

## **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 Developments.

#### **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.

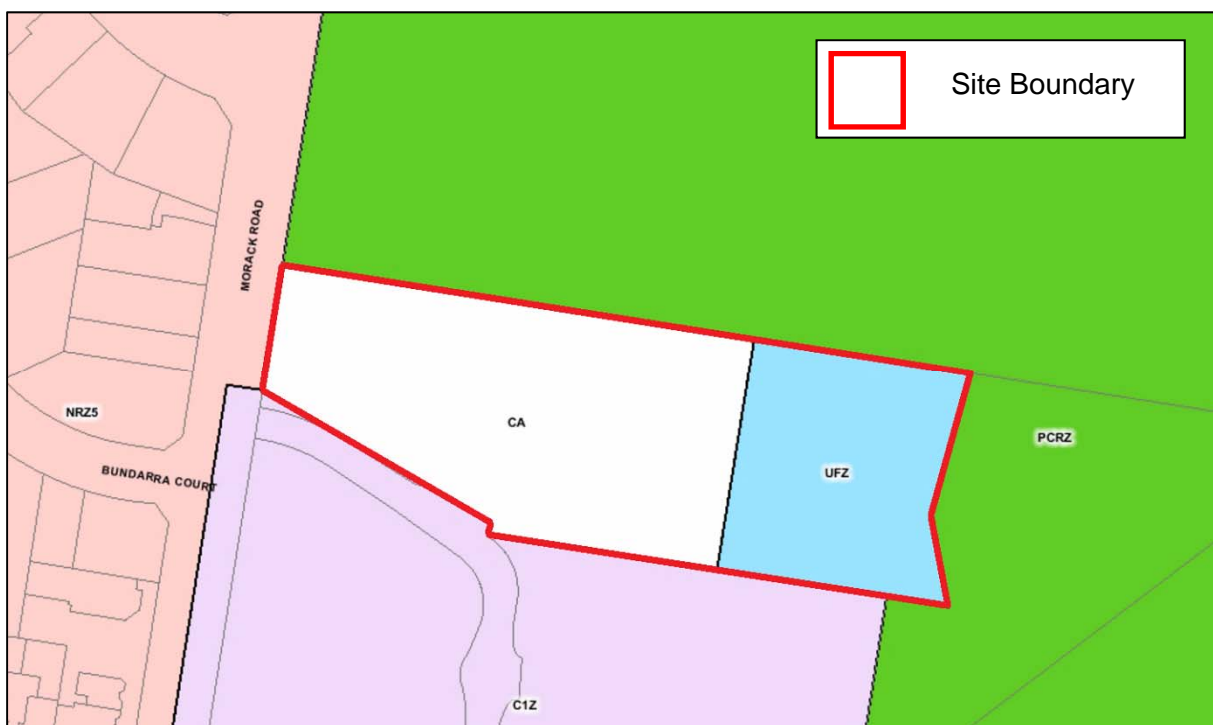


Figure 1: Existing Zoning of Subject Site

source: land.vic.gov.au

#### **What the amendment does**

The Amendment seeks to:

- Rezone a part of the land that is currently designated as Commonwealth Land to General Residential Zone.
- Rezone part of the land that is currently designated as Commonwealth Land to Neighbourhood Residential Zone; and

- Rezone part of the land that is currently located within the Urban Floodway Zone (UFZ) to General Residential Zone.

The Amendment also proposes to:

- Apply a Design and Development Overlay – Schedule 10 (DDO10) to all rezoned land.
- Apply an EAO to all residential zoned land.

## **Strategic assessment of the Amendment**

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

The site is predominantly designated as Commonwealth Land and 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). Rates information documents the subject site being sold by the Commonwealth of Australia in December 1993. A building permit was issued in November 1994 to convert the existing building to a dwelling.

The land has now been sold to a new owner who wishes to facilitate a more suitable zone on the grounds that the site is no longer owned by the Commonwealth; that the existing zoning doesn't reflect its current residential use, and that the existing zone is placing limitations on the use of the property.

The zoning of the site has been discussed with the Department of Environment, Land, Water and Planning. The Department's legal team indicated that a title search is sufficient to indicate that the site is no longer required for Commonwealth purposes, and they have indicated support for a residential zoning.

