

## **WHITEHORSE PLANNING SCHEME**

### **AMENDMENT C232**

#### **EXPLANATORY REPORT**

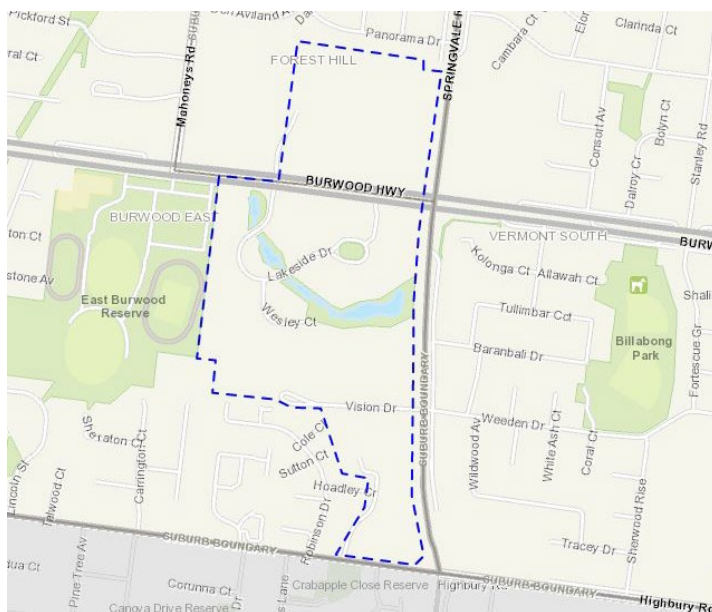
##### **Who is the planning authority?**

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 34 hectares of land currently located in the Commercial 1 Zone within and adjoining the Tally Ho Major Activity Centre (MAC). The amendment land is shown below on Map 1.



**Map 1** Location of the amendment land.

The aerial photograph at Map 2 shows that the amendment area is made up of two large properties (347-351 and 353-383 Burwood Highway, Forest Hill) on the north western corner of Springvale Road and Burwood Highway (A), the Tally Ho Business Park on the south western corner of the intersection (B), and a large tract of land adjoining to the south and extending to Highbury Road, owned by the Crossway Baptist Church (C).



**Map 2** Aerial photograph showing key areas affected by the amendment.

### What the amendment does

The amendment proposes to implement the recommendations of the *Tally Ho Commercial 1 Zone Review, July 2019* (revised December 2020), prepared by Urban Enterprise.

Specifically, the amendment:

- Modifies Clause 22.08 (Tally Ho Activity Centre), by aligning the policy with the strategic direction outlined by the *Tally Ho Commercial 1 Zone Review, July 2019* (revised December 2020), and by including 2-18 Vision Drive and 709 Highbury Road, Burwood East in the area affected by this Clause.
- Inserts Clause 34.03 (Commercial 3 Zone) into the Whitehorse Planning Scheme;
- Rezones the amendment land from Commercial 1 Zone (C1Z) to Commercial 3 Zone (C3Z);
- Inserts a new Schedule 1 to the Commercial 3 Zone and applies this to the Tally Ho Business Park;
- Inserts a new Schedule 2 to the Commercial 3 Zone and applies this to the Crossway Baptist Church land (excluding the parcel of land fronting Robinson Drive located in the General Residential Zone – Schedule 1 and Lot 2 on Plan of Subdivision 412649) and the land on the northwest corner of Burwood Highway and Springvale Road (347-351 and 353-383 Burwood Highway, Forest Hill);
- Applies a Specific Controls Overlay (PS Map Ref 7) and associated incorporated document (2-18 Vision Drive and 709 Highbury Road, Burwood East, November 2020) to the Crossway Baptist Church land (excluding the parcel of land fronting Robinson Drive located in the General Residential Zone – Schedule 1);
- Amends the Schedule to Clause 45.12 (Specific Controls Overlay), by inserting PS Map Reference SC07 and associated incorporated document, *2-18 Vision Drive and 709 Highbury Road, Burwood East, November 2020*.
- Amends the Schedule to Clause 72.04 by inserting a new incorporated document, *2-18 Vision Drive and 709 Highbury Road, Burwood East, November 2020*.

## **Strategic assessment of the amendment**

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

The Tally Ho Activity Centre is designated as a Major Activity Centre (MAC) in the State government strategy, Plan Melbourne 2017-2050. Tally Ho plays a very different role to that of other Major Activity Centres in Whitehorse and across Melbourne. At its core, the Business Park functions as an office park and technology hub and provides approximately 3,500 -3,700 jobs, set in campus style surroundings. With approximately 100,000sqm of commercial office space, Tally Ho accommodates in the order 10% of the commercial office space in the Outer Eastern Region of Melbourne, making it a significant location for office uses. At a State planning level, Tally Ho has also recently been identified as a regionally significant commercial area in the *Melbourne Industrial and Commercial Land Use Plan 2020* prepared by the Department of Environment, Land, Water and Planning (DELWP).

In July 2013, Amendment VC100 introduced the Commercial 1 Zone (C1Z) and Commercial 2 Zone (C2Z) which replaced the previous five Business Zones. As a consequence of this State-wide reform, the land located in the Business 2 Zone (B2Z) in the Tally Ho MAC was rezoned to C1Z. This amendment fundamentally changed the purpose of the B2Z from a zone that encouraged the development of offices and associated commercial uses, to a zone that provided for a range of uses including retail, office, business, entertainment and community and residential uses. In particular, this reform resulted in the majority of 'accommodation' and retail uses becoming as of right, subject to meeting any associated condition. This change has the potential to undermine the policy intent of the Tally Ho MAC and detract from its regional significance as a key employment node.

Since the 2013 reforms Council has received enquiries for sites and a permit has been issued by VCAT within the Tally Ho MAC, for accommodation uses. These enquiries and permit applications signal that the vision for the Tally Ho MAC relating to its primary employment strengths may become compromised if residential uses (in particular 'dwellings'/apartments) move into the commercial zoned areas.

A detailed economic assessment undertaken by Urban Enterprise titled, *Tally Ho Commercial 1 Zone Review, July 2019* (revised December 2020), recommended applying the C3Z to all land currently located in the C1Z, with the insertion of two local schedules to the C3Z to vary the maximum floor area percentage permitted for dwellings and residential buildings in defined areas of the Tally Ho MAC. This change to the zoning seeks to strengthen the primary economic role of the employment area and avoid gradual encroachment of non-employment generating uses which could undermine this primary purpose. The amendment seeks to ensure the longevity of the Tally Ho MAC as a regionally significant employment and technology hub in a middle ring suburb of Melbourne.

