

Residential Corridors Built Form Study Amendment C220whse



**Expert Evidence - Strategic and Statutory
Planning Matters Final
27 April 2023**

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For: Panel for Amendment C220whse

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1. Introduction

1.1. Name and Address of Expert

1.1.1. My name is Paul Buxton and I am the Director of Plan2Place Consulting located at 101 / 692 High Street, Thornbury, VIC, 3071.

1.2. Expert's Qualifications, Experience and Area of Expertise

1.2.1. I hold a Bachelor of Arts (Social Sciences) with a major in Sociology from La Trobe University and a Master of Urban Planning from the University of Melbourne. I am a Registered Planner and Fellow of the Planning Institute of Australia.

1.2.2. I have over 28 years consulting, local government and Victorian Government experience leading multi-disciplinary teams in developing and preparing implementable strategic plans and statutory frameworks. My curriculum vitae is included at **Attachment B**.

1.2.3. In my role as Assistant Director leading the former Activity Centres Unit in the Victorian Government (DSE, DPCD, DTPLI and DELWP), I provided resources and advice to local government to assist with improved activity centre planning. This included preparing Planning Practice Notes (PPN) 56 and 60 and revising PPN58. I managed the development of the Activity Centre Zone (ACZ) and its application at numerous activity centres through programs that provided advice and financial assistance for projects that filled strategic gaps and completed structure plans. Related to this work, I also provided inputs into the preparation of PPN59 and its alignment to PPN60.

1.2.4. I helped prepare and oversaw the preparation of activity centre boundary criteria included in PPN 58 that followed the Ministerial Advisory Committee on the Establishment of Activity Centre Boundaries in 2009 and the Minister for Planning's response to the recommendations of the Advisory Committee. The criteria prepared through that process is used to inform and determine an activity centre boundary and is used as relevant to inform and determine township boundaries in structure planning processes.

1.2.5. I have helped develop, examine and assess over forty activity centre/township structure plans including activity centre/township boundaries and employment framework plans across Melbourne and regional Victoria.

1.2.6. I have prepared, coordinated and managed many policy reviews in State and local governments. This included support, management and overall coordination of the Reformed Zones Ministerial Advisory Committee and the Department's project team in 2012-2014. This also involved the management of the consultation process state-wide with over 2000 submissions, delivery of the three reformed zones advisory committee reports over a six month period, and gazettal of state-wide reformed zones (residential, commercial, industrial and rural zones) and associated guidelines, PPNs and Ministerial Directions within Ministerial deadlines.

1.2.7. I have advised Ministers and the Department's Planning Group Executive Team about complex policy issues and planning scheme amendments, and undertaken whole of government coordination and extensive stakeholder engagement and management.

- 1.2.8. I have prepared over 50 state-wide, regional and local planning scheme amendments which includes the restructuring of the State Planning Policy Framework in 2017 to give greater weight to Plan Melbourne, Regional Growth Plans and other government policy reviews.
- 1.2.9. I have extensive knowledge of the Victorian planning system and Victorian planning legislation and regulations including the application and drafting of the appropriate tools from the Victoria Planning Provisions (VPP) and how they can best achieve the desired strategic outcomes.
- 1.2.10. As an independent planning consultant, I developed the Commercial 3 Zone for DELWP in mid 2018 which involved the delivery of a new commercial zone into the VPP to implement the strategic directions supporting employment precincts across Melbourne and Victoria. As part of this work, I assisted the Department in preparing PPN85 for the Commercial 3 Zone.
- 1.2.11. I prepared new planning provisions for integrated water management (IWM) applying to all non-residential development and multi-dwellings in Victoria (through new IWM State planning policy and Clause 53.18) working closely with, and implementing, the recommendations of the Stormwater Advisory Committee in late 2018.
- 1.2.12. I have been an expert witness to Panels hearing planning scheme amendments for urban renewal areas/precincts such as Amendment C120bany and Amendments 134maro and 136maro.
- 1.2.13. I was an expert witness on statutory and strategic planning matters to the Distinctive Areas and Landscapes Standing Advisory Committee – Referral 2 (Bellarine Peninsula) in relation to the appropriateness of the draft Statement of Planning Policy and Proposed Protected Settlement Boundaries in April 2022.
- 1.2.14. I was an expert witness on statutory and strategic planning matters to the Distinctive Areas and Landscapes Standing Advisory Committee – Referral 3 (Bass Coast) in relation to the appropriateness of the draft Statement of Planning Policy and Implementation Mechanisms for Environment, Biodiversity and Landscape Matters in April 2023.

1.3. Details of Any Other Significant Contributors to the Statement (if any) and Their Expertise

- 1.3.1. There have been no other contributions from any other person to this statement, other than from a graduate planner at Plan2Place Consulting (Anita Ye) who assisted with drafting several maps in Adobe Illustrator for use in the report that has been provided as an appendix to this evidence statement. That graduate planner has not contributed to the opinions provided in this evidence statement.

1.4. Instructions that Define the Scope of the Statement

- 1.4.1. I have been instructed by the Planology on behalf of Whitehorse City Council to provide expert evidence on strategic and statutory planning matters to the Panel for Amendment C220whse (the Panel) detailing my involvement, the strategic basis, response to submissions made, and whether any changes are required to the Amendment.

1.4.2. Specifically, I have been requested to provide expert advice on statutory and strategic planning matters which includes to:

- Review the background material.
- Undertake an inspection of the land affected by the Amendment (or specific properties) as necessary.
- Prepare a statement of evidence, relevant to your expertise, which includes but is not limited to:
 - a) an explanation of your involvement in the Amendment, including the Study (if any);
 - b) an assessment as to whether the Amendment, including the proposed controls in DDO11, is strategically justified;
 - c) a review and response to the Submissions (individually and/or thematically);
 - d) a review of the proposed ordinance changes and having regard to the above matters, whether any further changes are warranted, and why; and
 - e) any other matter that you consider to be material within the area of your expertise.

1.5. Site Inspection

1.5.1. I inspected land subject to the Amendment and of submitter properties located in, or adjacent to, RGZ1 or RGZ2 areas on 17 December 2022. Land comprising these areas was viewed only from public roads and reserves/parks and various photos were taken.

1.6. Documents Relied Upon

1.6.1. I have considered the documents listed below in preparing this evidence:

- A Practitioner's Guide to Victorian Planning Schemes, April 2022 (Version 1.5)
- Amendment C220whse Clause 21.06 Housing.
- Amendment C220whse Clause 22.03 Residential Development.
- Amendment C220whse Clause 72.08 Background Documents.
- Amendment C220whse Explanatory Report.
- Amendment C220whse Instruction Sheet.
- Amendment C220whse Schedule 11 to Clause 43.02 Design and Development Overlay.
- Amendment C220whse Submissions Combined, Redacted -18 November 2022.
- Authorisation letter from DELWP, 17 February 2021.
- City of Whitehorse Council Reports and Attachments about Amendment C220whse dated 29 January 2019, 20 September 2021, 8 August 2022 and 27 February 2023.
- Plan Melbourne 2017-2050, Victorian Government.
- Plan Melbourne 2017-2050, Addendum 2019, Victorian Government.
- Planning and Environment Act 1987, Parts 1, 2 and 3 and 4, Authorised Version No. 153 (as at 24 February 2022).
- Planning Practice Note 90: Planning for Housing, December 2019.
- Planning Practice Note 91 Using the Residential Zones, December 2019.
- Planning Panels Victoria, Practice Note 1 - Expert Evidence.
- Planning Panels Victoria, Directions Hearing Letter, 8 March 2023.
- Planning Panels Victoria, Panel Directions Letter, 3 April 2023.

- Planning Practice Note 46: Strategic Assessment Guidelines, September 2022.
- Planning Practice Note 59: Mandatory Provisions in Planning Schemes, November 2016.
- Residential Growth Zone – Guidance Note, March 2017.
- Submissions referred to the Panel for the Amendment.
- Urban Design Guidelines for Victoria, DELWP, 2017.
- VicPlan (Whitehorse Planning Scheme Maps), DELWP, 6 February 2023.
- Victoria Planning Provisions, 6 February 2023 and 20 April 2023.
- Whitehorse Housing Strategy 2014
- Whitehorse Neighbourhood Character Study 2014
- Whitehorse Planning Scheme, 10 December 2022 and 6 February 2023 (Ordinance and Maps).
- Whitehorse Residential Corridors Built Form Study, 2019.

1.7. Statement Identifying the Role the Expert Had in Preparing or Overseeing the Exhibited Reports

- 1.7.1. I was engaged previously by Whitehorse City Council between December 2022 and February 2023 to provide statutory and strategic planning analysis, advice and recommendations about Amendment C220whse and the submissions received to the Amendment. I produced a report titled “*Residential Corridors Built Form Study, Amendment C220whse - Submissions Review, Final Report*”. I understand that my report assisted Council in making its decision about the consideration of submissions to the Amendment and in forming its position on the Amendment for the Panel.
- 1.7.2. The recommendations in my February report to Council were all my own and resulted from my consideration of the Amendment, submissions received to the Amendment, advice from DELWP about the Amendment via the authorisation process and provided through other guidance materials, and what I believe to be a orderly and proper planning outcome for the land subject to the Amendment.
- 1.7.3. This report and the analysis of, and proposed response to, submissions is contained in **Appendix A of Attachment A** to this evidence statement.
- 1.7.4. I was not involved in the preparation of the *Whitehorse Residential Corridors Built Form Study, 2019* or the drafting of Amendment C220whse prior to or during the exhibition process.

1.8. Facts, Matters and Assumptions Upon Which the Statement Proceeds

- 1.8.1. In preparing this statement I have assumed that all documents referred to above are current and correct in the information that they contain at the time of completion of this statement.

1.9. Summary Opinion

1.9.1. It is my expert opinion that:

- Amendment C220whse is strategically sound and justified and implements State, regional and local planning policies and strategies related to increased housing provision and diversity and transit oriented development along the PPTN.
- DDO11 appropriately implements the Whitehorse Residential Corridors Built Form Study, 2019 and the emphasis in the controls on a mandatory maximum height of 19 metres and 6 storeys is justified.
- Amendment C220whse should be supported with side and rear setbacks as mandatory requirements rather than as discretionary requirements so that it responds appropriately to submissions and results in an appropriate and consistent planning outcome by managing and mitigating potential amenity impacts to adjoining land and providing greater development certainty.
- The exhibited DDO11 should be reworded to state (with changes highlighted in red text):
 - “Table 2 to Schedule 11
Buildings and works ~~should~~**must** be in accordance with the side and rear setbacks specified in the Table 2 to this schedule. **A permit cannot be granted to vary this requirement.**”

1.10. Statement Identifying if the Evidence is Incomplete or Inaccurate in Any Respect

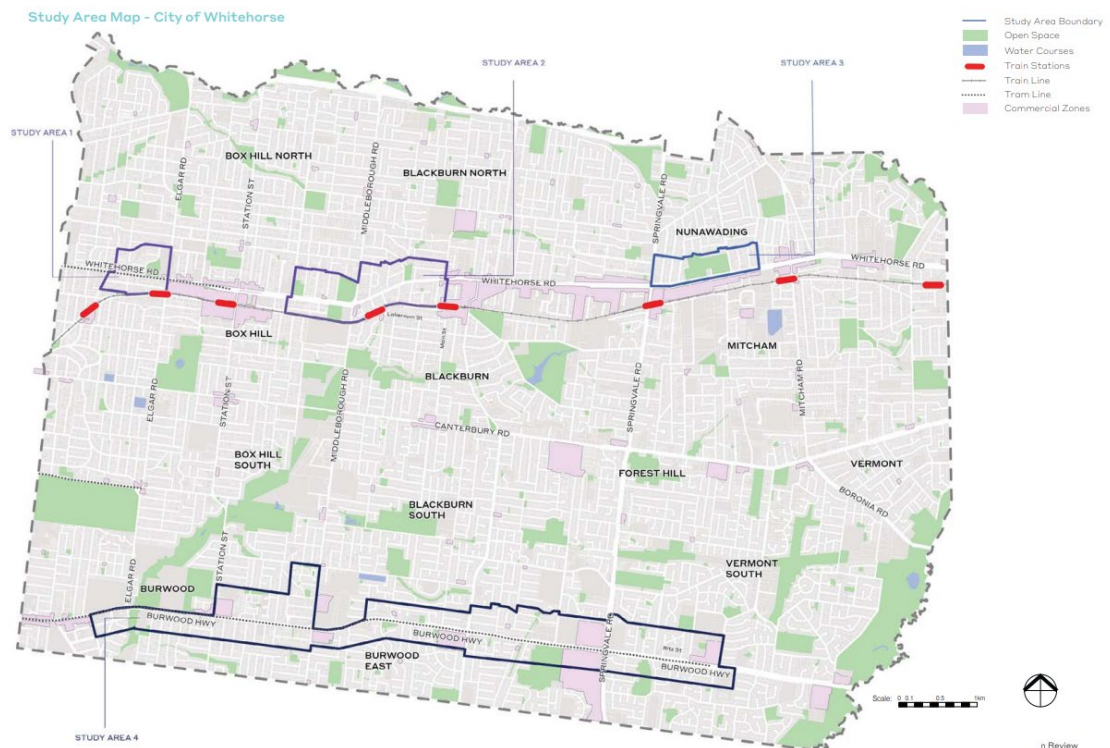
- 1.10.1. To the best of my knowledge, nothing of significance has been omitted from this statement of evidence and is otherwise to the best of my knowledge complete and correct.

2. Overview of Amendment C220whse

2.1. Residential Corridors Built Form Study, 2019

- 2.1.1. The Whitehorse Residential Corridors Built Form Study, 2019 (the study) was prepared for Whitehorse City Council by Ethos Urban in RGZ areas. The study area is shown in **Figure 1**. The study's introduction section states that it was commissioned "to develop appropriate built form controls for these areas to better manage outcomes consistent with the land use and built form aims for these areas and the impact on adjoining areas".
- 2.1.2. The study recommends new built form controls to better guide development outcomes for land in the RGZ relating to building setbacks, architecture and height, building separation, overshadowing, landscaping and pedestrian and vehicle access. New built form controls were proposed through a Design and Development Overlay – Schedule 11 (DDO11) to the Whitehorse Planning Scheme (WPS). Land in the study along these road corridors is affected by existing RGZ1 or RGZ2 controls.
- 2.1.3. The study focused primarily on the major east-west tram and road corridors, where there is an interface between the RGZ and adjoining low rise residential areas affected by the General Residential Zone (GRZ) or Neighbourhood Residential Zone (NRZ). The study considered four case study areas on RGZ land proposed for implementation through the DDO11.

Figure 1: Study Area - Whitehorse Residential Corridors Built Form Study, 2019



2.2. Amendment C220whse (the Amendment)

- 2.2.1. The land included in Amendment C220whse (the Amendment) is currently affected by the RGZ1 or RGZ2 and includes:

- Lots fronting Burwood Highway, generally between Elgar Road, Burwood and Hanover Road in Burwood, Burwood East and Vermont South.
- Lots fronting Whitehorse Road in Mont Albert, Laburnum and Nunawading.
- Lots in Dora Avenue, Thiele Court, Laburnum, Street, Sargent Street, Frankcom Street, Downing Street, Lithgow Avenue, Railway Road, Hindon Street, Vine Street and The Terrace around Laburnum Station.

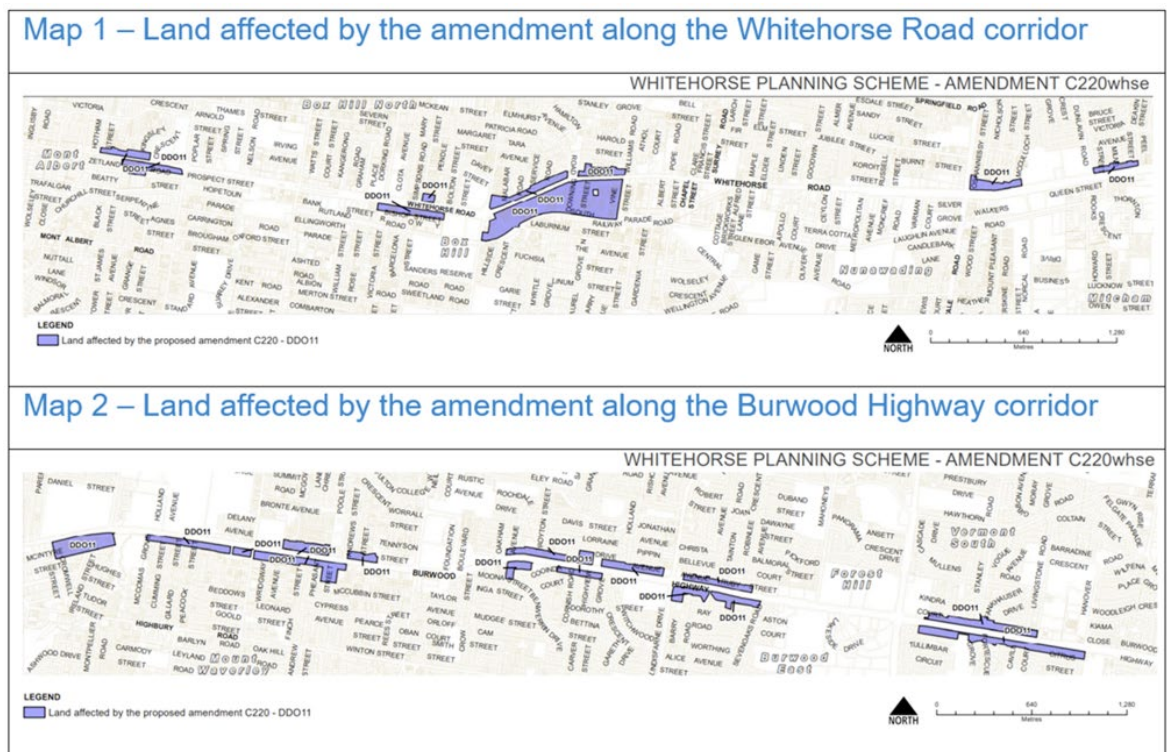
2.2.2. The Amendment generally excludes RGZ1 and RGZ2 land affected by existing structure plans and/or urban design frameworks in the Box Hill Metropolitan Activity Centre, Tally Ho Major Activity Centre and Burwood Heights Major Activity Centre, and in the RGZ3.