Furthermore, the extent of the UFZ applied to the land has been revised in accordance with advice from Melbourne Water. The current extent of the UFZ has been deemed unnecessary by Melbourne Water, and the revised boundary will have no material impact on the intent of the UFZ.

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

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

- Provide for the fair, orderly, economic and sustainable use and development of land by providing increased opportunities for residential development on a site that is within an existing residential area and has been previously used for residential purposes.
- Provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity by acknowledging the importance of maintaining the integrity of the adjoining Dandenong Creek Environs, and further, ensuring any future development does not detrimentally impact on the creek environs. The application of the DDO10 will provide certainty to future built form outcomes. DDO10 will ensure 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 EAO will also ensure a safe environment for all, by ensuring any contaminated land is remediated prior to the development of any sensitive land use.

Following Telecom's discontinuance of use of the land, the site has a more recent history of being used for residential purposes with the previous owners residing in a dwelling on the site, despite its Commonwealth Zone and by virtue sitting outside the controls of the Planning Scheme.

Therefore the Amendment will facilitate a rezoning that brings the site into the Planning Scheme and provide for the orderly development of the land into the future. Furthermore, the UFZ prohibits numerous land uses. In accordance with advice from Melbourne Water a portion of the UFZ is to be rezoned in order to facilitate appropriate future development.

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

The Amendment is unlikely to have any significant impacts on the environment to the west and south as these adjoining areas are currently developed to a standard expected in an established urban area. The Amendment itself is unlikely to have any significant impacts on the environment to the north and east however, along the boundary to the north and east there is vegetation that will need to be considered by any future development on the site.

The proposed DDO confirms design objectives for the site and provides guidance around front setbacks to Morack Road, side setbacks to the Golf Course and Creek environs land, and preferred building heights.

The rezoning of the site to GRZ5 and NRZ5 will allow the site to be developed in the future for residential dwellings that complement the existing residential area. Any future development of the site will need to be cognisant of the interfaces to the surrounding residential area and Dandenong Creek environs and respect the character of the surrounding area.

The GRZ5 and NRZ5 will provide for further housing opportunities in the local area, as well as employment opportunities during the construction phase 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. Special 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 proposed Amendment complies with the new Ministerial Direction on the Form and Content of Planning Schemes and Strategic Assessment Guidelines. Other Ministerial Directions that are applicable include:

- Ministerial Direction No.1 - Potentially Contaminated Land  
This 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, and an EAO will be applied to the site as part of the Amendment to ensure compliance with this Direction.
- Ministerial Direction No.9 – Metropolitan Strategy  
The Ministerial Direction outlines the requirements of planning scheme amendments to demonstrate their consideration of relevant directions or policies of Plan Melbourne. The Amendment is consistent with the directions of Plan Melbourne 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 will facilitate the rezoning of currently underutilized land for the potential supply of new housing close to existing infrastructure which will assist in providing additional accommodation within an accessible urban location.

*Direction 2.2 – Deliver more housing closer to jobs and public transport:* The Amendment will facilitate the rezoning of land that could be developed in the future for residential dwellings that are in close proximity to existing employment and public transport. This will reduce the reliance on private vehicles and provide for employment within the local area.

*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 seeks to create 20 minute neighbourhoods where local services, shops and facilities are within a 20 minute walk, cycle or public transport journey from a residence. The Amendment seeks to achieve this Direction as it will rezone land that can be developed for dwellings in the future. This will provide for additional housing stock within close proximity to local shops and services.

- Ministerial Direction No.15 – Planning Scheme Amendment Process  
The purpose of this Direction is to set times for completing steps in the planning scheme amendment process. The Amendment is proposed to adhere to the times set for exhibition and notice of amendment, with Council to give notice of the amendment within 40 business days of receiving authorisation.

