

**Whitehorse Planning Scheme Amendment C230whse  
Former ARRB site**

**Panel Report**

*Planning and Environment Act 1987*

**16 March 2023**

## How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment.  
[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

Planning Panels Victoria acknowledges the Wurundjeri Woi Wurrung People as the traditional custodians of the land on which our office is located. We pay our respects to their Elders past and present.

## *Planning and Environment Act 1987*

Panel Report pursuant to section 25 of the PE Act

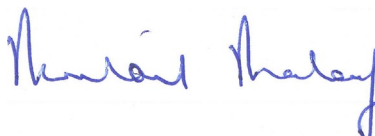
Whitehorse Planning Scheme Amendment C230whse

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**16 March 2023**



Kathy Mitchell AM, Chair



Michael Malouf AM, Member

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## Glossary and abbreviations

Council	Whitehorse City Council
DDO	Design and Development Overlay
DELWP	Department of Environment, Land, Water and Planning
DTP	Department of Transport and Planning
EAO	Environmental Audit Overlay
EPA	Environment Protection Authority
GED	General Environment Duty
HO	Heritage Overlay

MPS	Municipal Planning Strategy
MSS	Municipal Strategic Statement
PE Act	<i>Planning and Environment Act 1987</i>
PPF	Planning Policy Framework
Proponent	Dandenong Views Pty Ltd
RGZ	Residential Growth Zone
SLO	Significant Landscape Overlay
SoS	Statement of Significance
VCAT	Victorian Civil and Administrative Tribunal
VPO	Vegetation Protection Overlay
WSUD	Water Sensitive Urban Design

## Overview

### Amendment summary

The Amendment	Whitehorse Planning Scheme Amendment C230whse
Common name	Former ARRB site
Brief description	Rezone the former Australian Road Research Board site from the Transport Zone Schedule 4 to Residential Growth Zone Schedule 3; insert a new Design and Development Overlay Schedule 6; apply Clause 45.03 Environmental Audit Overlay; and incorporate two statements of significance to Clause 72.04
Subject land	490 to 500 Burwood Highway, Vermont South
The Proponent	Dandenong Views Pty Ltd
Planning Authority	Whitehorse City Council
Authorisation	11 April 2022
Exhibition	2 June to 5 July 2022
Submissions	Number of objecting submissions: 43 (Appendix A)

### Panel process

The Panel	Kathy Mitchell AM (Chair) and Michael Malouf AM
Supported by	Gabrielle Trowse, Project Officer
Directions Hearing	By video conference on 28 October 2022
Panel Hearing	7, 8, 9 and 10 February 2023, in person at the office of Whitehorse City Council and through video conference
Site inspections	Accompanied on Monday 21 November 2023, and unaccompanied during the Panel Hearing
Parties to the Hearing	Whitehorse City Council Dandenong Views Pty Ltd Residents Representative Committee, Victoria Grange Retirement Village Australia Unity Retirement Development (see Appendix A)
Citation	Whitehorse PSA C230whse [2023] PPV
Date of this report	16 March 2023

## Executive summary

Whitehorse Planning Scheme Amendment C230whse (the Amendment) seeks to facilitate residential development at 490-500 Burwood Highway, Vermont South by rezoning the land from Transport Zone to Residential Growth Zone Schedule 3 and applying Significant Landscape, Vegetation Protection, Design and Development, and Environmental Audit Overlays.

The Panel sat in-person in Whitehorse for four days to hear submissions from Whitehorse City Council (the Council), Dandenong Views Pty Ltd (the Proponent), Australian Unity Retirement Development Pty Ltd (Australian Unity) and Mr McJannet (representing the Victorian Grange Retirement Village residents) and evidence from the Proponent. While the Panel convened the Hearing in-person, the whole of the Hearing was live streamed by Council so that residents of the retirement village and others could listen in at any time. All witnesses who were called to give evidence did so in-person.

No party contested the suite of planning controls proposed, and there was general agreement that applying the Residential Growth Zone and the various Overlays to the site was appropriate.

The key issues of contention through submissions and at the Hearing related to:

- site layout
- building heights and setbacks
- access to Burwood Highway
- general traffic and parking
- final form of the Amendment, particularly the Design and Development Overlay.

After considering the written submissions (both from exhibition and those presented at the Hearing) and the evidence provide by the Proponent (noting that no other party provided evidence), the Panel considers the Amendment has significant strategic merit and should be approved. It will result in a new use for a vacant and desolate site that will positively contribute to delivering important housing and policy outcomes that:

- is consistent with State and local planning policy
- provides diversity and choice of housing opportunities in an excellent location
- has good access to private and public transport networks
- is well located to a range of community facilities and services, including retail, commercial, schools and medical services
- is close to various employment hubs, including the Vermont South Shopping Centre and the Tally Ho Business Park
- retains the site in the Heritage Overlay and provides heritage protection to the integrity of the former Administration Building, its front landscaped area and the rear courtyard
- ensures as much vegetation as is practically possible will be retained due to the application of the Significant Landscape Overlay and including a significant tree in the existing Vegetation Protection Overlay
- will remediate potentially contaminated land
- provides a net benefit to the community of Whitehorse and the wider eastern metropolitan area in a manner that promotes sustainable development.

Based on the reasons set out in this Report, the Panel recommends:

1. Adopt Amendment C230whse to the Whitehorse Planning Scheme, subject to updating Schedule 6 to Design and Development Overlay in Appendix D.
2. Include the Concept Plan provided in Schedule 6 to Design and Development Overlay in Document 78, subject to:
  - a) Redraw it to an appropriate scale to ensure clarity on key areas within the site, including access roads, building envelopes, the proposed 5 and 12 metre setback areas, the courtyard, the front landscape area.
  - b) Retain the courtyard south of the Administration Building.
  - c) Reinstate the pedestrian link locations that were provided on the exhibited Concept Plan.
  - d) Stipulate and show in metres, the mandatory setbacks from the western, southern and eastern site boundaries.
  - e) Include the location of a stormwater detention basin in the south west corner of the site, as referenced in Figure 13 of this report, with a notation that this location is indicative only.
  - f) Delete the word 'vehicular' from the Legend so that it reads: *\*\*\* Mandatory setbacks exclude landscaping, fences, services, drainage infrastructure and cycling access*
  - g) Delete the words *"except for plant, services and lift overruns"* and replace with *"except for architectural features"*.
3. Provide the following additional notes in the legend to the Concept Plan provided in Schedule 6 to Design and Development Overlay in Document 78, subject to:
  - a) The opportunity for 'preferred apartment built form' is not to be read as a building envelope, rather it indicates the general location for the built form elements.
  - b) The upper limit of total dwellings is 290.
  - c) Vehicular access roads are to be located a minimum of five metres from the western, and southern boundaries and 12 metres from the eastern site boundaries in accordance with the designated 12 metre setback area.
  - d) The southern and eastern facing aspects of the proposed residential apartments are to be articulated (both in style and through urban design features) so as to not form long, blank walls.
4. Include Heritage Overlay 23 in the Whitehorse Planning Scheme as exhibited, subject to the following:
  - a) Include additional notations to the plan that shows 'Location of contributory elements'
    - Note the plan is not to scale
    - List each of the primary and secondary significance items.
    - Shade the landscape areas to highlight its status as an element of primary significance in accordance with the revised dot point under 'Elements of Primary Significance'.
  - b) Amend the second dot point under 'Elements of Primary Significance' to read:
    - The landscape setting around the Administration Building including the open space to the north in the front setback, to the west and to the south, including the courtyard configuration.



5. **Include Significant Landscape Overlay 10 in the Whitehorse Planning Scheme as provided in Document 79, subject to:**
  - a) **Amend the first two dot points of Clause 2.0 'Landscape character objectives to be achieved' to read:**
    - **To retain medium and high-value established native trees.**
    - **To ensure development responds to the landscape integrity of the original Beryl Mann landscape design.**
6. **Include Tree 135 only in the exhibited Vegetation Protection Overlay 5.**

# 1 Introduction

## 1.1 The Amendment

Amendment C230whse (the Amendment) to the Whitehorse Planning Scheme was prepared at the request of Tract Consultants on behalf of the landowner Dandenong Views Pty Ltd (the Proponent). It proposes to facilitate residential development in the form of apartments and townhouses at the former Australia Road Research Board (ARRB) site at 490 – 500, 1/490 and 2/490 Burwood Highway, Vermont South (the subject land) site by:

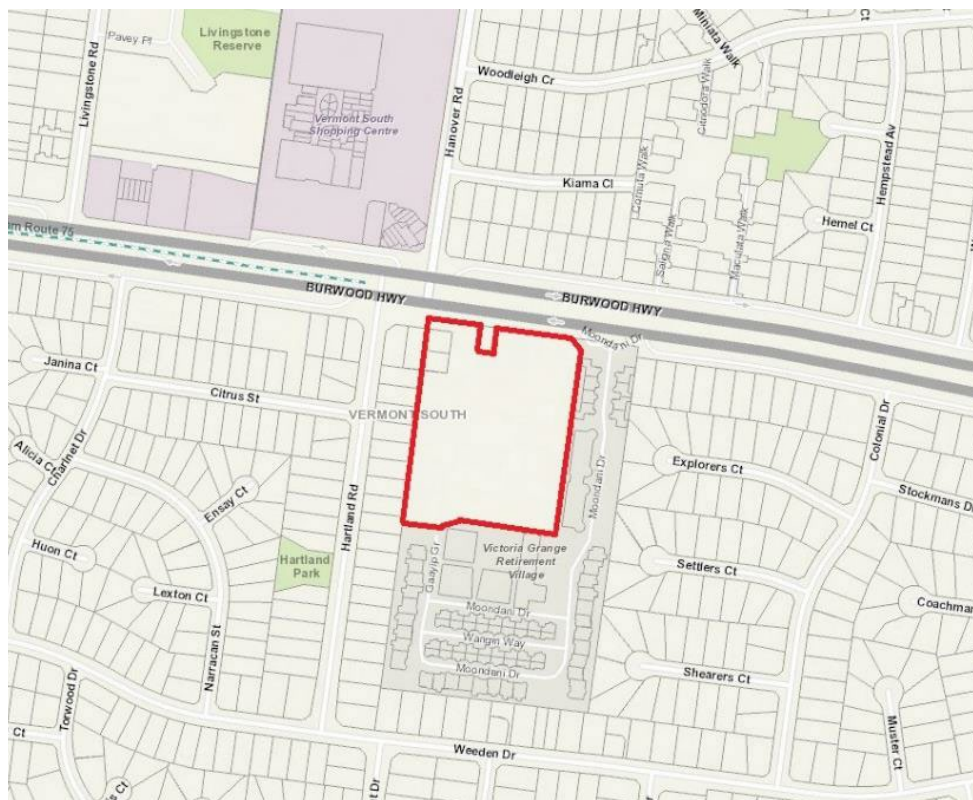
- rezoning the land from Transport Zone to Residential Growth Zone Schedule 3 (RGZ3)
- applying the Design and Development Overlay and a new Schedule 6 (DDO6)
- applying the Significant Landscape Overlay and a new Schedule 10 (SLO10)
- applying the Vegetation Protection Overlay Schedule 5 (VPO5)
- applying the Environmental Audit Overlay (EAO)
- amending the schedule to the Heritage Overlay (HO23) to include reference to an updated Statement of Significance (SOS), Former ARRB, 490-500 Burwood Highway, Vermont South – SOS (Whitehorse City Council, June 2021) (Statement of Heritage Significance)
- amending the Housing Framework Plan at Clause 21.06 to include the land within a Substantial Change Area
- amending Map 1 Neighbourhood Character Precincts at Clause 22.03 to include the land in the Garden Suburban 7 precinct
- amending the schedule at Clause 72.04 to incorporate the Statement of Heritage Significance and Statement of Tree Significance, 490–500 Burwood Highway, Vermont South (September 2021) (Statement of Tree Significance).

DDO6 includes a Concept Plan, which at a broad scale, sets out the location of the key built form elements proposed.

## 1.2 The subject land

The Amendment applies to land shown in Figure 1, comprising three lots:

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

**Figure 1** Location of Amendment land

The land is known as the former ARRB site and is located approximately 20 kilometres east of central Melbourne. It has good access to public transport, particularly through the location of the Vermont South tram line that connects to Melbourne and the associated bus interchange. It is located on Burwood Highway, a major east-west arterial road that provides excellent connectivity.

The land is formally described as Lot 1 on Plan of Subdivision 518296N. Council's Part A submission described the land in the following way:

The site has an area of approximately 2.58 hectares and is bounded by Burwood Highway to the north, Victoria Grange to the east and south, and the rear of residential properties that front Hartland Road to the west. The site contains a powerline easement with a width of 10 metres extending south from the Burwood Highway frontage to approximately halfway through the site.

Topographically, the site slopes downwards from a high point in the northwest corner to the south boundary of the site; the change in level is almost 10 metres. The downward sloping topography continues south and east of the site and as a result, the site has expansive views over the surrounding area to the south and east towards Dandenong Creek and the Dandenong Ranges.

Access to the site is via a wide crossover to Burwood Highway to the west of the substation in the western part of the frontage. A second entry/exit point is located in the eastern part of the frontage via a service road (Moondani Drive) off Burwood Highway that is partially located in the Victoria Grange property. Both access points facilitate left in/left out movements only.

There are two detached dwellings in the northwest part of the site at 1/490 and 2/490 Burwood Highway. These are also owned by Dandenong Views Pty Ltd. Access to these properties is via a crossover on a separated slip lane from Burwood Highway. This slip lane provides for a left turn into Hartland Road.

The landscape character of the subject site is an important aspect of the land. The site contains a significant number of tall native canopy trees. The large front setback is particularly noteworthy comprising an expansive grass area and substantial tree coverage at the interface with Burwood Highway. The strong presence of canopy vegetation continues throughout the site with clusters of trees along the west boundary, sections of the east boundary and between the buildings<sup>1</sup>

The Victoria Grange Retirement Village (VGRV) is located to the immediate east and south of the subject land. Of relevance:

- the VGRV was originally part of the ARRB landholdings but was sold in 2017
- it has a three-storey interface that extends for approximately 93 metres along the eastern interface, with some building recession
- three, three-storey apartments buildings are located to the south which overlook a bowling green, communal open space and a community building
- the site is well landscaped and provides for a pleasant residential environment.

Mr McJannet for the residents of VGRV provided useful information to the Panel about the numbers of residents and staff of the VGRV:

- Retirement Village – 111 independent units
- Residents – currently 176 residents (average age 81), but capacity for well over 200
- Aged Care Facility – 105 beds
- A total of 170 staff
- Ave daily visitors of 20+
- Total 193 cars, 127 Residents and 66 Visitors
- Daily delivery vehicle for food and medical supplies
- Frequent emergency service vehicles<sup>2</sup>.

Other abuttals include conventional residential lots to the west with frontage to Burwood Highway and Hartland Road. The subject land sits in a well-established residential area where nearby development is predominantly single or double storey that was developed in the 1970s.

The existing layout of the site and its relationship with the VGRV to the east is shown in Figure 2.

<sup>1</sup> D61, paras 27 - 31

<sup>2</sup> D73

**Figure 2** 2021 aerial photo of the ARRB site showing location of buildings



Source: Conservation Management Plan, Bryce Raworth Pty Ltd

Notwithstanding the predominant form of residential development that has emerged since the 1970s, Council noted several examples in its Part A submission that indicate a change in built form to higher density development in Vermont South and Forest Hill, particularly along arterial roads.