This amendment recognises the established place of worship use at 2-18 Vision Drive and 709 Highbury Road and applies a 'no change' principle to this use by retaining the same land use status under a Specific Controls Overlay and associated Incorporated Document. The place of worship site has been included in the map that forms part of Clause 22.08, to ensure that if the place of worship use ceases, any new use and development will need to achieve the objectives and policies of the Tally Ho Activity Centre clause.

The amendment will result in a net community benefit by safeguarding the employment and economic role of the Tally Ho MAC, while also enabling complementary uses that support the local resident and worker population to establish in appropriate areas.

The C3Z is considered to have merit for application to the amendment land. Notably, the C3Z makes repeated reference to the primary purpose of the zone being for 'employment and economic development' with a 'mixed-use employment' focus. The C3Z is another tool in the Victorian Planning Provisions that is available to apply to those areas where it is considered important to maintain and better protect employment generating land uses.

### **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;*
- 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 amendment land reflects the orderly planning principles set out in objective (a) by ensuring the longevity of a regionally significant employment node that makes a substantial economic contribution. The amendment reduces the likelihood of encroachment from other uses that have the potential to undermine the primary economic role of the Business Park precinct.

The amendment ensures that any future development will need to protect the amenity of the working environment (objective (c)) within Tally Ho by strengthening the planning policy that applies to the consideration of applications within the Tally Ho MAC.

In accordance with objective (g) the amendment supports the introduction of new office uses in the Business Park and on Employment Redevelopment Sites to ensure its primary role is maintained in the long term. In addition, it facilitates the introduction of various complementary uses of a certain scale in defined areas.

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

The 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.

#### *Environmental Effects*

The amendment is expected to have a positive impact on the environment by ensuring that new development reinforces the established high standards of design and amenity. This is expressed through further guidance in Clause 22.08 and specific objectives for the two sub-areas under the introduced schedules to the C3Z.

#### *Social Effects*

The amendment will encourage appropriate development within the Tally Ho MAC that benefits the resident and worker population.

While employment generating uses will continue as the main function of the Tally Ho MAC, capacity to accommodate complementary uses such as small scale and convenience retail, child care uses, short term accommodation and dwellings will enhance its amenity and liveability, and cater for the needs of the area. The updated version of Clause 22.08 includes additional policy guidance on where such uses may be appropriate.

The amendment protects the use and development rights of the established Crossway Baptist Church and ensures that it can continue to operate and expand in accordance with its approved Development Plan under Schedule 4 to the Development Plan Overlay (DPO4).

#### *Economic Effects*

The amendment recognises and strengthens the specialised economic role of Tally Ho by ensuring that future development is consistent with its primary function. It seeks to encourage private sector investment in employment generating uses by strengthening business clustering and prohibiting accommodation in the core Business Park.

Furthermore, the scale of allowable complementary retail uses will be restricted across the amendment land, and while some forms of accommodation may be permitted on commercial land within the Employment Redevelopment Sites, the intensity of any such use will be managed. As a result, this amendment ensures that new uses and services complement and support the primary function of the Business Park. The potential for future office development in the southern part of the amendment land is protected through the application of Clause 22.08 to the place of worship site. In the event that the place of worship use ceases, any new use and development will need to achieve the objectives and policies stipulated for the Tally Ho MAC under Clause 22.08.

### **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?**

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

In accordance with Planning Practice Note No. 85 *Applying the Commercial 3 Zone*, consideration has been given to Ministerial Direction No. 1 (Potentially Contaminated Land). As the amendment land is not known to have been used for any of the three uses specified under 'potentially contaminated land' at Clause 3.0 of the Ministerial Direction, application of an Environmental Audit Overlay is not considered necessary.

The amendment is consistent with Ministerial Direction No. 9 – Metropolitan Planning Strategy, with *Plan Melbourne 2017-2050* being the relevant Metropolitan Planning Strategy. Tally Ho is recognised as a Major Activity Centre in the municipality, and services a regional catchment. Policy Direction 1.1.7 (*Plan for adequate commercial land across Melbourne*) acknowledges the potential impact of competition from residential uses on commercial and employment land. In accordance with this policy direction, the amendment ensures that the Tally Ho MAC retains its competitive advantage as a highly desirable office location of regional significance, as recognised in the *Melbourne Industrial and Commercial Land Use Plan 2020*.

The amendment has been prepared in accordance with Ministerial Direction No. 11 – Strategic Assessment of Amendments, as described in this explanatory report.

The amendment is being prepared in accordance with Ministerial Direction No. 15 – The Planning Scheme Amendment Process.

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

Clause 11.03-1S (Activity centres) encourages economic activity and business synergies in activity centres and the identification of preferred locations for investment. In accordance with Clause 11.03-1, this amendment further supports the agglomeration of businesses within the Tally Ho MAC by removing competition from accommodation uses in the Business Park. The amendment supports diversification of uses in specific areas without compromising the integrity of this specialised MAC.

Clauses 16.01-1S (Housing supply) and 16.01-1R (Housing supply – Metropolitan Melbourne) encourage additional housing in established areas that are close to jobs, services and public transport, including in and around activity centres. This amendment facilitates opportunities for residential development in designated areas without compromising the primary role of the Tally Ho MAC. It is noted that substantial change areas (land in the Residential Growth Zone) are located within and adjacent to the Tally Ho MAC and can accommodate additional housing. These areas benefit from the transport corridors along Burwood Highway and Springvale Road (including Tram, Smart Bus and bicycle routes).

In accordance with Clause 17.01-1S (Diversified economy), the amendment protects and strengthens the role of a key employment generating centre of regional significance. It ensures the longevity and strengthening of a Business Park and its adjoining commercial precincts in a suburban area, close to residential neighbourhoods.

The amendment responds to Clause 17.01-2S (Innovation and Research) by supporting the development of business clusters and precincts, and specifically assists in implementing the strategy to “*build the critical mass of employment in an area, leverage the area's public and private sector economic competitive strengths and assets*”.

In accordance with Clause 17.02-1S (Business), the rezoning of the amendment land will still facilitate the provision of complementary small scale and convenience shopping facilities to provide for the needs of the local resident and worker population.

Clause 19.04-2S (Social and cultural infrastructure) encourages the location of social and cultural infrastructure in activity centres. This amendment supports the continued operation of the Crossway Baptist Church, a substantial community asset, located in the southern region of the Tally Ho MAC. The amendment applies a Specific Control Overlay to this land which protects its use and development rights as a place of worship and facilitates future development in accordance with the development plan endorsed under DPO4.