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

The Amendment is consistent with the State Planning Policy Framework, and in particular, complements the following directives:

- Clause 11.02-1 Supply of Urban Land discusses the supply of urban land and notes the objective “to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses”. The rezoning of the sites to GRZ5 and NRZ5 will increase the supply of land available for residential uses.
- Clause 11.04-2 Housing Choice and Affordability aims to provide for a “diversity of housing in defined locations that cater for different households and are close to jobs and services”. The Amendment proposes to rezone land for future residential development that is close to existing services, shops and employment in the municipality and wider area.
- Clause 16.01-1 Integrated Housing discusses increasing the supply of housing in existing urban areas and ensuring the planning system supports the quantity and type of housing. The rezoning proposed as part of the Amendment will result in an increase in the quantity of land available for housing, close to existing services in an established urban area.
- Clause 16.01-4 Housing Diversity aims to provide for a range of housing types to meet increasingly diverse needs by ensuring housing stock matches demand by widening house choice. It also seeks to encourage the development of well-designed medium density housing which respects the neighbourhood character and improves housing choice. The rezoning included in the Amendment will provide for further residentially zoned land that could accommodate medium density housing. The application of the proposed DDO would mean any future development is cognisant and respects the existing neighbourhood character.

- Clause 16.01-2 Location of Residential Development  
The Amendment locates new housing within close proximity to activity centres. Future residents of residential development will benefit from the site's proximity to jobs, services, and transport.
- Clause 18.01-1 Integrated Transport aims to integrate land-use and transport. The site is located approximately 100m to the north of Morack Road and Burwood Highway, which is serviced by bus routes 732 to Upper Ferntree Gully and the 736 to Blackburn. Furthermore, 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 is consistent with the Local Planning Policy Framework, and in particular, complements the following directives:

- Clause 21.05 Environment notes that several areas in the City have special natural, environmental or historic significance and one of the objectives is "to facilitate environmental protection and improvements to known assets include water". A key 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 that the Amendment protects and enhances this area. The proposed DDO recognises the interface with the creek and includes a design objective that aims "to introduce a high quality landscape treatment to the site, and within setbacks, which contributes positively to the street and Dandenong Creek environs".
- Clause 21.06-3 Housing Location 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 rezoning will provide for further residentially zoned land that is available to contribute to the diversity of housing in the City of Whitehorse.
- Clause 22.03-2 Residential Development 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 to NRZ5 along the Morack Road frontage will ensure that any future development contributes to the neighbourhood character that currently exists in the established residential area. The proposed application of the DDO10 will identify design objectives for the site and provides guidance around front setbacks to Morack Road, side setbacks to the Golf Course and Creek environs land, and preferred building heights. The rezoning of the site will also allow for future development that will contribute to the City's housing stock.

## **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 (VPPs) as it seeks to apply the NRZ5 and GRZ5. The NRZ is the appropriate zone to ensure the neighbourhood character in the context of the immediate Morack Road streetscape is maintained, and that the future development in the NRZ5 reflects relevant elements of the Garden Suburban 7 Precinct on the western side of Morack Road, pursuant to the directives of the Whitehorse Neighbourhood Character Study 2014.

Schedule 5 has been chosen for the GRZ as it currently represents a blank schedule to the Zone, with no variations. This will require any future development on the site to give consideration to the ResCode requirements which limit development to 3 storeys.

Officers believe that the blank schedule to the GRZ is appropriate to apply to a large site and the proposed DDO will address the overall built form in this context.

The application of DDO10 assists in tailoring the built form outcome within the rezoned land 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.

## **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 line was 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. When the Amendment is exhibited, the views of any additional relevant agencies and public authorities will be sought.

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

There is no impact on the transport system created by the proposed Amendment. The subject sites are located adjacent to bus routes along Burwood Highway and there is unlikely to be a growth in private vehicle usage or public transport patronage substantially higher

than what the transport network currently experiences. Any future planning permit application will be assessed for vehicle usage and transport 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 additional impacts on resources or administration costs associated with this proposed Amendment. The Planning and Building Department is resourced to assess any future planning permit application/s 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 Whitehorse Road, Nunawading;
- Whitehorse City Council Service Centres at Box Hill Town Hall and Forest Hill Chase Shopping Centre;
- Libraries in the City of Whitehouse at Nunawading, Vermont South, Blackburn and Box Hill;
- On the internet at: [www.whitehorse.vic.gov.au](http://www.whitehorse.vic.gov.au); and
- At the Department of Environment, Land, Water and Planning website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.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 **[insert submissions due date]**.

A submission must be sent to:

Mail    Amendment C193  
         Strategic Planning  
         Whitehorse City Council  
         Locked Bag 2  
         Nunawading Delivery Centre VIC 3131

Email   [strategic.planning@whitehorse.vic.gov.au](mailto:strategic.planning@whitehorse.vic.gov.au)

## **Panel hearing dates**

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: **week commencing Monday xx/xx/xx**
- panel hearing: **week commencing Monday xx/xx/xx**

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.