2.2.3. The Amendment proposes to revise the WPS by:

- Introducing Schedule 11 to the DDO at Clause 43.02 (DDO11).
- Making minor policy changes to Clauses 21.06 (Housing) and 22.03 (Residential Development) to give effect to, and referencing, the *Whitehorse Residential Corridors Built Form Study, 2019*.
- Including the *Whitehorse Residential Corridors Built Form Study, 2019* as a Background Document at the Schedule to Clause 72.08.
- Amending all relevant WPS maps by applying the DDO11 to land affected by the amendment.

2.2.4. The land proposed to be affected by the DDO11 is shown in **Figure 2**.

Figure 2: Land Affected by Amendment C220whse



Source: Whitehorse City Council Meeting Report, 8th August 2022

2.2.5. The DDO11 proposes to:

- Limit building height to a mandatory maximum building heights of 19 metres and 6 storeys, excluding rooftop services and architectural features.

- Include a mandatory front setback of 5 metres up to a building height of 4 storeys and an additional 3 metres (8 metres from the frontage) above a 4 storey height.
 - Include discretionary side setbacks of 4.5 metres up to a building height of 4 storeys and an additional 4.5 metres (9 metres from the side boundary) above a 4 storey height.
 - Include a discretionary rear setback of 9 metres up to a building height of 6 storeys.
 - Include good pedestrian interface conditions, no additional overshadowing of adjacent public open space at the equinox and deep soil landscaping areas.
- 2.2.6. The proposed controls will not apply to development of three storeys or less and no changes are proposed to the RGZ1 and RGZ2 schedules.
- 2.2.7. Clause 43.02 Design and Development Overlay (DDO) is designed to identify areas which are affected by specific requirements relating to the design and built form of new development. It establishes permit requirements, and decision guidelines relating to buildings and works and subdivisions. Each schedule to the DDO must contain a statement of the design objectives to be achieved for the area affected by the schedule. This may include requirements relating to building height and setbacks, plot ratios, lot sizes and signage. There are several DDO schedules included in the existing WPS.

2.3. Existing Planning Controls

- 2.3.1. The land included in the study area is affected by a variety of residential zones including the GRZ, NRZ and RGZ.
- 2.3.2. In 2012-14 the Victorian Government implemented significant changes to Victoria's residential zones and in 2017 made further changes to restrict building height to 9 metres in the NRZ and 11 metres in the GRZ with a garden area requirement. The RGZ was conceived as a substantial change zone in addition to the Mixed Use Zone (MUZ). More recently, these changes were complemented by revised housing and residential zone resources with new guidelines provided through PPNs 90 and 91.
- 2.3.3. The RGZ has been applied to land identified as suitable for increased residential development, such as locations offering good access to services and transport. The zone encourages a range of housing types, up to and including four storey buildings with a discretionary building height of 13.5 metres, unless specified differently in a schedule to the zone. Any scheduled maximum building height must be 13.5 metres or greater.
- 2.3.4. In Whitehorse, the RGZ has generally been applied to land along the Principal Public Transport Network (PPTN), in activity centres and in areas close to railway stations. The application of the RGZ was based on the *Whitehorse Housing Study 2014* and the *Whitehorse Neighbourhood Character Strategy 2014*. They were implemented through an amendment to the WPS that were first proposed in 2014 via Amendment C160 that later became additional schedules to the Neighbourhood Residential Zone included in the WPS through Amendment C174 in November 2015.

2.3.5. The RGZ includes three schedules in the WPS as follows:

- RGZ1, with no scheduled mandatory maximum building height and discretionary variations to ResCode standards for front setbacks (12 metres or 3 metres more than the predominant adjoining setback), for landscaping (at least 1 canopy tree of 8 metres mature height), boundary walls (only on one side boundary), private open space (80 sqm minimum for single dwellings; 40 sqm for multi-dwellings), and front fences (1.8 metres adjoining a TRZ road or 1.2 metres on streets).
- RGZ2, with no scheduled mandatory maximum building height and discretionary variations to Rescode standards for front setbacks (12 metres or 3 metres more than the predominant adjoining setback), for landscaping (at least 1 canopy tree of 8 metres mature height), boundary walls (only on one side boundary), private open space (80 sqm minimum for single dwellings; 40 sqm for multi-dwellings), and front fences (1.8 metres adjoining a TRZ road or 1.2 metres on streets).
- RGZ3, with no scheduled mandatory maximum building height and no discretionary variations to ResCode standards.

2.3.6. Of note, Council's original request in Amendment C160whse was for the RGZ1 and RGZ2 to include 3 and 4 storey maximum building height controls respectively, but this was refused by the Minister for Planning in 2014. The consequence of this refusal was that no mandatory maximum building heights were included in Whitehorse's RGZ schedules.

2.3.7. The Local Planning Policy Framework of the WPS affects RGZ land through the following clauses:

- Clause 21.06, which details the locations of particular types of housing development through a housing framework plan.
- Clause 22.03, which provides for categories of housing change and development in residential zones to demonstrate consistency with the neighbourhood character precincts map.

3. State, Regional and Local Planning Policies, Strategies and Plans

3.1. Assessment Against the Whitehorse Planning Scheme

3.1.1. Various state, regional and local plans, strategies and policies relevant to the Amendment are detailed in the WPS and are detailed below.

3.2. Plan Melbourne 2017-2050 and the Melbourne 2050 Spatial Framework

3.2.1. *Plan Melbourne 2017-2050* (2017)(Plan Melbourne) provides a long-term strategic plan for metropolitan Melbourne to accommodate future growth in population and employment with development of 70% in established areas and 30% in growth areas (See Plan Melbourne and Plan Melbourne Addendum 2019).¹

3.2.2. Plan Melbourne affirms Melbourne's traditional activity centre network through a hierarchy and large network of activity centres and employment growth into state and regionally significant places and industrial land. Plan Melbourne reinforces the planning framework along the PPTN and around activity centres, National Employment and Innovation Clusters (NEICs), urban renewal areas and health and education precincts. The corridors examined in the Amendment are along the PPTN and adjacent to activity centres, providing the strategic context for these residential corridor renewal areas.

3.3. Land Use Framework Plans

3.3.1. Land Use Framework Plans (LUFPs) are sub-regional plans under Plan Melbourne's spatial framework for Melbourne's regions and have recently been prepared and released as a draft for public comment. They provide a regional 30 year land use planning and infrastructure framework for the eastern region, helping to better align and bridge State and local planning issues and manage growth and land use pressures. LUFPs are anticipated to set regional level planning policy that will be implemented into local planning schemes and inform decision making for precinct planning, local and regional planning strategies, and infrastructure and servicing projects.² They provide a regional context for the development of the amendment.

3.4. Suburban Rail Loop

3.4.1. The Suburban Rail Loop (SRL) is a transformative project that will fundamentally reshape metropolitan Melbourne and deal with many of the transport and land use challenges being faced by the city. SRL is a 90-kilometre railway ring around Melbourne's middle suburbs that will connect every metropolitan train line from Cheltenham to Werribee, via Melbourne Airport. Stations are proposed at 10 existing metropolitan or major activity centres and 4 NEICs (including Box Hill and a new station opposite the Deakin University Burwood Campus in Burwood).

3.4.2. SRL supports the activity centres policy outlined in Plan Melbourne through the improved accessibility and connectivity of a polycentric city and better connecting people to jobs, universities, and healthcare. This infrastructure will better support and shape existing and emerging travel patterns between activity centres and employment areas and could seamlessly improve links throughout the eastern

¹ [Plan Melbourne 2017 - 2050 \(planning.vic.gov.au\)](https://www.planning.vic.gov.au/plan-melbourne-2017-2050)

² [Eastern metro region \(planning.vic.gov.au\)](https://www.planning.vic.gov.au/eastern-metro-region) P 4

suburbs. Greatly enhanced access will be provided to the central city, universities, employment areas, Melbourne Airport and the city’s eastern, northern and western suburbs. The SRL will trigger major strategic developments, significant investment and new local projects in broad areas around SRL stations to support more jobs and housing in SRL Precincts. Planning and construction of SRL East has begun.³

3.5. Transport Integration Act 2010

- 3.5.1. The Transport Integration Act 2010 requires all planning authorities to explicitly consider a wider range of factors other than just those mentioned in the Planning and Environment Act, 1987. This legislative change has an impact on strategic plans and their implementation. A significant aspect is the need for planning authorities to reduce reliance on private motor vehicles by favouring active transport and public transport modes when making decisions. The Transport Integration Act must be considered in developing the Amendment.
- 3.5.2. This particularly relates to what is proposed in Amendment C220whse. Housing change, renewal, diversity and affordability are key issues for transport corridors in the context of population and demographic changes. Mixed-use developments in substantial changes areas are increasingly important to better respond to these issues around transport nodes, commercial areas and existing community and utility infrastructure, without negatively impacting on existing lower scale residential areas and heritage areas.

3.6. Whitehorse Planning Scheme - Municipal Strategic Statement, Planning Policy Framework and Local Planning Policies

- 3.6.1. The WPS has not as yet been translated into the new, Planning Policy Framework (PPF) format with a Municipal Planning Strategy (MPS) and an integrated planning policy framework. This means that the planning scheme is currently comprised of a Municipal Strategic Statement (MSS), a PPF and separate local planning policies.
- 3.6.2. Clauses of the Local Planning Policy Framework (LPPF) in the *Whitehorse Planning Scheme*, including the MSS, provide guidance for the planning of housing within the municipality as detailed below in **Table 1**.

Table 1: Local Planning Policy Framework Review

LPPF Clause	Policy Purpose and Implications
21.04 – Strategic Directions (Including Strategic Framework Plan)	The Strategic Framework Plan sets out the general pattern for land use development and major strategic directions for the municipality. The Strategic Framework Plan (shown below) identifies the municipality’s Metropolitan, Major and Neighbourhood Activity Centres, strategic redevelopment sites, significant landscape areas and major road and public transport infrastructure.

³ Suburban Rail Loop - Victoria's Big Build



21.05 – Housing (Including Housing Framework Plan)

This clause seeks to manage increased pressures to accommodate more people who are attracted to the area due to its strategic location, high amenity residential areas and quality services and facilities. There are concerns about maintaining the high quality residential environment and ensuring that areas of environmental, heritage or special character are protected as the municipal population grows.

Native and exotic vegetation are highly valued for their contribution to neighbourhood character.

Council's Housing Strategy 2014 identifies areas of substantial, natural and limited growth to cater for an additional 12,997 dwellings in the municipality to 2036. Activity centres and substantial change areas are anticipated to accommodate additional housing growth as the focus of increased housing and employment densities, public transport and service provision.

Key housing principles include:

- Promoting housing growth and diversity in locations within walking distance of public transport and local services such as shops, parks and education.
- Ensuring housing in substantial change areas is designed to achieve and enhance a sense of place and identity, and facilitate neighbourhood participation.
- Supporting environmentally sustainable building, design and innovation in new housing development.

In Substantial Change Areas, the following are supported or facilitated:

- Increased residential densities.
- Increased housing choice by allowing for a diversity of dwelling types, sizes and tenures to suit a range of household types.
- A new, preferred character for these areas over time through quality developments.

LPPF Clause	Policy Purpose and Implications
	<ul style="list-style-type: none"> • Master planning of larger sites to facilitate the development of diverse, high amenity precincts which have an identifiable sense of place. • Shop-top dwellings and low scale apartment developments in activity centres, particularly within key Neighbourhood Activity Centres and on sites abutting the Principal Public Transport Network and main roads. • Space for planting, communal spaces and rooftop gardens to improve the amenity and liveability of dwellings. <p>Strategies include Council assessing new applications for dwellings and subdivisions against the relevant objectives, strategies and preferred character statements of Clause 22.03 – Residential Development and through the <i>Whitehorse Neighbourhood Character Study 2014</i>.</p>
21.08 – Infrastructure	This clause commits Council to providing a safe and high quality transport network for the benefit of all users, including drivers of freight transport, motorists traversing the municipality, motorists on local trips, pedestrians, cyclists, public transport users, and those in the community with limited mobility.
22.03 – Residential Development	The policy applies to all applications for development within residential zones with substantial change areas encouraging townhouses, units, flats and apartments in a range of dwelling types, sizes and tenures, including affordable housing.

3.7. Planning Policy Framework

- 3.7.1. The PPF is included at Clauses 10 – 19 of the VPP and the WPS. Many state, regional and local planning policies are relevant to the Amendment. Policies in the PPF that have a specific bearing on settlement, housing, design and transport include the following clauses as detailed in **Table 2**.

Table 2: Planning Policy Framework Review

PPF Clause	Policy Purpose and Implications
<p>11 SETTLEMENT</p> <p>11.01-1S – Settlement</p> <p>Objective</p> <ul style="list-style-type: none"> • To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements. <p>11.01-1R – Settlement - Metropolitan Melbourne</p>	<p>Strategies promote the sustainable growth and development of Victoria through a settlement framework and focusing investment and growth in places of state significance.</p> <p>Regions are to be planned to reinforce settlement boundaries and provide for population growth and development of facilities and services across the regional and sub-regional network. High-quality, integrated settlements are promoted that have a strong identity and sense of place and are prosperous and sustainable.</p> <p>Growth is directed into existing settlements and supported by a network of major and neighbourhood activity centres and townships of varying size, role and function. Urban consolidation is encouraged with density that supports sustainable transport and retail, office-based employment, community facilities and services.</p> <p>A regional settlement strategy for metropolitan Melbourne includes creating mixed-use neighbourhoods at varying densities that offer more choice in housing, create jobs and opportunities for local businesses and deliver better access to services and facilities.</p>

PPF Clause	Policy Purpose and Implications
<p>11.02-1S – Supply of urban land</p> <p>Objective:</p> <ul style="list-style-type: none"> To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses. 	<p>Strategies aim to ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development, with sufficient land availability to meet forecast demand over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply is considered on a municipal basis.</p> <p>Opportunities for the consolidation, redevelopment and intensification of existing urban areas are planned based on neighbourhood character, landscape, land capability, servicing limitations and environmental quality considerations.</p>
<p>11.02-2S – Structure planning</p> <p>Objective</p> <ul style="list-style-type: none"> To facilitate the orderly development of urban areas. 	<p>Strategies promote the preparation of structure plans and precinct structure plans through management of land use and development with comprehensive planning for new areas and include urban renewal areas.</p>
<p>11.02-3S – Sequencing of development</p> <p>Objective</p> <ul style="list-style-type: none"> To manage the sequence of development in areas of growth so that services are available from early in the life of new communities. 	<p>Strategies define preferred development sequences in areas of growth to better coordinate infrastructure planning and funding and require new development to make a financial contribution to the provision of infrastructure such as community facilities, public transport and roads.</p>
<p>11.03-1S – Activity centres</p> <p>Objective</p> <ul style="list-style-type: none"> To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community. <p>11.03-1R – Activity centres - Metropolitan Melbourne</p>	<p>Although the areas are not in activity centres, some are nearby activity centres. Relevant strategies for activity centres promote the sustainable growth and development of Victoria through a network of metropolitan, major and neighbourhood activity centres and townships of varying size, role and function. Activity centres promote opportunities for the consolidation, redevelopment and intensification of existing urban areas through strategic planning for activity centres. Activity centres aim to concentrate major retail, residential, commercial, administrative, entertainment and cultural developments, providing a variety of land uses which are highly accessible to the community based on their context.</p> <p>Strategic planning is undertaken for land use and development to give clear direction on preferred locations for investment and provide a diversity of housing types at higher densities in and around activity centres.</p> <p>Economic activity and business synergies are encouraged by supporting continued growth and diversification to give access to a wide range of goods and services, provide local employment and support local economies.</p> <p>The number of private motorised trips is aimed to be reduced by concentrating activities that generate high numbers of trips and improving access by walking, cycling and public transport to services and facilities.</p> <p>Improvements should be made to the social, economic and environmental performance and amenity of activity centres.</p>