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

Clause 21.07 (Economic Development) recognises Council's role in facilitating a thriving and sustainable local economy and the need to increase investment and employment opportunities to ensure economic well-being into the future. Tally Ho is identified as a key activity centre in the municipality which contains large offices and information technology based businesses. This amendment supports the continued growth and development of Tally Ho in accordance with this vision. The COVID-19 pandemic has further highlighted the importance of local areas and the need to accommodate office space in suburban locations, closer to where the workforce lives.

Clause 22.06 (Activity Centres) recognises that each activity centre in the municipality makes a significant contribution to the City's economy and plays a role in meeting the needs of the community. In specific reference to Tally Ho, Clause 22.06 reinforces the vision to create a *"high quality built and natural environment for innovation, knowledge and technology based businesses while broadening its range of land uses"*. This amendment assists in realising this vision by removing the ability for competing land uses, such as dwellings and large-scale retail to establish within the core employment area.

Clause 22.08 (Tally Ho Activity Centre) relates specifically to the centre, and outlines a need to *"maintain and enhance its primary role as key eastern suburbs office and technology hub, while broadening its mix of uses to better meet the needs of the local resident and worker community"*. Economic growth and development is encouraged and a broader mix of uses in existing and new developments is supported. These strategies are further emphasised and supported by the *Tally Ho Major Activity Centre Urban Design Framework 2007* and *Tally Ho Activity Centre Urban Design and Landscape Guidelines 2013* which are both referenced in Clause 22.08. The proposed rezoning is critical to maintaining the primary office and technology hub role of the Tally Ho MAC, reducing potential competition on commercial land from residential, substantial retail and other non-employment generating uses.

The amendment seeks to strengthen the policy guidance provided in Clause 22.08 by clarifying where supplementary uses, such as child care centres, small scale retail and residential hotels may be supported. These policy changes will assist in guiding the assessment of planning permit applications where a permit is required for use. The inclusion of the Crossway Baptist Church site within the area to which Clause 22.08 applies, assists in guiding any new use or development on this employment redevelopment site, in the event that the place of worship use is discontinued.

**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 is consistent with the intent and use of the Victorian Planning Provisions. The amendment applies the C3Z with associated schedules to the Tally Ho Business Park and larger employment redevelopment sites.

The amendment is consistent with Planning Practice Note No. 85 *Applying the Commercial 3 Zone*. The amendment applies the C3Z to land recognised as being of regional significance for its employment and economic output. The rezoning will safeguard the primary role of Tally Ho reducing the potential for residential and large-scale retail uses to erode the specialised office and technology function of the area. The inclusion of two different schedules to the C3Z acknowledges the role and development opportunity of different precincts within the one centre.

The SCO is the most appropriate tool to enable the ongoing use and development of the established place of worship use while also preserving future employment land, should this use cease in the future.

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

The views of relevant agencies will be considered through the exhibition process.

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

The amendment is not expected to have any noticeable impact on the transport system. There are no applicable statements or policy principles. It is noted that the land is already located in a commercial zone and any additional impacts on the transport system are expected to be negligible.

### **Resource and administrative costs**

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

The amendment is not considered to have a significant impact on the resource and administrative costs of the responsible authority.

The consideration of any subsequent increase in planning permit applications for the land will not impose an unreasonable resource or administrative burden on the Council.

### **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, 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 Whitehorse at Nunawading, Vermont South, Blackburn and Box Hill.

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).



## 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 **day/month/year**.

A submission must be sent to:

Mail: Amendment C231whse  
Strategic Planning Unit  
Whitehorse City Council  
Locked Bag 2  
Nunawading Delivery Centre VIC 3131

Email: [customer.service@whitehorse.vic.gov.au](mailto: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 **day/month/year**
- panel hearing: week beginning **day/month/year**

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.

## ATTACHMENT 1 - Mapping reference table

Location	Land /Area Affected	Mapping Reference
Tally Ho Major Activity Centre	Land near the intersection of Burwood Highway and Springvale Road (currently zoned C1Z)	Whitehorse C232whse 05ZN Whitehorse C232whse 05SCO



*Planning and Environment Act 1987*

**WHITEHORSE PLANNING SCHEME**

**AMENDMENT C232whse**

**INSTRUCTION SHEET**

The planning authority for this amendment is the Whitehorse City Council.

The Whitehorse Planning Scheme is amended as follows:

**Planning Scheme Maps**

The Planning Scheme Maps are amended by a total of two attached map sheets.

***Zoning Maps***

1. Amend Planning Scheme Map No. 5ZN. in the manner shown on the 1 attached map marked "Whitehorse Planning Scheme, Amendment C232whse".

***Overlay Maps***

2. Amend Planning Scheme Map No. 5SCO in the manner shown on the 1 attached map marked "Whitehorse Planning Scheme, Amendment C232whse".

**Planning Scheme Ordinance**

The Planning Scheme Ordinance is amended as follows:

3. In **Local Planning Policy Framework** – replace Clause 22.08 with a new Clause 22.08 in the form of the attached document.
4. In **Zones** - insert Clause 34.03 in the form of the attached document.
5. In **Zones** –Clause 34.03 insert a new Schedule 1 in the form of the attached document.
6. In **Zones** –Clause 34.03 insert a new Schedule 2 in the form of the attached document.
7. In **Overlays** – Clause 45.12, replace the Schedule with a new Schedule in the form of the attached document.
8. In **Operational Provisions** – Clause 72.04, replace the Schedule with a new Schedule in the form of the attached document

End of document

## WHITEHORSE PLANNING SCHEME

### 22.08 TALLY HO ACTIVITY CENTRE

XX22/XX40/  
2021+5  
C232+9

This policy applies to land in the Tally Ho Activity Centre as identified on the attached plan at the end of this clause.

#### 22.08-1 Policy basis

XX22/XX40/2  
021+5  
C232+9

Clause 21.07 Economic Development identifies the Tally Ho Activity Centre as an important Activity Centre. The vision for the Centre is to maintain and enhance its primary role as a key ~~eastern suburbs~~ office and technology hub in the eastern region, while broadening its mix of uses to better meet the needs of the local resident and worker community. It has good transport linkages and provides a large-scale office environment with high quality built form set in extensive landscaped gardens. There is great opportunity to support and complement the office precincts with growth in ~~neighbourhood~~ convenience retail, ~~housing~~ accommodation, hospitality and associated infrastructure. To achieve this, the *Tally Ho Major Activity Centre Urban Design Framework 2007* identifies:

- Where office floor areas can be increased.
- Where at-grade car parking can be rationalised.
- Where residential development may occur.
- Where a new retail centre can be developed.
- That sustainable transport must also be encouraged.