--/20--  
C--

## SCHEDULE 10 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO10**.

### 289-291 MORACK ROAD, VERMONT SOUTH

#### 1.0 Design objectives

--/20--  
C--

To ensure new development at the interface with Morack Road respects the existing neighbourhood character of residential land to the west.

To ensure new buildings incorporate design detail that provides a high quality and architecturally appealing interface with the streetscape of Morack Road and contributes to the surrounding residential character.

To ensure 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.

To ensure that the form and scale of new development is influenced by local topography, native vegetation and key views to the Morack Golf Course and Dandenong Creek Environs.

To introduce a high quality landscape treatment to the site, and within setbacks, which contributes positively to the street edges and to the Dandenong Creek Environs.

To encourage the retention and regeneration of existing native vegetation and habitat.

To ensure development appropriately responds to the constraints of the adjoining land, and mitigates against potential impacts of stormwater runoff and flooding.

To ensure drainage management is addressed sustainably and Water Sensitive Urban Design (WSUD) is integrated into site design.

To ensure new development is designed to address potential off-site impacts such as noise (including from services), overlooking, overshadowing, and light spillage on surrounding residential properties.

To ensure new development incorporates best practice Ecologically Sustainable Design (ESD) principles.

#### 2.0 Buildings and works

--/20--  
C--

##### Permit requirements

A permit is required to construct a fence along all or part of the Morack Road frontage.

A permit is required to construct any side or rear boundary fencing that exceeds 1.8 metres in height.

Buildings and works must be developed in accordance with the following general and precinct specific requirements:

##### General requirements

###### *Built form*

- Buildings should be set back from the northern and eastern boundaries by a minimum of 3 metres.
- Upper levels facing the the Morack Public Golf Course and Dandenong Creek Trail should be recessed to reduce the appearance of building bulk.
- Blank walls to the public realm and public spaces should be avoided.
- Building elevations must incorporate design detailing and material treatments that assist in articulation of the building form and limit the potential for visual bulk.
- Development should achieve high standards of environmental sustainability. Opportunities for maximising northerly aspects for passive solar design, natural ventilation and cooling, natural lighting, and integrated water management are

encouraged to be incorporated into any new development. In addition, development must consider objectives of Clause 22.10, including:

- Energy performance;
- Water resources;
- Indoor Environment Quality;
- Stormwater Management;
- Transport;
- Waste Management; and
- Urban Ecology.
- Transparent fencing should be incorporated into development adjoining the Morack Golf Course and Dandenong Creek Environs, where appropriate, with the extent of visual permeability to be to the satisfaction of the responsible authority. Appropriate measures must be implemented to ensure that future development on the site is protected from activities associated with the Morack Golf Course.

#### *Site design and transition*

- Buildings should take advantage of views to the north and east, toward the Morack Public Golf Course and Dandenong Creek Trail, respectively.
- Development with an interface with a residential zone (including across a road) should be designed to limit unreasonable amenity impacts such as overlooking, overshadowing and visual bulk.
- All services, including car parking and loading should be located away from the site frontage and street view.
- The siting of buildings should respect the site topography.
- The natural drainage of land should be considered in the design of development on sloping sites and the adoption of Water Sensitive Urban Design (WSUD) and ESD principles is encouraged.

#### *Landscape and streetscape design*

- Selection of new plants should favour indigenous and native species.
- Large screening shrubs should be avoided to improve passive surveillance and safety.
- Existing vegetation should be retained wherever possible.