The Vermont South Shopping Centre is located diagonally opposite the subject land adjacent to the terminus of the tramline. This centre includes two supermarkets, food and drink premises, and various specialty shops and services, supported by at-grade car parking. It further includes community facilities and services such as a recreation centre, childcare, neighbourhood house, bowls and tennis club and a Sportlink recreation centre. Livingstone Primary School is located adjacent to the recreation centre.

Other Activity Centres are radially located within two to five kilometres from the site, including at Glen Waverley, Knox and Forest Hill.

Council advised the subject land is well served by public open space including at Terrara Park, Billabong Park, Hanover Reserve, Bellbird Dell and the Dandenong Creek Parklands.

### 1.3 Background to the Amendment

The ARRB complex was designed by architects Mockridge, Stahle and Mitchell and constructed in 1971/72 to serve as the headquarters of the ARRB. Building and various features were

progressively added to in the 1970s and 1980s<sup>3</sup>. The landscape design was undertaken by Beryl Mann.

The ARRB occupied the site until 2017, following which it was sold.

Council provided a chronology of events describing the background to the Amendment in its Part A submission from paragraphs 53 to 63. In summary:

- the site was sold in 2017 as it was no longer required
- the initial request for an Amendment was in May 2018, which Council did not support as it sought further information
- various meetings were held to resolve key issues, and the updated Amendment request was made in October 2021
- Council requested authorisation in December 2021 to the former Department of Land, Water, Environment and Planning (DELWP)
- the Amendment was authorised for exhibition in April 2022, following which exhibition and submissions occurred that led to this Panel process.

In its Part A submission, Council identified the key issues raised in submissions as being:

- height, built form and the DDO6
- future traffic considerations
- removal of vegetation
- contaminated land, noise and air quality.

While not objecting to the rezoning, Mr McJannet noted implementation of the Amendment through the Concept Plan would have serious detrimental effects on the VGRV due to the proposed:

- traffic arrangements
- height of apartment blocks
- south boundary interface.

## 1.4 Site inspection

The Panel visited the subject land on Monday 21 November 2022, firstly observing local traffic conditions between 8:00am and 10:00am. This aspect was unaccompanied. The Panel was joined for the accompanied part of the site inspection by representatives of Council, the Proponent, the VGRV, and Australian Unity.

The Panel and parties entered the subject land and inspected the building exteriors, landscaping, trees, vehicle and pedestrian access, and car parks (Figure 2). The group then visited the neighbouring VGRV to the east and viewed the subject land from various points on the property, including from within two apartments.

As the result of issues raised at the Hearing about possible traffic management measures, the Panel inspected the frontage of the site and the VGRV along Burwood Highway, as well as Hartland Road to the west and the interchange of Hanover Road with Burwood Highway at the conclusion of the Hearing. This inspection was brief and was unaccompanied.

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<sup>3</sup> The evidence of Mr Raworth provides a detailed history of the site as provided for in the Conservation Management Plan at paragraphs 9 to 23 of his report (D60), as well as photographs and perspective drawings.

## 1.5 The Panel's approach

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

The Panel notes the Proponent provided nine evidence statements and one additional consultant report, from which, by agreement with Council and other parties, six witnesses were called to give their evidence. There was no competing evidence.

Taking into account the key issues raised through submissions and evidence, this report deals with the issues under the following headings:

- Planning context
  - state and local policy
  - zones and overlays
- Planning, heritage and landscape
  - planning
  - heritage
  - landscape and vegetation
- Traffic and access
  - traffic impacts
  - car parking and road width
  - access to Burwood Highway
  - pedestrian and bicycle network
- Other impacts
  - noise, air emissions and contamination
  - Integrated Stormwater Management
  - civil services
- Panel recommendations.

## 2 Planning context

### 2.1 State and local policy

Both Council and the Proponent provided a balanced overview of the planning and strategic imperatives of the subject land and its suitability for residential development. Table 1 highlights the relevant strategic and statutory context of the Amendment.

Table 1 Planning context

	Relevant references
<b>Victorian planning objectives</b>	- Section 4 of the Planning and Environment Act 1987
<b>Planning Policy Framework</b>	- Clause 11.02-2 – Supply of urban land - Clause 12.01-2S – Native vegetation management - Clause 12.05-2S – Landscapes - Clause 13.04-1S – Contaminated and potentially contaminated land - Clause 13.05-1S – Noise management - Clause 13.06-1S – Air quality management - Clause 15.01-1S – Urban design - Clause 15.01-3S – Subdivision design - Clause 15.03-1S – Heritage conservation - Clause 16.01-1R – Housing supply – Metro Melbourne - Clause 18.01-1S – Land use and transport planning
<b>Local Planning Policy Framework and the Municipal Strategic Statement</b>	- Clause 21.05 – Environment - Clause 21.06 – Housing (Vision, housing location, diversity, affordability, design) - Clause 22.01 – Heritage buildings and precincts - Clause 22.03 – Residential development - Clause 22.04 – Tree conservation - Clause 22.10 – Environmentally sustainable development
<b>Other planning strategies</b>	- Plan Melbourne Direction 4, Policies 4.1, 4.2
<b>Proposed planning scheme provisions</b>	- Apply RGZ3 - Apply DDO6 - Apply SLO10 - Apply VPO5 - Apply EAO - Amend HO23
<b>Planning scheme amendments</b>	- Amend Housing Framework Plan at Clause 21.06 - Amend Map 1 Neighbourhood Character Precincts at Clause 22.03 - Amend schedule at Clause 72.04 to incorporate Statement of Heritage Significance and Statement of Tree Significance
<b>Ministerial directions</b>	- Ministerial Direction No 1 – Potentially Contaminated Land



	<ul style="list-style-type: none"> <li>- Ministerial Direction No 9 - Metropolitan Strategy</li> <li>- Ministerial Direction 11 - Strategic Assessment of Amendments</li> </ul>
<b>Planning practice notes</b>	<ul style="list-style-type: none"> <li>- Planning Practice Note 30 – Potentially Contaminated Land</li> <li>- Planning Practice Note 46 - Strategic Assessment Guidelines</li> <li>- Planning Practice Note 59 – The Role of Mandatory Provisions in Planning Schemes</li> <li>- Planning Practice Note 90 – Planning for Housing</li> <li>- Planning Practice Note 91 – Using the Residential Zones</li> </ul>

## 2.2 Zones and overlays

### (i) Zones

The subject land is proposed to be rezoned from Transport Zone 4 to RGZ3 to enable the development of the land for residential purposes. It includes all land except for the transport substation located on Burwood Highway, as shown in Figure 3.

**Figure 3 Residential Growth Zone 3<sup>4</sup>**



Abutting land is included in the Neighbourhood Residential Zone Schedule 5, with the front strip of land to the west along Burwood Highway included in the RGZ1.

No party objected to the rezoning of this land for higher density residential purposes, nor the zone selected to facilitate this.

<sup>4</sup> The Panel notes Figure 1 indicates the land is to be included in the Residential Growth Zone Schedule 1, the actual schedule is No. 5

The Panel had the benefit of planning and urban design evidence from Mr Pagliaro and Ms Bell respectively and this is discussed further in Chapter 3.2.

**(ii) Overlays**

Several overlays are proposed to be introduced to the land through this Amendment.

**Significant Landscape Overlay 10**

**Figure 4 Significant Landscape Overlay 10**



## Vegetation Protection Overlay 5

Figure 5 Vegetation Protection Overlay 5

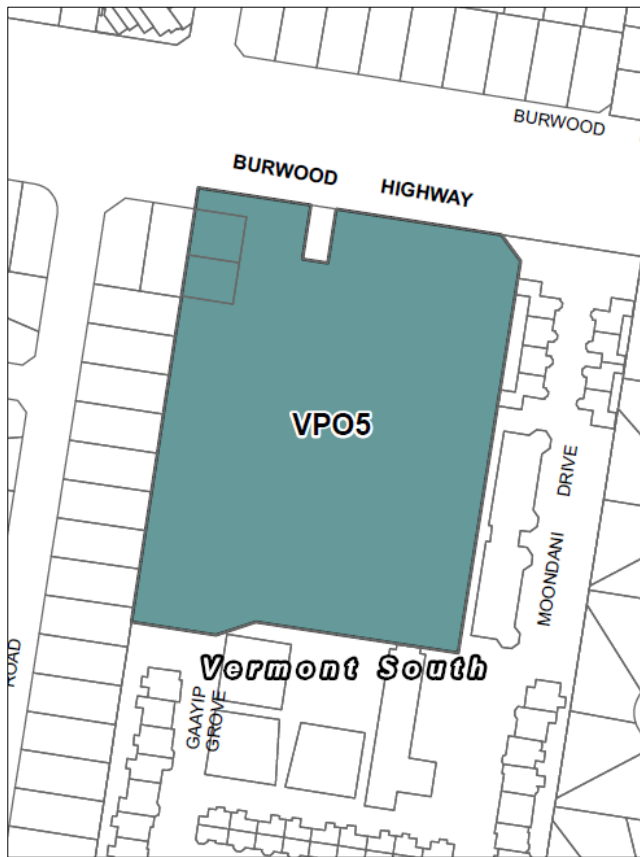


Figure 6 Location of trees for VPO5 protection



The Panel had the benefit of evidence from Mr Patrick and Mr Galbraith and this is discussed further in Chapter 3.4.

### Heritage Overlay 23

Figure 7 Heritage Overlay 23



The Panel had the benefit of heritage evidence from Mr Raworth and this is discussed further in Chapter 3.3.

## Environmental Audit Overlay

**Figure 8** Environmental Audit Overlay



As the site has been used for a range of industrial uses, the Amendment proposes to apply the EAO. This is discussed in Chapter 5.2.

### (iii) Findings

For the reasons set out in the subsequent chapters of this report, the Panel finds the Amendment:

- is supported by, and implements, the relevant sections of the Planning Policy Framework
- is consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified
- should proceed, subject to addressing the more specific issues raised in submissions and evidence as discussed in Chapters 3, 4, 5 and the consolidated recommendations in Chapter 6.

In resolving the many issues raised during the Hearing, most related to the detail and the provisions of DDO6 and the Concept Plan.

## 3 Planning, heritage and landscape

### 3.1 Background

As noted, the subject land is proposed to be rezoned to RGZ3 as the former use has been vacated and the land is no longer required for its previous purpose. There was little concern about the choice of the zone for the land, rather the key issues related to the extent of development and the proposed height and setbacks of development in some areas of the site.

The key issues to be resolved are:

- how the site might development in accordance with the Concept Plan
- heritage elements
- extent of landscape controls.

DDO6 includes a range of provisions as well as a Concept Plan. The Concept Plan is the schematic representation of how the site would be developed, in very broad outline, and much of the focus at the Hearing related to this plan.

### 3.2 Planning

#### (i) Evidence and submissions

Council supported the Amendment and in summary, submitted:

- the Amendment is required to facilitate residential development of the site
- the site is well located proximate to road and public transport access and a range of community services and facilities, including open space
- higher density forms of development are occurring along Burwood Highway corridor
- the RGZ is the appropriate zone for the potential development
- the application of SLO10 and VPO5 will ensure the unique landscape character of the land will be preserved and enhanced
- the application of the EAO will ensure any potential contamination from previous uses will be identified and remediated
- the updated SOS will ensure the identified heritage features will continue to be protected.

Council noted:

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

The DDO will ensure any future development of the site respects the existing heritage and landscape context of the site and responds to the existing neighbourhood character by providing an appropriate transition at the interfaces with the established adjacent residential area. The DDO will also respond to the opportunities and constraints presented by the site and allow for housing growth and diversity<sup>5</sup>.

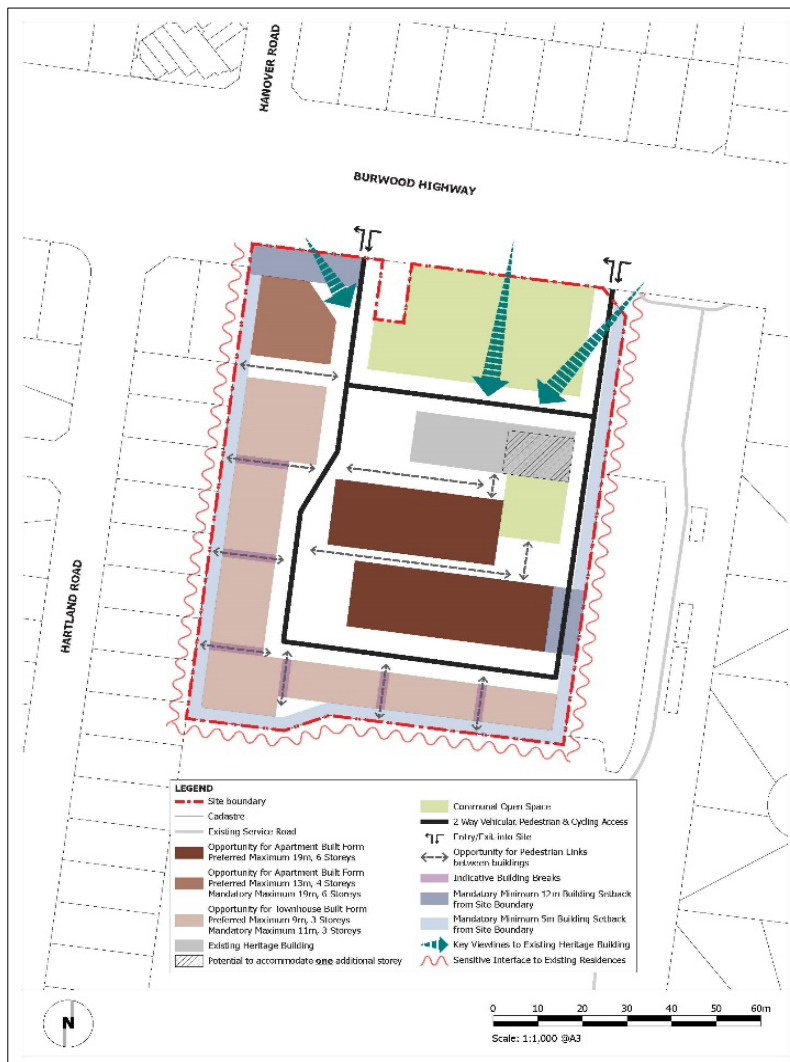
Council highlighted the consistency of the Amendment with relevant aspects of State and local planning policy, noting the importance of providing diverse and accessible housing in locations proximate to a range of community services and facilities.

<sup>5</sup> D61, paras 66, 67

Council raised several issues about the exhibited Concept Plan (Figure 9), particularly the way in which the building heights were shown. The Panel notes the exhibited version of the Concept Plan indicated:

- Opportunity for Apartment Built Form (as shown in the central area)
  - preferred maximum 19m, 6 Storeys
- Opportunity for Apartment Built Form (as shown in the north west corner)
  - Preferred maximum 13.5m, 4 storeys
  - Mandatory maximum 19m, 6 storeys
- Opportunity for townhouse built form (as shown along the west and southern boundaries)
  - Preferred maximum 9m, 3 storeys
  - Mandatory maximum 11m, 3 storeys.