For Tally Ho to remain competitive and serve its local community, it is important that future land use and development follow the strategies in the Urban Design Framework.

#### 22.08-2 Objectives

XX22/XX40/2  
021+5  
C232+9

- To encourage economic development based on new generation commerce and knowledge.
- To facilitate growth and development to meet current and future needs whilst maintaining amenity, ~~and~~ liveability and sustainability.
- To increase the mix of uses in existing and new developments.
- To facilitate the agglomeration of related industries in order to maintain and strengthen specialisations in the Business Park and on Employment Redevelopment Sites.
- To encourage a range of complementary commercial uses, such as small -scale and convenience retail, food and drink premises and child care centres, which support economic development, employment prospects, and employee and visitor amenity.
- To enable new accommodation uses to establish outside of the Business Park precinct, provided the new use does not detract from the primary employment role of the activity centre.
- ~~To create a sustainable urban environment.~~
- To discourage use of private motor vehicles by improving the extent and quality of bicycle and pedestrian networks and enhancing public transport infrastructure.
- To reduce at-grade car parking.
- To ensure community facilities can meet the current and future needs of the local population.
- To enhance the quality and extent of landscaping.

#### 22.08-3 Policy

XX22/XX40/2  
021+5  
C232+9

It is policy to:

## WHITEHORSE PLANNING SCHEME

### Economic sustainability

- Develop a greater mix of complementary uses of high need, notably retail, business services, short term accommodation and high quality conferencing facilities.
- Facilitate improvements to the capacity and flexibility of building stock. Develop a greater
- range of residential opportunities that support and complement the primary employment role of the activity centre.
- ~~Prioritise affordable housing, aged care housing, specialist housing, serviced apartments and hotel facilities.~~

## WHITEHORSE PLANNING SCHEME

### Land use

- Support high employment generating land uses as the primary use within the Business Park and on the Employment Redevelopment Sites.
- Support small-scale complementary uses such as small scale and convenience retailing, child care centres and food and drink premises, especially at ground level to support the primary employment function of the activity centre.
- Enable residential hotels and other visitor accommodation uses to establish outside the Business Park precinct as a secondary function of the activity centre. These short-term accommodation uses should:
  - have a strong street presence;
  - have convenient access to the arterial road network and public transport services;
  - consider the inclusion of function facilities and food and drink services;
  - ensure that the use and development does not interfere with the operation of the surrounding employment uses.
- Prioritise affordable housing, aged-care housing, specialist housing, serviced apartments and hotel facilities, in locations where accommodation uses are envisaged.

### Built form and density

- Facilitate higher density mixed-use outcomes on key sites.
- Achieve additional built form capacity in conjunction with development of high quality streetscapes, landscapes and amenity.

#### To eCreate a sustainable urban environment.

- Achieve building heights generally consistent with the *Tally Ho Activity Centre Urban Design and Landscape Guidelines* 2013.
- ~~Support retailing uses, especially at ground level.~~
- ~~Provide for land uses offering passive surveillance.~~

### Amenity and environment

- Expand and upgrade the open space network with generous space provided for canopy trees and retarding areas.
- Consolidate buildings and encourage multi level development to avoid loss of valued parkland.
- Provide attractive, safe and direct pedestrian and cycling links between key precincts, key public transport nodes and parkland.
- Incorporate benchmark best practice sustainability principles in new development.
- Provide expansive and high quality landscaping with low water demand planting.
- Provide adequate landscape or vegetation buffers between residential and non-residential areas.
- Provide for land uses offering passive surveillance.

### Transport and car parking

- Improve the quality and extent of public transport facilities.
- Rationalise at-grade parking facilities.
- Develop commercial, multi-level parking facilities at key sites.

## WHITEHORSE PLANNING SCHEME

### General

- Require new use and development to have regard to the vision and principles of the *Tally Ho Major Activity Centre Urban Design Framework 2007*.

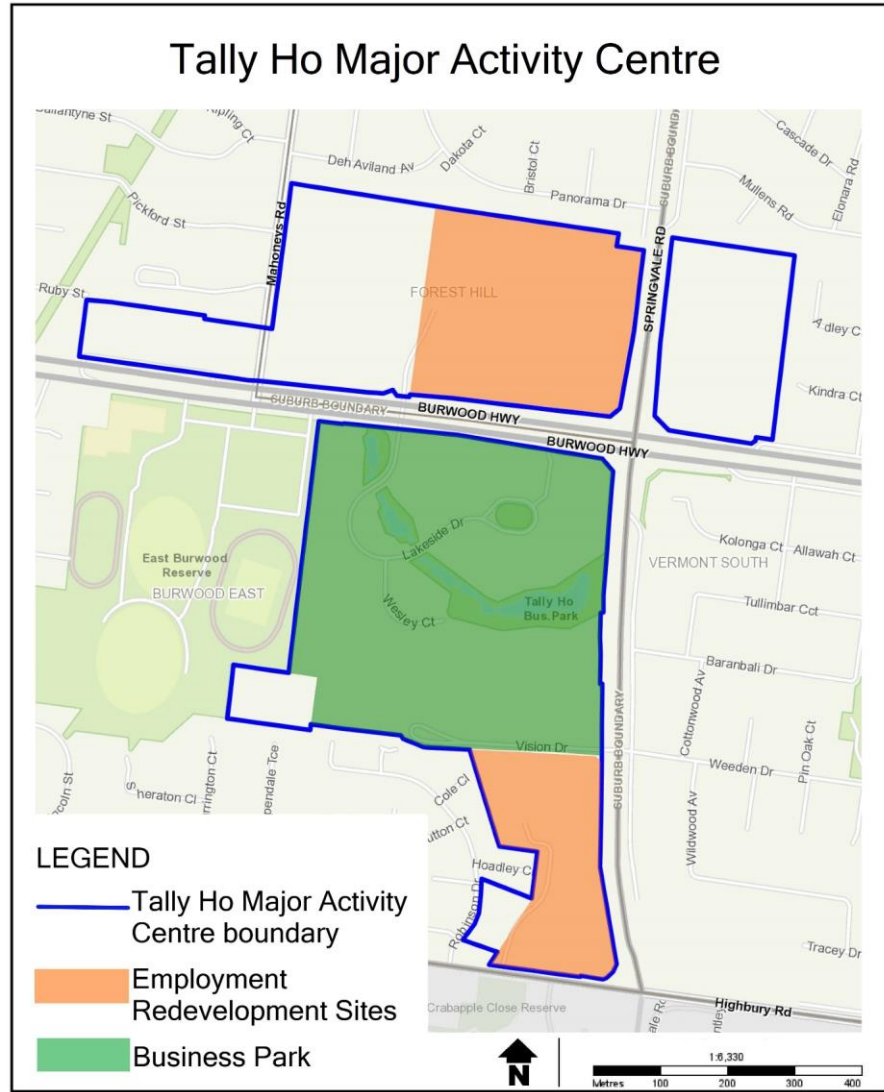
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C110

