

# WHITEHORSE PLANNING SCHEME

## AMENDMENT C193

### EXPLANATORY REPORT

#### Who is the planning authority?

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

The amendment has been made at the request of Across Property Development.

#### Land affected by the Amendment

The amendment applies to 289 – 291 Morack Road Vermont South (refer to Figure 1).

The land affected by the amendment includes all land formally identified as Lot 1 on TP139781E.

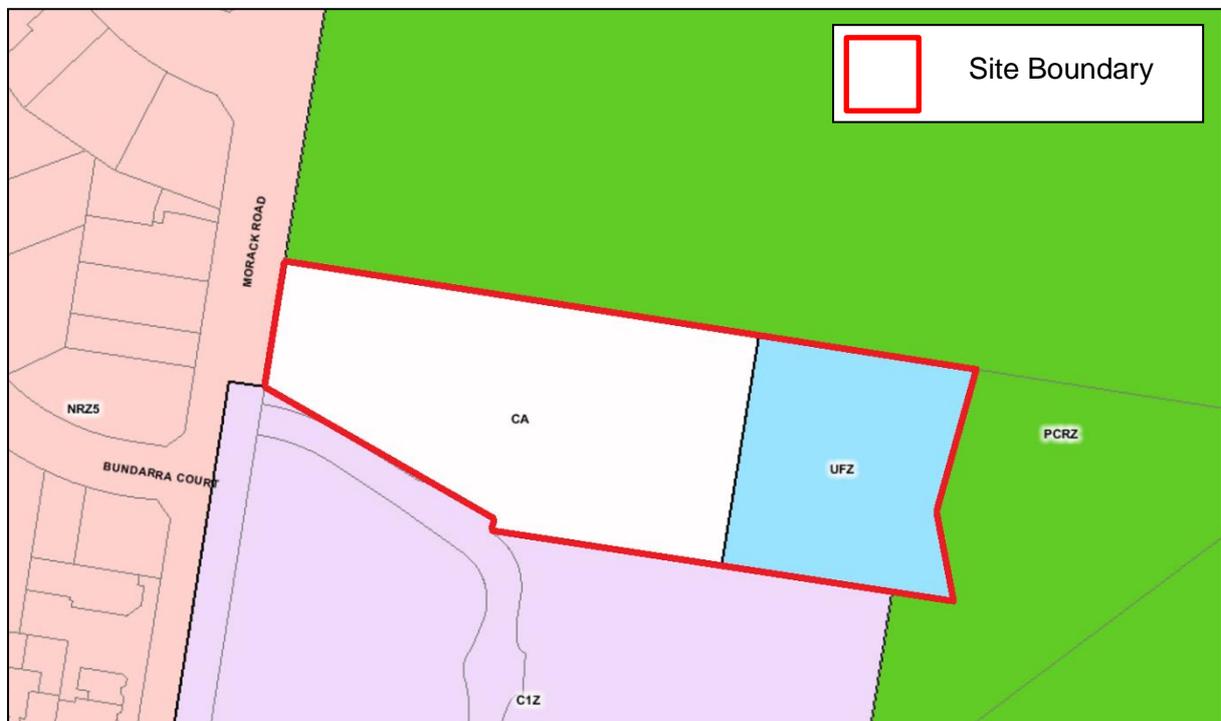


Figure 1. Existing Zoning of Subject Site

source: land.vic.gov.au

#### What the amendment does

The Amendment seeks to:

- Rezones the land currently designated as Commonwealth Land (CA) to General Residential Zone (Schedule 5) (GRZ5).
- Rezones a portion of the land currently designated as Urban Floodway Zone (UFZ) to GRZ5.
- Applies the Design and Development Overlay (Schedule 10) (DDO10) to all of the land.
- Applies the Environmental Audit Overlay (EAO) to all of the land zoned GRZ5.