PPF Clause	Policy Purpose and Implications
<p>15 BUILT ENVIRONMENT AND HERITAGE</p> <p>15.01-1S – Urban design</p> <p>Objective</p> <ul style="list-style-type: none"> To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity. <p>15.01-1R – Urban design - Metropolitan Melbourne</p> <p>Objective</p> <ul style="list-style-type: none"> To create a distinctive and liveable city with quality design and amenity. 	<p>These policies aim to create urban and rural environments that are safe, healthy, functional and enjoyable and provide good quality environments with a sense of place and cultural identity.</p> <p>A high level objective and eight related strategies are considered along with the <i>Urban Design Guidelines for Victoria</i> (DELWP 2017). These support the creation of well-designed places that are memorable, distinctive and liveable with new development that is sympathetically located. Good urban design is promoted along and abutting transport corridors.</p> <p>Specific strategies seek to integrate place making practices into road space management and strengthen Melbourne’s network of boulevards.</p>
<p>15.01-2S – Building design</p> <p>Objective</p> <ul style="list-style-type: none"> To achieve building design outcomes that contribute positively to the local context and enhance the public realm. 	<p>Strategies require a comprehensive site analysis to ensure that development responds and contributes to the strategic and cultural context of its location, enhancing and minimising detrimental impacts of development on neighbouring properties, the public realm and the natural environment.</p> <p>Development is to be designed to protect and enhance valued landmarks, views and vistas, with landscaping that responds to its site context, enhances built form and creates safe and attractive spaces with safe access and egress for pedestrians, cyclists and vehicles. The <i>Urban Design Guidelines for Victoria</i> (DELWP 2017) and <i>Apartment Design Guidelines for Victoria</i> (DELWP 2017) are policy documents.</p>
<p>15.01-4S – Healthy neighbourhoods</p> <p>Objective</p> <ul style="list-style-type: none"> To achieve neighbourhoods that foster healthy and active living and community wellbeing. <p>15.01-4R – Healthy neighbourhoods - Metropolitan Melbourne</p>	<p>This policy aims to design neighbourhoods that foster community interaction and make it easy for people of all ages and abilities to live healthy lifestyles and engage in regular physical activity.</p> <p>In metropolitan Melbourne, the strategy aims to create a city of 20 minute neighbourhoods, that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home.</p>
<p>15.01-5S – Neighbourhood character</p> <p>Objective</p> <ul style="list-style-type: none"> To recognise, support and protect neighbourhood character, cultural 	<p>Strategies seek to ensure that development responds to cultural identity, contributes to the existing or preferred neighbourhood character by responding to its context and reinforcing a sense of place and promoting valued features and characteristics of the local environment and place.</p>

PPF Clause	Policy Purpose and Implications
identity and sense of place.	
<p>16 HOUSING</p> <p>16.01-1S – Housing supply</p> <p>Objective</p> <ul style="list-style-type: none"> To facilitate well-located, integrated and diverse housing that meets community needs. <p>16.01-1R – Housing supply - Metropolitan Melbourne</p>	<p>Strategies seek to increase the proportion of housing in designated locations in established urban areas including under-utilised urban land and encourage higher density housing development on sites and in areas for residential growth that are well located in relation to jobs, services and public transport.</p> <p>Opportunities should be identified for increased residential densities to help consolidate urban areas and to facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.</p> <p>The development of well-designed housing should provide a high level of internal and external amenity and incorporate universal design and adaptable internal dwelling design.</p> <p>Regional strategies seek to manage the supply of new housing to meet population growth and create a sustainable city by developing housing and mixed use development opportunities in major activity centres.</p> <p>Increased housing is to be facilitated in established areas to create a city of 20 minute neighbourhoods close to existing services, jobs and public transport and provide certainty about the scale of growth by prescribing appropriate height and site coverage provisions for different areas.</p> <p>Residential areas include a range of minimal, incremental and high change residential areas that balance the need to protect valued areas with the need to ensure choice and growth in housing.</p>
<p>16.01-2S – Housing affordability</p> <p>Objective</p> <ul style="list-style-type: none"> To deliver more affordable housing closer to jobs, transport and services. 	<p>Strategies around housing affordability seek to ensure that land supply continues to be sufficient to meet demand by increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities. A significant proportion of new development should be affordable for households on very low to moderate incomes. The supply of well-located affordable housing should be facilitated through a mix of private, affordable and social housing in activity centres and deliver social housing by identifying surplus government land suitable for housing.</p>
<p>16.01-5S – Residential aged care facilities</p> <p>Objective</p> <ul style="list-style-type: none"> To facilitate the development of well-designed and appropriately located residential aged care facilities 	<p>Strategies aim to recognise the role of residential aged care facilities located in residential areas, activity centres and urban renewal precincts, close to services and public transport.</p> <p>These facilities should include a mix of housing for older people with appropriate access to care and support services and promote a high standard of urban design and architecture in residential aged care facilities.</p>
<p>18 – TRANSPORT</p> <p>18.01-1S – Land use and transport integration</p> <p>Objective</p> <ul style="list-style-type: none"> To facilitate access to social, cultural and economic opportunities 	<p>Transport planning policy aims to create a transport system that integrates land-use and transport through social and economic inclusion, better use of existing social and economic infrastructure, reduce travel distances, provide better access and mobility and provide network efficiency and coordinated operation.</p> <p>Strategies aim for land use and development to be planned to allow for the ongoing improvement and development of the State Transport System in the short and long term. Improvements are to</p>

PPF Clause	Policy Purpose and Implications
<p>by effectively integrating land use and transport.</p>	<p>be coordinated to public transport, walking and cycling networks with the ongoing development and redevelopment of urban areas. Land use should be planned adjacent to the transport system having regard to the current and future development and operation of the transport system.</p>
<p>18.01-2S – Transport system Objective</p> <ul style="list-style-type: none"> To facilitate the efficient, coordinated and reliable movement of people and goods by developing an integrated and efficient transport system. 	<p>This policy seeks to coordinate development of all transport modes to provide a comprehensive transport system that supports 20 minute neighbourhoods. The State Transport System is to be planned and developed comprising the: Principal Bicycle Network; Principal Public Transport Network; Regional Rail Network; Principal Road Network; Principal Freight Network; and, Principal Transport Gateways.</p> <p>The delivery of declared major transport projects and ancillary projects of State significance and transport projects that improve the State Transport System are facilitated.</p>
<p>18.01-3S – Sustainable and safe transport Objective</p> <ul style="list-style-type: none"> To facilitate an environmentally sustainable transport system that is safe and supports health and wellbeing. <p>18.01-3R – Sustainable and safe transport - Metropolitan Melbourne</p>	<p>Strategies aim for development and planning of the transport system to maximise the use of resources, adapt for climate change and have the least environmental impacts. The transport system should be safe and accessible to all users and development should be designed to promote walking, cycling and the use of public transport, in that order, and minimise car dependency.</p> <p>Local travel options are to be improved for walking and cycling to support 20 minute neighbourhoods.</p>
<p>18.02-1S – Walking Objective</p> <ul style="list-style-type: none"> To facilitate an efficient and safe walking network and increase the proportion of trips made by walking. 	<p>Walking networks should be planned and developed to provide pedestrian routes that are safe, direct and comfortable to use that promote walking and less reliance on cars, with greater accessibility to all vehicles that use footpaths, including wheelchairs, prams and scooters.</p> <p>Principal pedestrian networks are to be developed for local areas that link with the transport system and walking infrastructure should be provided in all major transport projects. Walking routes should be designed to be comfortable by providing shelter from the sun through canopy trees, verandahs and other structures and to and between key destinations including activity centres, public transport interchanges, employment areas, urban renewal precincts and major attractions.</p>
<p>18.02-2S – Cycling Objective</p> <ul style="list-style-type: none"> To facilitate an efficient and safe bicycle network and increase the proportion of trips made by cycling. <p>18.02-2R – Cycling – Metropolitan Melbourne</p>	<p>This policy aims to plan and develop cycling networks through the Principal Bicycle Network and Strategic Cycling Corridors with routes that are safe, comfortable, low-stress and well connected and promote cycling with less reliance on cars. The network should be designed to and between key destinations including activity centres, public transport interchanges, employment areas, urban renewal precincts and major attractions.</p>
<p>18.02-3S – Public Transport</p>	<p>This policy seeks to plan and develop public transport to connect activity centres, job rich areas and outer suburban areas.</p>

PPF Clause	Policy Purpose and Implications
<p>Objective</p> <ul style="list-style-type: none"> To facilitate an efficient and safe public transport network and increase the proportion of trips made by public transport. <p>18.02-2R – Principal Public Transport Network</p>	<p>The use of existing infrastructure and the diversity and density of development along the Principal Public Transport Network and Regional Rail Network should be increased, particularly at interchanges, activity centres and where principal public transport routes intersect.</p>
<p>18.02-4S – Road system Objective</p> <ul style="list-style-type: none"> To facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure. 	<p>Strategies seek to make better use of roads for all road users and an expanded and upgraded road network to provide for ongoing development in outer suburban areas, higher standards of on-road public transport and improved key cross-town arterial links in the outer suburbs including circumferential and radial movements.</p> <p>Road space should complement land use and be managed to meet community and business needs with boulevards extended into growth areas.</p> <p>An adequate supply of car parking should be planned, designed and located. Land should be set aside for car parking subject to the existing and potential modes of access including public transport, the demand for off-street car parking, road capacity and the potential for demand management of car parking.</p>

3.8. Summary of Planning Practice Notes

3.8.1. **Table 3** provides a summary of the Victorian Government advice and guidelines in the drafting of a planning provision and the preparation of a planning scheme amendment that are relevant to the Amendment being considered by the Panel.

Table 3: Planning Resources Review Summary

Resource	Summary of Document	Recommended Approach
<p>A Practitioner's Guide to Victorian Planning Schemes, April 2022 (Version 1.5)</p> <p>https://www.planning.vic.gov.au/guide-home/a-practitioners-guide-to-victorian-planning-schemes</p>	<p>The guide applies to the preparation and application of a planning scheme provision in Victoria. It is primarily intended for use by practitioners considering or preparing a new or revised provision for a planning scheme. The guide sets out and explains:</p> <ul style="list-style-type: none"> The principles that should underpin the creation, selection and application of a planning scheme provision. How a planning scheme relates to the VPP. Rules and advice about how the various components of a planning scheme operate. How to select, write and apply various elements of a planning scheme. 	<p>This guide establishes the VPP principles and good drafting conventions and examples.</p> <p>It must be followed when preparing a planning scheme policy or provision.</p>

Resource	Summary of Document	Recommended Approach
<p>Urban Design Guidelines for Victoria</p> <p>https://www.planning.vic.gov.au/policy-and-strategy/urban-design/urban-design-guidelines</p>	<p>The Urban Design Guidelines for Victoria provide state-wide advice for:</p> <ul style="list-style-type: none"> • The design of public spaces. • Building design in relation to a building’s interface with public spaces. • The layout of cities, towns and neighbourhoods. <p>The Urban Design Guidelines for Victoria are a reference document in all planning schemes through the Planning Policy Framework. They support state agencies, local councils, and the development sector to deliver liveable, safe places.</p>	<p>These provide a valuable reference guide for ensuring good quality urban design outcomes across Victoria.</p> <p>They provide important guidance for any urban design and built form study.</p>
<p>Strategic Assessment Guidelines (Planning Practice Note 46)</p> <p>https://www.planning.vic.gov.au/resource-library/planning-practice-notes</p>	<p>Planning Practice Note 46 – <i>Strategic Assessment Guidelines</i>, requires a planning authority to evaluate and determine how an amendment addresses strategic considerations and what should be considered as part of the Ministerial Direction 11. The PPN outlines a consistent framework for preparing and evaluating a proposed planning scheme amendment and its outcomes. The appropriate application of these outcomes is a requirement of the authorisation process for a planning scheme amendment.</p>	<p>This PPN is critical in terms of determining the strategic basis for an amendment and the level of strategic justification and information requirements for a planning scheme amendment.</p>
<p>Role of Mandatory Provisions in Planning Schemes (Planning Practice Note 59)</p> <p>https://www.planning.vic.gov.au/resource-library/planning-practice-notes</p>	<p>This PPN outlines the role of mandatory provisions in planning schemes where mandatory provisions are to provide certainty and ensure a preferable and efficient outcome with an overall net community benefit.</p> <p>It outlines the principle of the performance based approach of the VPP and that good planning outcomes should not be compromised by a mandatory planning scheme control.</p> <p>The PPN provides criteria for the assessment of whether a provision should be mandatory or not and how to draft a mandatory provision if that is included.</p>	<p>This PPN provides guidance for the use of mandatory provisions and in the drafting of mandatory controls such as built form controls.</p> <p>The PPN encourages the DDO in the application of mandatory built form controls.</p>
<p>Planning for Housing and Using the Residential Zones (Planning Practice Notes 90 and 91)</p> <p>https://www.planning.vic.gov.au/resource-library/planning-practice-notes</p>	<p>In the last decade, the Victorian Government has revised housing and residential zone resources and approaches with extensive changes and improvements to residential zones, overlays and guidelines through Planning Practice Notes 90 and 91.</p> <p>A residential development framework is required to be prepared usually at a municipal level that identifies residential changes areas and implementation mechanisms. Built form outcomes are driven by the application of specific types of residential zones.</p> <p>In 2017 changes to residential zones restricted building height to 9 metres in the Neighbourhood Residential Zone and 11 metres</p>	<p>The principles established through these PPNs have been broadly followed in the implementation of the <i>Whitehorse Housing Strategy 2014</i> and the <i>Whitehorse Neighbourhood Character Study 2014</i>.</p>

Resource	Summary of Document	Recommended Approach
	in the General Residential Zone with a garden area requirement. Application of the Residential Growth Zone encourages four storey development and Mixed Use Zones have no height limit unless specified in a schedule to the zone.	
Residential Growth Zone – Guidance Note, March 2017 Residential-Growth-Zone.pdf (planning.vic.gov.au)	Summarises and gives direction about the Residential Growth Zone to planning authorities. It states that: <ul style="list-style-type: none"> • Design objectives can be specified in the schedule to the zone. • Maximum building height can be increased where applicable flood levels affect residential land. • A discretionary maximum building height of 13.5 metres exists in the parent provision. • Councils are able to set an alternative mandatory maximum height in the schedule to the zone, but it must be at least 13.5 metres. 	The guidance note on the Residential Growth Zone states that Councils can introduce design objectives and an alternative mandatory maximum in the schedule to the zone, but building height must be at least 13.5 metres.

3.9. Summary

- 3.9.1. This section details the most relevant state, regional and local plans, strategies and policies included in the WPS. It shows a large degree of alignment between the WPS, the Amendment and its associated background study.
- 3.9.2. As detailed above, there is solid foundation and strategic basis in the existing WSP and supporting guidance materials for the Amendment.

4. Strategic Basis for Amendment C220whse

4.1. Strategic Basis for the Amendment and Recent Apartment Developments

- 4.1.1. In my opinion, Council has provided a sufficient strategic basis for the Amendment through the *Whitehorse Residential Corridors Built Form Study, 2019*. The study included case studies of development against the existing and proposed DDO11 controls. This showed that when assessed against the DDO11 controls, the gross floor area of permitted development was equal to, exceeded or not significantly reduced.
- 4.1.2. I understand that case studies for built form testing included in the study were drawn from applications received and permits issued within the study area between 2014 and 2019.⁴ These case study sites were determined through a methodology that sought to demonstrate the range of higher density applications proposed within the corridors. Testing was conducted against existing planning scheme requirements and proposed measures detailed in the study.⁵
- 4.1.3. The six case study examples included: 801 Whitehorse Road, Mont Albert; 40 Whitehorse Road, Blackburn; 9 Frankcom Street, Blackburn; 260-262 Burwood Hwy, Burwood; 254-258 Burwood Hwy, Burwood and 467 Burwood Hwy, Burwood.
- 4.1.4. The provided useful insights into the building envelopes, gross floor area, site coverage and areas for mature landscaping that could be provided on RGZ land subject to the Amendment with and without the DDO11 being applied. The comparisons between permitted development and proposed standards for testing are shown in **Figure 3**. The testing in this figure shows that in most cases, building envelopes and site coverage were reduced but that gross floor area was usually retained, increased or minimally reduced with greater site area left for mature landscaping to be incorporated.
- 4.1.5. In terms of the comparison of the six sites examined in the study, the following gross floor area changes would result from the metrics included in DDO11:
- 801 Whitehorse Road, Mont Albert – increase by 831 sqm.
 - 40 Whitehorse Road, Blackburn – increase by 587 sqm.
 - 9 Frankcom Street, Blackburn – increase by 1,877 sqm.
 - 260-262 Burwood Hwy, Burwood – decrease by 176 sqm.
 - 254-258 Burwood Hwy, Burwood – decrease by 846 sqm.
 - 467 Burwood Hwy, Burwood – increase by 1,054 sqm.

⁴ *Whitehorse Residential Corridors Study, 2019, pp.46*

⁵ *Whitehorse Residential Corridors Study, 2019, pp., 74, 75*

- 4.1.7. In addition to the built form testing, I inspected several recent apartment development sites where existing development conditions were examined. Two sites were examined in detail being:
- 1 Charlnet Drive, Burwood East
 - 1 Sergeant Street, Blackburn
- 4.1.8. In my earlier report that reviewed submissions provided to Council, building setbacks were approximated from Nearmaps. This enabled real examples of development to be illustrated to streets/roads and setbacks to be examined for their actual constructed impacts to adjoining land, the streetscape and wider area in which they are located.
- 4.1.9. I have now had the opportunity to examine the endorsed plans for these two sites. The setbacks that I approximated in my earlier report were based on building setbacks that included parts of buildings overhanging ground level front setbacks. For example, in the case of 1 Charlnet Drive, Burwood East, the ground level front building setback is between 5 and 5.6 metres, but overhanging balconies at level 2 reduce this upper level front setback to 4.3 metres.
- 4.1.10. There is no material difference between my earlier estimates and the dimensions included in the endorsed plans for these two developments. As such, my earlier assessments have not been altered by considering the endorsed plans for the two developments.
- 4.1.11. The recent apartment development at 1 Charlnet Drive, Burwood East is shown below. The development incorporates side setbacks to adjoining land at 466 Burwood Highway of 3 metres, a front setback of 4.3 metres to Burwood Highway and rear setbacks of 7.5 metres to land at 1, and 5 Citrus Drive.



Recent apartment development at 1 Charlnet Drive, Burwood East
 (Source: Plan2Place Consulting)

- 4.1.12. Although the setbacks are relatively generous for an apartment development, they would not meet the proposed setback requirements of DDO11 and show a large degree of building bulk without sufficient landscaping, particularly in relation to neighbouring properties.
- 4.1.13. The recent apartment development at 1 Sergeant Street, Blackburn is shown below. The development incorporates side setbacks to adjoining land at 38, 40 and 40A Whitehorse Road of 4.3 metres, a front setback of 6 metres to Sergeant Street and varying rear setbacks of 4.1 and 5.4 metres to land at 10 - 16 Frankcom Street.