Figure 9 Concept Plan <sup>6</sup>



During the Hearing and taking into advice of Ms Bell, Mr Raworth and Mr Patrick, the Proponent recommended some key changes, including:

- building heights should be changed to be 13.5 or 20 metres for the two areas where the four or six-storey apartments could locate
- the 'preferred maximum 11m, 3 storeys' be deleted for the townhouse built form area

<sup>6</sup> Clause 43.02, DDO6 (as exhibited)

- the central apartment built form area be shown as larger ‘blob’ with an indicative pedestrian circulation link
- add the words after each of the three development sites, “... *except for plant, services and lift overruns*”
- remove the indicative 2-way vehicular pedestrian and cycling access
- while retaining the mandatory minimum 5 and 12 metre building setback areas, adding the words “... *except for landscaping, fences, services, drainage infrastructure and vehicular, pedestrian and cycling access*”.

The Proponent advised the increase in height from 19 to 20 metres and 13 to 13.5 metres was to allow for slightly higher floor to ceiling heights and greater design flexibility.

Council did not support these changes, nor did Australian Unity or Mr McJannet, who submitted the setbacks should be much greater to the east and the south.

While there was discussion about the preferred and mandatory maximum heights, the number of storeys was not contested by Council. In response to submissions about the proposed heights of buildings on the site, Council observed:

Given the strategic merits of the site in being able to deliver new and diverse housing close to public transport and an array of local services and amenities, it is appropriate for buildings ranging between 3 and 6 storeys to be encouraged on the site <sup>7</sup>.

Council summed up its position on the use of the controls by noting:

The Amendment includes mandatory and non-mandatory built form requirements in the DDO6 to strike an appropriate balance between housing supply, managing heritage and landscape characters and response to residential interfaces. The mandatory boundary setbacks and building heights seek to provide a suitable transition in building form and height from the adjoining NRZ5 to the taller apartment buildings that are central to the site and where discretion in height is proposed to be applied <sup>8</sup>.

At the Hearing and in its closing submission, Council noted that it generally supported the heights and setbacks proposed as being indicative of its intentions for the built form response. Further, it considered 19 metres would be an appropriate height for a six-storey building.

Overall, Council expressed confidence that the suite of planning controls proposed, subject to minor changes, would deliver the planning and housing outcomes anticipated.

The Proponent advised the “*Amendment is the culmination of expert analysis, consultation and engagement between the Proponent and Council since 2018.*” It confirmed its support of the zones and overlays proposed, noting the application of the VPO was ‘debatable’.

In summary, amongst other benefits, the Proponent submitted the Amendment would provide a net community benefit because:

- the Amendment is strategically justified and will deliver a planning outcome that implements, supports and responds to the Whitehorse Planning Scheme, Plan Melbourne and the 20-minute neighbourhood
- it has good access to various Activity Centres, public transport options, schools and open space
- it will retain, restore and reuse the heritage listed Administration Building and the vegetated and landscaped area between that building and the Burwood Highway

<sup>7</sup> D67, para 15

<sup>8</sup> D61, para 84



- it will retain significant trees and significant stands of trees.

The Proponent noted the strategic significance of the site and that it will play an important role in implementing State planning policy. The Panel was advised the site is proposed to accommodate up to 290 dwellings – but that would be at the upper end.

In support of its position, the Proponent relied on the planning evidence of Mr Pagliaro. His evidence confirmed the strategic planning support for the Amendment, where he noted a large site such as this made it easier to deal with interface issues. Mr Pagliaro supported the inclusion of the specified heights in DDO6, but recommended these be enhanced with heights in metres to allow for more scope in floor to ceiling heights as follows:

- 3 storey buildings up to 11 metres in height
- 4 storey buildings up to 13.5 metres in height
- 6 storey buildings up to 20 metres in height.

Council did not support aspects of this evidence. Mr Pagliaro noted the number of storeys would not increase, nor would it affect the visual impacts on neighbouring property, rather the metrics gave more scope to ensure better design outcomes, and especially to provide for greater flexibility for floor to ceiling ratios.

Ms Bell gave urban design evidence. She too reiterated the strategic significance of the site and its location along Burwood Highway. Her evidence provided a nexus between the planning imperatives and the urban design outcomes sought. Ms Bell supported the heights and setbacks proposed and made various recommendations about the Concept Plan.

While acknowledging the heritage value of the site, Ms Bell did not consider the courtyard behind the Administration Building had any strategic or heritage significance and recommended it could be better used for residential purposes. She noted the courtyard would not be visible from the front of the site and if not included, the heritage integrity of the Administration Building would not be compromised.

Australian Unity noted the RGZ3 was appropriate for the site and concurred there is strong strategic policy support for this zone in this location. Likewise, Australian Unity supported the range of overlays proposed to manage the built form and landscape outcomes. Its specific issues related to the detail of the overlays, particularly the use of metrics in DDO6 as well as building separation and setbacks.

Mr McJannet advised the VGRV had no objection to the rezoning of the site and noted “... we recognise that the site demands special consideration due to its location. But, by the same token, the site also demands special consideration in light of its close proximity to the Victoria Grange Retirement Village and Aged Care Centre”.

The key issues raised by Mr McJannet related to the heights and setbacks of the Apartment and townhouse areas, particularly from the eastern and southern boundaries. He contended that if the development met the height allowance, it would result in unacceptable visual bulk to the east due to the slope of the land. He said the six-storey apartment would present as eight or nine storeys. He recommended the setback be 20 metres in this location and be a maximum of four storeys.

For the southern boundary, Mr McJannet recommended a greater setback and height reduction to reduce opportunities for overlooking. He asked that this area be reworked to provide a much

greater setback and to reduce the heights of the southern townhouse area, but was not able to put a figure on this.

## **(ii) Discussion**

The Panel notes the site is proposed for higher built form in an area designated for substantial change. Its location on a major arterial road with excellent proximity to public transport, retail, community, open spaces, and employment opportunities is consistent with State and local planning policy, including Plan Melbourne.

The Panel supports the application of RGZ3 for this site, although it does have some reservations about some aspects of DDO6.

With regard to the heights proposed, the Panel supports the range from three to six storeys in the locations proposed. The Panel is cognisant of the potential impact of the taller elements and how they might impact on the adjacent VGRV to the east. As this is a strategic Amendment that includes a high level Concept Plan, the Panel has not had the benefit of shadow diagrams and the like – nor should it have these for this type of process.

The Panel had the benefit of detailed accompanied site inspection, and it took note of the interface issues, both from within the site and from the VGRV site. It accepts there will be some visual impact and that there will be change to the outlook for some of the VGRV residents. However, the Panel considers the heights and setbacks proposed are reasonable for the site. The vegetation is a feature of the subject land and that, coupled with the setbacks and heights proposed, should ensure there will be the opportunity to provide for an acceptable outcome in terms of the built form.

Notwithstanding, the Panel accepts built form at the east and the south of the subject land should be designed to ensure there is care taken to minimise impacts. In this regard, the Panel has included a note on the Concept Plan legend that stepping back and articulation for the eastern and southern walls be considered to minimise visual impacts to neighbouring properties and to avoid long blank walls. Further, the Panel has recommended the deletion of allowing for vehicular access within the 12 and five metre setback areas to ensure these areas do not become defacto roads.

The Panel can understand why metrics might be used alongside the number of storeys to ensure a good urban design outcome for residential development. As there is a Concept Plan to DDO6, it can specify both metrics and storeys. This approach is why the residential zones introduced metrics with storeys – to allow flexibility without enabling an additional floor. The Panel supports the mix of preferred and mandatory heights as proposed by the Proponent to allow for that flexibility.

The Practitioners Guide to Victorian Planning Schemes V1.5 defines:

Building Height - the vertical distance between the ground level and the finished roof height directly above.

Storey – that part of a building between floor levels. If there is no floor above, it is the part between the floor level and ceiling. It may include an attic, basement, built over car parking area, and mezzanine <sup>9</sup>.

<sup>9</sup> p54

The Guide further notes there should be no structure above the finished roof line except for architectural features that may be constructed. There was discussion at the end of the Hearing about how the concessions for above roof line structures might be worded. For these reasons, the Panel makes recommendations about modifying that wording in DDO6 and on the legend to the Concept Plan.

This Amendment is the first part of the planning journey for the site. It provides the overall concept for development for the site, with the detail to follow through the planning permit application process.

Resolution of the Concept Plan is critical to ensure certainty, clarity and a clear path forward. For a site this size, the Panel is perplexed about the lack of certainty and clarity, and while it can be managed, it considers that more work could have been undertaken prior to exhibition to ensure a clear, unambiguous and guiding Concept Plan. The more clarity and certainty in the Concept Plan, the less potential for argument at the permit stage.

The Panel did wonder why a Development Plan Overlay/Development Plan process was not considered for the site. That is a moot point as the Panel must deal with what is before it. The Panel considered whether the lack of clarity in the Concept Plan is fatal to the Amendment and concluded probably not. For these reasons, the Panel turns its attention to the detail of the Concept Plan.

The first issue is the scale. It has been drawn so small that it is impossible to get a good understanding of the overall dimensions and site features, including any contours. It just can't be scaled. It seems out of context with the surrounding land uses shown, especially the widths of the roads. It does not allow a real understanding of the size of the site, its opportunities and its constraints. It is this plan that will be in the Planning Scheme, not the work undertaken by others to support this. It will be this plan that will be the subject of VCAT determinations if the permit process requires it. There should be less of the surrounding sites, and more plan and more legend.

The second issue is the level of detail in the plan. It mainly comprises indicative outlines where residential development should be focussed, along with setbacks and other indicators such as roads and paths. What it does not show are the significant stands of trees, including the three individual trees proposed for the Heritage Overlay.

The actual number of dwellings was raised to gain an understanding of how many can be accommodated. Given the Proponent advised 290 dwellings would be at the upper limit, the Panel considers that number should be included in the legend to the Concept Plan to ensure it is an accountable number.

The Panel considers the Concept Plan should be re-drawn to a reasonable scale where the different indicators can be properly shown. Due to the issues raised in other parts of this report following, the Panel ties that all together in its recommendations in Chapter 6.

### **(iii) Findings**

The Panel finds:

- Residential Growth Zone Schedule 3 is appropriate for the site.
- The use of the site for residential development ranging from three to six storeys is appropriate.
- Design and Development Overlay Schedule 6 is appropriate, subject to changes provided Chapter 6 and Appendix D.

- The exhibited Concept Plan does not provide the clarity and certainty required to ensure a clear path forward for planning permit applications and needs to be modified accordingly.

### 3.3 Heritage

#### (i) Evidence and submissions

Heritage Overlay Schedule (HO23) currently applies to the entirety of the subject land. There are no external paint controls, internal controls or tree controls under the overlay.

The subject land is not listed on the Victorian Heritage Register nor has it been classified by the National Trust of Australia (Victoria).

The Amendment proposes to retain the subject land in the Heritage Overlay with the same curtilage, but with a new SOS.

The Panel heard evidence from Mr Raworth who provided a history of the site from 1958 when it was established. The site was developed in stages from the early 1960s and was sold in 2017. Mr Raworth noted the whole of the subject land is included in HO23 in the Whitehorse Planning Scheme as *“HO Australian Road Research Board 500 Burwood Highway, Vermont South (Heritage places is defined as ARRB building and surrounds on Lot 1 on PSS 518296N)”*.

Both Council and the Proponent supported the whole site being retained in the Heritage Overlay, the issue of contention related to the SOS.

Mr Raworth and Ms Bell considered the courtyard between the Administration Building and Research Wing 1 was not of heritage significance and should be not necessarily be retained. Mr Raworth advised he was guided by the evidence of Mr Patrick on this issue.

His written evidence described the courtyard as being quite derelict and overgrown with weeds, and said:

There is no sense that this courtyard has been designed to offer any more than a basic peripheral landscape planting space with the creation of a lawn and the provision of a barbecue. It is difficult to ascribe heritage significance to such a landscape space even allowing for its contribution to the architectural built form with construction around light courts<sup>10</sup>.

In his oral evidence, Mr Patrick advised that he had no sense of anything innovative or of high-quality design on the site. He characterised the landscape as ‘functional’.

Council and Mr McJannet disagreed with that position and were keen to identify the courtyard as significant in the SOS.

#### (ii) Discussion

There was no dissent that the land should be included in HO23 and that the former Administration Building had particular significance.

The Panel does not support the position of the Proponent or its witnesses regarding the courtyard. It considers the courtyard is strongly associated with the Administration Building and when the development is complete, that former relationship should continue to be evident to the new

<sup>10</sup> D52, para 9.23

community who establish there. It is an area of land that sits in a prominent location and it can be rebadged as a place of reflection and interpretation of its former use.

### (iii) Findings

The Panel finds:

- The *Former Australian Road and Research Board, 490–500 Burwood Highway, Vermont South – Statement of Significance* (HO23) is supported and should be retained as exhibited and subject to changes provided Chapter 6 and Appendix D.

## 3.4 Landscape and vegetation

### (i) Evidence and submissions

No tree controls apply to the site at present and it is proposed to apply SLO10 across the whole of the site and to include three trees (Trees 111, 135 and 183) in the existing VPO5 that already applies within Whitehorse.

In giving his evidence, Mr Patrick noted he was briefed to look at the significance of the site and he relied on some of the material provided by Mr Raworth. He noted the site did not have much remnant indigenous vegetation and the boundary vegetation was first and second generation planting.

In his evidence, Mr Galbraith noted the four groups of trees present and their location along the east and west boundaries. He noted many of the species were commonly found in the metropolitan area, except for the Rough Barked Apple and the Red Mexican Hawthorn. The trees on the site include:

- self-sown Indigenous trees
- planted Indigenous trees
- trees native to Victoria
- trees native to Australia but not Victoria
- exotic trees.

Mr Galbraith noted most trees appeared to be slightly less than 50 years of age and that the condition of the trees was widely variable. He noted the health of most trees was moderate, “... however as would be expected from Australian native dominated species, structure and branch shed history is an issue”.

Further, Mr Galbraith highlighted various high or moderate/high worth trees or tree clumps, including

- Trees 193 to 236 near the front of the site
- Trees 97 to 110 near the south-east corner of the site
- Trees 185 and 186 along the Burwood Highway frontage, and trees 2, 3, 7, 9, 12
- the cluster to the east of the former research wing 2
- various self-sown indigenous trees through the site
- approximately 86 other trees of moderate worth.

Mr Galbraith referenced the planting regime of Beryl Mann but did not consider this site to be of particular significance in relation to her work. He noted the selected trees were planted to test local site conditions, and these have been modified as the site was developed.

While Mr Galbraith supported the application of SLO10, his evidence noted:

I agree there are attractive stands of trees at the site which I have already discussed that are of environmental and aesthetic benefit. Thus in principle I don't have a problem with some sort of overlay which seeks to protect these and the higher worth trees within. However I don't see the necessity to apply this overlay to the whole site <sup>11</sup>.

Mr Galbraith contested whether two of the three trees deemed as significant in VPO5 were significant enough to be retained due to his concerns they were poor species.

Three trees are proposed to be included in existing VPO5, these are:

- Tree 111 – Brittle Gum
- Tree 135 – Yellow Box
- Tree 183 – Sydney Blue Gum.

Of these three trees, Mr Galbraith suggested only one of these, Tree 135 was of any significance, subject to a more detailed assessment. He noted Trees 111 and 183 were poor specimens and were in poor health. His evidence was that those two trees were not significant and not worthy of being included in VPO5.