#### Strategic assessment of the Amendment

#### Why is the Amendment required?

The site is predominantly designated as Commonwealth Land and therefore sits outside the Planning Scheme. The site was purchased by the Commonwealth of Australia in June 1988 on behalf of Telecom (now known as Telstra) and sold to the private market in December 1993. A building permit was issued in November 1994 to convert the existing building to a dwelling.

The land has recently been sold to a new owner who wishes to facilitate a more appropriate zone on the site as the existing zoning doesn't reflect its current residential use, its future development potential, and the land is no longer owned by the Commonwealth.

The extent of the UFZ has been revised in accordance with advice from Melbourne Water. The revised boundary will have no impact on the intent of the UFZ.

The EAO is required to ensure any potential contamination on the land is identified prior to development occurring on the site. The DDO will ensure any future development of the site respects the existing neighbourhood character of the area and responds appropriately to the Morack Golf Course and Dandenong Creek Environs.

### **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* and include:

- *Provide for the fair, orderly, economic and sustainable use, and development of land*

The amendment **will** implements this objective by providing increased residential development on a site within an existing residential area that is close to services. The site is currently being used for a residential purpose.

The current Commonwealth Land designation means the site sits outside of the Planning Scheme. By rezoning the site to the GRZ5, any future permit applications will be subject to the requirements of the Whitehorse Planning Scheme which will provide for fair and orderly planning.

The DDO10 **will** ensures a transition of height and massing between larger scale development fronting Burwood Highway to the south, and the lower-scale residential development to the west, the golf course to the north and the Dandenong Creek environs to the east. The application of the DDO10 will also provide certainty to future built form outcomes.

- *To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity*

The amendment acknowledges the importance of ecological processes by recognising the adjacent Dandenong Creek Environs in the proposed DDO10 which provides for lower scale built form outcomes, generous setbacks and suitable landscape response adjacent to the Creek and golf course area.

The application of the EAO will ensure any contaminated land is remediated prior to the development of any sensitive land use, providing for a safe environment.

- *To balance the present and future interests of all Victorians*

Following Telecom's discontinuance of use of the land, the site has a more recent history of being used for residential purposes. The **proposed** rezoning to GRZ5 will be reflective of the present and intended future use of the site, consistent with much of the surrounding area.

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

The **proposed** DDO10 provides design objectives for the site and requires setbacks to Morack Road and side setbacks to the Golf Course and Dandenong Creek Environs. This **will** ensures the environmental aspects of the Golf Course and Dandenong Creek Environs are considered as part of future development and the character of the surrounding residential area is respected.

The rezoning of the site to GRZ5 will facilitate development in a manner that complements the surrounding residential area in a well serviced location, therefore making use of existing infrastructure and services. Employment opportunities will be generated during the construction of any future development.

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

The site is included within a Bushfire Prone Area, which extends along Dandenong Creek. Bushfire construction measures will be adhered to, as outlined in the Bushfire Prone Areas report. These construction measures will ensure that bushfire risk associated with future development is appropriately managed.

### **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, the other Ministerial Directions that are applicable include:

#### *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. Site investigations will be conducted to ascertain the potential levels of contamination. It is proposed that an EAO be applied to the site as part of the amendment to ensure compliance with this Direction.

#### *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)*. The amendment has had regard to *Plan Melbourne (2017 – 2050)* as outlined below:

- *Direction 2.1 – Manage the supply of new housing in the right locations to meet the population growth and create a sustainable city.* The Amendment proposes to rezone underutilised land for the potential supply of new housing close to existing infrastructure in an accessible urban location.
- *Direction 2.2 – Deliver more housing closer to jobs and public transport.* The Amendment proposes to rezone land for potential future residential dwellings in close proximity to existing employment and public transport.
- *Direction 2.4 – Facilitate decision making processes for housing in the right locations.* The Amendment will facilitate a decision making process involving various stakeholders to provide for land that could accommodate future housing.
- *Direction 5.1 – Create a city of 20 minute neighbourhoods. Plan Melbourne (2017 – 2050)* seeks to create 20 minute neighbourhoods where local services, shops and facilities are within a 20 minute walk, cycle or public transport trip from a residence. The amendment will provide for additional land for residential development in a location close to services.