*Recent apartment development at 1 Sergeant Street, Blackburn
(Source: Plan2Place Consulting)*

- 4.1.14. Although the front setbacks are relatively generous for an apartment development, the upper level (above street wall) front setbacks, side and rear setbacks would (mostly) not meet the proposed setback requirements of DDO11. Setbacks show a large degree of building bulk without sufficient landscaping, particularly in relation to neighbouring properties. It is also important to note the site's abuttal to the railway corridor is not a sensitive interface and this has an influence on the site's setback to that corridor.
- 4.1.15. Although only two examples, these two constructed developments demonstrate that there have been variable applications of setback and building height

requirements where a performance based approach using discretionary standards from Clause 55 or 58 are applied. In my opinion, these outcomes points to the need for less discretion in the application of building heights and front, side and rear setbacks and for planning controls in DDO11 to be clear, unambiguous and less open to discretion and conjecture.

4.2. Role of Mandatory Provisions in Planning Schemes (Planning Practice Note 59)

- 4.2.1. As previously mentioned, PPN59 outlines the role of mandatory provisions in planning schemes where mandatory provisions are to provide certainty and ensure a preferable and efficient outcome with an overall net community benefit.
- 4.2.2. The PPN outlines the circumstances when mandatory provisions are acceptable and required for a particular planning outcome.
- 4.2.3. The PPN also emphasises the principle of the performance based approach of the VPP and that good planning outcomes should not be compromised by a mandatory planning scheme control.
- 4.2.4. In this context, it is important to detail what is meant by the terms mandatory and performance based (or discretionary) provisions.
- 4.2.5. A mandatory provision is a requirement or control that must be met and provides for no opportunity to vary the requirement.
- 4.2.6. A performance-based provision provides for flexibility in the approaches or variation in the measure to achieve the required outcome.
- 4.2.7. Like all PPNs, PPN59 is a guidance document that should be utilised in the formulation of a planning provision. It includes the following criteria:
 - Is the mandatory provision strategically supported?
 - Is the mandatory provision appropriate to the majority of proposals?
 - Does the mandatory provision provide for the preferred outcome?
 - Will the majority of proposals not in accordance with the mandatory provision be clearly unacceptable?
 - Will the mandatory provision reduce administrative costs?
- 4.2.8. The criteria from PPN59 was assessed in relation to the Amendment as shown in **Table 4.**

Table 4: PPN59 Criteria and Assessment

PPN59 Criteria	Criteria Detail	Criteria Assessment
<p>Is the mandatory provision strategically supported?</p>	<ul style="list-style-type: none"> • Does the proposed measure have a sound strategic basis having regard to the planning objective to be achieved and the planning policy framework generally? • Does the proposed mandatory measure clearly implement a policy or achieve an objective rather than just being a prescriptive tool? 	<p>The <i>Whitehorse Residential Corridors Study, 2019</i> provides the basis for the proposed DDO11 schedule and MSS updates to the WPS.</p> <p>The study recommends the imposition of mandatory planning controls in the DDO11 in four case study areas.</p> <p>The DDO11 provisions aim to provide metrics for building height and setbacks. This is to supplement the Apartment Provisions at Clause 58 of the VPP, specifically Clauses 58.02-1 Urban context objectives and Standard D1, 58.04-1 Building setback objectives and Standard D14 where specific metrics are not provided.</p> <p>Built form testing was undertaken for six sites within these areas against approved development and a development that would result if the proposed DDO11 provisions were applied to the site.</p> <p>Key findings from the built form testing demonstrated that:</p> <ul style="list-style-type: none"> • Reasonable development capacity is maintained and potentially increased within the Residential Growth Zones. • The overall gross floor area between the permitted developments and the built form testing is comparable. • The introduction of larger setbacks provides lesser site coverage and greater opportunities for deep soil planting and landscaping which is consistent with the <i>Whitehorse Neighbourhood Character Study</i>.⁶ • Significant lot size is needed through site consolidation to pursue heights of 6 storeys. Without this, development is restricted even applying the Clause 55 Standard B17 requirements (see below). • Greater setbacks to side and rear boundaries are required to provide adequate amenity to apartments as required under Clause 58 (Apartment Developments). <p>The proposed mandatory DD011 height and setback provisions are the mechanism to achieve the objectives of the <i>study</i> and to guide the future development of these corridors.⁷</p>

⁶ *Whitehorse Residential Corridors Study, 2019, p. 32*

⁷ *Whitehorse Residential Corridors Study, 2019, pp. 91-92*

PPN59 Criteria	Criteria Detail	Criteria Assessment
Is the mandatory provision appropriate to the majority of proposals?	<ul style="list-style-type: none"> • Has the scope of the proposed mandatory provision been carefully considered to ensure that it will be appropriate in the vast majority of cases to limit the unnecessary loss of the flexibility and opportunity available in a performance-based system? • Will the considered application of planning policy to be implemented by the proposed measure lead to the outcome prescribed by the measure in the vast majority of cases or is it merely one of a number of possible outcomes? 	<p>The <i>study</i> undertook built form testing of a sample of apartment developments on land in the study area at:</p> <ul style="list-style-type: none"> • 801 Whitehorse Road, Mont Albert. • 40 Whitehorse Road, Blackburn. • 9 Frankcom Street, Blackburn. • 260-262 Burwood Hwy, Burwood. • 254-258 Burwood Hwy, Burwood. • 467 Burwood Hwy, Burwood. <p>The built form testing provided useful insights into the building envelopes, gross floor area, site coverage and areas for mature landscaping that could be provided on RGZ land subject to the Amendment with and without the DDO11 being applied.</p> <p>Built form testing showed in most cases, that building envelopes and site coverage were reduced but that gross floor area was usually retained, increased or minimally reduced with greater site area left for mature landscaping to be incorporated. In many cases, this relied on consolidated sites to achieve efficiencies of scale and development, but provided for vastly improved built form outcomes.</p> <p>It is notable that an application for an aged care facility is assessed against the requirements of Clause 53.17. This provision states in the operation section that “if there is any inconsistency between a requirement in this clause and a requirement in another provision of this planning scheme, this clause prevails.” In my view this would mean that the height and setback provisions of the DDO11 would be inconsistent with those of Clause 53.17, so those included in Clause 53.17 would prevail.</p>
Does the mandatory provision provide for the preferred outcome?	<ul style="list-style-type: none"> • Does a proposed mandatory provision resolve divergent opinions within the community as to a preferred outcome when a consistent outcome is necessary? • Does a proposed mandatory provision avoid the risk of adverse outcomes in circumstances where there is likely to be constant pressure for development inconsistent with planning policy? 	<p>Through the submissions process for the Amendment, a variety of views from the community have been obtained, with most submissions favouring mandatory height and setback provisions. Some submissions were concerned with the imposition of mandatory provisions due to what they perceive as overly restrictive planning measures on their land. A consistent built form outcome in these residential corridors is sought and a mandatory provision will achieve a more consistent built form outcome.</p> <p>Many lots along the Whitehorse Road and Burwood Highway corridors are being, or have been, redeveloped for higher density residential/mixed use developments. The built form testing shows where recent proposals have exceeded the existing 13.5 metres (4 storey) discretionary built form controls in the RGZ1 and</p>

PPN59 Criteria	Criteria Detail	Criteria Assessment
	<ul style="list-style-type: none"> Is there real evidence of development exceeding the proposed control? 	<p>RGZ2 and where variable outcomes have occurred.</p> <p>In some cases, such as at 1 Charlnet Drive, Burwood East and 1 Sergeant Street, Blackburn development has reduced the study's proposed 5 metre front setback, 4.5 metre side setbacks and 9 metre rear setback with negative impacts on internal apartment amenity, overlooking, adjoining dwelling amenity and the loss of setback areas for landscaping provision and deep soil planting areas with the ability for 12 metre tall canopy trees consistent with Clause 58 Standard D10 - Landscaping. Ensuring that these built form requirements are mandatory would help to achieve improved design outcomes as recommended in the study.⁸</p>
<p>Will the majority of proposals not in accordance with the mandatory provision be clearly unacceptable?</p>	<ul style="list-style-type: none"> Will the majority of proposals not in accordance with the requirements fail to meet the objectives of the control? Will the majority of proposals not in accordance with the requirements lead to unacceptable planning outcomes? 	<p>Planning applications that are not in accordance with the DDO11 mandatory height and setback provisions will be clearly unacceptable because:</p> <ul style="list-style-type: none"> They could result in built form that is higher than development that is planned or occurring in some activity centres, where more intensive land use and development is promoted by state, regional and local planning policy. The areas where the DDO11 is proposed are residential areas that usually have a lower scale residential interface. Limiting building height to 6 storeys provides for a more appropriate interface to 1, 2 and 3 storey residential development. Building setbacks of 5 metres at the front 4.5 metres at the side and 9 metres at the rear are important to retain areas in development for landscaping. Along with increased building setbacks for development above 4 storeys, these setbacks are also important in helping to moderate high scale built form outcomes in a residential zone.
<p>Will the mandatory provision reduce administrative costs?</p>	<ul style="list-style-type: none"> Will the proposed mandatory provision reduce costs imposed on councils, applicants and the community to the extent that it significantly outweighs the benefit of a performance-based provision? 	<p>Including mandatory height and setback provisions in DDO11 will reduce costs to Council, applicants and the community by clearly articulating the built form outcomes sought by the proposed provisions.</p> <p>There will be reduced opportunity for the exceedances to the metrics in the proposed DDO11 provisions to be argued and debated with costly consultant reports and more lengthy assessments by Council officers and community members.</p> <p>There would be greater confidence by the community in the planning system with a</p>

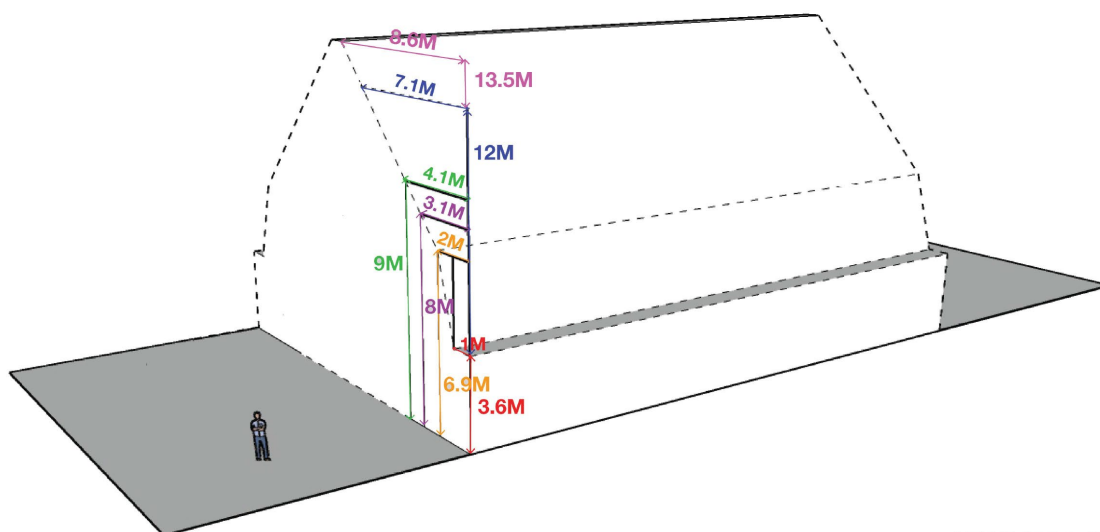
⁸ Whitehorse Residential Corridors Study, 2019, p. 41-42

PPN59 Criteria	Criteria Detail	Criteria Assessment
		definitive planning outcome that is less disputed if the proposed DDO11 provisions are mandatory. ⁹ Mandatory provisions will also be more clearly understood with less need for explanation and the time that takes, which usually falls to Council.

4.3. Clause 55 Standard B17 requirements

- 4.3.1. Further to the analysis included in Table 4, testing of the building envelopes for a four storey development resulting from Clause 55.04-1 (Standard B17) was undertaken. This modelling is shown in **Figure 4**.
- 4.3.2. Assumptions in the model include a 3 metre floor level height as measured to the floor of the adjacent level, a lot frontage of 18 metres and a lot depth of 40 metres.

Figure 4: Four Storey Development - Standard B17 Modelled Requirements



STANDARD B17

- 4.3.3. Figure 4 shows the four storey building envelope resulting from the Clause 55.04-1 Standard B17 provisions. This illustrates that the fourth level of a building is significantly reduced when the setback requirements of Standard B17 are applied. At a 12 metre building height, the resulting side setback will be 7.1 metres which provides for a floor width of 3.8 metres. It is not impossible to develop at the fourth storey but it is less likely to occur within such a constrained building envelope.
- 4.3.4. By comparison, the DDO11 setback requirements can accommodate a four storey building. In my opinion, if the DDO11 requirements were applied as mandatory

⁹ Whitehorse Residential Corridors Study, 2019, p. 37

requirement, this would enable greater amounts of development compared to what would be enabled by applying the Standard B17 setbacks.

4.4. Practice Note 46, Strategic Assessment Guidelines

- 4.4.1. Consideration of PPN46 - Strategic Assessment Guidelines for preparing and evaluating planning scheme amendments was also undertaken in the preparation of the study and the Amendment.
- 4.4.2. PPN46 includes questions about whether an amendment makes proper use of the VPP and whether the amendment seeks to duplicate or contradict other provisions. This is a very important consideration for the Amendment.
- 4.4.3. In terms of clarity and transparency, the proposed built form provisions are contained in a single schedule to the DDO (DDO11) and applied to all land within the study area where the Residential Growth Zone (RGZ) is applied.
- 4.4.4. Land affected by structure plans, such as the Box Hill Metropolitan Activity Centre, Tally Ho Major Activity Centre and Burwood Heights Major Activity Centre have been excluded from DDO11.
- 4.4.5. Design and development matters including maximum building height, building setbacks, landscaping and overshadowing effects upon the public realm have been included in DDO11.
- 4.4.6. The establishment of clear parameters for development, informed by the study's principles will strengthen built form outcomes in the corridors including:
 - Improved amenity impacts (wind effects and overshadowing).
 - Improved resolution of the relationship of development scale to the surrounding area.
 - Design excellence.
 - Enhanced landscaping requirements.¹⁰
- 4.4.7. No changes were proposed to the RGZ schedule requirements in terms of maximum building height or variations to Clause 54 and 55 standards so that a single provision (DDO11) contains all relevant built form requirements.
- 4.4.8. The Amendment does not apply to development that is three storeys or less so it will have no greater impact to lower scale residential development or single dwellings in the corridors.
- 4.4.9. DDO11 can also be considered for an apartment development being assessed against Clause 58 (Apartment Developments). The decision guidelines at Clause 58.04-1 (Building setback objectives) specify that the responsible authority must consider any urban design objective, policy or statement set out in this scheme which is provided through DDO11 and the study.
- 4.4.10. On this basis, the Amendment satisfies the Strategic Assessment Guidelines included in PPN46.

^{10 10 10} Whitehorse Residential Corridors Study, 2019, p. 91

5. REVIEW OF SUBMISSIONS

5.1. Submissions Received to Amendment C220whse

- 5.1.1. The Amendment was exhibited for a period of four weeks from 29 September 2022 to 31 October 2022. According to Council, there are 1,942 properties directly affected by the Amendment and landowners and occupiers of 6,200 properties in the municipality were directly notified of the Amendment by Council.
- 5.1.2. A total of 16 submissions were received to the Amendment via post, email and the Whitehorse Your Say webpage.
- 5.1.3. The submissions received were from a variety of residents and businesses living within or close to the RGZ1 or RGZ2 areas affected by the Amendment or representing land interests within the areas.
- 5.1.4. There are three main groupings of submitter types to the Amendment being:
- Submitters Group A: Surrounding residents who have in principle opposition to high density development as proposed and its perceived impacts due to a wide variety of reasons (Submissions 1, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14 and 15).
 - Submitters Group B: Land owners who view the DDO11 controls as too restrictive to development aspirations on their land (Submissions 11 and 16).
 - Submitters Group C: Residents/landowners who support the DDO11 controls and making side and rear setbacks mandatory in addition to mandatory building heights (Submissions 2 and 3).
- 5.1.5. There were a wide range of points raised in the 16 submissions including the following:
- 1) Inappropriate building heights allowing up to 6 storey development.
 - 2) Should be a maximum of 3 storeys allowed only in areas affected by the Amendment.
 - 3) Higher density buildings and transit oriented development are not appropriate for the area and zoning of the area being changed.
 - 4) Support for mandatory maximum building heights as proposed.
 - 5) Support for mandatory front and rear setbacks rather than discretionary as proposed.
 - 6) Does not support mandatory building heights for development as proposed and supports discretionary controls to enable development flexibility and viability.
 - 7) Does not support 9 metre rear building setbacks and believes these should be reduced to 4 metres.
 - 8) Concerns about flooding related to the local drainage system in the SBO area and this being made worse by high density development in the RGZ2 area.
 - 9) Concerns about perceived impacts on neighbourhood character and development not being targeted to areas of higher socio-economic status south of the railway or in supporting family accommodation.
 - 10) Concerns about amenity, health impacts, and environmental impacts, loss of views and green space from Amendment.

- 11) High density development impacts upon sunlight, solar voltaic cells, daylight, privacy, views and overshadowing to adjoining land that would result from the maximum building heights proposed.
- 12) Overshadowing should be assessed based on the winter solstice rather than the equinox.
- 13) Anticipated overshadowing impacts from proposed development on adjacent land are unreasonable and excessive.
- 14) Negative impacts will result from development due to residential population increases from traffic, safety, social infrastructure, services, pollution and crime and upon commercial facilities.
- 15) Basement car parking is not supported in area, particularly those areas subject to flooding such as in SBO areas.
- 16) Concerns with overlooking impacts and security concerns from development that will result from the Amendment.
- 17) Concerns about interfaces from high density residential areas to commercial areas, not just to lower scale residential areas.

