of the sites aligns with the expectations of the community.

The three lots affected by this amendment were previously in VicRoads ownership and formed part of the former Healesville Freeway corridor. The lots have been sold by VicRoads to private owners.

As part of the residential zone reforms in 2014, the Minister for Planning rezoned the amendment land from Residential 1 Zone to GRZ5 as a neutral translation together with the remainder of the former Healesville Freeway corridor. Application of the GRZ5 was contrary to indicators in the Whitehorse Housing and Neighbourhood Character Review completed in 2014.

The State Government has made a commitment to deliver a linear public open space reserve along the bulk of the Healesville Freeway corridor, and large sections of this linear park have already been rezoned to Public Park and Recreation Zone (PPRZ). Council understands that the Department of Environment, Land, Water and Planning is in the process of preparing an amendment to rezone the remaining lots that form part of the future park from GRZ5 to PPRZ in order to achieve the full extent of the public open space linear corridor. This process will leave the three amendment C231 lots as a clear inconsistency in the zoning of this area.

The proposed amendment is supported by a Discussion Paper that provides a strategic justification for the proposed rezoning.

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* (the Act). 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;*
- f) *to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);*
- g) *to balance the present and future interest of all Victorians.*

The rezoning of the three Moore Road properties will correct a zoning inconsistency and facilitate orderly planning set out in objective (a) by applying the appropriate residential zone to a Limited Change Area. Designating the heritage property at 34 – 40 Moore Road as limited change is also consistent with the principles in Council’s Housing Strategy 2014 and objective (d).

The proposed amendment will assist in the protection of a valued neighbourhood character area by ensuring that future development has the highest regard to the built form, vegetation-dominated landscape and heritage elements of the area. The amendment therefore responds to objective (c) and (d) by securing a pleasant living environment and ensuring development conserves and enhances the area’s aesthetic qualities and historical interest.

The proposed rezoning will ensure that any future development of the three sites appropriately responds to the existing and preferred character of the Bush Suburban Precinct 9 environment and to the heritage significance, thereby responding to objectives (f) and (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 rezoning will better align the planning controls with the environmental, landscape and heritage values of the sites by ensuring that these attributes are given due regard in any future development proposal.

The proposed rezoning will assist in preserving the amenity of the existing Bush Suburban neighbourhood and require any future development to respect the established character of the surrounding area and its environmental assets.

The proposed amendment will have a positive social impact by appropriately managing development in line with the principles of Limited Change Areas, for the benefit of current and future residents of the area. It ensures an integrated approach to housing outcomes in this part of Vermont by addressing an inconsistency in the planning scheme.

The proposed amendment is not expected to have significant economic effects on the broader community. The amendment may have economic impacts on the owners or developers of the affected properties as the rezoning may limit the intensity of development that can be accommodated on the sites. It is noted however, that 34-40 Moore Road is already covered by a Heritage Overlay and all three properties are affected by the Significant Landscape Overlay Schedule 9.

Does the amendment address relevant bushfire risk?

The proposed 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?

The proposed amendment complies with the requirements of the Ministerial Direction on the Form and Content of Planning Schemes.

The proposed amendment is consistent with Ministerial Direction No. 9 – Metropolitan Planning Strategy, with *Plan Melbourne 2017-2050* being the relevant Metropolitan Planning Strategy. In particular, the amendment supports Direction 2.1 (Manage the supply of housing in the right locations to meet population growth and create a sustainable city), by aligning the zone with the preferred housing outcome for the area. Furthermore, it provides certainty for the community about the scale of development that can be delivered on each site.

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

Clause 11.02-1S (*Supply of urban land*) of the Planning Policy Framework (PPF), seeks to ensure that there is sufficient supply of land for various uses, including residential. Furthermore, it recognises that planning for urban growth should give consideration to neighbourhood character and the landscape. The rezoning of the sites to NRZ will facilitate development that gives due regard to the valued character attributes of the area and is consistent with the established nature of the locality.

The rezoning of three lots from GRZ to NRZ will not affect the municipality's ability to meet the forecast demand for housing as set out in Council's Housing Strategy 2014. Areas identified for substantial and natural change will accommodate the majority of new housing across the municipality.

Clause 12.05-2S (*Landscapes*) seeks to "*ensure important natural features are protected and enhanced*". In this regard, the application of the NRZ achieves the right balance between facilitating development in a residential neighbourhood, while protecting the natural features of the sites and broader neighbourhood, which are highly valued by the community.

Clause 15.03-1S (Heritage conservation) emphasises the need to maintain an appropriate setting and context for places of heritage significance and to provide for the conservation and enhancement of those places. In this regard, the most appropriate policy setting to achieve this outcome, in relation to 34-40 Moore Road, is through the limited change designation and application of the NRZ.