#### *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 State Planning Policy Framework and any adopted State policy?**

The amendment implements the following objectives of the State Planning Policy Framework:

#### *Clause 11.02 Urban growth*

- *Clause 11.02-1 Supply of urban land* – The amendment will facilitate increased residential land in an existing urban area while considering the neighbourhood character and sensitive interfaces through the proposed introduction of DDO10.
- *Clause 11.04-2 Housing Choice and Affordability* – The Amendment ~~proposes to~~ rezones land for future residential development to provide a diversity of housing that is close to existing services, shops and employment in the municipality and wider area.

#### Clause 16.01 Residential development

- *Clause 16.01-1 Integrated housing* – The amendment will increase the supply of housing in existing urban areas by facilitating increased housing yield on under-utilised urban land.
- *Clause 16.01-2 Location of residential development* – The Amendment locates new housing within close proximity to activity centres. Future residents will ~~be~~ benefit from the site's proximity to jobs, services, and transport. The amendment will facilitate the increased proportion of new housing in established urban areas and reduce the share of new dwellings in greenfield and dispersed development areas. The amendment will help ensure there is an adequate supply of redevelopment opportunities within established urban areas to reduce the pressure for fringe development.
- *Clause 16.01-4 Housing Diversity* – The amendment aims to provide a range of housing types to meet increasingly diverse needs of the community. It seeks to encourage the development of well-designed medium density housing which respects the neighbourhood character. The application of the ~~proposed~~ DDO ~~would mean any~~ ensures future development respects the existing neighbourhood character.

#### Clause 18.01 Integrated transport

- *Clause 18.01-1 Land use and transport planning* – The amendment will facilitate residential development of a site that is located approximately 100m to the north of Burwood Highway, which is serviced by bus routes 732 to Upper Ferntree Gully and the 736 to Blackburn. There is a bike path along Morack Road, directly adjoining the site's western interface. This allows for access to the site by private vehicle, public transport and active transport and integrates the land uses on the site with the surrounding uses and transport modes. There is also a shared path along Dandenong Creek, which provides connections to the broader area.

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

The amendment implements the following objectives of the Local Planning Policy Framework:

#### Clause 21.05 Environment

- *Clause 21.05-2 Key issues* – ~~Environment~~ This Clause notes that several areas in the City have special natural, environmental or historic significant and one of the objectives is *to facilitate environmental protection and improvements to known assets include water. A strategy is to manage development along the City's waterways to ensure there is no detrimental impact on water quality.* As the site is located adjacent to the Dandenong Creek environs it is important the Amendment protects and enhances this area. The ~~proposed~~ DDO<sup>10</sup> recognises the interface with the creek and includes a design objective that aims to *ensure the form, scale, setback and landscape treatment of development is influenced by topography, existing native vegetation, key views and character of the Morack Golf Course and Dandenong Creek Environs.*

#### Clause 21.06 Housing

- *Clause 21.06-3 Housing locations* – Identifies key issues as providing appropriate housing growth in locations with potential amenity considerations and encouraging housing in locations with good access to public transport and services. In limited change areas, to which the site is adjacent, the objectives include ensuring new development protects and reinforces the environmental values and/or preferred future neighbourhood character of the area and ensuring new development includes some limited medium density development. The proposed Amendment will provide additional land for housing with access to public transport and services.
- *Clause 21.06-4 Housing diversity* – Identifies a key issue as encouraging a broader range of housing types to meet the differing needs of the future population through the lifecycle. Objectives to address the key issues include diversifying the variety of housing types in the municipality. The proposed rezoning will provide for further residentially zoned land that is available to contribute to the diversity of housing in the City of Whitehorse.