5.1.6. Site inspections of all land subject to the Amendment and of submitter properties located in, or adjacent to, RGZ1 or RGZ2 areas were undertaken on 17 December 2022. A summary of submissions received and detailed responses to each with any implications for the Amendment are included in **Appendix A of Attachment A** of this evidence statement.

5.2. Response to Submissions

5.2.1. A summary of responses to issues raised by submitters is provided in **Table 5** below.

Table 5: Summary Response to Amendment C220whse Submissions

#	Submitter Issue	Summary Response
1	Inappropriate building heights allowing up to 6 storey development (Submissions 9, 10).	Some submissions opposed new development in areas affected by the DDO11 at the heights proposed of 6 storeys at an in-principle level. These RGZ areas, have been carefully chosen by Council as high density residential areas that are distinct from areas of incremental or minimal change in the municipality. The Whitehorse Residential Corridors Built Form Study identified that the Victorian Civil and Administrative Tribunal (VCAT) have approved development at these heights along these corridors. VCAT has made comment that there was little guidance in the planning scheme to guide these developments. The 6 storey heights that have been proposed in DDO11 have been carefully modelled based on a reasonable set of amenity expectations and requirements for land subject to the Amendment and for adjoining residential land and are appropriate.
2	Should be a maximum of 3 storeys allowed only in areas affected by the Amendment (Submission 8).	A 3 storey building height is not supported for an RGZ area, where greater than 3 storey development is anticipated. Overlooking impacts are mitigated through the DDO11 controls by the proposed rear setbacks of 9 metres, which is a reasonable distance

#	Submitter Issue	Summary Response
		to prevent direct overlooking of adjoining residential land.
3	Higher density buildings and transit oriented development are not appropriate for the area and zoning of the area being changed (Submissions 1, 4, 7).	<p>Retaining low buildings along the tram lines is not consistent with State and local planning policy which encourages higher density buildings along transport infrastructure such as tram routes with larger scale developments.</p> <p>There are no changes proposed to the RGZ1 and RGZ2 as a result of the Amendment, so there are no zoning changes proposed to land subject to the Amendment, only changes proposed to design and development provisions through the proposed application of the DDO11.</p> <p>The DDO11 areas are strategically important to provide areas of housing change, supply and diversity and it is appropriate that they allow a large degree of development and change in these well located areas, which help to protect other residential areas in the municipality.</p>
4	Support for mandatory maximum building heights as proposed (Submissions 2, 14, 16).	The Amendment includes mandatory maximum building heights of up to 6 storeys and as a result no changes are needed to the Amendment.
5	Support for mandatory front and rear setbacks rather than discretionary as proposed (Submissions 2, 3, 5, 12, 13).	<p>The Amendment includes mandatory front setbacks. The Amendment includes discretionary side and rear building setbacks but the findings of the study were to include mandatory side and rear setbacks for development.</p> <p>When the Amendment was submitted for authorisation, DELWP support was contingent on the inclusion of discretionary side and rear building setbacks. However, submissions have been received about this issue both in support of, and against, mandatory setbacks. In response, it is suggested that a change should be made to the exhibited amendment through post exhibition changes to the Planning Panel to make the following change to DDO11 (with changes highlighted in red text):</p> <p>“Table 2 to Schedule 11</p> <p>Buildings and works must be in accordance with the side and rear setbacks specified in the Table 2 to this schedule. A permit cannot be granted to vary this requirement.”</p>
6	Does not support mandatory building heights for development as proposed and supports discretionary controls to enable development flexibility and viability (Submissions 11, 16).	<p>Some submissions opposed mandatory building heights for development that will result from the Amendment and supported discretionary controls. In terms of the proposed DDO11 controls, these are based on the study that provides sufficient capacity and parameters for higher density development. Setbacks have been balanced against seeking improved residential amenity and landscaping outcomes while supporting transit oriented development. The proposed controls enable greater height and resulting development on lots affected by the Amendment, compared to the existing</p>

#	Submitter Issue	Summary Response
		<p>situation where discretionary controls encourage 4 storey development, which is of a lower scale than anticipated by the Amendment.</p> <p>Land consolidation is encouraged in the DDO11 controls and an improved mechanism to help ensure lot consolidation could also assist in providing more viable development sites (such as a minimum lot size). However, such a change is considered to be a transformation of the Amendment and is not supported for the Amendment.</p> <p>In terms of the mandatory provisions of the Amendment and whether they are consistent with PPN59, there are exceptional circumstances included in PPN59 that enable mandatory provisions to be included in a planning provision where a specific design related public benefit can only be provided through a mandatory requirement. Including mandatory built form requirements to provide for public benefits such as reduced overshadowing of the public realm and an improved interface between development and streets, are consistent with the approach included in PPN59.</p> <p>It is not considered appropriate to change the proposed mandatory height and front setbacks to discretionary controls.</p>
7	Does not support 9 metre rear building setbacks and believes these should be reduced to 4 metres (Submission 14).	<p>One submission raised concerns with the setback requirements included in DDO11. It made several suggestions for changes to the metrics included in DDO11, where setbacks should be measured from and that a 6 storey wall at the rear could be very bulky.</p> <p>In terms of the justification for the metrics included in DDO11, these derive from the strategic work and case study examples that were included in the study. This study provides the justification for the 9 metre rear setback and why side setbacks should be provided.</p> <p>These setbacks help to mitigate the impact of a 6 storey building, which in setback areas of 9 metres can be moderated by areas of landscaping with large canopy trees as detailed in the DDO11's landscaping requirements. While in some cases a laneway could assist with the issue of mitigating overlooking, this would be at the expense of providing sufficient areas of landscaping and canopy trees at the rear of properties.</p> <p>No changes are considered necessary to the metrics included in the Amendment.</p>
8	Concerns about flooding related to the local drainage system in the SBO area and this being made worse by high density development in the RGZ2 area. (Submissions 4, 8).	<p>Concerns were raised about an apparent lack of upgrades to the local drainage system which is reflected in the application of the Special Building Overlay (SBO) controls to residential land in the area, some of which is zoned RGZ2.</p> <p>Drainage infrastructure could be improved as a result of new development in the area where there</p>

#	Submitter Issue	Summary Response
		is a nexus and would be considered on a site by site basis through a planning application. This concern can easily be addressed through site by site development proposals.
9	Concerns about perceived impacts on neighbourhood character and development not being targeted to areas of higher socio-economic status south of the railway or in supporting family accommodation (Submissions 4, 8, 12).	<p>In RGZ areas, neighbourhood character is not a relevant planning consideration. The DDO11 areas have been carefully chosen by Council as high density residential areas that are distinct from areas of incremental or minimal change.</p> <p>There has been no specific evidence provided about families specifically leaving areas where there has been recent development. With the demands for housing by a range of different types of households, recent developments are likely to have provided new opportunities for families and other types of households to locate in these areas.</p> <p>Six storey development in the areas affected by the DDO11 and in areas to the south of the Belgrave-Lilydale railway are not supported by the Amendment. The DDO11 areas have been carefully chosen by Council as high density residential areas that are distinct from areas of incremental or minimal change. These areas are based the study that provides sufficient capacity and parameters for higher density development with building heights and setbacks that have been balanced against seeking improved residential amenity and landscaping outcomes while supporting transit oriented development.</p> <p>There is no evidence that the areas that have been chosen for the application of the DDO11 controls have been chosen on the basis of the socio-economic standing of residents in those locations.</p>
10	Concerns about amenity and health impacts, environmental impacts, loss of views and green space from Amendment (Submissions 4, 5, 15).	<p>The Amendment has taken into account amenity impacts as a result of development proposed through DDO11 and it is not correct to say that there has been no account taken of amenity impacts in the Amendment.</p> <p>In terms of the impacts on amenity and people's mental health, there has been no specific evidence provided about the direct impacts from recent development on people's declining mental health in areas where there has been recent development.</p> <p>The Amendment aims to enable open space areas with vegetation and particularly canopy trees to be provided in new development subject to the DDO11. Combined with building setbacks, this aims to protect the amenity and enjoyment of adjoining residential land. Larger landscaped areas should be provided to assist in contributing to wildlife corridors through increased and consolidated rear private open space areas.</p>
11	High density development impacts upon sunlight, solar voltaic cells, daylight, privacy, views and	There will be some overshadowing caused to land adjoining development proposed in areas where the DDO11 will be applied. The proposed rear building

#	Submitter Issue	Summary Response
	overshadowing to adjoining land that would result from the maximum building heights proposed (Submissions 1, 4, 5, 13).	<p>setbacks help to mitigate the impact of shadows from 6 storey buildings to adjoining land to the south. There are amenity and design and development considerations that can be adequately addressed for each specific planning application through the Apartment Provisions at Clause 58 of the WPS.</p> <p>Overshadowing provisions have been included in DDO11 to reduce potential impacts to public land with the following provision: "Developments should not result in additional shadowing to adjacent public open space between 12pm and 2pm on 22 September."</p> <p>In terms of sunlight and daylight, daylight provisions are protected through planning schemes through Clauses 55.04-3 and 55.07-3, but sunlight is generally not protected. There are now provisions in the planning system that protect solar voltaic cells so these would need to be considered in any planning application for development in DDO11 areas.</p> <p>Privacy issues are protected through the 9 metre rear setbacks in DDO11 so there is no need to make further changes in the Amendment in relation to overlooking.</p> <p>Views have been taken into account in the Amendment, particularly in the supporting strategy with its recommended building heights and setbacks, locations for the application of the DDO11 and case study examples. Reasonable views have been considered and the issue of reasonable view sharing can be considered for each planning application in DDO11 areas, noting that in most cases no-one is entitled to a view through the planning process.</p>
12	Overshadowing should be assessed based on the winter solstice rather than the equinox (Submissions 5, 7, 13).	<p>In terms of overshadowing impacts, the overshadowing controls are based on the equinox, rather than the winter solstice. This is a typical metric used to assess impacts from proposed development and measure the average, not the extreme, impacts. It is anticipated that there will be some overshadowing caused to land adjoining a development proposed in areas where the DDO11 will be applied. However, the proposed rear building setbacks help to mitigate the impact of shadows from 6 storey buildings to adjoining land to the south. The specific considerations can be adequately addressed for each specific planning application through the Apartment Provisions at Clause 58 and are likely to affect sites on the south side of Burwood Highway and Whitehorse Road.</p>
13	Anticipated overshadowing impacts from proposed development on adjacent land are	<p>In relation to anticipated overshadowing impacts of 134 Burwood Highway, Burwood East, modelling of overshadowing from the building heights and setbacks contemplated in DDO11 has been</p>

#	Submitter Issue	Summary Response
	unreasonable and excessive (Submission 5, 7, 13).	<p>undertaken to test the submitter's assumptions and conclusions. These have been tested and modelled based on the equinox.</p> <p>There are some overshadowing impacts to this property (and adjacent land to the south) from 6 storey development of land adjoining 134 Burwood Highway. However, the proposed overshadowing impacts stated by the submitter have been slightly overstated due to modelling in the submission being shown for the winter solstice and not taking into account 4.5 metre side setbacks from development. These DDO11 areas are strategically important to provide areas of housing change, supply and diversity and it is appropriate that they allow a greater development and change in these well located areas, which help to protect other residential areas in the municipality. It is not suggested that changes be made to the proposed overshadowing provisions in DDO11 that currently apply to reducing shadowing impacts to public land being extended to private open space areas on adjoining residential land on this basis.</p> <p>Suggestions were put forward to reduce building heights for development on the south side of Burwood Highway to reduce overshadowing impact to adjoining residential land and to ensure that there can be no variations to side and rear setbacks in planning applications. The second part of these suggested changes is supported which would require through post exhibition changes to the Planning Panel to make the following change to the DDO11 (with changes highlighted in red text):</p> <p>"Table 2 to Schedule 11</p> <p>Buildings and works must be in accordance with the side and rear setbacks specified in the Table 2 to this schedule. A permit cannot be granted to vary this requirement."</p>
14	Negative impacts will result from development due to residential population increases from traffic, safety, social infrastructure, services, pollution and crime and on commercial facilities (Submissions 5, 6, 8, 13).	<p>Traffic and car parking issues have not been specifically considered in the Amendment but are relevant considerations for each planning application where the car parking aspects are considered through Clause 52.06 of the WPS.</p> <p>In terms of perceived impacts from increases to residential population upon commercial services and social infrastructure, these issues are part of Council's consideration of social infrastructure as part of its municipal community and service planning role and are regularly undertaken. With commercial services such as shopping centres, greater residential population will better support these commercial facilities and improve commercial viability.</p> <p>Concerns about the impact of increased pollution, noise and safety of residents must be addressed for a specific planning application in DDO11 areas</p>

#	Submitter Issue	Summary Response
		<p>through the Apartment provisions at Clause 58 of the Whitehorse Planning Scheme.</p> <p>There is no evidence or basis to the assertion that additional residents will cause any increases to crime in the local area or upon financial pressures for residents.</p> <p>The issue of transient residents is not a valid planning consideration.</p>
15	Basement car parking is not supported in area, particularly those areas subject to flooding such as in SBO areas (Submission 8).	In terms of flooding related impacts and basements being proposed for future developments in DDO11 areas, these flooding concerns are related to the local drainage system and reflected in the application of the Special Building Overlay (SBO) controls to residential land in the area. Drainage infrastructure could be improved as a result of new development in the area where there is a nexus and would be considered on a site by site basis through a planning application. This concern can easily be addressed through site by site development proposals and if basement car parking is appropriate in particular cases.
16	Concerns with overlooking impacts and security concerns from development that will result from the Amendment (Submission 10).	<p>Concerns were raised that the proposed building heights will have an unreasonable impact on overlooking of adjoining residential land, but these impacts will be mitigated through the DDO11 controls by the proposed rear setbacks of 9 metres. This is a reasonable distance to prevent direct overlooking of adjoining residential land.</p> <p>In terms of security, there is no detailed evidence that has been provided to suggest that security for adjoining residents will be compromised by future development.</p>
17	Concerns about interfaces from high density residential areas to commercial areas, not just to lower scale residential areas (Submission 16).	In terms of the interfaces to commercial areas, there are few interfaces from the proposed DDO11 areas to commercial areas. In most cases, amenity impacts are usually considered from commercial areas to residential areas rather than mitigating amenity impacts from residential areas to commercial areas. This issue does not require a change to the Amendment.

5.3. Recommended Changes to the Amendment Resulting From Submissions

Submitters Group A

5.3.1. The majority of issues raised in these submissions to the Amendment question the strategic basis of the areas proposed for higher density residential and mixed use development. These submissions often oppose the concept of transit oriented development along the PPTN which includes rail, tram and bus services. State, regional and local planning policies specifically promote these locations for that type of development. There is disagreement about the selection of these residential corridors due to character, amenity, traffic, overlooking, overshadowing, safety and environmental reasons. One submitter modelled anticipated

overshadowing impacts to their property at 134 Burwood Highway, Burwood East from 6 storey development based on modelling at 22 April, 22 June and 22 September.

Response

- 5.3.2. In response, the Amendment supports state, regional and local planning policies and strategies by promoting higher density residential and mixed use development in appropriate locations along the PPTN. The DDO11 supports increased housing provision and greater housing choice and diversity in strategic locations and is well founded. There are no changes proposed in the Amendment to the underlying RGZ that already applies to land where the DDO11 is proposed. The RGZ was applied to all of this land through Amendment C160whse in 2014.
- 5.3.3. The Amendment makes no changes to the RGZ schedule provisions but the DDO11 proposes new provisions about building height and setbacks with greater design guidance for development in these areas. It will provide greater planning certainty for the community, landowners and developers in terms of anticipated built form outcomes, particularly through mandatory building heights on land where there are currently none. At present, any building height could be proposed, although it is acknowledged that the purpose of the zone is to encourage development of 4 storeys in scale.
- 5.3.4. In relation to anticipated overshadowing impacts of the submitter 5 land at Burwood Highway, Burwood East, modelling of overshadowing from the building heights and setbacks contemplated in DDO11 has been undertaken to test the submitter's assumptions and conclusions as shown in **Appendix B of Attachment A**.
- 5.3.5. There are overshadowing impacts to this property (and adjacent land to the south) from 6 storey development of land adjoining Burwood Highway. However, the proposed overshadowing impacts stated by submitter 5 have been slightly overstated due to modelling in the submission being shown for the winter solstice and not taking into account 4.5 metre side setbacks from development. The DDO11 controls discourage additional overshadowing of public open space areas but not private open space areas. Overshadowing of adjacent private open space areas from 4 storey development is regulated through Clause 55.04-5 (Overshadowing open space objective and standard) of the WPS. There are no overshadowing impacts on adjacent private open space areas that can be taken into account from Clause 58 of the WPS for 6 storey development.
- 5.3.6. There are overshadowing impacts from development contemplated in DDO11 to adjacent land to the east, west and south along Burwood Highway, Burwood East. However, these impacts are considered reasonable given that this land is within the RGZ, the building setbacks proposed in DD011 and the policy framework that supports higher density development in transport corridors along the PPTN. There is an argument that these setbacks should be re-considered as mandatory provisions so that there are reduced amenity impacts resulting from overshadowing and visual bulk. This could be achieved by providing guaranteed large setback areas that result in greater building separation, and larger areas for landscaping and mature tree provision.
- 5.3.7. On this basis, no changes are considered necessary to the Amendment in terms of the building envelope and metrics contemplated by the DDO11 schedule. However,

including the side and rear setbacks as mandatory requirements rather than discretionary ones would help to mitigate potential amenity impacts to adjoining land. This could be expressed with the following reworded provision in the DDO11 (with changes highlighted in red text):

“Table 2 to Schedule 11

Buildings and works **must** be in accordance with the side and rear setbacks specified in the Table 2 to this schedule. **A permit cannot be granted to vary this requirement.”**

5.3.8. These track changes to DDO11 are included in **Appendix C of Attachment A.**

Submitters Group B

5.3.9. Several landowners or representatives of landowners raised concerns about what they consider to be the overly restrictive nature of the DDO11 controls. They support the nomination of high density residential areas along transport corridors but state that imposing height and particularly setback controls that are more restrictive than Clauses 55 and 58 (Rescode and Apartment Standards) will undermine 6 storey development in these areas. They also raise concerns about the viability of development on narrower sites, sites located on a corner and adjacent to laneways.