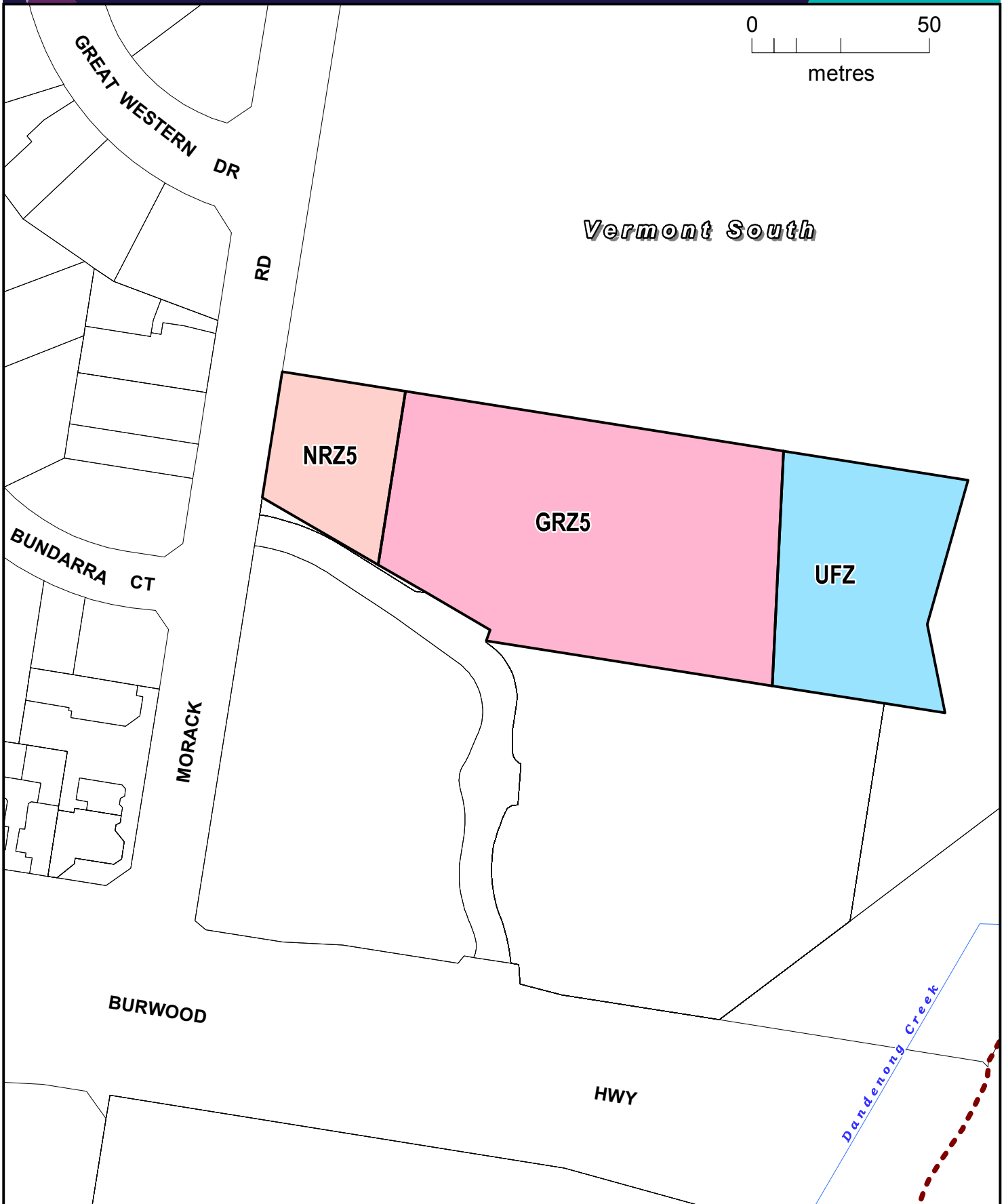
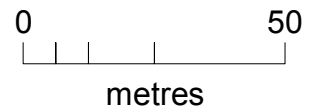
### **3.0**

#### **Decision guidelines**

--/20--  
C--

An application to vary the preferred setbacks must demonstrate how the development will achieve the requirements of this schedule, and any local planning policy requirements. Further consideration will be given as to whether the proposal:

- Is of a high or superior architectural quality;
- Achieves innovation with respect to environmental sustainability;
- Minimises impacts on amenity of the adjoining Morack Golf Course, Dandenong Creek Trail and wider Dandenong Creek Environs;
- Provides a design response appropriate in site context, including heights and setbacks on adjoining properties, and existing neighbourhood character of Morack Road;
- Achieves specific urban design outcomes such as vista retention, protection of the public realm from over shadowing, and transitioning to adjoining land;
- Appropriately responds to the Urban Floodway Zone, to the satisfaction of Melbourne Water; and
- Considers the movement of pedestrians and cyclists.