### Reference documents

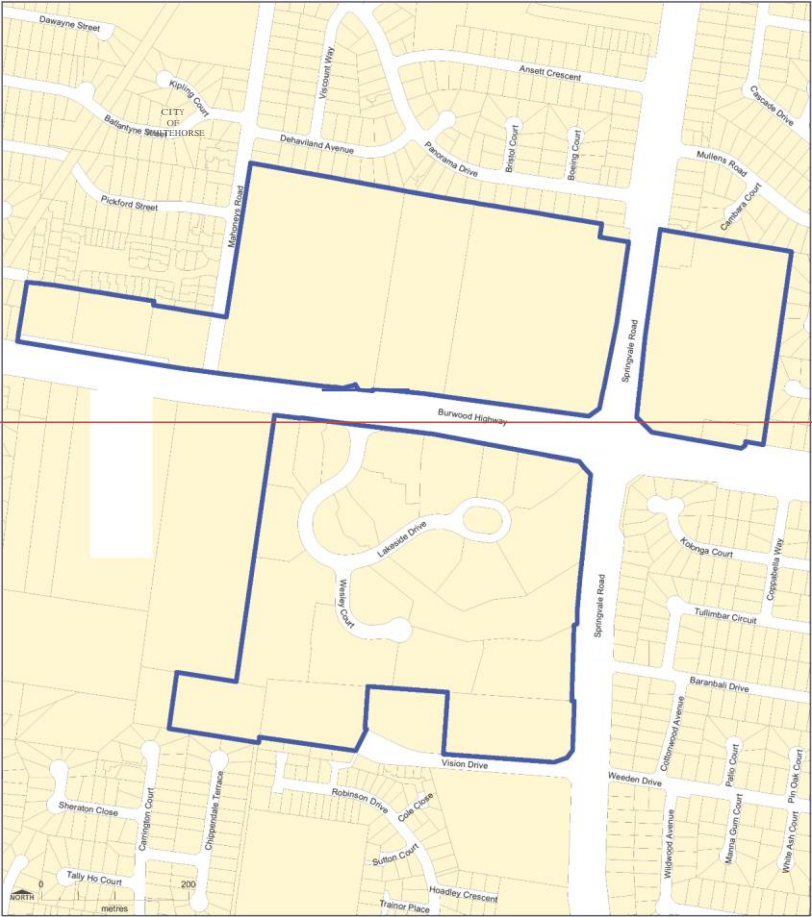
*Tally Ho Major Activity Centre Urban Design Framework 2007.*

# WHITEHORSE PLANNING SCHEME

## Tally Ho **Major** Activity Centre Precinct Plan



WHITEHORSE PLANNING SCHEME



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**e::J** Tally Ho Activity Centre

**e=J** Cadastre (Parcels)

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### 34.03

XX/XX/2018  
Proposed  
VC149

## COMMERCIAL 3 ZONE

Shown on the planning scheme map as **C3Z** with a number (if shown).

### Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide for a range of industrial, commercial, office and other employment generating uses which support the mixed-use employment function of the area.

To promote collaborative and high-quality working environments which support the area through good urban design and high-amenity, accessible and well-connected places.

To provide opportunities for limited retail uses which are complementary to the role and scale of the area.

To provide the option for limited residential uses that do not undermine the primary employment and economic development focus of the zone.

To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.

### 34.03-1

XX/XX/2018  
Proposed  
VC149

### Operation

The schedule to this zone may specify:

- Objectives to be achieved for the area.
- A maximum allowable percentage (not exceeding 50%) of the combined gross floor area of all buildings on a lot for dwelling and residential building uses.

### 34.03-2

XX/XX/2018  
Proposed  
VC149

### Table of uses

#### Section 1 - Permit not required

Use	Condition
Art and craft centre	
Education centre (other than Primary school and Secondary School)	
Food and drink premises	The leasable floor area must not exceed 150 square metres.
Home based business	
Industry (other than Materials recycling and Transfer station)	<p>Must not be a purpose listed in the table to Clause 53.10 except for boiler makers, bakery, smallgoods production and joinery.</p> <p>The land must be at least the following distances from land (not a road) in a residential zone, Activity Centre Zone, Commercial 1 Zone, Capital City Zone, Docklands Zone, land used for a hospital, primary school, or secondary school, land not in this zone used for any other education centre, or land in a Public Acquisition Overlay to be acquired for a hospital, primary school, secondary school, or for any other education centre on land not in this zone:</p> <ul style="list-style-type: none"><li>▪ The threshold distance, for a purpose listed in the table to Clause 53.10.</li><li>▪ 30 metres, for a purpose not listed in the table to Clause 53.10.</li></ul> <p>If a purpose listed in the table to Clause</p>

Use	Condition
	53.10, the land must be at least the threshold distance from land used for a dwelling or residential building.
<b>Informal outdoor recreation</b> <b>Manufacturing sales</b> <b>Market</b> <b>Office</b>	
<b>Place of assembly (other than Place of worship)</b>	The leasable floor area must not exceed 200 square metres.
<b>Postal agency</b> <b>Railway</b> <b>Research centre</b> <b>Tramway</b>	
<b>Any use listed in Clause 62.01</b>	Must meet the requirements of Clause 62.01.

## Section 2 - Permit required

Use	Condition
<b>Adult sex product shop</b>	<p>Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone or, land used for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school.</p> <p>The leasable floor area must not exceed 200 square metres.</p>
<b>Dwelling</b>	<p>The combined gross floor area of all dwellings and residential buildings as a percentage of the combined gross floor area of all buildings on the lot must not exceed the maximum allowable gross floor area percentage specified in the schedule to this zone. If no maximum allowable gross floor area percentage is specified, it must not exceed 35%.</p> <p>Any frontage at ground floor level must not exceed 4 metres.</p>
<b>Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility and Motor racing track)</b>	
<b>Place of worship</b>	The leasable floor area must not exceed 250 square metres.
<b>Residential building (other than Residential aged care facility)</b>	<p>The combined gross floor area of all dwellings and residential buildings as a percentage of the combined gross floor area of all buildings on the lot must not exceed the maximum allowable gross floor area percentage specified in the schedule to this zone. If no maximum allowable gross floor area percentage is specified, it must not exceed 35%.</p> <p>Any frontage at ground floor level must not exceed 4 metres.</p>
<b>Shop (other than Adult sex product shop)</b>	The leasable floor area must not exceed 200