Both Mr Patrick and Mr Galbraith reviewed the Blue Gum Arborist report provided to Council that noted “... *the existing stands of trees were an original design feature of the site and provide significant amenity and environmental benefits*”. Mr Galbraith contended there were numerous incorrect species labelling in the Blue Gum report but noted this was unlikely to have much influence in the overall outcome for the Amendment. While Council had advice on the trees from its internal arborist, it did not include the arborist or anyone from Blue Gum to speak as part of Council's submission and the Panel did not have the benefit of hearing that opinion.

The Panel queried whether SLO10 could specify the significant trees rather than including these in VPO5, on the basis that it is at best three trees and that it adds another layer of planning control.

Council urged the trees to be retained in VPO5 and the Proponent was ambivalent about it.

## **(ii) Discussion**

The Panel observed the many stands of trees across the site and it supports the application of SLO10, noting the overlay provides various permit exemptions.

The Panel was persuaded by the evidence of Mr Galbraith that Tree 135 is worthy of inclusion in VPO5, but is not persuaded Trees 111 and 183 should be included. While the Panel raised the issue of doubling up on tree control, it agrees SLO10 is necessary and given VPO5 already exists, it accepts Council's position in this regard.

With regard to whether this site is significant due to Beryl Mann being the lead horticulturist, the Panel does not have enough information before it to justify that recognition as exhibited. Rather, the Panel considers development at the site should respond to the original Beryl Mann native landscape design, as opposed to maintaining the landscape integrity of that design as advocated by Council.

## **(iii) Findings**

The Panel finds:

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<sup>11</sup> D51, p11

- Significant Landscape Overlay Schedule 10 is appropriate and should be applied over the whole site, subject to changes provided Chapter 6 and Appendix D.
- Only Tree 135 is worthy of inclusion in Vegetation Protection Overlay Schedule 5, subject to changes provided Chapter 6 and Appendix D.

## 4 Traffic and access

### 4.1 Background

The exhibited Concept Plan identified the proposed vehicle access arrangements, as follows:

- left-in/left-out vehicle access on Burwood Highway Service Road, located at the northeast corner of the subject land
- left-in/left-out vehicle access on Burwood Highway located close to the western boundary of the subject land.

The key issues are whether:

- traffic generated by the proposed development will cause adverse traffic impacts to the adjacent and surrounding road network
- proposed traffic management works are acceptably addressed considering their road classification, traffic volumes and crash statistics
- the proposed western and eastern access and egress arrangements to Burwood Highway are safe and appropriate
- the car parking allowance is adequate
- there has been adequate consideration for pedestrian and bike traffic, internally to the site and to the existing networks.

### 4.2 Traffic impacts

#### (i) Evidence and submissions

Mr Kiriakidis gave evidence that Burwood Highway is an arterial road under the responsibility of the Department of Transport and Planning (DTP, formerly the Department of Transport), it has a posted speed limit of 80 kilometres per hour, and Hartland Drive and Hanover Street are collector roads under the responsibility of Council.

Council advised in response to the Panel's questions that the Moondani Drive section situated within the Burwood Highway Road Reserve is a private road with right of way. The section of Moondani Drive, accessed from the service road servicing the VGRV, is a private road.

It was Mr Kiriakidis' evidence generally that:

- the subject land is well served by public transport with a transit score of 57 (out of 100) which is representative of "*good transit*" where there are "*many nearby public transport options*"
- the area surrounding the subject land provides a connected pedestrian network and footpaths are generally provided on both sides of all roads proximate to the subject land
- a controlled pedestrian crossing point is provided at the signalised Burwood Highway/Hanover Road/Hartland Road intersection
- there are no DTP Strategic Cycling Corridors in the vicinity of the site
- three casualty accidents have occurred in the vicinity of the site over the past five years.

Mr Kiriakidis provided a summary of his analysis for each intersection, existing and post development performance (refer to Table 3 in Chapter 4.4) and noted:



- based on this completed analysis, the existing road network, despite operating near its practical capacity, is capable of accommodating the increases in demand forecast for the adjacent (and modelled) road network
- the expected uplift in traffic as a result of the proposed residential development can be accommodated without adversely impacting on safety and operation of the broader network.

DTP made a brief written submission to exhibition of the Amendment that noted it had no objections nor changes to the Amendment.

Council, in considering this matter at its 26 September 2022 meeting, noted:

The site only has frontage to Burwood Highway and access is therefore existing and necessary. Resident access onto Burwood Highway from the site will be no different from the numerous service road exits that exist within the nearby area <sup>12</sup>.

Australian Unity submitted that given Burwood Highway and the surrounding network are at or near practical capacity, several movements to and from the site and the adjacent VGRV were of concern to it. 42 submissions were received from VGRV residents which expressed multiple concerns related to the proposal's traffic and access arrangements. Mr McJannet submitted there had been a steady increase in traffic volumes on Burwood Highway over the years and that:

It is stated that the traffic network is near practical capacity already but fails to factor in any pending developments in the area or to the east of site ...

...

As to Council's position, to make the outrageous statement that 'resident access onto Burwood Highway from the site will be similar to the numerous service road exits that exist along the Burwood Highway corridor' is, I'm sorry, tantamount to burying your head in the sand. There are three other exits from a service road on this stretch of highway, and none of them have anywhere near the problems that exist at the Moondani exit <sup>13</sup>.

The Proponent subsequently submitted an amended version of DDO6 which provided for a Traffic Engineering Report as part of the Application Requirements to include (D78):

A Traffic Engineering Report prepared by a suitably qualified person confirming the suitability of traffic and access arrangements and the adequacy of the car parking provision. The Report must include:

- Details of the proposed access strategy to Burwood Highway, including how it interacts with the Victoria Grange Retirement Village.
- Details of car parking and bicycle parking provision and anticipated traffic generation of the proposal the subject of the permit application.
- Any mitigation works necessary to accommodate the anticipated traffic generation, including any mitigation works to provide necessary access and safety.

## **(ii) Discussion**

The Panel acknowledges the Amendment is consistent with Council's Planning objectives to increase residential densities along the Burwood Highway corridor.

Increased traffic volumes have resulted on Burwood Highway, edging it closer to being at its practical capacity. Future developments will further exacerbate the acute congestion experienced by drivers along this route.

<sup>12</sup> D9

<sup>13</sup> D73

As Burwood Highway is the only frontage to the site, there are no alternative options for the site. The Panel accepts the evidence of Mr Kiriakidis that Burwood Highway and the adjacent road network is capable of accommodating the increases in traffic forecast from the development. It is noted however, that the resulting Degree of Saturation of 0.99 will have the potential to adversely affect the site's existing and proposed access points.

The Panel notes the submission from DTP, which did not identify any specific recommendations in relation to access to Burwood Highway nor the provisions of DDO6.

Council's position that resident access to Burwood Highway resulting from this development will be similar to other access points from a service road is unhelpful to the Panel. Each access point will have its own unique circumstances and cannot be compared without more detailed analysis.

Given the near practical capacity of Burwood Highway at the subject land, and its potentially adverse impacts on current and proposed access, the Panel was surprised Council did not investigate the concerns of residents.

Safe access to Burwood Highway must be the priority and Burwood Highway's performance must be considered in this context.

Several potential traffic measures on Burwood Highway are discussed elsewhere in this report but at a strategic level, reducing the speed limit to 60 kilometres per hour, at least in the morning peak hour, could be considered. The Panel notes this would require approval from DTP. The Panel considers Council and DTP could work together with the Proponent to strategically respond to the potential adverse impacts experienced as a result of increased traffic congestion on the Burwood Highway corridor.

The Proponent's amendment to the DDO6 Application Requirements for a Traffic Engineering Report is accepted by the Panel. It is considered these requirements better identify and address the more detailed analysis will be required at the permit stage.

### **(iii) Findings**

The Panel finds:

- Burwood Highway and the surrounding network, which is already at or near practical capacity, can only just absorb the potential traffic generated by the proposed development.
- The Proponent should continue to work with Council and DTP to identify a strategic response to the current and future capacity issues of the Burwood Highway.
- The amended DDO6 Application Requirements with respect to the detail of the Traffic Engineering Report in Document 78 are appropriate and supported, subject to changes provided Chapter 6 and Appendix D.

## **4.3 Car parking and road width**

### **(i) Evidence and submissions**

Mr Kiriakidis gave evidence that:

- car parking for residents should be provided with the requirements of Clause 52.06-5 of the Whitehorse Planning Scheme unless it can be demonstrated that a deviation is justified

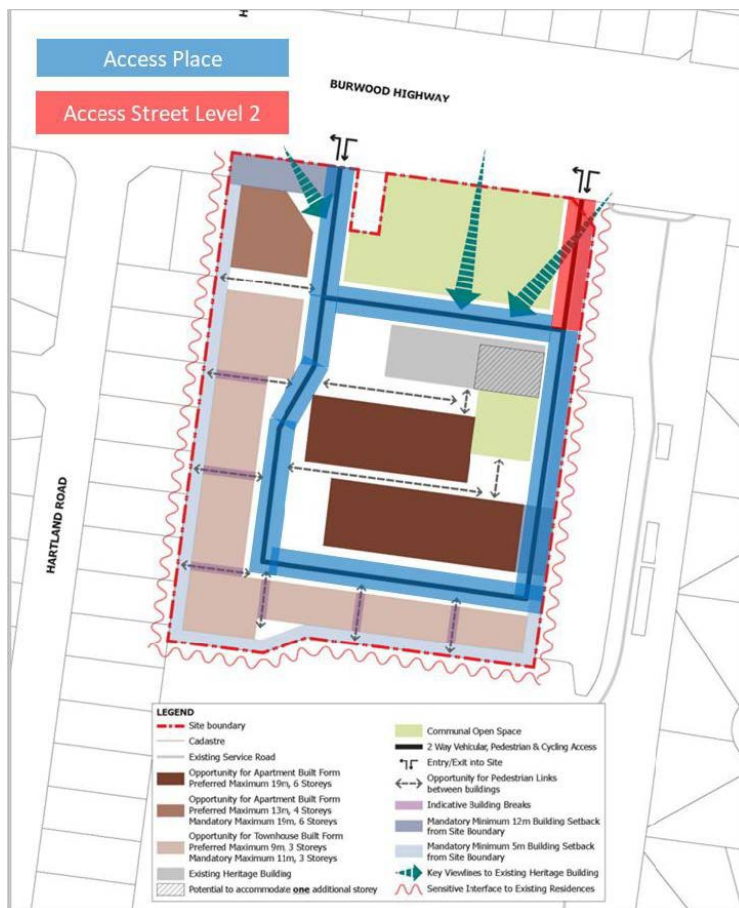
- the subject land is situated within the Principal Public Transport Network and therefore there is no statutory requirement to provide any visitor parking
- the nature of the development and its location warrants some form of visitor parking
- visitor car parking should be provided at a rate between 0.1 and 0.2 car spaces per dwelling
- any visitor car parking can be accommodated on-street and/or satellite areas located around the site.

Mr Kiriakidis, in responding to questions put to him by Australian Unity, advised:

- a satellite area was defined as being a cluster of parks at parklands or public carparking in the area
- 58 visitor car parks will be required on the site using the suggested rate per dwelling and that mountable kerbs should be utilised to enable off road car parking to free up on road width.

Mr Kiriakidis estimated 1740 daily vehicle movements will be generated from the site, which can be accommodated in the proposed road typologies as indicated in Figure 10, in accordance with Table 2.

**Figure 10 Internal road typologies (recommended)**



Source: Document 59

**Table 2 Table C1 to Clause 56.06 (Council or Public) Road Typologies** <sup>14</sup>

Road Type	Indicative Traffic Volume Threshold	Carriageway	Road Reserve	Footpaths	Car Parking
Access Place	300vpd to 1,000vpd	5.5m	13.0m	1.5m wide footpath (one side)	Hard stand verge or kerbside (one side)
Access Street Level 1	1,000vpd to 2,000vpd	5.5m	13.5m	1.5m wide footpaths (both sides)	Hard stand verge
Access Street Level 2	2,000vpd to 3,000vpd	7.0m	16.0m	1.5m wide footpaths (both sides)	Kerbside (both sides)

The Proponent tabled an amended version of DDO6 which included the following related Transport and Traffic requirements:

- Provide safe and appropriate access to Burwood Highway.
- Provide appropriate road width in accordance with the requirements of Clause 56.06 to ensure practical and safe vehicular movement and facilitate on-street parking.
- Car parking for apartment developments should be located at basement or semi-basement level.
- The street network and on-street parking should allow sufficient space for driveways, canopy tree planting in the road reserve, utility services and emergency vehicle access <sup>15</sup>.

Council generally agreed with the Proponent in this regard and tabled its amended version of DDO6, which suggested a minor change to those requirements.

## (ii) Discussion

The Panel is satisfied with Mr Kiriakidis' evidence on both car parking and road width. The Panel accepts this site does require a level of visitor parking at a rate of between 0.1 and 0.2 car spaces per dwelling.

The suggested 'access place' road typology, which includes a pavement width of 5.5 metres, is acceptable, particularly if used in conjunction with mountable kerbs to allow off road parking.

Alternate cross sections may be considered if the internal roads were to remain in private ownership.

The Panel accepts the three requirements relating to road width and car parking be included within an amended DDO6.

## (iii) Findings

The Panel finds:

- The level of visitor parking at a rate of between 0.1 and 0.2 car spaces per dwelling is acceptable.
- The 'access place' typical cross sections adopted for the internal Council roads as shown in Figure 10 are acceptable in conjunction with mountable kerbs.
- The proposed requirements tabled by the Proponent in its amended version of DDO6 are acceptable, subject to changes provided Chapter 6 and Appendix D.

<sup>14</sup> D59

<sup>15</sup> D78

## 4.4 Access to Burwood Highway

### (i) Evidence and submissions

Mr Kiriakidis gave evidence on the impacts of the proposal on the following intersections:

- Burwood Highway/unsignalised U-turn facility located approximately 360 metres to the east of the Burwood Highway service road providing access to Moondani Drive
- Burwood Highway/subject land western site access
- Burwood Highway/Burwood Highway Service Road (providing access to Moondani Drive and the subject land)
- Burwood Highway/Hanover Road/Hartland Road signalised intersection
- Burwood Highway/Bus Interchange signalised intersection
- Burwood Highway/signalised U-turn facility located to the west of Burwood Highway/Hanover Road/Hartland Road signalised intersection.

Mr Kiriakidis' evidence modelled data from traffic counts taken on 14 September 2022 during both morning and afternoon peaks. He undertook traffic generation estimates based on what he considered to be the reasonable standards of six vehicle movements per dwelling, daily and weekday peak hour of 0.6 vehicle movements per hour.

The resultant existing and post development performance is included in Table 3.

**Table 3 Existing and Post Development Performance (Intersection) – Traffic Access Scenario #1**

Intersection	Peak Hour	Intersection Values			
		Existing Condition		Post Development	
		DOS	Average Queue	DOS	Average Queue
Burwood Highway/Western Signalised U-Turn Facility	AM Peak	0.56	84m	0.60	108m
	PM Peak	0.91	178m	0.95	252m
Burwood Highway/Bus Interchange Facility	AM Peak	0.52	98m	0.54	110m
	PM Peak	0.47	200m	0.49	200m
Burwood Highway/Hanover Road/Hartland Road	AM Peak	0.95	79m	0.97	74m
	PM Peak	0.96	78m	0.99	84m
Burwood Highway/Western Site Access	AM Peak	0.45	84m	0.36	84m
	PM Peak	0.51	0m	0.53	0m
Burwood Highway/Burwood Highway Service Road (Moondani Drive and Eastern Site Access)	AM Peak	0.51	136m	0.56	170m
	PM Peak	0.51	0m	0.53	1m
Burwood Highway/Eastern Unsignalised U-Turn Facility	AM Peak	0.51	5m	0.51	25m
	PM Peak	0.51	0m	0.60	11m

Source: Document 59

In his evidence, Mr Kiriakidis tabled a concept layout, Figure 11, with the following comment:

- Access to the site is not without its challenges but I fell on the current proposal as the best option
- If it were possible to avoid it (the west left turn out) I would avoid but it can be managed satisfactorily
- The disjointed offset intersection Hartland and Hanover is not optimum and does create some complexities
- DoT's response is very brief and normally a list of requirements would be attached, but DoT hasn't really influenced me <sup>16</sup>.