Response

- 5.3.10. In response, the Amendment supports State, regional and local planning policies and strategies by promoting higher density residential and mixed use development in appropriate locations along the PPTN. It enables increased housing provision and greater housing choice and diversity in strategic locations and is well founded. The Amendment does not include rezoning of any land to the RGZ but provides for greater design guidance for development in these areas. It will provide greater planning certainty for the community, landowners and developers as to the anticipated built form outcomes, particularly through mandatory building heights on land where there are currently none.
- 5.3.11. Six case study examples provided in the study provided useful insights into the building envelopes, gross floor area, site coverage and areas for mature landscaping that could be provided on RGZ land subject to the Amendment with and without the DDO11 being applied. That showed in most cases, that building envelopes and site coverage were reduced but that gross floor area was usually retained, increased or minimally reduced with greater site area left for mature landscaping to be incorporated. In many cases, this relies on consolidated sites to achieve efficiencies of scale and development, but provides for vastly improved built form outcomes.
- 5.3.12. On this basis no changes are considered necessary to the Amendment in terms of the building envelope contemplated by the DDO11 schedule. However, including the side and rear setbacks as mandatory requirements rather than discretionary ones would help to mitigate potential amenity impacts to adjoining land and could provide greater development certainty. An improved mechanism to help ensure lot consolidation could also assist in providing more viable development sites with particular requirements applied to lots of a minimum area such as 2000 – 3000 sqm. This type of provision would assist to achieve the objective included in DDO11

around lot consolidation but could be argued to be a transformation of the Amendment at this point and should not be incorporated.

- 5.3.13. The issues raised about development viability on narrower sites and sites located on a corner and adjacent to laneways are reasonable issues about the development process. However, the consideration of these issues are subject to assessment of a planning application according to policy and relevant provisions of the WPS (such as the PPF and Clauses 58 – Apartments and 52.06 – Car parking).

Submitters Group C

- 5.3.14. Several submitters generally supported the Amendment but have concerns that the Amendment is not prescriptive or clear enough with the drafting of the DDO11 controls. They support the nomination of high density residential areas along transport corridors and imposing height controls on development. They support the inclusion of mandatory side and rear setback controls to development to improve amenity outcomes to the surrounding area and ensure that the development envelope anticipated through DDO11 is a maximum envelope that cannot be exceeded.

Response

- 5.3.15. In response, the Amendment supports state, regional and local planning policies and strategies by promoting higher density residential and mixed use development in appropriate locations along the PPTN. It enables increased housing provision and greater housing choice and diversity in strategic locations and is well founded. The Amendment does not include rezoning of any land to the RGZ but provides for greater design guidance for development in these areas. It will provide greater planning certainty for the community, landowners and developers as to the anticipated built form outcomes, particularly through mandatory building heights on land where there are currently none.
- 5.3.16. As previously stated, there were six case study examples provided in the study provided useful insights into the building envelopes, gross floor area, site coverage and areas for mature landscaping that could be provided on RGZ land subject to the Amendment with and without the DDO11 being applied. That showed in most cases, that building envelopes and site coverage were reduced but that gross floor area was usually retained, increased or minimally reduced with greater site area left for mature landscaping to be incorporated. In many cases, this relies on consolidated sites to achieve efficiencies of scale and development, but provides for vastly improved built form outcomes.
- 5.3.17. On this basis, no changes are considered necessary to the Amendment in terms of the building envelope contemplated by the DDO11 schedule. However, including the side and rear setbacks as mandatory requirements rather than discretionary ones would help to mitigate potential amenity impacts to adjoining land and could provide greater development certainty. An improved mechanism to help ensure lot consolidation could also assist in providing more viable development sites with particular requirements applied to lots of a minimum area such as 2000 – 3000 sqm. This type of provision would assist to achieve the objective included in DDO11 around lot consolidation but could be argued to be a transformation of the Amendment at this point and should not be incorporated into the proposed DDO11.

6. Conclusion

- 6.1.1. This expert evidence statement relates to instructions by Planology to provide expert evidence to the Panel for the Amendment.
- 6.1.2. I have independently reviewed and considered the Amendment, drafting of the DDO11 provisions, the study, submissions received, relevant strategic and policy matters, and the issues raised in terms of statutory and strategic planning matters to the Amendment.
- 6.1.3. It is my planning opinion that the Amendment is strategically sound and justified and implements State, regional and local planning policies and strategies related to increased housing provision and diversity and transit oriented development along the PPTN.
- 6.1.4. The main outstanding issue is that of whether the DDO11 should be a mandatory or a discretionary control. As I have stated, I believe there is adequate planning justification for DDO11 to be a mandatory planning control.
- 6.1.5. On this basis, the Amendment should be supported with the minor changes to DDO11 that I have suggested to respond appropriately to submissions and result in an appropriate planning outcome.

7. Declaration

- 7.1.1. I have made all the inquiries that I believe are desirable and appropriate and no matters of significance which I regard as relevant have to my knowledge been withheld from the Panel.

A handwritten signature in black ink that reads "Paul Buxton". The signature is written in a cursive style with a large initial 'P' and 'B'.

Paul Buxton

Director

Plan2Place Consulting

Attachment A – Previous Report Provided to Council

Residential Corridors Built Form Study Amendment C220whse - Submissions Review Final Report



For: Whitehorse City Council

7 February 2023



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ABBREVIATIONS AND LEGISLATION

Abbreviations

C	Council Amendment	PPTN	Principal Public Transport Network
DELWP	Department of Environment, Land, Water and Planning	RGZ	Residential Growth Zone
DTP	Department of Transport and Planning	RGZ1	Residential Growth Zone – Schedule 1
DDO	Design and Development Overlay	RGZ2	Residential Growth Zone – Schedule 2
DDO11	Design and Development Overlay – Schedule 11	SBO	Special Building Overlay
GRZ	General Residential Zone	VC	Victoria and Council Amendment
LUFPS	Land Use Framework Plans	VPP	Victoria Planning Provisions
LGA	Local Government Area	WCC	Whitehorse City Council
MUZ	Mixed Use Zone	WPS	Whitehorse Planning Scheme
NEICs	National Employment and Innovation Clusters		
NRZ	Neighbourhood Residential Zone		
PPV	Planning Panels Victoria		
PPN	Planning Practice Note		
PPF	Planning Policy Framework		

Numeric Abbreviations

ha	hectare
m	metre
sqm	square metres
%	percent

Report front cover sourced from City of Whitehorse web page on the Whitehorse Residential Corridors Study, 2019, plan prepared by Ethos Urban

INTRODUCTION



1. INTRODUCTION

1.1 Project Overview

Plan2Place Consulting was engaged by Whitehorse City Council to prepare technical response to the submissions received for Planning Scheme Amendment C220whse. This amendment implements the built form guidelines from the Whitehorse Residential Corridors Built Form Study, 2019 (the study) prepared for Whitehorse City Council by Ethos Urban. The study and Amendment C220whse specifically considers land along Burwood Highway, generally between Elgar Road, Burwood and Hanover Road, Vermont South and Whitehorse Road in Mont Albert, Laburnum and Nunawading.

There were 16 submissions received to the Amendment that have raised many issues related to anticipated development outcomes, amenity, environmental and neighbourhood character impacts. These submissions have been reviewed and summarised with implications for the Amendment assessed and recommendations for the Amendment suggested to Council for the upcoming Planning Panel hearing.

1.2 Study overview

This study recommends new built form controls to better guide development outcomes for land in the Residential Growth Zone (RGZ) relating to building setbacks, architecture and height, building separation, overshadowing, landscaping and pedestrian and vehicle access. This is proposed through a Design and Development Overlay – Schedule 11 (DDO11) to the Whitehorse Planning Scheme (WPS). Most of the land along these road corridors are affected by either the Residential Growth Zone – Schedule 1 (RGZ1) or Residential Growth Zone – Schedule 1 (RGZ2).

The study focused primarily on the major east-west tram and road corridors, where there is an interface between the RGZ and adjoining low rise residential areas which are zoned General Residential Zone (GRZ) or Neighbourhood Residential Zone (NRZ).

1.3 Report Methodology

This report and the review of submissions was developed based on the following tasks:

- A review of all relevant background information including the Whitehorse Residential Corridors Built Form Study, 2019, Amendment C220whse documentation, the existing WPS and relevant reports to Council.
- A review of all submissions received to Amendment C220whse including the issues raised and potential implications for the Amendment.
- Site inspections of all land affected by Amendment C220whse .

Following this a recommended response to submissions for the upcoming Planning Panel Hearing has been provided for consideration by Council.

1.4 Documents Reviewed

This following documents have been reviewed for this report:

- Amendment C220whse Clause 21.06 Housing.
- Amendment C220whse Clause 22.03 Residential Development.
- Amendment C220whse Clause 72.08 Background Documents.
- Amendment C220whse Explanatory Report.
- Amendment C220whse Instruction Sheet.
- Amendment C220whse Schedule 11 to Clause 43.02 Design and Development Overlay.
- Amendment C220whse Submissions Combined, Redacted -18 November 2022.
- City of Whitehorse Council Reports about Amendment C220whse dated 29 January 2019, 20 September 2021 and 8 August 2022.
- Plan Melbourne 2017-2050, Victorian Government.
- Plan Melbourne 2017-2050, Addendum 2019, Victorian Government.
- Whitehorse Residential Corridors Built Form Study, 2019.
- Whitehorse Planning Scheme, December 2022 (Ordinance and Maps).

BACKGROUND AND CONTEXT



2. BACKGROUND AND CONTEXT

2.1 Residential Corridors Built Form Study, 2019

The Whitehorse Residential Corridors Built Form Study, 2019 (the study) was prepared for Whitehorse City Council by Ethos Urban. The study area from the Whitehorse Residential Corridors Built Form Study, 2019 is shown in **Figure 1**. The study's purpose was to develop appropriate built form controls in RGZ areas to better manage outcomes consistent with the land use and built form aims for these areas and the impact on adjoining areas.

This study recommended new built form controls to better guide development outcomes for land in the RGZ relating to building setbacks, architecture and height, building separation, overshadowing, landscaping and pedestrian and vehicle access. This is proposed through a Design and Development Overlay – Schedule 11 (DDO11) to the Whitehorse Planning Scheme (WPS). Most of the land along these road corridors are affected by existing RGZ1 or RGZ2 controls.

The study focused primarily on the major east-west tram and road corridors, where there is an interface between the RGZ and adjoining low rise residential areas affected by the General Residential Zone (GRZ) or Neighbourhood Residential Zone (NRZ). The study considered four case study areas on RGZ land proposed for implementation through the DDO11.

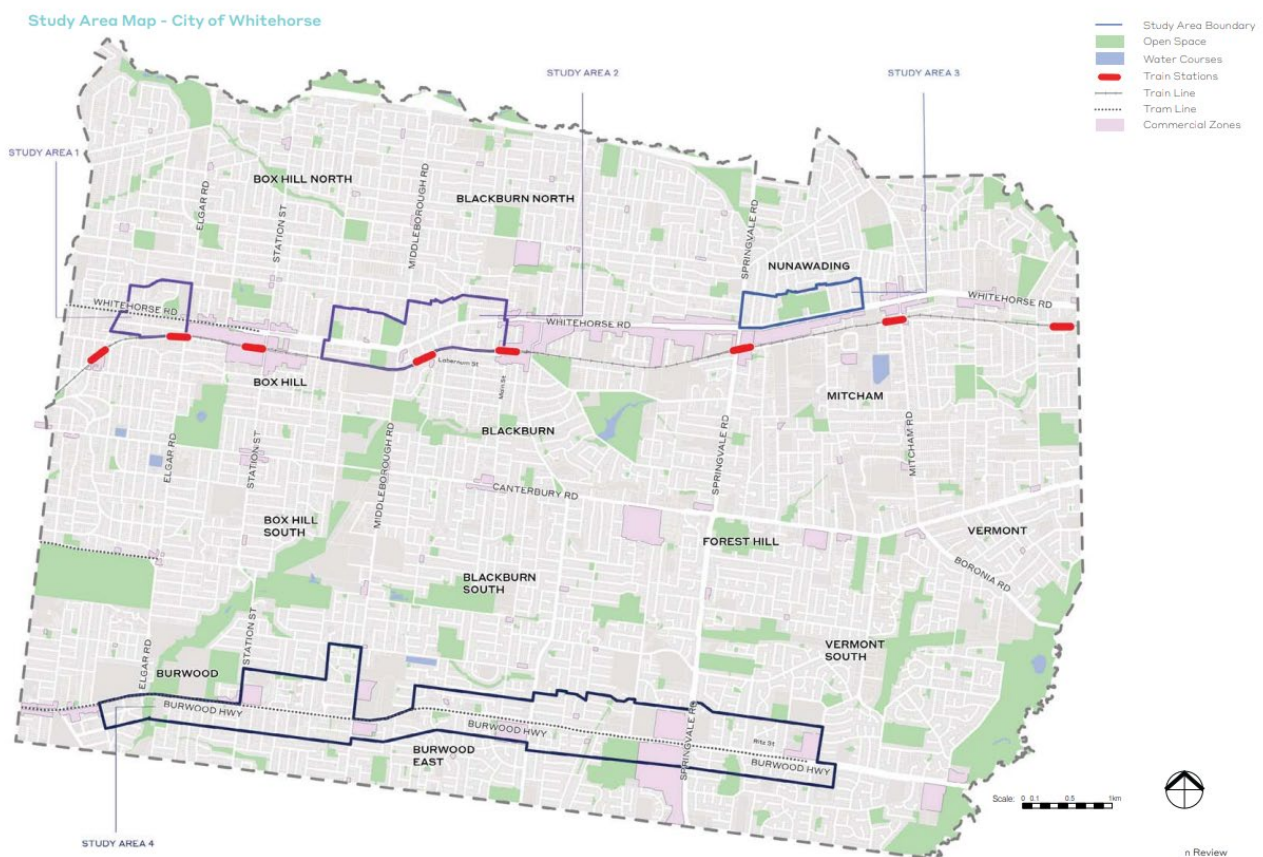


Figure 1: Study Area - Whitehorse Residential Corridors Built Form Study, 2019

Source: Ethos Urban

2.2 Existing Planning Controls

The land included in the study area is affected by a variety of residential zones including the GRZ, NRZ and RGZ.

In 2012-14 the Victorian Government implemented significant changes to Victoria's residential zones and in 2017 made further changes to restrict building height to 9 metres in the NRZ and 11 metres in the GRZ with a garden area requirement. The RGZ was conceived as a substantial change zone in addition to the Mixed Use Zone (MUZ). More recently, these changes were complemented by revised housing and residential zone resources with new guidelines provided through Planning Practice Notes 90 and 91.

The RGZ has been applied to land identified as suitable for increased residential development, such as locations offering good access to services and transport. The zone encourages a range of housing types, up to and including four storey buildings with a discretionary building height of 13.5 metres, unless specified differently in a schedule to the zone. Any scheduled maximum building height must be 13.5 metres or greater.

In Whitehorse, the RGZ has generally been applied to land along the Principal Public Transport Network (PPTN), in activity centres and in areas close to railway stations. The application of the RGZ was based on the Whitehorse Housing Study and Neighbourhood Character Review 2014, and implemented through an amendment to the WPS in 2014 (Amendment C160).

The RGZ includes three schedules in the WPS as follows:

- RGZ1, with no scheduled mandatory maximum building height and discretionary variations to ResCode standards for front setbacks (12 metres or 3 metres more than the predominant adjoining setback), for landscaping (at least 1 canopy tree of 8 metres mature height), boundary walls (only on one side boundary), private open space (80 sqm minimum for single dwellings; 40 sqm for multi-dwellings), and front fences (1.8 metres adjoining a TRZ road or 1.2 metres on streets).
- RGZ2, with no scheduled mandatory maximum building height and discretionary variations to Rescode standards for front setbacks (12 metres or 3 metres more than the predominant adjoining setback), for landscaping (at least 1 canopy tree of 8 metres mature height), boundary walls (only on one side boundary), private open space (80 sqm minimum for single dwellings; 40 sqm for multi-dwellings), and front fences (1.8 metres adjoining a TRZ road or 1.2 metres on streets).
- RGZ3, with no scheduled mandatory maximum building height and no discretionary variations to ResCode standards.

Of note, Council's original request in Amendment C160whse was for the RGZ1 and RGZ2 to include 3 and 4 storey maximum building height controls respectively, but this was refused by the Minister for Planning. The consequence of this refusal was that no maximum building heights were included in Whitehorse's RGZ schedules.

The Local Planning Policy Framework of the WPS affects RGZ land through the following clauses:

- Clause 21.06, which details the locations of particular types of housing development through a housing framework plan.
- Clause 22.03, which provides for categories of housing change and development in residential zones to demonstrate consistency with the neighbourhood character precincts map.