Use	Condition
	square metres.
<b>Utility installation (other than Minor utility installation and Telecommunications facility)</b>	
<b>Warehouse</b>	The leasable floor area must not exceed 500 square metres.
<b>Any other use not in Section 1 or 3</b>	

### Section 3 - Prohibited

Use
<b>Accommodation (other than Dwelling and Residential building)</b>
<b>Major sports and recreation facility</b>
<b>Motor racing track</b>
<b>Residential aged care facility</b>
<b>Retail premises (other than Adult sex product shop, Food and drink premises, Manufacturing sales, Market, Postal agency and Shop)</b>

#### 34.03-3

XX/XX/2018  
Proposed  
VC149

#### Use of land

A use must not detrimentally affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any building, works or materials.
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

#### 34.03-4

XX/XX/2018  
Proposed  
VC149

#### Subdivision

A permit is required to subdivide land.

#### 34.03-5

XX/XX/2018  
Proposed  
VC149

#### Buildings and works

A permit is required to construct a building or construct or carry out works.

This does not apply to:

- The installation of an automatic teller machine.
- An alteration to an existing building façade provided:
  - The alteration does not include the installation of an external roller shutter.
  - At least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing.
- An awning that projects over a road if it is authorised by the relevant public land manager.
- Structural changes to a building provided the size of the building is not increased.

An apartment development must meet the requirements of Clause 58.

The height of a storey at the ground floor level of a new building must be at least 4 metres measured from finished floor level to the ceiling.

## Maintenance

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

### 34.03-6

XX/XX/2018  
Proposed  
VC149

## Application requirements

### Use

An application to use land must be accompanied by the following information, as appropriate:

- A description of the proposed use and the types of activities which will be carried out and any proposed staging of use and activities on the land.
- Plans drawn to scale and dimensioned which show:
  - The siting and use of buildings.
  - Areas not required for immediate use.
  - Adjacent buildings and uses.
- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of goods and materials, hours of operation and light spill, solar access and glare.
- Pedestrian connectivity and accessibility to the land and surrounding land.
- The means of maintaining land not required for immediate use.
- If an industry or warehouse use:
  - The type and quantity of goods to be stored, processed or produced.
  - Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
  - Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the *Dangerous Goods Act 1985* is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded.
  - The likely effects on adjoining land, including air-borne emissions and emissions to land and water.

### Subdivision

An application to subdivide land must be accompanied by the following information, as appropriate:

- Plans drawn to scale and dimensioned which show:
  - Site shape, size, dimensions and orientation.
  - The pattern of subdivision of the surrounding area.
  - Easements.
  - Location of drainage and other utilities.
  - Street frontage features such as poles, street trees and kerb crossovers.
  - Access points.
  - Pedestrian connectivity and accessibility to the land and surrounding land.
  - Any natural features.

### Buildings and works

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- Plans drawn to scale and dimensioned which show:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - The location, height and use of buildings and works on adjoining land.
  - Levels of the site and the difference in levels between the site and surrounding properties to a defined point at the site boundaries or to Australian Height Datum (AHD).
  - Any contaminated soils and filled areas, where known.
  - The layout of existing and proposed buildings and works.
  - The internal layout and use of the proposed development.
  - All access and pedestrian areas.
  - All driveway, car parking and loading areas.
  - Existing vegetation and proposed landscape areas.
  - All external storage and waste treatment areas.
  - The location of easements and services.
- Elevation plans drawn to scale and dimensioned which show:
  - The building form and scale.
  - Setbacks to property boundaries.
  - Finished floor levels and building heights to a defined point at the site boundaries or to Australian Height Datum (AHD).
- Details of measures to mitigate noise, odour, vibration and other amenity impacts.
- Shadow diagrams based on the equinox shown for existing conditions and the proposed development.
- A schedule of finishes for the proposed development detailing materials and colours of external surfaces including walls, roofs and fences.
- Construction details of all drainage works, driveways, vehicle parking and loading areas.
- Pedestrian connectivity and accessibility to the land and surrounding land.
- A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, site works specification and method of preparing, draining, watering and maintaining the landscape area.

An application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development, must be accompanied by an urban context report and design response as required in Clause 58.01.

### **34.03-7**

XX/XX/2018  
Proposed  
VC149

### **Exemption from notice and review**

An application to subdivide land or construct a building or construct or carry out works is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone, land used for a hospital, primary school, or secondary school, land not in this zone used for any other education centre, or land in a Public Acquisition Overlay to be acquired for a hospital, primary school, secondary school, or for any other education centre on land not in this zone.

### **34.03-8**

XX/XX/2018  
Proposed  
VC149

### **Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

## **General**

- The Municipal Planning Strategy and the Planning Policy Framework.
- The objectives set out in a schedule to this zone.
- The interface with adjoining zones.
- The extent that the layout and design of the new use or development minimises the potential for off-site impacts, including from noise, fumes, odour or vibrations, ensuring that:
  - existing uses are not compromised by a new use or development, or
  - a new use or development is designed to address amenity impacts from, and to, existing uses.

## **Access**

- Movement systems through and around the site including the movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking, loading of vehicles and access to parking spaces and loading bays.
- Providing for pedestrian connectivity and accessibility through the site and adjoining land including to, and from, public areas.

## **Uses other than dwelling and residential building**

- The effect that existing uses may have on the proposed use.
- The mixture of uses on the land and the primacy of non-residential uses.
- The complementary but limited role of shop, other associated retail uses, food and drink premises, place of assembly and place of worship uses in the area.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.
- Whether the use is compatible with adjoining and nearby land uses.

## **Dwelling and residential building uses**

- Whether the use is complementary and appropriate to the area and does not undermine the primary employment and economic development focus of the area.
- Whether the dwelling or residential building is designed to effectively mitigate noise, odour, vibration and other associated amenity impacts from non-residential uses.
- Whether the use is compatible with adjoining and nearby land uses.

## **Subdivision**

- Provision for vehicles providing for supplies, waste removal and emergency services and public transport.
- The effect the subdivision will have on the potential of the area to accommodate the uses which will maintain or enhance its competitive strengths.
- The pattern of subdivision and its effect on the spacing of buildings.

- For subdivision of land for residential development, the objectives and standards of Clause 56.