Clause 16.01-1R (*Housing supply – Metropolitan Melbourne*) highlights need to provide certainty about the level of change expected in residential areas by allowing "*for a range of minimal, incremental and high change residential areas that balance the need to protect the valued areas with the need to ensure choice and growth in housing*". The rezoning of the land to NRZ achieves a balance between protecting valued areas of neighbourhood character and heritage while also enabling redevelopment in accordance with the purpose of the NRZ.

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

Clause 21.06 (Housing) acknowledges the high amenity residential areas throughout the municipality and the community desire to maintain the amenity of these areas by ensuring that places of heritage or special character are preserved by applying greater control to new housing development. It establishes areas of housing change (substantial, natural and limited change) and defines character precincts (Garden Suburban, Bush Suburban and Bush Environment) across the residential areas of the municipality, in accordance with the *Housing Strategy 2014* and the *Neighbourhood Character Study 2014*. Of particular relevance to this amendment is the Vision (Clause 21.06-2) which refers to "preserving areas of valued character and vegetation or landscape significance", and the Key Housing Principles, which include "Limit residential growth in areas of valued landscape or built form character, and/or with infrastructure limitations".

The subject sites are within and adjacent to a Limited Change Area where Clause 21.06 identifies the NRZ as the appropriate zone for these areas. This amendment therefore gives effect to the implementation aspect of Clause 21.06 by rezoning the land in accordance with this direction. Clause 22.03 (Residential Development) builds on the content of Clause 21.06 and seeks to ensure that residential development is consistent with the three categories of housing change that have been identified in the Municipal Strategic Statement. In Limited Change Areas development should predominantly be in the form of detached and semi-detached housing that "*respects the appearance of surrounding development and the environmental, heritage, and neighbourhood character values of the area*". Map 1 of Clause 22.03 comprises the Neighbourhood Character Precincts map and includes the amendment land within and adjacent to the Bush Suburban 9 precinct. The preferred character statement for this precinct is referenced in Clause 22.03.

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 proposed amendment is consistent with the intent and use of the Victorian Planning Provisions as it applies the NRZ to correct a zoning inconsistency. The rezoning ensures that the residential zone applied to the subject land is reflective of the strategic objectives for Limited Change Areas at Clause 21.06 of the Scheme.

The proposed rezoning from GRZ to NRZ is consistent with Planning Practice Notes No. 90 *Planning for housing* (PPN90) and No. 91 (PPN91) *Using the residential zones*. The amendment area is consistent with the minimal change (termed 'limited change' in the Whitehorse Planning Scheme) characteristics outlined in PPN90. In accordance with PPN91, the NRZ is the most appropriate zone to apply to areas identified for minimal change.

The proposed amendment makes consequential changes to the Housing Framework Plan in Clause 21.06 to include all the amendment land in the limited change area, and to the Neighbourhood Character Precincts map at Clause 22.03, to ensure that all of the amendment land is included within the Bush Suburban 9 precinct.

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

The proposed amendment does not directly affect any agency.

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

The proposed amendment is unlikely to have a significant impact on the transport system. There are no requirements in the Transport Integration Act 2010 that are of relevance to the amendment.

Resource and administrative costs

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

It is unlikely that there will be any additional impacts on resources or administrative costs as a result of this amendment.

The consideration of any subsequent planning permit applications for the land will not impose additional resource or administration costs on the Council.

Where you may inspect this amendment

The amendment can be inspected free of charge at the Whitehorse City Council website at <https://www.whitehorse.vic.gov.au/planning-building/whitehorse-planning-scheme>

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 (1022 Whitehorse Road, Box Hill) and Forest Hill Chase Shopping Centre (Level 2, Shop 275, 270 Canterbury Road, Forest Hill);
- 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.

Submissions

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by **Monday 20 September 2021**.

A submission must be sent to:

Online: <https://yoursay.whitehorse.vic.gov.au/amendment-c231>

Mail: Strategic Planning Unit, Amendment C231
Whitehorse City Council
Locked Bag 2

Nunawading Delivery Centre VIC 3131

Email: customer.service@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 beginning **Monday 29 November 2021**
- panel hearing: week beginning **Monday 24 January 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 and for two months after the Amendment comes into operation or lapses. 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. You may access this information by contacting Council on 9262 6303.

ATTACHMENT 1 - Mapping reference table

Location	Land /Area Affected	Mapping Reference
Vermont	34-40, 37-43 and 42-50 Moore Road, Vermont	Whitehorse C231whse 06ZN Exhibition