Figure 11 Road concept layout plan



Source: Document 79

Mr Kiriakidis further advised:

- the western left-in, left-out access is a problem and should be avoided if it could, but determined it was “unavoidable” for a “more balanced outcome”
- a single access (the eastern access) to the site was within acceptable capacity limits but determined the better outcome was two access points and that the western access could serve a useful function
- traffic generated from the site in peak hour would increase from the current 22 vehicle movements per hour to an expected 150 vehicle movements per hour
- in response to several submissions, for the site to have its own vehicle access that is separate to the Burwood Highway service road and Moondani Drive, he determined this option would create an undesirable outcome due to the potential difficulties in having three access points within 120 metres of the intersection

- an analysis of the site distance from Burwood Highway looking east indicated the sight distance was adequate.

In response to questions from the Panel, Mr Kiriakidis agreed the addition of ‘keep clear’ road markings at the Moondani Drive access point would assist and the installation of a ‘stop here on red signal’ traffic signal could be looked at. He further agreed to undertake a review of his Moondani Drive morning peak hour degree of saturation to ensure it reflected the significant increase in traffic movements generated from the site.

Mr McJannet submitted that while the community had no objections to rezoning the ARRB site for residential purposes, the site demanded special consideration due to its location and that “... *we find that astonishing, and we are deeply disappointed, as it's a measure of how seriously our objections have been taken so far*”.

Mr McJannet documented three historic approaches the VGRV had made to the relevant road authority seeking mitigation of access concerns, all of which were rejected. The situation, he submitted, had worsened with the increase in population and traffic to the east of the village. He submitted several concerns (including with photographs) related to egress at Moondani Drive:

- proximity to Hanover/Hartland intersection with high speed vehicles racing to beat two sets of traffic lights
- restricted vision to the east, with sight distance and sun blinding exiting drivers
- a vehicle seeking to head east or visit the Vermont South Shopping Centre would need to negotiate four lanes of traffic and a bus lane to access the right-hand turn lane, with the potential to become ‘stuck’ halfway across
- high speed vehicles changing lanes to access the Hartland Road left turn deceleration lane, especially veering late from outer to the inside lane for the Hartland turn-off, noting the danger and frequency of this, often without signaling
- vehicles trying to exit from the service road just east of the junction accelerating out at the first chance of gaps in traffic
- the village has an average age of 81 years with typically careful drivers who will try to avoid taking risks or forcing their way into traffic
- reference to other access locations onto Burwood Highway as being similar is inaccurate as none of them have anywhere near the problems that exist at Moondani Drive.

Mr McJannet concluded:

In recognition of all the above issues, and the fact that this is the sole means of exit from the Retirement Village and Aged Care Centre, especially in case of emergency, we advocate for all traffic exiting the ARRB site to be directed to the existing two crossovers/exit points at the north west, and for the north east to be designated as **entrance only**, and only for light vehicles, as has always been the case, or for a new and separate exit to be formed <sup>17</sup>.

Australian Unity submitted that it was apparent from Mr Kiriakidis’ evidence that the site is compromised in respect to access both from a convenience and safety perspective:

Indeed, Mr Kiriakidis expressed a degree of discomfort with each of the scenarios canvassed in his evidence.

We also note a series of manoeuvres which Mr Kiriakidis considers would be difficult or unsafe and relies upon learned behaviour of future residents to mitigate this <sup>18</sup>.

<sup>17</sup> D73

<sup>18</sup> D59

In closing, Council noted the residents' concerns regarding future access arrangements. It advised the Moondani Drive service lane was largely on private land owned by Australian Unity, for the use of the VGRV community, and further, the eastern access of the development site crosses the land in favour of the development site by an easement.

Earlier in the Hearing, Council advised on the process of access arrangements to the site and that it considered that this is largely a matter for DTP. In its closing submission, however, Council indicated it *"... would welcome any recommendations of the Panel that it could convey to DTP as part of consideration of the Panel findings or to future permit applicants"*.

The Proponent tabled an amended version of DDO6 which included a new Transport and Traffic requirement to require the provision of safe and appropriate access to Burwood Highway. Further, this amended version included an amended Concept Plan showing entry and exit points onto Burwood Highway as being 'indicative'.

## **(ii) Discussion**

The matter of traffic access to the Burwood Highway from the development site is a threshold issue, having been raised in most submissions, primarily from the VGRV community.

The Panel agrees the morning peak period is the most difficult period for vehicles exiting the VGRV and accepts Burwood Highway at that time is as close as possible to its practical capacity. It is accepted there will be a comparatively significant increase in traffic generated by the development that will exacerbate the degree of difficulty.

The Panel accepts there will be subsequent steps in the planning process where detailed traffic designs will be required to be approved by Council and DTP.

However, the Amendment did require high level access information to be provided which, when exhibited, raised significant concerns. The Panel must consider these concerns and provide some guidance to the subsequent planning steps to ensure traffic and access can be appropriately managed.

The written and verbal evidence of Mr Kiriakidis was helpful to the Panel. As Australian Unity submitted, Mr Kiriakidis expressed some discomfort with each of the access scenarios and he relied on the learned behaviours of future residents to avoid the more complex, more dangerous manoeuvres.

The Panel gives significant weight to the submissions of Mr McJannet representing the VGRV residents. It is convinced there is an existing and experienced problem for vehicles exiting the site at morning peak. It accepts that traffic volumes have been increasing on Burwood Highway as a result of similar developments occurring to the east. Further, there has been three approaches to the road authority to seek some form of remedy.

It accepts the evidence of Mr Kiriakidis that traffic modelling does not have the function to allow for the driving behaviours of a cohort of drivers with an average age of 81 years.

While the two proposed access points onto Burwood Highway may operate to some degree of functionality, safety cannot be compromised in doing so.

The Panel agrees with Mr McJannet that it is not acceptable to refer to similar road configurations at other locations on Burwood Highway as a means of evaluating this development, particularly when so many have raised safety concerns.



Following development of the site in the manner generally envisaged, the Panel notes:

- the Burwood Highway/unsignalised U-turn facility located approximately 360 metres to the east of the Burwood Highway service road providing access to Moondani Drive will operate satisfactorily and will continue to serve an important function allowing vehicles to safely navigate a route from the west to the development without compromising Victoria Grange residents
- the Burwood Highway/subject land western site access remains a concern and it is not desirable to encourage vehicles exiting from this access to cross a left turn deceleration lane to reach a through lane, particularly when traffic congestion and/or fast-moving vehicles are evident.

Given the subject land's proximity to the intersection, the Panel considers there is less likely to be gaps of traffic entering Burwood Highway at busy periods, with the likely outcome of cars attempting access blocking the left turn lane. It considers this could result in an unsafe manoeuvre to allow any vehicles exiting from this point (approximately 40 metres from the signalised intersection) to attempt to move across three traffic through lanes and a bus lane to access the right turn into Hanover Road or to perform a U-turn.

The Panel suggests that consideration be given to banning this movement during the busiest periods.

If this access was to remain with no further mitigation works, consideration should be given to reducing the length of the left turn lane into Hartland Road to the extent that it eliminates the conflict.

The Panel has concerns with the proposed Burwood Highway/Burwood Highway Service Road (providing access to Moondani Drive and the subject land).

The Panel raised several traffic issues following its accompanied site visit where it sought further advice on how joint access may operate safely for vehicles entering Burwood Highway.

While Mr Kiriakidis was of the opinion this access would work satisfactorily 'on balance', the Panel was not provided with potential solutions as to how both current and future residents will safely and conveniently be accommodated at this joint access, to allay the concerns of the submitters or the Panel.

It accepts the concerns of the VGRV residents both with its existing access and the future access arrangements, particularly in the morning peak period.

The Panel suggests consideration be given to '*keep clear*' road markings on the Burwood Highway to encourage courtesy gaps. Further, '*stop here on red signal*' signalisation be considered east of Moondani Drive to facilitate a protected entry onto Burwood Highway for both the west and east access points. It is noted that this will have an impact on the operational performance of Burwood Highway, but unless safer future access arrangements can be provided, the proposed development may compromise road safety. It is noted that vehicles entering from the subject land will not be legally allowed to stop in the 'keep clear' zone, but it may encourage through traffic to allow courtesy gaps.

The proposed joint access arrangements are unclear. While the VGRV residents will presumably have priority in exiting its site, future residents will be disadvantaged by having to wait for that traffic to exit onto Burwood Highway, exacerbating an already difficult access point. Careful

consideration will need to be given as to how this joint intersection will operate and the traffic controls that may be required to ensure conflicts are managed and minimised.

The alternative access suggested by the VGRV residents, to locate all the future site's vehicles to the western access with only entering vehicles accessing the eastern access, warrants further consideration, particularly if a satisfactory layout cannot be resolved for the joint access in conjunction with any of the suggestions raised in this report.

The Burwood Highway/Hanover Road/Hartland Road signalised intersection is capable of absorbing the subject land's future traffic generation. It, however, suggests consideration be given to approaching DTP to undertake a review of this intersection to identify any potential fine tuning that may assist in achieving an improved outcome for all future traffic.

The Burwood Highway/signalised U-turn facility located to the west of Burwood Highway/Hanover Road/Hartland Road signalised intersection can accommodate the subject land's future traffic generation. It accepts there are concerns with the ability to access this facility in the morning peak period.

As Burwood Highway is an arterial road under the control of DTP, it is appropriate that DTP will be the approving authority for all detailed traffic plans for access to Burwood Highway. DTP is required to place a very high priority on safety, and it is expected it will not be compromising safety for highway performance.

The Proponent, DTP and Council have an important role in finding a solution. Council has sought the Panel's recommendations on potential traffic mitigation works that could be conveyed to DTP. The Panel urges Council to consider the above suggestions and work with DTP and the Proponent to find an improved outcome. As these issues were raised at the Hearing, the Panel took the opportunity to revisit Burwood Highway and Hartland Road at the end of Hearing to further review these matters.

As raised at the Hearing, the Panel believes there is an opportunity for Council to contribute to a solution by considering the installation of a roundabout in Hartland Road at its intersection with Citrus Street. Mr McJannet advised this would have the benefit of all future exiting vehicles having an easier, safer option to turn left into Hartland Road, undertake a U-turn around the roundabout, to access Hanover Road or travel to the east.

The Panel supports the various changes suggested by the parties to the Hearing in relation to traffic management in DDO6. The amended legend to the Concept Plan to include the word 'indicative' to the entry/exit points is accepted as it better reflects the uncertain nature of the exact location of access to the Burwood Highway.

### **(iii) Findings**

The Panel finds:

- The concerns raised by the VGRV residents relating to future safe and functional access/egress to Burwood Highway are acknowledged and accepted.
- The limitations of the subject land having only Burwood Highway as its only option for access and egress is noted.
- The safety of each access point from the subject land into Burwood Highway is the key priority.

- Safety and functionality concerns related to the proposed access arrangements to Burwood Highway, for both existing and future traffic volumes onto Burwood Highway, have not been strategically resolved.
- One option to consider is installing a roundabout in Hartland Road at its intersection with Citrus Street to facilitate a safer and more conservative option for vehicles exiting the VGRV and the subject land, particularly from the western exit.
- The various amendments to Design and Development Overlay Schedule 6 in relation to traffic and transport are acceptable, subject to changes provided Chapter 6 and Appendix D.
- The inclusion of the amended wording ‘indicative entry/exit into site’ to the legend of Concept Plan is acceptable, subject to changes provided Chapter 6 and Appendix D.

## 4.5 Pedestrian and bicycle network

### (i) Evidence and submissions

Tract identified the site has the potential to increase pedestrian accessibility by introducing dedicated paths/garden walkways and capitalising on its close access to public transport and Vermont South Shopping Centre in its Planning Scheme Amendment Report.

Tract highlighted the landscaped orchard circuit to provide a ‘safe, clear and legible pedestrian network’ and included a proposed pedestrian movement and circulation plan, shown in Figure 12.

**Figure 12 Proposed pedestrian movement and circulation plan**<sup>19</sup>



Mr Kiriakidis gave evidence that the area surrounding the site provides a connected pedestrian network with footpaths generally provided on both side of the roads near the subject land.

<sup>19</sup> D42

He undertook a ‘walk score’ comparison between the Vermont South and the subject land. Walk scores of 58/100 and 80/100 respectively were calculated. He noted the walk score for the subject land was representative of a *“very walkable location – where most errands can be accomplished on foot”*. Mr Kiriakidis advised that there were no DTP Strategic Cycling Corridors in the vicinity of the subject land.

The Proponent submitted an amended version of DDO6. Council commented on this in its closing and submitted the pedestrian link should be reinstated more space should be created between the northwest building and townhouses, as well as immediately to the south/along the rear of the Administration Building. Council further sought to remove the legend references to:

- ‘except for plant, services and lift overruns’ in the Built Form opportunity areas, and
- ‘except for landscaping, fences, services, drainage infrastructure’ and
- ‘vehicular, pedestrian and cycling access’ in the Setbacks.

The Proponent subsequently submitted a final amended version of DDO6 with some further changes included (D78).

The further amended version of DDO6 and Concept Plan deleted reference ‘Opportunity for Pedestrian Links between Buildings’ and replaced it with a notation in the legend ‘Pedestrian Links between apartment buildings should be open air’ in the legend.

The Concept Plan and legend were amended to include an ‘indicative 2 way vehicular, pedestrian and cycling access’ feature, and an ‘indicative pedestrian circulation link’.

## **(ii) Discussion**

Referring to DDO6 version D78, there are numerous references to pedestrian and cycling access and movements throughout the schedule within ‘Buildings and Works’ – ‘Built Form’, ‘Former Administration Building’ and ‘Traffic and Transport’.

Several references are identified within the ‘Application Requirement’ provisions.

The Panel considers the DDO6 Concept Plan to be vague in how the subject land responds to the Amendment’s stated vision and objectives related to pedestrian and cycling access and movements.

The Panel does not support the inference that vehicular access could be included within the 12 metre setback proposed along the eastern interface area, and it has deleted this from DDO6.

However, the Panel considers that the Proponent’s final version of DDO6 provides an adequate pathway to achieve a good quality outcome for pedestrians and cyclists within the proposed development.

## **(iii) Findings**

The Panel finds:

- The Proponent’s final version of Design and Development Overlay Schedule 6 in Document 78 provides sufficient guidance and application requirements to ensure a good quality pedestrian and bicycle outcome.
- While the Panel supports the various changes to Design and Development Overlay Schedule 6, it notes many of these issues can be resolved through the permit application stage and the Traffic and Management Strategy, subject to changes provided Chapter 6 and Appendix D.

## 5 Other impacts

### 5.1 Background

The key issues to be resolved are:

- noise, air emissions and contamination
- integrated stormwater management
- civil services.