### Clause 22.03 Residential Development

- *Clause 22.03-2 Objectives* – Includes many objectives around residential development in the municipality including 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. The ~~proposed~~ application of the DDO10 identifies design objectives and provides requirements around built form, site design, interfaces and landscape.

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

The amendment makes proper use of the Victorian Planning Provisions (VPP) as it seeks to apply a zone to accurately reflect the current and proposed future use of the land. The current Commonwealth Zoning no longer reflects the ownership or use of the land therefore the amendment is required to correct this inconsistency in the Whitehorse Planning Scheme.

The proposed application of GRZ5, which has a blank schedule, is appropriate to apply to a large site. This will require any future development on the site to give consideration to the ResCode requirements. The mandatory building heights for dwellings and residential buildings contained in the GRZ are proposed to apply.

The application of DDO10 assists in tailoring the built form outcome within the ~~rezoned landsite~~ to appropriately respond to each interface. In particular, DDO10 provisions consider the relationship of any future development with the Morack Road, the Morack Public Golf Course, the Dandenong Creek Trail, and the Dandenong Creek Environs.

The application of DDO10 was considered more appropriate than applying a Development Plan Overlay (DPO) to ensure guidance is provided for applications into the future. This will ensure the sensitivities of the adjacent land uses such as the Morack Golf Course to the north, the Dandenong Parklands to the east, the large scale development to the south and the existing residential area to the west are respected as part of any subsequent applications for buildings and works. The DPO removes notice requirements and third-party review rights from planning permit applications for proposals that conform to the plan schedule, this was not considered appropriate for this site due to the sensitivities of the surrounding land uses.

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

Melbourne Water has been consulted in relation to the Amendment, and its advice has informed the allowable extent of the existing UFZ to be rezoned to GRZ. The revision was deemed viable, as the realigned boundary was still consistent with the purpose of the UFZ, which, in addition to implementing State and Local Planning Policy, includes:

- *To identify waterways, major flood paths, drainage depressions and high hazard areas within urban areas which have the greatest risk and frequency of being affected by flooding.*
- *To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting. To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989.*
- *To protect water quality and waterways as natural resources in accordance with the provisions of relevant State Environment Protection Policies, and particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*

The revised boundary is compliant with the above directives. The extent of the previous UFZ zoning ~~has been~~ considered unnecessary by Melbourne Water.

There are no additional referral agencies that require notification as part of the proposed Amendment, and therefore, no views from additional referral agencies has been sought. As part of the exhibition of the amendment, the views of additional relevant agencies and public authorities will be sought.

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

The amendment does not have a significant impact on the transport system. The site is located adjacent to bus routes along Burwood Highway. The proposed amendment is unlikely to put a significant strain on the existing bus network nor will there be a significant increase in private vehicle patronage.

### **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 significant impacts on resources or administration costs associated with the proposed amendment. The Planning and Building Department is resourced to assess any future planning permit applications that may follow the 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 – 397 Whitehorse Road, Nunawading
- Whitehorse City Council Service Centre at Box Hill Town Hall – 1022 Whitehorse Road, Box Hill
- Whitehorse City Council Service Centre at Forest Hill Chase Shopping Centre – Shop 275, 270 Canterbury Road, Forest Hill
- Vermont South Library – Pavey Place, Vermont South

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection), or on the Whitehorse City Council website [www.whitehorse.vic.gov.au/Planning-Scheme-Amendments.html](http://www.whitehorse.vic.gov.au/Planning-Scheme-Amendments.html)

### **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 4 December 2017**.~~

~~A submission must be sent:~~

~~via e-mail to:~~

~~[customer.service@whitehorse.vic.gov.au](mailto:customer.service@whitehorse.vic.gov.au)~~

~~or via mail to:~~

~~Strategic Planning—Amendment C193~~

~~Whitehorse City Council~~

~~Locked Bag 2~~

~~Nunawading Delivery Centre~~

~~VIC 3131~~

### **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: to commence the week of 5 March 2018~~
- ~~panel hearing: to commence the week of 9 April 2018~~