### **Building and works**

- The design, scale, height, setback, appearance and material of the proposed buildings and works.
- The design of the public realm.
- The relationship between the proposed building and the public realm.
- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking.
- The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- The storage of rubbish and materials for recycling.
- Defining the responsibility for the maintenance of buildings, landscaping and paved areas.
- The interface with adjoining zones, especially the relationship with residential zones.
- Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.
- The availability of and connection to services.
- The provision for solar access to the building and on the public realm.
- The objectives, standards and decision guidelines of Clause 54 or Clause 55. This does not apply to an apartment development.
- For an apartment development, the objectives, standards and decision guidelines of Clause 58.

### **34.03-9**

XX/XX/2018  
Proposed  
VC149

### **Signs**

Sign requirements are at Clause 52.05. This zone is in Category 1.



--/--/20--

**SCHEDULE [NUMBER] TO CLAUSE 34.03 COMMERCIAL 3 ZONE**

Shown on the planning scheme map as **C3Z [number]**.

**NAME OF AREA**

**1.0**

**Objectives**

--/--/20--

[Insert objective(s)]

Insert a maximum of 5 objectives.

**2.0**

**Maximum allowable gross floor area percentage**

--/--/20--

Insert "None specified" or insert a percentage not exceeding 50%.

XX/XX/2021  
C232whse

## **SCHEDULE 1 TO CLAUSE 34.03 COMMERCIAL 3 ZONE**

Shown on the planning scheme map as **C3Z1**.

### **Tally Ho Business Park**

#### **1.0**

#### **Objectives**

XX/XX/2021  
C232whse

To support the future growth of office use and development for a range of businesses.

To support small scale complementary uses that do not undermine the primary role of the specialised core employment precinct.

To prohibit accommodation uses to ensure that the primary role of the employment precinct is retained.

To maintain and enhance the form and amenity of the campus style precinct and improve the working environment through good urban design and integration with surrounding land uses.

To facilitate opportunities for reinvestment and redevelopment, and the adaptation and updating of spaces to meet changing business needs.

#### **2.0**

#### **Maximum allowable gross floor area percentage**

XX/XX/2021  
C232whse

0%

XX/XX/2021  
C232whse

## **SCHEDULE 2 TO CLAUSE 34.03 COMMERCIAL 3 ZONE**

Shown on the planning scheme map as **C3Z2**.

**Tally Ho Employment Redevelopment Sites (2-18 Vision Drive (excluding Lot 2 on Plan of Subdivision 412649), 709 Highbury Road, Burwood East and 347-351 and 353-383 Burwood Highway, Forest Hill)**

### **1.0**

#### **Objectives**

XX/XX/2021  
C232whse

To provide for a range of commercial, office and other compatible employment generating uses that enhance the specialised economic role of the office and technology hub.

To provide opportunities for limited retail uses that are complementary to the role and scale of the area.

To allow residential use and development in the upper levels of buildings as a secondary function to the primary employment role of the activity centre.

To encourage use and development that responds to the sensitive residential interfaces.

### **2.0**

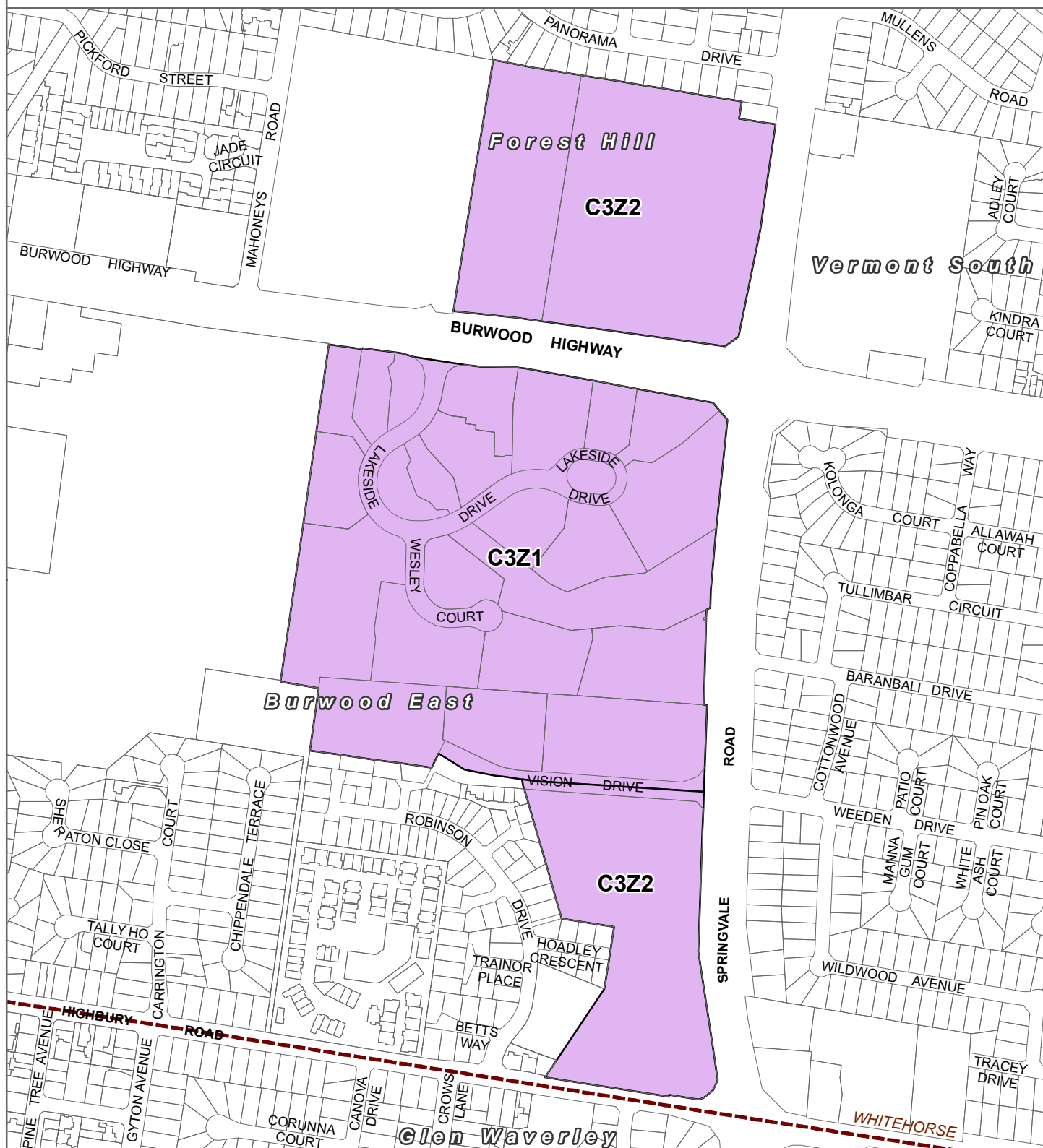
#### **Maximum allowable gross floor area percentage**

XX/XX/2021  
C232whse



None specified.