### 5.2 Noise, air emissions and contamination

#### (i) Background

The proposed development abuts Burwood Highway, a major arterial road operating at close to full capacity.

The former ARRB site potentially contains several land contamination spots.

Are appropriate steps being taken or will be taken to minimise harm from pollution, including noise and poor air quality and from potential contamination risks?

The key issues to be resolved are:

- whether the Amendment adequately addresses the risks of both noise and air quality, as far as is reasonably practical
- whether potential land contamination risks can be managed such that the residual risks to residential development are acceptable.

#### (ii) Evidence and submissions

In its submission, the Environment Protection Authority (EPA) raised concerns about air quality in relation to Clause 13.06-1S of the Planning Scheme and its obligations under the General Environmental Duty (GED).

Mr Cook from Australian Weatherwatch tabled evidence on air quality impacts (but with the agreement of all parties, was not called). He noted:

- the primary source of air quality issues would be from the Burwood Highway which will require the development to have strategies in place to minimise exposure on sensitive uses, such as future residents
- the Proponent is unable to influence the primary source to comply with GED, however a minimisation strategy would be possible by utilising a setback from the source to receptor, with for example, a separation distance
- the majority of the Burwood Highway frontage is reserved for communal open space which is an excellent separation distance
- a near road impact assessment was undertaken considering traffic volumes, peak hour congestion, heavy vehicle ratios and closest receptor distances, which indicated a 'pass' on every relevant national standard indicator.

The EPA referred to amending Clause 13.05-1S (noise abatement to noise management).

Mr Antonopoulos from SLR Consulting Australia tabled evidence on noise (but with the agreement of all parties, was not called). He noted:

- Burwood Highway was the dominant source of noise which can be mitigated by an appropriate level of amenity protection that will be required at the detailed planning stage
- Other sources of noise exist such as the substation near the northern boundary and the mechanical plant and activities from the VGRV, but these should be readily addressed with noise management measures at source.

Mr Antonopoulos concluded that he could see no acoustic related reasons that would make the site unsuitable for residential development. His tabled evidence advised the vast majority of the site will be exposed to minimal noise impacts, and a response to identified potential noise sources could be accommodated as part of future permit applications.

Mr Connolly, from Environmental Assessment Services tabled evidence on potential contamination (but with the agreement of all parties, was not called). He noted:

- in consideration of the submission from the EPA, he supported Council's approach to apply an EAO to the land
- he noted a 2012 preliminary environmental assessment of the site on behalf of the ARRB during which six monitoring boreholes were established, from which all soil samples collected returned concentrations below the relevant adopted criteria.

Mr Connolly noted that since that time:

In accordance with Victoria State Government Planning Practice Note 30 Potentially Contaminated Land (July 2021), as former land use at the site has included activities with a "high" potential to contaminate the land (i.e. underground storage tanks) and the proposed use includes "new use", the two planning scheme amendment options are either a Preliminary Risk Screening Assessment (PRSA) or proceed directly to an audit <sup>20</sup>.

His evidence noted that it would therefore be necessary to undertake further works utilising a systematic, grid-based target sampling, by way of an Environmental Audit. It would be required to assess the suitability of the site for its intended residential use and sit remedial works may be necessary to:

- remove underground storage tanks, waste pit and transfer lines
- remove contaminated soil (including soils considered to be aesthetically unsuitable for residential use)
- apply suitable membranes to allow for the proposed sensitive land use (i.e., imported clean, chemically tested fill, geofabric and paving)
- where necessary, implement site specific Construction/Environmental Management Plans to appropriately manage materials during construction and future residential land use

In conclusion, Mr Connolly noted the proposal to apply an EAO is expected to succeed in allowing for the proposed residential land use.

### **(iii) Discussion**

The Panel accepts the tabled evidence of Mr Cook and considers the air quality impacts have been managed to an acceptable level utilising communal parklands to create effective separation distances. The Panel considers the development can meet its GED requirements by maximising the existing separation distances from Burwood Highway, therefore resulting in emissions from

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<sup>20</sup> D53

the nearest potential residents being within acceptable levels. This will also assist with potential noise impacts.

The Panel accepts the evidence of Mr Antonopoulos the noise impacts on the proposed residential development are minimal for the vast majority of the site and any other potential noise impact risks can be resolved at the planning application stage.

The Panel accepts the evidence of Mr Connolly the proposed EAO is an appropriate response to the potential land contamination risks of the site and will lead to acceptable residual risks for the proposed residential land use.

#### **(iv) Findings**

The Panel finds:

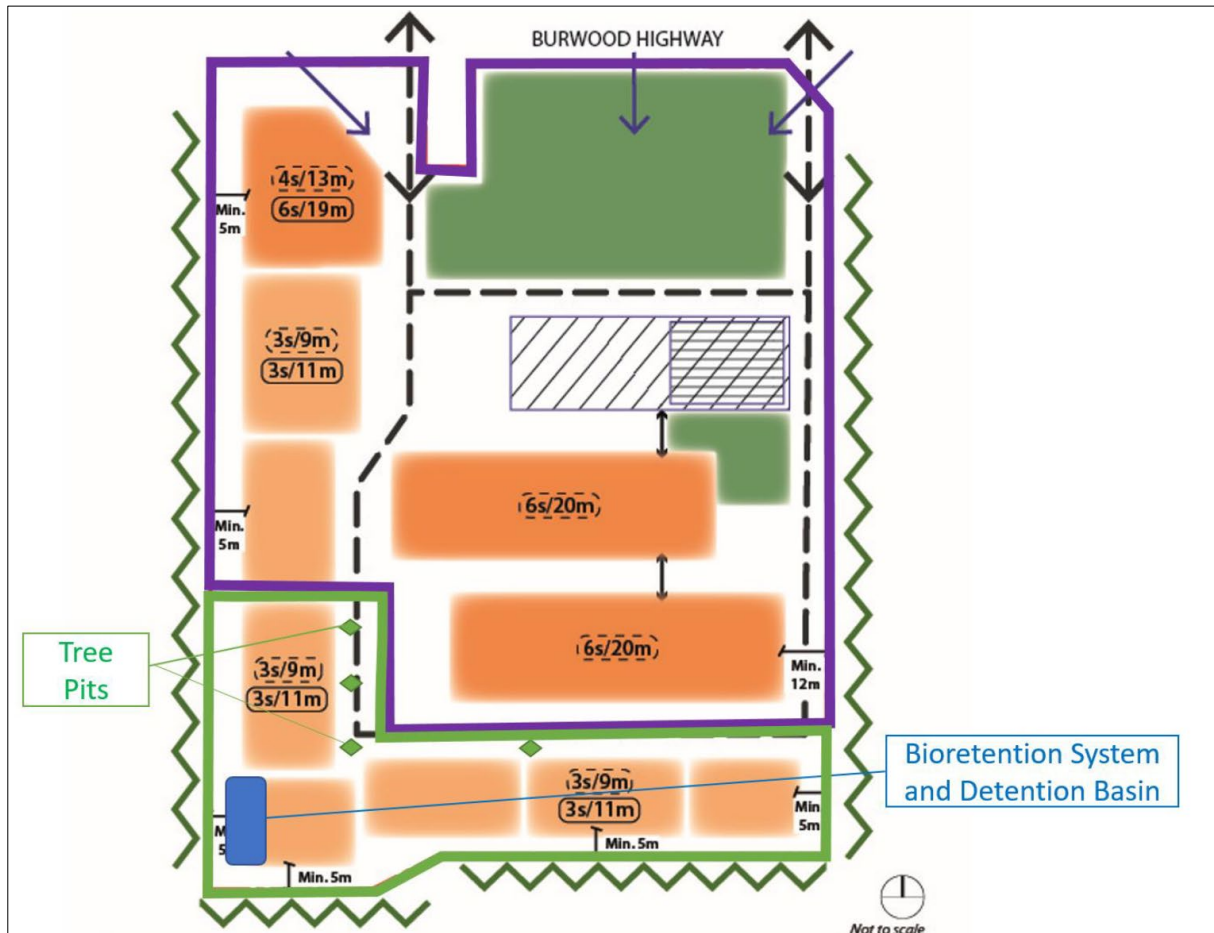
- The Amendment provides an acceptable response to the air quality impacts from the Burwood Highway.
- The Amendment and its subsequent planning processes meet the required noise management requirements as set out by the EPA.
- The Environmental Audit Overlay across the site is an appropriate response to the potential land contamination risks of the site for residential development.

### **5.3 Integrated Stormwater Management**

#### **(i) Background**

The proposal includes a range of sustainability initiatives, including stormwater harvesting, to allow for potential irrigation of open spaces. The development site aims to utilise on-site stormwater management including Water Sensitive Urban Design (WSUD) features and Integrated Water Management principles.

Elements shown on the plan include rain gardens, underground rainwater storage tanks, bioretention system and drainage open space (refer Figure 13).

Figure 13 Concept SWMS plan showing indicative location of treatment assets <sup>21</sup>

Cardno were engaged to prepare a stormwater management plan (SMP) to support the rezoning application.

This SMP provides an assessment of existing and future drainage conditions, identifies likely drainage requirements for the development and delivers a conceptual level strategy detailing how drainage and stormwater will be managed within the site, as noted in Figure 13.

The key issues are whether:

- sufficient flood storage has been identified to protect all downstream and adjacent properties
- the proposed drainage infrastructure materially affects the proposed precinct layout and
- the WSUD and Integrated Water Management proposals are adequate.

## (ii) Evidence and submissions

Cardno indicated in its written report that it was provided with an updated concept plan which in its view, formed part of the rezoning application (Figure 13).

The key elements of Cardno's concept strategy can be summarised as follows:

<sup>21</sup> D41



- 150 cubic metres of on-site detention, to be provided via an underground on-site detention (OSD) basin discharging to the existing 600-millimetre pipe located on the south-western corner of the site
- Stormwater treatment to be provided via a combination of:
  - rainwater tanks to each future dwelling to capture roof run-off and for use within toilets
  - four by 2.25 square metre tree pits, located within the internal road reserve/s
  - a bioretention system (rain garden) with a treatment area of 50 square metres, to be located within the internal road reserve or internal open space/landscaping area.

The key findings of the assessment were as follows:

- Council is the responsible drainage authority for the site
- there is no (or negligible) external catchment draining through the site
- the site is not identified as being subject to flooding, based on current planning scheme mapping
- future development will need to meet best practice performance objectives for stormwater quality, as outlined in Clause 56.07-04 (Urban run-off management objectives) of the Whitehorse Planning Scheme
- stormwater flows will need to be restricted back to the capacity of the existing drainage network prior to discharge from the site.

Cardno concluded:

Based on the updated concept development plan it is considered that the above measures can be accommodated without any changes to layout and/or reduction in development yield, as shown on the concept plan overleaf <sup>22</sup>.

Tract, in its Planning Scheme Amendment Report observed:

Based on the site contours and location of existing drainage infrastructure, it is expected that the legal point of discharge for the site will be the south west corner.

Following its accompanied site visit, the Panel sought clarification from the Proponent on the potential location and indicative sizing of drainage assets.

Mr Templeton from Reeds Consulting provided the following in response to the Panel's request:

While I did not complete analysis, I do not foresee any significant changes to the indicative building footprints. The reason for this is that the bioretention basin shape is flexible, it could be long and narrow for example, and there are a number of different engineering solutions and potential locations to provide the detention, if in fact it is required <sup>23</sup>.

In its closing submission, Council noted:

Council shares the concern that the Amendment lacks sufficient information about the nature of the future stormwater infrastructure. This was initially shown on the indicative landscape master plan in the Tract report (Fig 47). Specifically, that plan proposed stormwater retention basin and /or bio-retention basin in the south-west corner of the site.

Although the proponent indicates this infrastructure could take many forms, it is likely to impact on the extent of built form in this location and on a number of high and medium value trees. At a minimum a stormwater management plan should be an application requirement <sup>24</sup>.

<sup>22</sup> D41

<sup>23</sup> D69

<sup>24</sup> D81, paras 28, 29

The Proponent relied upon the written statement of Mr Templeton and did not include an indicative stormwater retention basin on its amended version of DDO6.

Council, in commenting on the Proponent's amended version of DDO6, included a requirement for a stormwater management report. It further included the requirement to provide a plan indicating the location of stormwater infrastructure, including any WSUD and ESD measures.

### **(iii) Discussion**

The Panel considers the matter of providing adequate stormwater protection to adjacent and downstream properties as one of the most important and fundamental requirements of any proposed development on a site of this size that has residential abutments.

The Panel interprets the Cardno advice to be based upon an updated concept plan, Figure 13, which includes an indicative location and layout for a stormwater retention basin.

Mr Templeton's statement did not adequately address the Panel's post site visit clarification request and it therefore gives more weight to the Cardno report.

The retention basin as indicatively shown in several exhibited documents will become the responsibility of Council who will have its own requirements for such an asset, some of which will impact the footprint of the retention basin. Council may require shallower embankments, access tracks, public safety, desilting and vegetation management spaces.

The Stormwater Management Report suggested by Council will respond to all design and maintenance requirements and may likely increase the footprint required.

The Panel considers the location of any stormwater retention basin will be in the south-western corner of the subject land, where Council's point of legal discharge is.

It is noted that a stand of high and medium value trees exist at this location but it is the Panel's view that the basin can be accommodated in this general area.

The Panel rejects Mr Templeton's view that there are other drainage options available and that it is possible that a basin may not even be required. It notes this not on technical grounds, but in the context of the consideration of this Amendment, and the lateness of such a potential change in approach with no accompanying analysis.

The Panel, with the lack of anything to the contrary, must take the conservative view on stormwater management and concludes that an indicative detention basin is required to be included in DDO6 concept plan in the south-western corner of the site. The indicative size should allow a footprint sizable enough to accommodate Council's potential maintenance requirements.

The Panel agrees with Council's variation to the DDO6 as indicated.

### **(iv) Findings**

The Panel finds:

- An indicative stormwater retention basin should be included in the Concept Plan for Design and Development Overlay Schedule 6, located in the south-western corner and with a footprint that will include Council's future design and maintenance requirements.
- The detail of the integrated stormwater and WSUD elements can be adequately resolved at a later stage.

- Design and Development Overlay Schedule 6 be amended, subject to changes provided Chapter 6 and Appendix D.

## 5.4 Civil services

### (i) Background

This section considers the infrastructure servicing issues and requirements for the development site. The key issue to be resolved is:

- Whether the site can be serviced by water and sewerage, recycled water, electricity, telecommunications and gas.

### (ii) Evidence and submissions

Mr Templeton from Reeds Consulting provided a statement on these matters and noted:

- Melbourne Water is the responsible authority for mains water supply and Yarra Valley Water is the water supply authority for the subject land
- Mr Templeton prepared a suggested water supply proposal intended to seek Yarra Valley Water's formal advice
- the two Authorities perform similarly for sewerage reticulation
- Mr Templeton prepared a suggested sewerage reticulation proposal intended to seek Yarra Valley Water's formal advice
- there is no water recycling available in the area to service the subject land
- United Energy is the local electricity company responsible for supply and the developer will be required to underground local supply within the subject land
- it is likely a series of substations will be required on the basis of one substation per 70 to 80 dwellings
- Telstra/NBN is responsible for supply to the subject land
- the developer will be required to provide the pit and pipe within the development which is acceptable to NBNco. and would be used to bring optical fibres to be provided to residences
- Multinet is the responsible authority for supplying gas and it is likely gas can be provided off existing gas services.