2.3 Amendment C220whse

The land included in Amendment C220whse is currently affected by the RGZ1 and RGZ2 and includes:

- Lots fronting Burwood Highway, generally between Elgar Road, Burwood and Hanover Road in Burwood, Burwood East and Vermont South.
- Lots fronting Whitehorse Road in Mont Albert, Laburnum and Nunawading.
- Lots in Dora Avenue, Thiele Court, Laburnum, Street, Sargent Street, Frankcom Street, Downing Street, Lithgow Avenue, Railway Road, Hindon Street, Vine Street and The Terrace around Laburnum Station.

The Amendment generally excludes RGZ1 and RGZ2 land affected by existing structure plans and/or urban design frameworks in the Box Hill Metropolitan Activity Centre, Tally Ho Major Activity Centre and Burwood Heights Major Activity Centre, and in the RGZ3.

The amendment proposes to revise the WPS by:

- introducing Schedule 11 to the DDO at Clause 43.02 (DDO11).
- making minor policy changes to Clauses 21.06 (Housing) and 22.03 (Residential Development) and referencing the Whitehorse Residential Corridors Built Form Study, 2019.
- including the Whitehorse Residential Corridors Built Form Study, 2019 as a Background Document at the Schedule to Clause 72.08.
- amending all relevant WPS maps by applying the DDO11 to land affected by the amendment.

The land proposed to be affected by the DDO11 is shown in **Figure 2**.

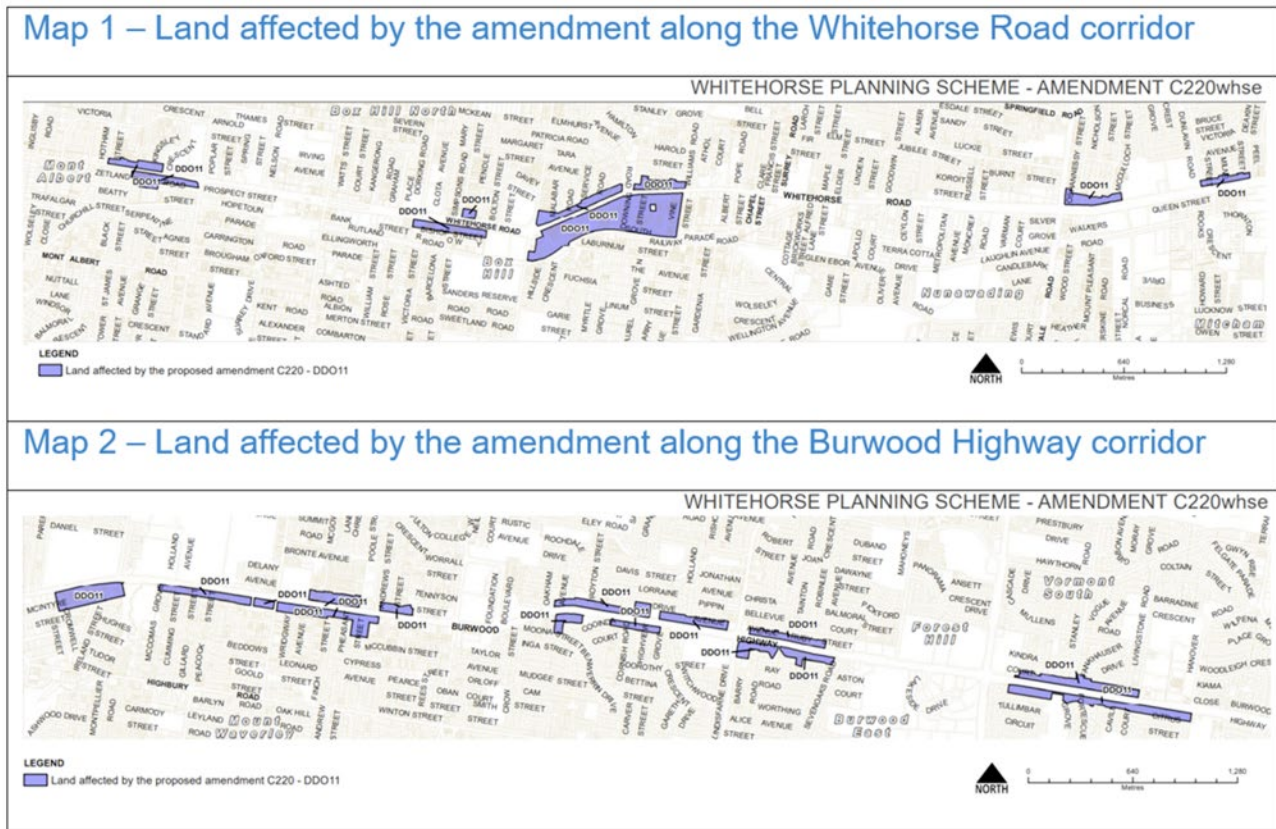


Figure 2: Land Affected by Amendment C220whse

Source: Whitehorse City Council Meeting 8th August 2022

The DDO11 proposes to:

- Limit building height to a mandatory maximum building heights of 19 metres and 6 storeys, excluding rooftop services and architectural features.
- Include a mandatory front setback of 5 metres up to a building height of 4 storeys and an additional 3 metres (8 metres from the frontage) above a 4 storey height.
- Include discretionary side setbacks of 4.5 metres up to a building height of 4 storeys and an additional 4.5 metres (9 metres from the side boundary) above a 4 storey height.
- Include a discretionary rear setback of 9 metres up to a building height of 6 storeys.
- Include good pedestrian interface conditions, no additional overshadowing of adjacent public open space at the equinox and deep soil landscaping areas.

The proposed controls will not apply to development of three storeys or less and no changes are proposed to the RGZ1 and RGZ2 schedules.

2.4 Plan Melbourne and the Melbourne 2050 Spatial Framework

Plan Melbourne 2017-2050 (2017)(Plan Melbourne) provides a long-term strategic plan for metropolitan Melbourne to accommodate future growth in population and employment with development of 70% in established areas and 30% in growth areas (See [Plan Melbourne](#) and [Plan Melbourne Addendum 2019](#)).

The Plan affirms Melbourne’s traditional activity centre network through a hierarchy and large network of activity centres and employment growth into state and regionally significant places and industrial land. Plan Melbourne reinforces the planning framework along the PPTN and around activity centres, National Employment and Innovation Clusters (NEICs), urban renewal areas and health and education precincts. The corridors examined in the Amendment are along the PPTN and adjacent to activity centres, providing the strategic context for these residential corridor renewal areas.

2.5 Land Use Framework Plans

Land Use Framework Plans (LUFs) are sub-regional plans under Plan Melbourne’s spatial framework for Melbourne’s regions and have recently been prepared and released for public comment. They provide a regional 30 year land use planning and infrastructure framework for the eastern region, helping to better align and bridge State and local planning issues and manage growth and land use pressures. LUFs are anticipated to set regional level planning policy that will be implemented into local planning schemes and inform decision making for precinct planning, local and regional planning strategies, and infrastructure and servicing projects.¹¹ They provide a regional context for the development of the amendment.

2.6 Suburban Rail Loop

The Suburban Rail Loop (SRL) is a transformative project that will fundamentally reshape metropolitan Melbourne and deal with many of the transport and land use challenges being faced by the city. SRL is a 90-kilometre rail ring around Melbourne’s middle suburbs that will connect every metropolitan train line from Cheltenham to Werribee, via Melbourne Airport. Stations are proposed at 10 existing metropolitan or major activity centres and 4 NEICs (including Box Hill and a new station opposite the Deakin University Burwood Campus in Burwood).

SRL supports the activity centres policy outlined in Plan Melbourne 2017-2050 (2017) through the improved accessibility and connectivity of a polycentric city and better connecting people to jobs, universities, and healthcare. This infrastructure will better support and shape existing and emerging travel patterns between activity centres and employment areas and could seamlessly improve links throughout the eastern suburbs. Greatly enhanced access will be provided to the central city, universities, employment areas, Melbourne Airport and the city’s eastern, northern and western suburbs. The SRL will trigger major strategic developments, significant investment and new local projects in broad areas around SRL stations to support more jobs and housing in SRL Precincts. Planning and construction of SRL East has begun.¹²

2.7 Transport Integration Act 2010

The Transport Integration Act 2010 requires all planning authorities to explicitly consider a wider range of factors other than just those mentioned in the Planning and Environment Act, 1987. This legislative change has an impact on strategic plans and their implementation. A significant aspect is the need for planning authorities to reduce reliance on private motor vehicles by favouring active transport and public transport modes when making decisions. The Transport Integration Act must be considered in developing the Amendment.

This particularly relates to what is proposed in Amendment C220whse. Housing change, renewal, diversity and affordability are key issues for transport corridors in the context of population and demographic changes. Mixed-use developments in substantial changes areas are increasingly important to better respond to these

¹¹ *Eastern Metro | Melbourne’s Future Planning Framework | Engage Victoria* p.4
¹² *Suburban Rail Loop - Victoria’s Big Build*

issues around transport nodes, commercial areas and existing community and utility infrastructure, without negatively impacting on existing lower scale residential areas and heritage areas.

2.8 Strategic Basis for Amendment C220whse and Recent Apartment Developments

Council has provided a sufficient strategic basis for Amendment C220whse through the Whitehorse Residential Corridors Built Form Study, 2019. This has included case studies of development against the existing and proposed DDO11 controls. This showed that when assessed against the DDO11 controls, the gross floor area of permitted development was either equal to, exceeded or not significantly reduced.

Photos were taken on site of several recent apartment development sites where existing development conditions were examined. Building setbacks have been approximated from Nearmaps. This enabled real examples of development to be experienced in streets/roads and setbacks examined for their actual constructed impacts to adjoining land, the streetscape and wider area in which they are located.

The recent apartment development at 1 Charlnet Drive, Burwood East is shown below. The development incorporates side setbacks to adjoining land at 466 Burwood Highway of 3 metres, a front setback of 4.3 metres to Burwood Highway and rear setbacks of 7.5 metres to land at 1, and 5 Citrus Drive.





Recent apartment development at 1 Charlnet Drive, Burwood East (Source: Plan2Place Consulting)

Although the setbacks are relatively generous for an apartment development, they would not meet the proposed setback requirements of DDO11.

The recent apartment development at 1 Sergeant Street, Blackburn is shown below. The development incorporates side setbacks to adjoining land at 38, 40 and 40A Whitehorse Road of 4.3 metres, a front setback of 6 metres to Sergeant Street and varying rear setbacks of 4.1 and 5.4 metres to land at 10, 12, 14 and 16 Frankcom Street.



Recent apartment development at 1 Sergeant Street, Blackburn (Source: Plan2Place Consulting)

Although the front setbacks are relatively generous for an apartment development, the upper level (above street wall) front setbacks, side and rear setbacks would not meet the proposed setback requirements of DDO11. It is also important to note the site's abuttal to the railway corridor is not a sensitive interface and this has an influence on the site's setback to that corridor.

These two examples demonstrate that there have been variable applications of setback and building height requirements where a performance based approach using discretionary standards from Clause 55 or 58 are applied. This outcome points to the need for less discretion in the application of building heights and front, side and rear setbacks and for planning controls in DDO11 to be clear and unambiguous.

Testing of the strategic directions of the study and the proposed implementation approach has occurred through the current planning scheme amendment process by the Department of Environment, Land, Water and Planning (DELWP) and through the submissions process. This will be further tested and examined by the Planning Panel for the Amendment.

REVIEW OF SUBMISSIONS



3. REVIEW OF SUBMISSIONS

3.1 Submissions Received to Amendment C220whse

Amendment C220whse was exhibited for a period of four weeks from 29 September 2022 to 31 October 2022. There are 1,942 properties directly affected by the Amendment and landowners and occupiers of 6,200 properties were directly notified of the Amendment by Council.

A total of 16 submissions were received to the Amendment via post, email and the Whitehorse Your Say webpage. Given the number of properties affected by the Amendment and the extensive scope of the exhibition notification, 16 submitters is considered a low number of submitters for an amendment of this type.

The submissions received were from a variety of residents and businesses living within or close to the RGZ1 or RGZ2 areas affected by the Amendment or representing land interests within the areas.

There are three main groupings of submitter types to Amendment C220whse which are:

- Submitters Group A: Surrounding residents who have in principle opposition to high density development as proposed and its perceived impacts due to a wide variety of reasons (Submissions 1, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14 and 15).
- Submitters Group B: Land owners who view the DDO11 controls as too restrictive to development aspirations on their land (Submissions 11 and 16).
- Submitters Group C: Residents/landowners who support the DDO11 controls and making side and rear setbacks mandatory in addition to mandatory building heights (Submissions 2 and 3).

There were a wide range of points raised in the 16 submissions including the following:

- 18) Inappropriate building heights allowing up to 6 storey development.
- 19) Should be a maximum of 3 storeys allowed only in areas affected by the Amendment.
- 20) Higher density buildings and transit oriented development are not appropriate for the area and zoning of the area being changed.
- 21) Support for mandatory maximum building heights as proposed.
- 22) Support for mandatory front and rear setbacks rather than discretionary as proposed.
- 23) Does not support mandatory building heights for development as proposed and supports discretionary controls to enable development flexibility and viability.
- 24) Does not support 9 metre rear building setbacks and believes these should be reduced to 4 metres.
- 25) Concerns about flooding related to the local drainage system in the SBO area and this being made worse by high density development in the RGZ2 area.
- 26) Concerns about perceived impacts on neighbourhood character and development not being targeted to areas of higher socio-economic status south of the railway or in supporting family accommodation.
- 27) Concerns about amenity, health impacts, and environmental impacts, loss of views and green space from Amendment.
- 28) High density development impacts upon sunlight, solar voltaic cells, daylight, privacy, views and overshadowing to adjoining land that would result from the maximum building heights proposed.
- 29) Overshadowing should be assessed based on the winter solstice rather than the equinox.
- 30) Anticipated overshadowing impacts from proposed development on adjacent land are unreasonable and excessive.
 - 31) Negative impacts will result from development due to residential population increases from traffic, safety, social infrastructure, services, pollution and crime and upon commercial facilities.
- 32) Basement car parking is not supported in area, particularly those areas subject to flooding such as in SBO areas.

- 33) Concerns with overlooking impacts and security concerns from development that will result from the Amendment.
- 34) Concerns about interfaces from high density residential areas to commercial areas, not just to lower scale residential areas.

Site inspections of all land subject to the Amendment and of submitter properties located in, or adjacent to, RGZ1 or RGZ2 areas were undertaken on 17 December 2022. A summary of submissions received and detailed responses to each with any implications for the Amendment are included in **Appendix A**.

Response to Submissions:

A summary of responses to issues raised by submitters is provided in **Table 1** below.

Table 1: Summary Response to Amendment C220whse Submissions

#	Submitter Issue	Summary Response
1	Inappropriate building heights allowing up to 6 storey development (Submissions 9, 10).	Some submissions opposed new development in areas affected by the DDO11 at the heights proposed of 6 storeys at an in-principal level. These RGZ areas, have been carefully chosen by Council as high density residential areas that are distinct from areas of incremental or minimal change in the municipality. The Whitehorse Residential Corridors Built Form Study identified that the Victorian Civil and Administrative Tribunal (VCAT) have approved development at these heights along these corridors. VCAT has made comment that there was little guidance in the planning scheme to guide these developments. The 6 storey heights that have been proposed in DDO11 have been carefully modelled based on a reasonable set of amenity expectations and requirements for land subject to the Amendment and for adjoining residential land and are appropriate.
2	Should be a maximum of 3 storeys allowed only in areas affected by the Amendment (Submission 8).	A 3 storey building height is not supported for an RGZ area, where greater than 3 storey development is anticipated. Overlooking impacts are mitigated through the DDO11 controls by the proposed rear setbacks of 9 metres, which is a reasonable distance to prevent direct overlooking of adjoining residential land.
3	Higher density buildings and transit oriented development are not appropriate for the area and zoning of the area being changed (Submissions 1, 4, 7).	Retaining low buildings along the tram lines is not consistent with State and local planning policy which encourages higher density buildings along transport infrastructure such as tram routes with larger scale developments. There are no changes proposed to the RGZ1 and RGZ2 as a result of the Amendment, so there are no zoning changes proposed to land subject to the Amendment, only changes proposed to design and development provisions through the proposed application of the DDO11. The DDO11 areas are strategically important to provide areas of housing change, supply and diversity and it is appropriate that they allow a large degree of development and change in these well located areas, which help to protect other residential areas in the municipality.
4	Support for mandatory maximum building heights as proposed (Submissions 2, 14, 16).	The Amendment includes mandatory maximum building heights of up to 6 storeys and as a result no changes are needed to the Amendment.
5	Support for mandatory front and rear setbacks rather than discretionary as proposed (Submissions 2, 3, 5, 12, 13).	The Amendment includes mandatory front setbacks. The Amendment includes discretionary side and rear building setbacks but the findings of the Whitehorse Residential Corridors Study, 2019 were to include mandatory side and rear setbacks for development. When the Amendment was submitted for authorisation, DELWP support was contingent on the inclusion of discretionary side and rear building setbacks. However, submissions have been received about this issue both in support of, and against, mandatory setbacks. In response, it is suggested that a change should be made to the exhibited amendment through post exhibition