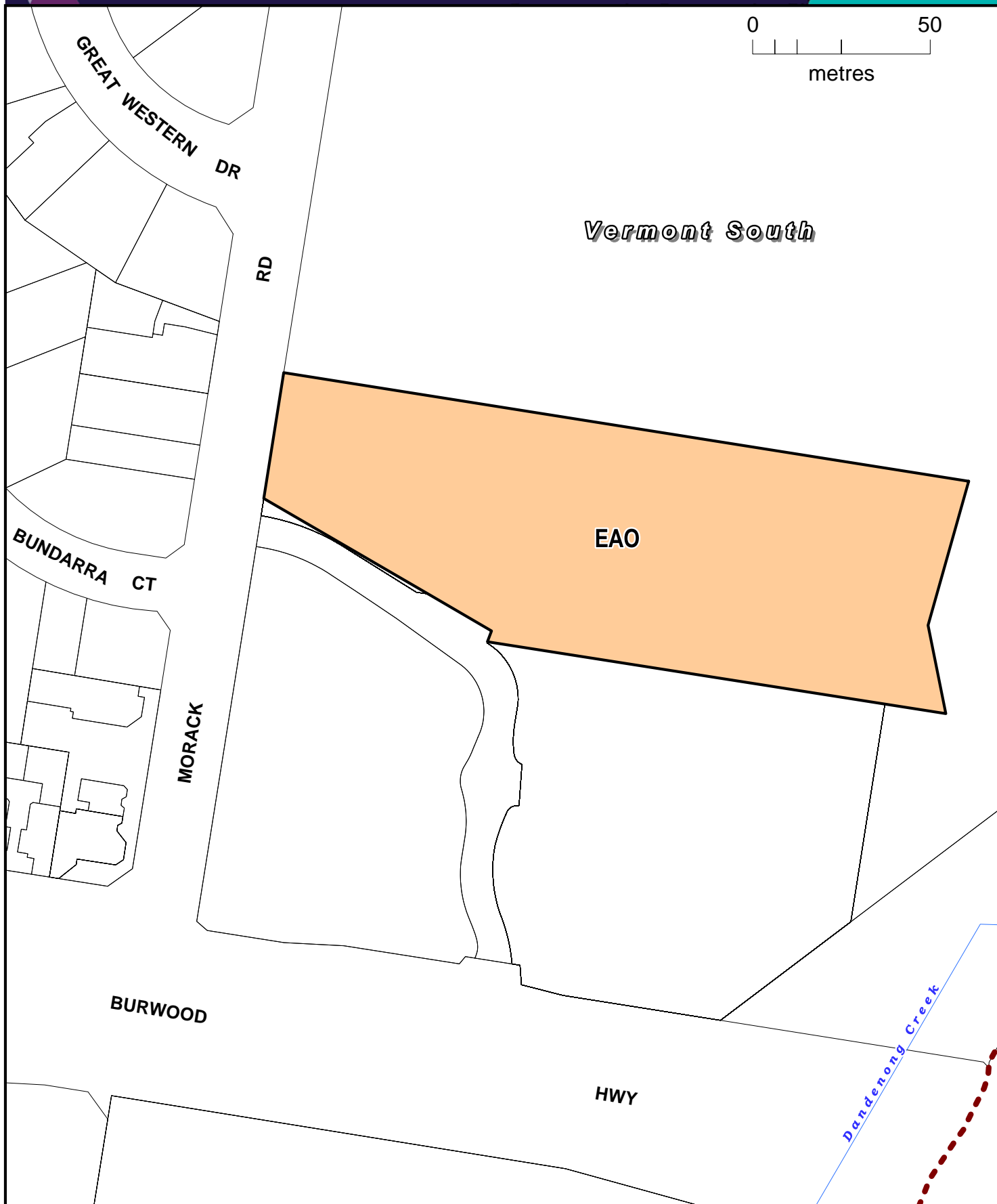
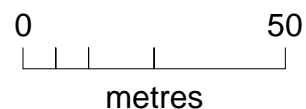
## LEGEND

|      |   |
|------|---|
| NRZ5 | Neighbourhood Residential Zone - Schedule 5 |
| UFZ  | Urban Floodway Zone                         |
| GRZ5 | General Residential Zone - Schedule 5       |