He concluded there are sufficient existing services available to the site's boundaries and the site should be able to proceed in accordance with standard procedures and requirements.

### (iii) Discussion

The Panel considers the opportunity to appropriately service the site is consistent with many urban renewal sites. The site will likely require the construction of new connections to authority infrastructure in conjunction with overall site construction and will ultimately require approvals from the various authorities for the development to proceed.

### (iv) Findings

The Panel finds:

- The statement provided by Mr Templeton is accepted and no change is required to Design and Development Overlay Schedule 6 as a result of the civil services to be supplied to the site.

## 6 Panel recommendations

1. Adopt Amendment C230whse to the Whitehorse Planning Scheme, subject to updating Schedule 6 to Design and Development Overlay in Appendix D.
2. Include the Concept Plan provided in Schedule 6 to Design and Development Overlay in Document 78, subject to:
  - a) Redraw it to an appropriate scale to ensure clarity on key areas within the site, including access roads, building envelopes, the proposed 5 and 12 metre setback areas, the courtyard, the front landscape area.
  - b) Retain the courtyard south of the Administration Building.
  - c) Reinstate the pedestrian link locations that were provided on the exhibited Concept Plan.
  - d) Stipulate and show in metres, the mandatory setbacks from the western, southern and eastern site boundaries.
  - e) Include the location of a stormwater detention basin in the south west corner of the site, as referenced in Figure 13 of this report, with a notation that this location is indicative only.
  - f) Delete the word 'vehicular' from the Legend so that it reads: *\*\*\* Mandatory setbacks exclude landscaping, fences, services, drainage infrastructure and cycling access*
  - g) Delete the words *"except for plant, services and lift overruns"* and replace with *"except for architectural features"*.
3. Provide the following additional notes in the legend to the Concept Plan provided in Schedule 6 to Design and Development Overlay in Document 78, subject to:
  - a) The opportunity for 'preferred apartment built form' is not to be read as a building envelope, rather it indicates the general location for the built form elements.
  - b) The upper limit of total dwellings is 290.
  - c) Vehicular access roads are to be located a minimum of five metres from the western, and southern boundaries and 12 metres from the eastern site boundaries in accordance with the designated 12 metre setback area.
  - d) The southern and eastern facing aspects of the proposed residential apartments are to be articulated (both in style and through urban design features) so as to not form long, blank walls.
4. Include Heritage Overlay 23 in the Whitehorse Planning Scheme as exhibited, subject to the following:
  - a) Include additional notations to the plan that shows 'Location of contributory elements'
    - Note the plan is not to scale
    - List each of the primary and secondary significance items.
    - Shade the landscape areas to highlight its status as an element of primary significance in accordance with the revised dot point under 'Elements of Primary Significance'.
  - b) Amend the second dot point under 'Elements of Primary Significance' to read:

- The landscape setting around the Administration Building including the open space to the north in the front setback, to the west and to the south, including the courtyard configuration.
5. Include Significant Landscape Overlay 10 in the Whitehorse Planning Scheme as provided in Document 79, subject to:
    - a) Amend the first two dot points of Clause 2.0 'Landscape character objectives to be achieved' to read:
      - To retain medium and high-value established native trees.
      - To ensure development responds to the landscape integrity of the original Beryl Mann landscape design.
  6. Include Tree 135 only in the exhibited Vegetation Protection Overlay 5.

## Appendix A Submitters to the Amendment

No.	Submitter	No.	Submitter
1	Australian Unity Retirement Development Management (Victoria Grange)	23	George Little
2	John & Margaret Baird	24	William & Lorraine Martin
3	Monica Barter	25	Margaret & Terry McDowell
4	Bill Bartlett	26	Alan McIlwaine
5	James Boag	27	David McJannet
6	Barbara & Barrie Brown	28	Di Muller
7	Frank & Judy Clarke	29	Audrey Mullett
8	Traude Danielzik	30	Robyn Naylor
9	Keith & Lyn Evans	31	Coral Oversby
10	Stephanie & David Eynon	32	Stan & Coral Oversby
11	Noelle Fechmer	33	Brian Rodwell
12	Lois Goodes	34	Ken Sanford
13	Josephine Hale	35	Judy Stephenson
14	Margaret Hammon	36	Vivian Story
15	Beverley Harvey	37	Denis Street
16	Trevor Holland	38	M. Walkenhorst
17	Mary Hoskin	39	John Walkenhorst
18	Walter & Lola Howard	40	Jean Walter
19	Beth King	41	Carolyn Werle
20	Sally Kirwood	42	Peter & Maureen Wilson
21	Christopher & Pamela Knight	43	Lenan Zhao
22	Mary Landsmeer		

## Appendix B Parties to the Panel Hearing

Submitter	Represented by
Whitehorse City Council	Anne North of Council at the Directions Hearing and Gabby McMillan of TerraLogic and Allison Egan of Council at the Hearing
Dandenong Views Pty Ltd	<p>Nick Sutton and Shantanu Joshi of Norton Rose Fulbright, who called the following expert evidence:</p> <ul style="list-style-type: none"> <li>- Julia Bell of Kinetica in urban design</li> <li>- Rob Galbraith of Galbraith &amp; Associates in arboriculture</li> <li>- Bryce Raworth of Bryce Raworth Consulting in heritage</li> <li>- John Patrick of John Patrick Landscape Architects Pty Ltd in landscape</li> <li>- John Kiriakidis of Stantec in traffic engineering</li> <li>- Andrea Pagliaro of Urbis in planning</li> </ul> <p><i>The following reports were tabled but with the agreement of all parties in attendance at the Hearing, the witnesses were not required to present to these:</i></p> <ul style="list-style-type: none"> <li>- Tony Connolly of Environmental Assessment Services in contamination</li> <li>- Barry Cook of Weather Watch in air emissions</li> <li>- Jim Antonopoulos of SLR Consulting in noise</li> <li>- Gordon Templeton of Reeds Consulting in servicing</li> </ul>
Residents Representative Committee, Victoria Grange Retirement Village	David McJannet
Australian Unity Retirement Development Pty Ltd	Tyrone Rath at the site inspection and Scott Edwards at the Hearing, of Planning and Property Partners

## Appendix C Document list

No.	Date	Description	Provided by
<i>Background documents</i>			
01	6 Oct 2022	Heritage Statement of Significance	Council
02	“	Statement of Tree Significance	“
03	“	Council Report – 13 December 2021	“
04	“	Letter to adjoining nearby owners and occupiers	“
05	“	Explanatory report	“
06	“	Instruction sheet	“
07	“	Subject land supplementary document	
08	“	Notice of the preparation of an amendment	“
09	“	Whitehorse City Council Meeting Agenda Report – 26 September 2022	“
10	“	Whitehorse City Council Minutes – 26 September 2022	“
11	“	Request to appoint a Panel	“
<i>Ordinance</i>			
12	“	Clause 21.06 Housing	“
13	“	Clause 22.03 Residential Development	“
14	“	Clause 32.07 Residential Growth Zone	“
15	“	Clause 32.07 Schedule 3 – Residential Growth Zone	“
16	“	Clause 36.04 Transport Zone	“
17	“	Clause 42.02 Schedule 5 – Vegetation Protection Overlay	“
18	“	Clause 42.02 Vegetation Protection Overlay	“
19	“	Clause 42.03 Schedule 10 – Significant Landscape Overlay	“
20	“	Clause 42.03 Significant Landscape Overlay	“
21	“	Clause 43.01 Heritage Overlay	“
22	“	Clause 43.01 Schedule – Heritage Overlay	“
23	“	Clause 43.02 Design and Development Overlay	“
24	“	Clause 43.02 Schedule 6 – Design and Development Overlay	“
25	“	Clause 45.03 Environmental Audit Overlay	“
26	“	Clause 72.04 Schedule 1 – Documents incorporated in this Planning Scheme	“
Maps			



No.	Date	Description	Provided by
27	“	DDO6 – Design and Development Overlay – Schedule 6	“
28	“	EAO – Environmental Audit Overlay	“
29	“	RGZ – Residential Growth Zone	“
30	“	SLO10 – Significant Landscape Overlay – Schedule 10	“
31	“	VPO5 – Vegetation Protection Overlay – Schedule 5	“
<i>Ordinance with tracked changes</i>			
32	“	Clause 21.06 Housing (tracked changes)	“
33	“	Clause 22.03 Residential Development (tracked changes)	“
34	“	Clause 42.02 Schedule 5 – Vegetation Protection Overlay (tracked changes)	“
35	“	Clause 43.01 Heritage Overlay (tracked changes)	“
36	“	Clause 72.04 Schedule 1 – Documents incorporated in this Planning Scheme (tracked changes)	“
<i>Consultant reports</i>			
37	“	Conservation Management Plan (Bryce Raworth, February 2021)	“
38	“	Arborist Report (updated) (Bluegum, August 2021)	“
39	“	Transport Engineering Assessment (Traffix, October 2021)	“
40	“	Community Facilities & Open Space Technical Advice Note	“
41	“	Stormwater Management Plan (Cardno, October 2021)	“
42	“	Planning Report (April 2022)	“
43	“	Heritage citation	“
44	“	Heritage citation (updated)	“
<i>Tabled documents</i>			
45	12 Oct 2022	Directions Hearing letter	Planning Panels Victoria (PPV)
46	7 Nov 2022	Directions and Timetable	“
47	29 Nov 2022	Panel issues for resolution	“
48	15 Dec 2022	Letter enclosing background strategic materials	Proponent
48a	“	Whitehorse Planning Scheme	“
48b	“	Plan Melbourne 2017-2050 – Strategy	“
48c	“	Plan Melbourne 2017-2050 – Summary	“
48d	“	20-Minute Neighbourhoods.html	“

No.	Date	Description	Provided by
48e	“	Urban Design Guidelines for Victoria – Introduction	“
48f	“	Urban Design Guidelines for Victoria – Urban Structure	“
48g	“	Urban Design Guidelines for Victoria – Movement Network	“
48h	“	Urban Design Guidelines for Victoria – Public Spaces	“
48i	“	Urban Design Guidelines for Victoria – Public Transport Environs	“
48j	“	Urban Design Guidelines for Victoria – Buildings	“
48k	“	Urban Design Guidelines for Victoria – Objects in the Public Realm	“
48l	“	Urban Design Guidelines for Victoria – Glossary and Resources	“
48m	“	Whitehorse Residential Corridors Built Form Study – Part 1	“
48n	“	Whitehorse Residential Corridors Built Form Study – Part 2	“
48o	“	Whitehorse Municipal Wide Tree Study – Consultation Engagement Summary	“
48p	“	Whitehorse Municipal Wide Tree Study – Discussion Paper	“
48q	“	Whitehorse Municipal Wide Tree Study – Final Options Report	“
48r	“	Whitehorse NAC Urban Design Guidelines – Introduction and Chapter 1	“
48s	“	Whitehorse NAC Urban Design Guidelines – Chapter 2, General NAC Guidelines	“
48t	“	Whitehorse NAC Urban Design Guidelines – Chapter 3, Guidelines by Category	“
48u	“	Whitehorse Housing Strategy – Introduction and Chapters 1-4	“
48v	“	Whitehorse Housing Strategy – Chapters 5-9 and Appendices	“
48w	“	Whitehorse Neighbourhood Character Study – Introduction	“
48x	“	Whitehorse Neighbourhood Character Study – Bush Environment	“
48y	“	Whitehorse Neighbourhood Character Study – Bush Suburban	“

No.	Date	Description	Provided by
48z	“	Whitehorse Neighbourhood Character Study – Garden Suburban	“
48aa	“	Whitehorse Affordable Housing Policy	“
48ab	“	Whitehorse Open Space Strategy – Part 1	“
48ac	“	Whitehorse Open Space Strategy – Part 2	“
48ad	“	Whitehorse Heritage Review – Building Citations, Volume 2, Part 1	“
48ae	“	Whitehorse Heritage Review – Building Citations, Volume 2, Part 2	“
48af	“	Whitehorse Heritage Review – Thematic History, Volume 1	“
48ag	“	Whitehorse City Council Minutes, 22 August 2022	“
49	23 Jan 2023	Letter enclosing expert witness statements and giving order of witnesses	Proponent
50	“	Expert witness statement of Julia Bell (urban design)	“
51	“	Expert witness statement of Rob Galbraith (arboriculture)	“
52	“	Expert witness statement of John Patrick (landscape)	“
53	“	Expert witness statement of Tony Connolly (contamination)	“
54	“	Expert witness statement of Barry Cook (air emissions)	“
55	“	Expert witness statement of Jim Antonopoulos (noise)	“
56	“	Infrastructure servicing report of Mr Gordon Templeton	“
57	24 Jan 2023	Letter enclosing further expert witness statements	Proponent
58	“	Expert witness statement of Andrea Pagliaro (planning)	“
59	“	Expert witness statement of John Kiriakidis (traffic)	“
60	“	Expert witness statement of Bryce Raworth (heritage)	“
61	30 Jan 2023	Letter with additional Panel Directions	PPV
62	31 Jan 2023	Council’s Part A submission	Council
63	2 Feb 2023	Response to additional directions	VGRV
64	“	Response to additional directions	Proponent
65	“	Response to additional directions	Council
66	“	Response to additional directions	Australian Unity
67	3 Feb 2023	Council’s Part B submission	Council
67a	“	Aerial and street views of site and extracts from Tract Planning Report	“

No.	Date	Description	Provided by
68	“	Proponent's opening submission	Proponent
68a	“	Monash Planning Scheme Amendment C159 Panel Report	“
69	7 Feb 2023	Letter from Gordon Templeton responding to Council	“
70	8 Feb 2023	Letter from John Patrick responding to Council	“
70a	“	List of studies undertaken by John Patrick	“
71	“	Council response to Panel questions	Council
71a	“	Certificate – PS 518296N	“
71b	“	Plan Image – PS 433751M	“
71c	“	Register Search Statement – Volume 10528 Folio 902	“
71d	“	Register Search Statement – Volume 11148 Folio 276	“
72	“	Road concept layout plan	Proponent
73	9 Feb 2023	Written submission of VGRV	VGRV
73a	“	Presentation of VGRV	“
74	“	Submission of Australian Unity	Australian Unity
75	“	Without prejudice working draft revised DDO6	Proponent
76	“	Without prejudice working draft revised SLO10	“
77	“	Without prejudice working draft revised Heritage Statement of Significance	“
78	10 Feb 2023	Without prejudice working draft revised DDO6 (updated)	“
79	“	Without prejudice working draft revised SLO10 (updated)	“
80	“	Without prejudice working draft revised Heritage Statement of Significance (updated)	“
81	15 Feb 2023	Council's closing submission	Council
82	“	Council comments on Proponent's draft revised DDO6	“
83	“	Council comments on Proponent's draft revised SLO10	“
84	“	Council comments on Proponent's draft revised Heritage Statement of Significance	“
85	17 Feb 2023	Further information from John Kiriakidis	Proponent

## Appendix D Panel preferred Schedule to Design and Development Overlay

NOTE: this is based on Document 78, where all changes provided by the Proponent have been accepted and then subsequent modifications made.

[PPV track added](#)

~~PPV track deleted~~

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### **SCHEDULE 6 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY**

Shown on the planning scheme map as **DDO6**.