# WHITEHORSE PLANNING SCHEME - LOCAL PROVISION

## AMENDMENT C232whse



### LEGEND

-  C3Z - Commercial 3 Zone
-  Local Government Area



Part of Planning Scheme Map 5

### Disclaimer

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Planning Group  
Print Date: 4/12/2020  
Amendment Version: 2



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Metres



Environment,  
Land, Water  
and Planning

**45.12**

31/07/2018  
VC148

**SPECIFIC CONTROLS OVERLAY****Purpose**

To apply specific controls designed to achieve a particular land use and development outcome in extraordinary circumstances.

**45.12-1**

31/07/2018  
VC148

**Use or development**

Land affected by this overlay may be used or developed in accordance with a specific control contained in the incorporated document corresponding to the notation on the planning scheme map (as specified in the schedule to this overlay). The specific control may:

- Allow the land to be used or developed in a manner that would otherwise be prohibited or restricted.
- Prohibit or restrict the use or development of the land beyond the controls that may otherwise apply.
- Exclude any other control in this scheme.

**45.12-2**

31/07/2018  
VC148

**Expiry of a specific control**

If a specific control contained in an incorporated document identified in the schedule to this clause allows a particular use or development, that control will expire if any of the following circumstances applies:

- The use and development is not started within two years of the approval date of the incorporated document or another date specified in the incorporated document.
- The development is not completed within one year of the date of commencement of works or another date specified in the incorporated document.

The responsible authority may extend the periods referred to if a request is made in writing before the expiry date or within three months afterwards.

Upon expiry of the specific control, the land may be used and developed only in accordance with the provisions of this scheme.

XX/XX/2021  
C232whse**SCHEDULE TO CLAUSE 72.04 DOCUMENTS INCORPORATED IN THIS PLANNING SCHEME****1.0****Incorporated documents**XX/XX/2021  
C232whse

Name of document	Introduced by:
'Minamere' - 42-48 Glenburnie Road, Mitcham – Statement of Significance (Whitehorse City Council, June 2019)	C216whse
517 and 519-521 Station Street, Box Hill, December 2016	C194
Deakin University Burwood Link Project, Incorporated Document, November 2015	C210
Former Brickworks Site Building Height Plan, 13 July 2005	C63
Former Brickworks Site Framework Plan, 13 July 2005	C63
Incorporated Document No. 10 - City of Whitehorse-Statements of Tree Significance-2005 (updated September 2016)	C189
Incorporated Document No. 11 - City of Whitehorse-Statements of Tree Significance-2006 (updated September 2016)	C189
Incorporated Document No. 2 - 690 Elgar Road, Box Hill North, August 1999	NPS1
Incorporated Document No. 3 - 172-176 Middleborough Road, South Blackburn, August 1999	NPS1
Incorporated Document No. 4 - 237-243 Whitehorse Road, Blackburn, August 1999	NPS1
Incorporated Document No. 7 – 5 Delany Avenue, Burwood, August 1999	NPS1
Incorporated Document No. 9, 300-340 Elgar Road, Box Hill South, August 2002	C42
Incorporated Document No.13 City of Whitehorse Significant Tree Study 22 April 2016	C181
Incorporated Document No.6 – 286 Whitehorse Road, Nunawading, August 1999	NPS1
Level Crossing Removal Project – Blackburn Road, Blackburn and Heatherdale Road, Mitcham Incorporated Document, December 2015	C183
North East Link Project Incorporated Document, December 2019	GC98
The City of Whitehorse Environmental Weed List 2007	C73
Vermont South Tram Extension, Blackburn Road to Vermont South, City of Whitehorse, October 2003	C49
Whitehorse Road/Maroondah Highway Tram Line Extension to Station Street, Box Hill, December 2001	C39
<u>2-18 Vision Drive and 709 Highbury Road, Burwood East, November 2020</u>	<u>C232</u>

XX/XX/2021  
C232whse**SCHEDULE TO CLAUSE 45.12 SPECIFIC CONTROLS OVERLAY****1.0****Specific controls**XX/XX/2021  
C232whse

PS Map Ref	Name of incorporated document
SCO1	Incorporated Document No. 2, August 1999
SCO2	Incorporated Document No. 2, August 1999
SCO3	Incorporated Document No. 4, August 1999
SCO4	Incorporated Document No. 7, August 1999
SCO5	Incorporated Document No. 9, August 2002
SCO6	517 and 519-521 Station Street, Box Hill, December 2016
<u>SCO7</u>	<u>2-18 Vision Drive and 709 Highbury Road, Burwood East, November 2020</u>
SCO12	North East Link Project Incorporated Document, December 2019



# WHITEHORSE PLANNING SCHEME

## Incorporated Document

### 2-18 Vision Drive and 709 Highbury Road, Burwood East - November 2020

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#### 1.0 INTRODUCTION

This document is an Incorporated Document under the schedule to Clause 45.12 and the schedule to Clause 72.04 of the Whitehorse Planning Scheme, and pursuant to section 6(2)(j) of the Planning and Environment Act 1987 (the Act).

#### 2.0 LAND TO WHICH THIS INCORPORATED DOCUMENT APPLIES

This Incorporated Document applies to land at 2-18 Vision Drive and 709 Highbury Road, Burwood East that is affected by the Schedule to Clause 45.12 (Specific Controls Overlay) of the Whitehorse Planning Scheme and identified as SCO7. The land is formally described as Lot 2 on Plan of Subdivision 412649, Lot 3 on Plan of Subdivision 310794, Lot 5 on Plan of Subdivision 310794 and Lot 88 on Plan of Subdivision 327782.

#### 3.0 PURPOSE

The purpose of this Incorporated Document is to facilitate the ongoing use and development of the land described at Clause 2.0, as a place of worship with associated uses, by specifying as of right and permit required uses at Clause 4.0.

#### 4.0 LAND USES

##### Permit Not Required

A planning permit is not required for the following uses if the associated condition is met.

Use	Condition
Place of worship	The gross floor area of all buildings does not exceed 250 square metres
Community care accommodation	Any frontage at ground floor level must not exceed 2 metres. Community care accommodation Must meet the requirements of Clause 52.22-2.

##### Permit Required

A planning permit is required for the following uses.

Use	Condition
Place of worship	
Residential aged care facility	
Group accommodation	

#### 5.0 Expiry

This Incorporated Document will cease to apply to the land if the use as a place of worship and its associated uses cease.

**End of Document**