Part of Planning Scheme Map 6

## AMENDMENT C193





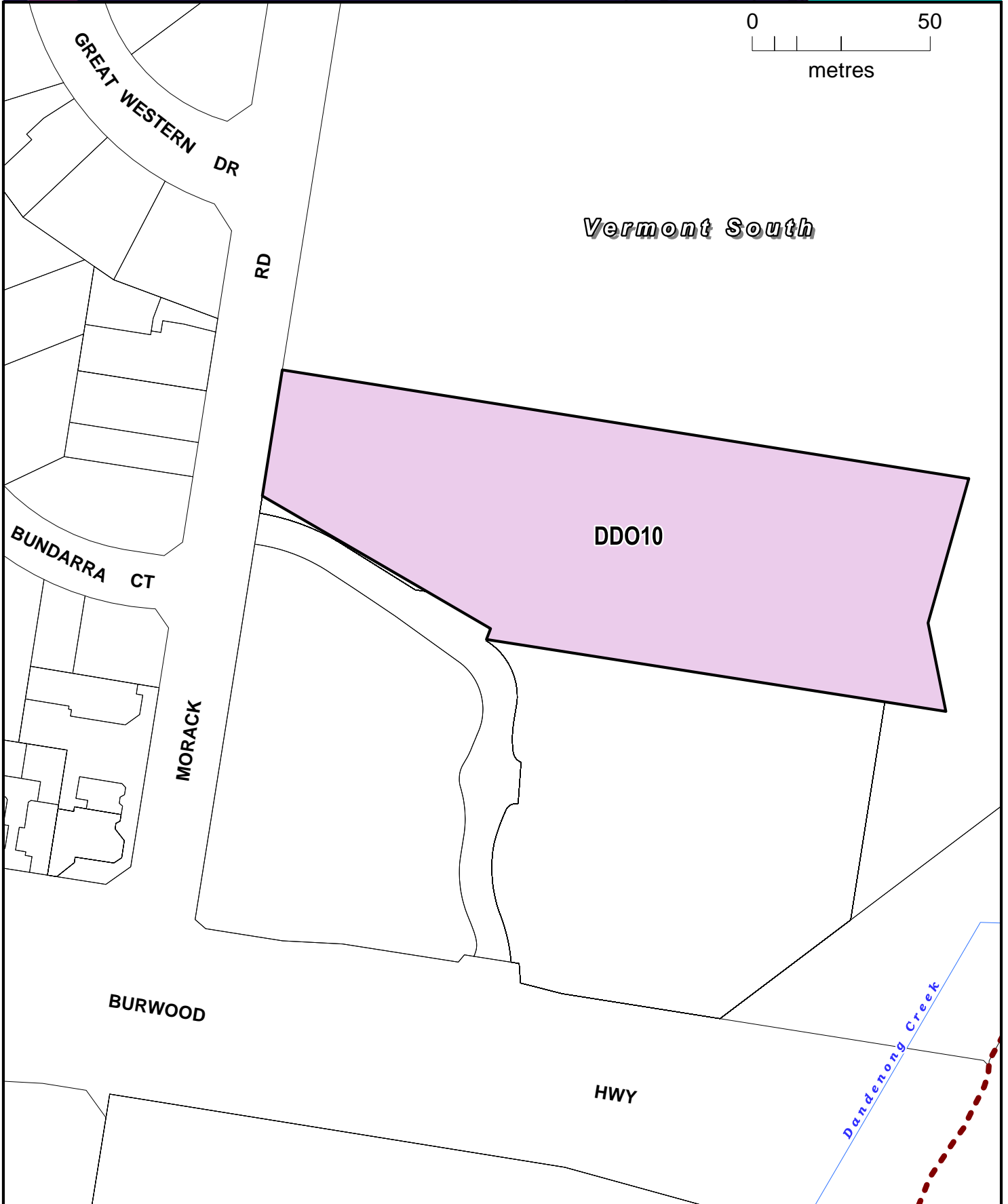
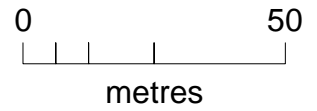
## LEGEND

**EAO** Environmental Audit Overlay

Part of Planning Scheme Map 6EAO

## AMENDMENT C193





## LEGEND

**DDO10** Design and Development Overlay - Schedule 10

Part of Planning Scheme Map 6DDO

## AMENDMENT C193