#### **490-500 BURWOOD HIGHWAY, VERMONT SOUTH (FORMER AUSTRALIAN ROAD RESEARCH BOARD SITE)**

**1.0**

#### **Design objectives**

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**Proposed  
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To facilitate an integrated residential development that delivers a range of housing typologies including townhouses and apartments that incorporate Environmentally Sustainable Development (ESD) and Integrated Water Management (IWM) principles.

To support the appropriate adaptive reuse of the existing heritage buildings and a sympathetic design response that maintains key viewlines, particularly from Burwood Highway and the existing western entry road, to the former Administration Building.

To retain the spacious and landscaped setting of the Burwood Highway frontage and enhance the existing landscape character of the site by retaining significant trees and stands of trees, and providing new landscaping that reflects the original landscaping themes.

To ensure the form and scale of development appropriately responds and transitions to land in the adjoining residential zone.

To ensure high quality architectural, urban design and landscape outcomes that are responsive to the site's features and interfaces.

**2.0**

#### **Buildings and works**

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A permit is not required to:

- Construct or extend one dwelling on a lot of more than 300 square metres. Construct or carry out works normal to a dwelling.
- Construct or extend an outbuilding (other than a garage or carport) on a lot provided the gross floor area of the outbuilding does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.
- Make structural changes to a dwelling provided the size of the dwelling is not increased, or the number dwellings is not increased and does not compromise the overall external design.
- Undertake works associated with a preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017, or the

remediation of the site in accordance with or for the purpose of obtaining a certificate or statement of environmental audit under the Environment Protection Act 2017.

### Fences

A planning permit is required for any fencing along the frontage to Burwood Highway.

### Built Form

The following ~~buildings and works~~ requirements apply to an application to construct a building or construct or carry out works.

- All buildings and works should be generally in accordance with Figure 1 - Concept Plan.
- All buildings must not exceed the mandatory maximum building heights (storeys and metres), except for [architectural features](#) ~~plant, services and lift overruns~~, as indicated on the Figure 1 - Concept Plan. A planning permit cannot be granted to vary the mandatory height requirements.
- All buildings, except for landscaping, fences, services, drainage infrastructure, and vehicular, pedestrian and cycling access, must be set back a mandatory minimum 5 metres or 12 metres from land in the adjoining residential zone as shown in Figure 1 – Concept Plan to respect the existing character and amenity of established residential areas. A planning permit cannot be granted to vary this requirement.
- Apartment buildings should only be developed in the locations identified for apartments in Figure 1 – Concept Plan.
- Apartment developments above four storeys should be set back at the upper two levels in order to create a distinguishable podium element with recessive upper levels that have limited visibility from the internal streets, adjacent residential land and the Burwood Highway frontage. Balconies should not significantly encroach into upper level setbacks.
- Pedestrian links between apartment buildings should be open air.
- [The centrally located apartment buildings should include:](#)
  - [At least two separate building footprints](#)
  - [Sufficient space between buildings to provide separation distances that can be used for high quality landscaping, retention of medium and high value trees, communal open space and integrated circulation.](#)
- Development should avoid creating a continuous wall of townhouse built form by introducing at least 3 physical breaks along each of the western and southern boundaries that [provides for view lines and landscaping between clusters of buildings, as well as articulation and urban design features.](#) ~~provide view lines between rows of townhouses.~~
- Above 4 storeys, apartment built form greater than 40m in length should introduce building breaks with a minimum separation of 3m.
- The upper levels of townhouses should be recessive and additional breaks should be provided between upper levels to provide articulation and reduce visual bulk, particularly when viewed from adjoining land in the residential zone.
- Dwellings located on corner sites should be designed to address both interfaces to the public/communal realm, including opportunities for passive surveillance.

- Apartment built form should be designed to support the safety and amenity of the public realm through:
  - Incorporating terraces, balconies and habitable room windows facing streets, pedestrian links and communal open spaces.
  - ~~Ground floor dwellings should be raised approximately 0.75 metres above the footpath with direct entries from adjoining streets or pedestrian links.~~
- Buildings should provide a high quality architectural response through appropriate building massing and articulation, building materials, finishes and design detail.
- Buildings should be sited and designed to maintain the prominence and significance of the heritage building and other key heritage characteristics of the site such as the courtyard structure.
- Pedestrian and bicycle connections should be provided throughout the site, through a network of streets and paths, and through breaks between buildings.
- The development should be designed to maximise northerly aspects for passive solar design, natural ventilation and cooling, energy efficiency performance, and thermal comfort. In addition, natural lighting, urban greening and integrated water management are required to be incorporated into any new development.
- Building design should minimise screening as a means of addressing overlooking.
- Development should provide a mix of dwelling sizes, including one, two and three bedroom dwellings.

#### **Former Administration Building**

- The former Administration Building should read as a standalone building from Burwood Highway.
- No [residential or other](#) buildings [or structures](#), except for landscaping, fences, services, drainage infrastructure, at-grade car parking and vehicular, pedestrian and cycling access, are to be constructed between Burwood Highway and the north façade of the former Administration Building. A planning permit cannot be granted to vary this requirement.
- Any additional car parking between Burwood Highway and the former Administration Building should be subservient to the dominant landscape setting.
- Additions to, or new structures to the rear of the former Administration Building should be respectful of the mass, form and detail of the heritage building.
- Any proposed works to extend above the former Administration Building should be:
  - limited to one additional level above the eastern end of the building
  - setback at least 2 metres from the north façade
  - designed with a simple form and complementary materials to appear visually recessive relative to the existing building
- Any proposed works to extend the footprint of the former Administration Building should:
  - be located to the rear (south) of the former Administration Building
  - not exceed the height of the former Administration Building

- be designed to avoid any impact on the east courtyard at the rear of the former Administration Building

### Landscaping

- Retain existing ~~significant trees and stands of trees, being those of~~ high and medium value ~~trees and stands of trees, having regard to principles of integrated decision making.~~ trees and stands of trees
- Where high or medium value trees are to be removed, ~~replace these with these should be replaced with~~ appropriate canopy tree species.
- Provide a landscape design that is a sensitive reinterpretation of the existing concept in the context of new residential use and development.
- Provide new landscaping, including canopy trees, and ~~a chain of interconnected~~ interconnected courtyards, that complement ~~compliments~~ Beryl Mann’s ~~practical~~ approach to the existing site landscape.
- Provide landscaped areas, including canopy trees, at the interfaces with existing residential land.
- Provide a robust, low maintenance, drought-tolerant and high quality landscape that is dominated by canopy vegetation.

### Traffic and Transport

- Provide safe and appropriate access to Burwood Highway.
- Provide a permeable network of streets and open spaces to support safe and convenient vehicular, pedestrian and cycling movements.
- Provide appropriate road width to ~~in accordance with the requirements of Clause 56.06 to~~ ensure practical and safe vehicular movement and facilitate on-street parking.
- Car parking for residents should be located at basement or semi-basement level, complemented by on-street and front of site parking for visitors
- ~~Car parking for apartment developments should be located at basement or semi-basement level.~~
- The street network and on-street parking should allow sufficient space for driveways, canopy tree planting in the road reserve, utility services and emergency vehicle access.

**3.0**  
~~---/---/---~~  
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**Subdivision**  
 None specified.

**4.0**  
~~---/---/---~~  
**Proposed**  
**C230whse**

**Signs**  
 None specified.

**5.0**  
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**Proposed**  
**C230whse**

**Application requirements**  
 The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must

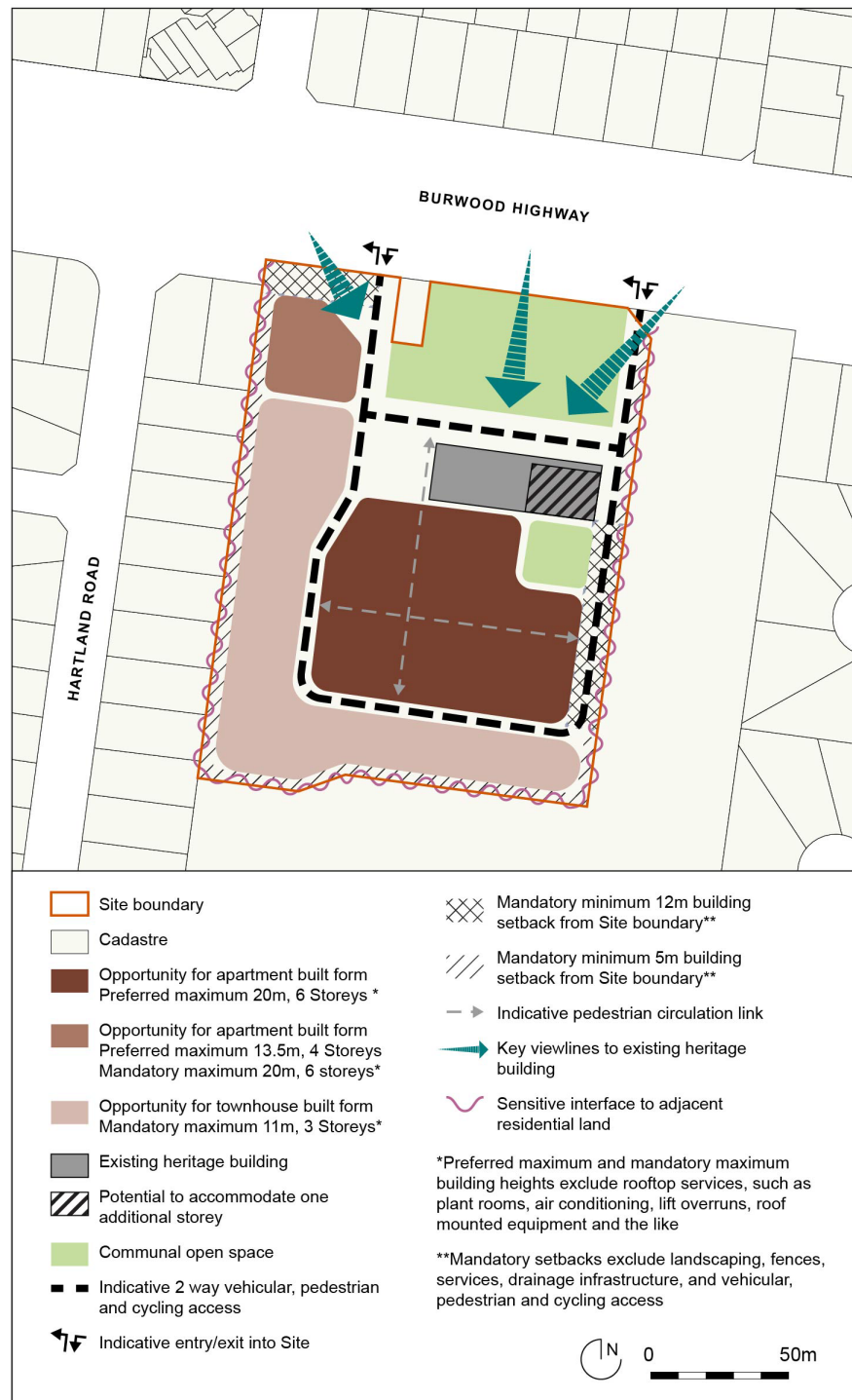


accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A Planning Report that demonstrates that the proposal:
  - is generally in accordance with the provisions of this Scheme;
  - meets the design objectives and buildings and works requirements of Clause 1.0 and 2.0 of this schedule.
- An Urban Context Report that analyses the features of the land and its strategic planning context within the City of Whitehorse and metropolitan Melbourne. The report must also outline the residential community vision and the proposed housing mix for the site.
- A Heritage Impact Statement that analyses the relationship between proposed development and the existing heritage buildings and other elements of heritage significance.
- A management plan for future conservation and adaptive reuse of the former Administration Building that includes a prioritised Schedule of Conservation and Maintenance Works.
- A View Line Analysis and 3D modelling of the proposed development from vantages along Burwood Highway and surrounding areas to enable an assessment of the visual impact on the development on the existing heritage buildings and on the surrounding residential area.
- A report from a suitably qualified arborist that:
  - assesses the health of the trees and informs any tree removal;
  - outlines the measures to be taken, particularly during construction phase, to ensure that long-term preservation of trees on, or adjoining, the development site.
- A Landscape Report that identifies vegetation to be retained, the future landscape vision, and landscape details for the site. Consideration must also be given to the staged removal of any vegetation and replacement planting to ensure that a dominant canopy tree presence at the interface is retained as the site is redeveloped.
- Plans which show, as relevant to the application:
  - The location, height, dimensions and floor area of the proposed building forms in the context of the immediately surrounding area.
  - The indicative stages in which the land is to be developed.
  - The location of all vehicle, bicycle and pedestrian ways.
  - The location and layout of all car and bicycle parking areas and access and views to and from them.
  - The location of all communal open space.
  - The colours and details of materials to be used for external walls.
  - Annotation of WSUD and ESD measures on relevant plans.
  - The layout of vehicle and pedestrian access routes to surrounding public transport options.
- A Traffic Engineering Report prepared by a suitably qualified person confirming the suitability of traffic and access arrangements and the adequacy of the car parking provision. The Report must include:
  - Details of the proposed access strategy to Burwood Highway, including how it interacts with the Victoria Grange Retirement Village.
  - Details of car parking and bicycle parking provision and anticipated traffic generation of the proposal the subject of the permit application.

- Any mitigation works necessary to accommodate the anticipated traffic generation, including any mitigation works to provide necessary access and safety.
- A Waste Management Report which provides details of waste collection, storage and removal facilities and areas.
- A Stormwater Management Plan which provides an assessment of existing and future drainage conditions, identifies likely drainage requirements for the development and delivers a conceptual level strategy detailing how drainage and stormwater will be managed within the site.
- A Sustainability Management Plan which provides details regarding the Sustainable Design Assessment in the Planning Process (SDAPP) and Sustainable Subdivision frameworks, including the use of an ESD assessment rating tool. The Plan must include the following items:
  - Energy performance;
  - Integrated Water Management;
  - Indoor Environment Quality;
  - Transport;
  - Waste Management, Materials and Circular Economy;
  - Urban Heat; and
  - Ecology.

Figure 1 - Concept Plan



6.0

Proposed C230whse

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the proposal achieves the design objectives of section 1.0, and the buildings and works requirements of section 2.0 of this schedule.

- Whether the proposal is generally in accordance with the Figure 1 – Concept Plan.
- The reasonable, open, clear and unobstructed view lines from along Burwood Highway towards the existing significant heritage buildings.
- Whether the proposal respects and preserves the significant elements of the heritage place.
- Whether the development provides an appropriate transition to the adjoining properties in the residential zone.
- The visibility of the upper levels of apartment buildings from internal streets, adjacent residential land and the Burwood Highway frontage.
- How the landscape design responds to the existing landscape character and Beryl Mann’s themes for the site, including the retention of significant vegetation.
- The impact of additional traffic generation and the provision of car parking and bicycle parking. The staging of development.
- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services, and public transport.
- ~~The reasons for any tree removal, having regard to desired built form outcomes and the vegetated nature of this strategic redevelopment site.~~
- The provision made for the storage of rubbish and materials for recycling in a manner that is screened from the public/communal realm.
- The proposed management arrangements for the maintenance of buildings, landscaping and paved areas.
- The design of the proposed buildings, their relationship to the streetscape and surrounding development and uses.
- The design of buildings, in response to ESD principles, that demonstrate that the development may attain a long-term, zero carbon, outcome.
- The application of IWM principles that address potential impacts concerning stormwater runoff, flooding, quality and drainage management, as well as support water efficiency and the reduction of potable water demand.