#	Submitter Issue	Summary Response
		<p>changes to the Planning Panel to make the following change to DDO11 (with changes highlighted in red text):</p> <p>“Table 2 to Schedule 11</p> <p>Buildings and works must be in accordance with the side and rear setbacks specified in the Table 2 to this schedule. A permit cannot be granted to vary this requirement.”</p>
6	<p>Does not support mandatory building heights for development as proposed and supports discretionary controls to enable development flexibility and viability (Submissions 11, 16).</p>	<p>Some submissions opposed mandatory building heights for development that will result from the Amendment and supported discretionary controls. In terms of the proposed DDO11 controls, these are based on the Whitehorse Residential Corridors Study 2019 that provides sufficient capacity and parameters for higher density development. Setbacks have been balanced against seeking improved residential amenity and landscaping outcomes while supporting transit oriented development. The proposed controls enable greater height and resulting development on lots affected by the Amendment, compared to the existing situation where discretionary controls encourage 4 storey development, which is of a lower scale than anticipated by the Amendment.</p> <p>Land consolidation is encouraged in the DDO11 controls and an improved mechanism to help ensure lot consolidation could also assist in providing more viable development sites (such as a minimum lot size). However, such a change is considered to be a transformation of the Amendment and is not supported for the Amendment.</p> <p>In terms of the mandatory provisions of the Amendment and whether they are consistent with PPN59, there are exceptional circumstances included in PPN59 that enable mandatory provisions to be included in a planning provision where a specific design related public benefit can only be provided through a mandatory requirement. Including mandatory built form requirements to provide for public benefits such as reduced overshadowing of the public realm and an improved interface between development and streets, are consistent with the approach included in PPN59.</p> <p>It is not considered appropriate to change the proposed mandatory height and front setbacks to discretionary controls.</p>
7	<p>Does not support 9 metre rear building setbacks and believes these should be reduced to 4 metres (Submission 14).</p>	<p>One submission raised concerns with the setback requirements included in DDO11. It made several suggestions for changes to the metrics included in DDO11, where setbacks should be measured from and that a 6 storey wall at the rear could be very bulky.</p> <p>In terms of the justification for the metrics included in DDO11, these derive from the strategic work and case study examples that were included in the Whitehorse Residential Corridors Study, 2019. This study provides the justification for the 9 metre rear setback and why side setbacks should be provided.</p> <p>These setbacks help to mitigate the impact of a 6 storey building, which in setback areas of 9 metres can be moderated by areas of landscaping with large canopy trees as detailed in the DDO11's landscaping requirements. While in some cases a laneway could assist with the issue of mitigating overlooking, this would be at the expense of providing sufficient areas of landscaping and canopy trees at the rear of properties.</p> <p>No changes are considered necessary to the metrics included in the Amendment.</p>
8	<p>Concerns about flooding related to the local drainage system in the SBO area and this being made worse by high density development in</p>	<p>Concerns were raised about an apparent lack of upgrades to the local drainage system which is reflected in the application of the Special Building Overlay (SBO) controls to residential land in the area, some of which is zoned RGZ2.</p> <p>Drainage infrastructure could be improved as a result of new development in the area where there is a nexus and would be considered on a site by site</p>

#	Submitter Issue	Summary Response
	the RG22 area. (Submissions 4, 8).	basis through a planning application. This concern can easily be addressed through site by site development proposals.
9	Concerns about perceived impacts on neighbourhood character and development not being targeted to areas of higher socio-economic status south of the railway or in supporting family accommodation (Submissions 4, 8, 12).	<p>In RGZ areas, neighbourhood character is not a relevant planning consideration. The DDO11 areas have been carefully chosen by Council as high density residential areas that are distinct from areas of incremental or minimal change.</p> <p>There has been no specific evidence provided about families specifically leaving areas where there has been recent development. In fact, recent developments are likely to have provided new opportunities for families and other types of households to locate in these areas.</p> <p>Six storey development in the areas affected by the DDO11 and in areas to the south of the Belgrave-Lilydale railway are not supported by the Amendment. The DDO11 areas have been carefully chosen by Council as high density residential areas that are distinct from areas of incremental or minimal change. These areas are based the Whitehorse Residential Corridors Study 2019 that provides sufficient capacity and parameters for higher density development with building heights and setbacks that have been balanced against seeking improved residential amenity and landscaping outcomes while supporting transit oriented development.</p> <p>There is no evidence that the areas that have been chosen for the application of the DDO11 controls have been chosen on the basis of the socio-economic standing of residents in those locations.</p>
10	Concerns about amenity and health impacts, environmental impacts, loss of views and green space from Amendment (Submissions 4, 5, 15).	<p>The Amendment has taken into account amenity impacts as a result of development proposed through DDO11 and it is not correct to say that there has been no account taken of amenity impacts in the Amendment.</p> <p>In terms of the impacts on amenity and people's mental health, there has been no specific evidence provided about the direct impacts from recent development on people's declining mental health in areas where there has been recent development.</p> <p>The Amendment aims to enable open space areas with vegetation and particularly canopy trees to be provided in new development subject to the DDO11. Combined with building setbacks, this aims to protect the amenity and enjoyment of adjoining residential land. Larger landscaped areas should be provided to assist in contributing to wildlife corridors through increased and consolidated rear private open space areas.</p>
11	High density development impacts upon sunlight, solar voltaic cells, daylight, privacy, views and overshadowing to adjoining land that would result from the maximum building heights proposed (Submissions 1, 4, 5, 13).	<p>There will be some overshadowing caused to land adjoining development proposed in areas where the DDO11 will be applied. The proposed rear building setbacks help to mitigate the impact of shadows from 6 storey buildings to adjoining land to the south. These are overshadowing and design and development considerations that can be adequately addressed for each specific planning application through the Apartment Provisions at Clause 58 of the WPS.</p> <p>Overshadowing provisions have been included in DDO11 to reduce potential impacts to public land with the following provision: "Developments should not result in additional shadowing to adjacent public open space between 12pm and 2pm on 22 September."</p> <p>In terms of sunlight and daylight, daylight provisions are protected through planning schemes, but sunlight is generally not protected. There are now provisions in the planning system that protect solar voltaic cells so these would need to be considered in any planning application for development in DDO11 areas.</p> <p>Privacy issues are protected through the 9 metre rear setbacks in DDO11 so there is no need to make further changes in the Amendment in relation to overlooking.</p>

#	Submitter Issue	Summary Response
		<p>Views have been taken into account in the Amendment, particularly in the supporting strategy with its recommended building heights and setbacks, locations for the application of the DDO11 and case study examples. Reasonable views have been considered and the issue of reasonable view sharing can be considered for each planning application in DDO11 areas, noting that in most cases no-one is entitled to a view through the planning process.</p>
12	<p>Overshadowing should be assessed based on the winter solstice rather than the equinox (Submissions 5, 7, 13).</p>	<p>In terms of overshadowing impacts, the overshadowing controls are based on the equinox, rather than the winter solstice. This is a typical metric used to assess impacts from proposed development and measure the average, not the extreme, impacts. It is anticipated that there will be some overshadowing caused to land adjoining a development proposed in areas where the DDO11 will be applied. However, the proposed rear building setbacks help to mitigate the impact of shadows from 6 storey buildings to adjoining land to the south. The specific considerations can be adequately addressed for each specific planning application through the Apartment Provisions at Clause 58.</p>
13	<p>Anticipated overshadowing impacts from proposed development on adjacent land are unreasonable and excessive (Submission 5, 7, 13).</p>	<p>In relation to anticipated overshadowing impacts of 134 Burwood Highway, Burwood East, modelling of overshadowing from the building heights and setbacks contemplated in DDO11 has been undertaken to test the submitter's assumptions and conclusions. These have been tested and modelled based on the equinox.</p> <p>There are some overshadowing impacts to this property (and adjacent land to the south) from 6 storey development of land adjoining 134 Burwood Highway. However, the proposed overshadowing impacts stated by the submitter have been slightly overstated due to modelling in the submission being shown for the winter solstice and not taking into account 4.5 metre side setbacks from development. These DDO11 areas are strategically important to provide areas of housing change, supply and diversity and it is appropriate that they allow a greater development and change in these well located areas, which help to protect other residential areas in the municipality. It is not suggested that changes be made to the proposed overshadowing provisions in DDO11 that currently apply to reducing shadowing impacts to public land being extended to private open space areas on adjoining residential land on this basis.</p> <p>Suggestions were put forward to reduce building heights for development on the south side of Burwood Highway to reduce overshadowing impact to adjoining residential land and to ensure that there can be no variations to side and rear setbacks in planning applications. The second part of these suggested changes is supported which would require through post exhibition changes to the Planning Panel to make the following change to the DDO11 (with changes highlighted in red text):</p> <p>"Table 2 to Schedule 11</p> <p>Buildings and works must be in accordance with the side and rear setbacks specified in the Table 2 to this schedule. A permit cannot be granted to vary this requirement."</p>
14	<p>Negative impacts will result from development due to residential population increases from traffic, safety, social infrastructure, services, pollution and crime and on commercial facilities (Submissions 5, 6, 8, 13).</p>	<p>Traffic and car parking issues have not been specifically considered in the Amendment but are relevant considerations for each planning application where the car parking aspects are considered through Clause 52.06 of the WPS.</p> <p>In terms of perceived impacts from increases to residential population upon commercial services and social infrastructure, these issues are part of Council's consideration of social infrastructure as part of its municipal community and service planning role and are regularly undertaken. With commercial services such as shopping centres, greater residential population</p>

#	Submitter Issue	Summary Response
		<p>will better support these commercial facilities and improve commercial viability.</p> <p>Concerns about the impact of increased pollution, noise and safety of residents must be addressed for a specific planning application in DDO11 areas through the Apartment provisions at Clause 58 of the Whitehorse Planning Scheme.</p> <p>There is no evidence or basis to the assertion that additional residents will cause any increases to crime in the local area or on financial pressures for residents.</p> <p>The issue of transient residents is not a valid planning consideration.</p>
15	Basement car parking is not supported in area, particularly those areas subject to flooding such as in SBO areas (Submission 8).	In terms of flooding related impacts and basements being proposed for future developments in DDO11 areas, these flooding concerns are related to the local drainage system and reflected in the application of the Special Building Overlay (SBO) controls to residential land in the area. Drainage infrastructure could be improved as a result of new development in the area where there is a nexus and would be considered on a site by site basis through a planning application. This concern can easily be addressed through site by site development proposals and if basement car parking is appropriate in particular cases.
16	Concerns with overlooking impacts and security concerns from development that will result from the Amendment (Submission 10).	<p>Concerns were raised that the proposed building heights will have an unreasonable impact on overlooking of adjoining residential land, but these impacts will be mitigated through the DDO11 controls by the proposed rear setbacks of 9 metres. This is a reasonable distance to prevent direct overlooking of adjoining residential land.</p> <p>In terms of security, there is no detailed evidence that has been provided to suggest that security for adjoining residents will be compromised by future development.</p>
17	Concerns about interfaces from high density residential areas to commercial areas, not just to lower scale residential areas (Submission 16).	In terms of the interfaces to commercial areas, there are few interfaces from the proposed DDO11 areas to commercial areas. In most cases, amenity impacts are usually considered from commercial areas to residential areas rather than mitigating amenity impacts from residential areas to commercial areas. This issue does not require a change to the Amendment.

3.2 Recommended Changes to Amendment C220whse Resulting From Submissions

Submitters Group A

The majority of issues raised in these submissions to Amendment C220whse question the strategic basis of the areas proposed for higher density residential and mixed use development. These submissions often oppose the concept of transit oriented development along the PPTN which includes rail, tram and bus services. State, regional and local planning policies specifically promote these locations for that type of development. There is disagreement about the selection of these residential corridors due to character, amenity, traffic, overlooking, overshadowing, safety and environmental reasons. One submitter has modelled anticipated overshadowing impacts to their property at 134 Burwood Highway, Burwood East from 6 storey development based on modelling at 22 April, 22 June and 22 September.

Response

In response, Amendment C220whse supports state, regional and local planning policies and strategies by promoting higher density residential and mixed use development in appropriate locations along the PPTN. The DDO11 supports increased housing provision and greater housing choice and diversity in strategic locations and is well founded. There are no changes proposed in the Amendment to the underlying RGZ that already applies to land where the DDO11 is proposed. The RGZ was applied to all of this land through Amendment C160whse in 2014.

The Amendment makes no changes to the RGZ schedule provisions but the DDO11 proposes new provisions about building height and setbacks with greater design guidance for development in these areas. It will provide greater planning certainty for the community, landowners and developers in terms of anticipated built form outcomes, particularly through mandatory building heights on land where there are currently none. At present, any building height could be proposed.

In relation to anticipated overshadowing impacts of the submitter 5 land at Burwood Highway, Burwood East, modelling of overshadowing from the building heights and setbacks contemplated in DDO11 has been undertaken to test the submitter's assumptions and conclusions as shown in **Appendix B**.

There are overshadowing impacts to this property (and adjacent land to the south) from 6 storey development of land adjoining Burwood Highway. However, the proposed overshadowing impacts stated by submitter 5 have been slightly overstated due to modelling in the submission being shown for the winter solstice and not taking into account 4.5 metre side setbacks from development. The DDO11 controls discourage additional overshadowing of public open space areas but not private open space areas. Overshadowing of adjacent private open space areas from 4 storey development is regulated through Clause 55.04-5 (Overshadowing open space objective and standard) of the WPS. There are no overshadowing impacts of adjacent private open space areas that can be taken into account from Clause 58 of the WPS for 6 storey development.

There are overshadowing impacts from development contemplated in DDO11 to adjacent land to the east, west and south along Burwood Highway, Burwood East. However, these impacts are considered reasonable given that this land is within the RGZ, the building setbacks proposed in DDO11 and the policy framework that supports higher density development in transport corridors along the PPTN. There is an argument that these setbacks should be re-considered as mandatory provisions so that there are reduced amenity impacts resulting from overshadowing and visual bulk. This could be achieved by providing guaranteed large setback areas that result in greater building separation, and larger areas for landscaping and mature tree provision.

On this basis, no changes are considered necessary to Amendment C220whse in terms of the building envelope and metrics contemplated by the DDO11 schedule. However, including the side and rear setbacks as mandatory requirements rather than discretionary ones would help to mitigate potential amenity impacts to adjoining land. This could be expressed with the following reworded provision in the DDO11 (with changes highlighted in red text):

“Table 2 to Schedule 11

Buildings and works **must** be in accordance with the side and rear setbacks specified in the Table 2 to this schedule. **A permit cannot be granted to vary this requirement.**”

These track changes to DDO11 are included in **Appendix C**.

Submitters Group B

Several landowners or representatives of landowners raised concerns about what they consider to be the overly restrictive nature of the DDO11 controls. They support the nomination of high density residential areas along transport corridors but state that imposing height and particularly setback controls that are more restrictive than Clauses 55 and 58 (Rescode and Apartment Standards) will undermine 6 storey development in these areas. They also raise concerns about the viability of development on narrower sites, sites located on a corner and adjacent to laneways.

Response

In response, Amendment C220whse supports State, regional and local planning policies and strategies by promoting higher density residential and mixed use development in appropriate locations along the PPTN. It enables increased housing provision and greater housing choice and diversity in strategic locations and is well founded. The Amendment does not include rezoning of any land to the RGZ but provides for greater design guidance for development in these areas. It will provide greater planning certainty for the community,

landowners and developers as to the anticipated built form outcomes, particularly through mandatory building heights on land where there are currently none.

Six case study examples provided in the Whitehorse Residential Corridors Study, 2019 provided useful insights into the building envelopes, gross floor area, site coverage and areas for mature landscaping that could be provided on RGZ land subject to Amendment C220whse with and without the DDO11 being applied. That showed in most cases, that building envelopes and site coverage were reduced but that gross floor area was usually retained, increased or minimally reduced with greater site area left for mature landscaping to be incorporated. In many cases, this relies on consolidated sites to achieve efficiencies of scale and development, but provides for vastly improved built form outcomes.

On this basis no changes are considered necessary to Amendment C220whse in terms of the building envelope contemplated by the DDO11 schedule. However, including the side and rear setbacks as mandatory requirements rather than discretionary ones would help to mitigate potential amenity impacts to adjoining land and could provide greater development certainty. An improved mechanism to help ensure lot consolidation could also assist in providing more viable development sites with particular requirements applied to lots of a minimum area such as 2000 – 3000 sqm. This type of provision would assist to achieve the objective included in DDO11 around lot consolidation but could be argued to be a transformation of the Amendment at this point and is not recommended.

The issues raised about development viability on narrower sites and sites located on a corner and adjacent to laneways are reasonable issues about the development process. However, the consideration of these issues are subject to assessment of a planning application according to policy and relevant provisions of the WPS (such as the PPF and Clauses 58 – Apartments and 52.06 – Car parking).

Submitters Group C

Several submitters generally supported the Amendment but have concerns that the Amendment is not prescriptive or clear enough with the drafting of the DDO11 controls. They support the nomination of high density residential areas along transport corridors and imposing height controls on development. They support the inclusion of mandatory side and rear setback controls to development to improve amenity outcomes to the surrounding area and ensure that the development envelope anticipated through DDO11 is a maximum envelope that cannot be exceeded.

Response

In response, the Amendment supports state, regional and local planning policies and strategies by promoting higher density residential and mixed use development in appropriate locations along the PPTN. It enables increased housing provision and greater housing choice and diversity in strategic locations and is well founded. The Amendment does not include rezoning of any land to the RGZ but provides for greater design guidance for development in these areas. It will provide greater planning certainty for the community, landowners and developers as to the anticipated built form outcomes, particularly through mandatory building heights on land where there are currently none.

As previously stated, there were six case study examples provided in the Whitehorse Residential Corridors Study, 2019 provided useful insights into the building envelopes, gross floor area, site coverage and areas for mature landscaping that could be provided on RGZ land subject to Amendment C220whse with and without the DDO11 being applied. That showed in most cases, that building envelopes and site coverage were reduced but that gross floor area was usually retained, increased or minimally reduced with greater site area left for mature landscaping to be incorporated. In many cases, this relies on consolidated sites to achieve efficiencies of scale and development, but provides for vastly improved built form outcomes.

On this basis, no changes are considered necessary to Amendment C220whse in terms of the building envelope contemplated by the DDO11 schedule. However, including the side and rear setbacks as mandatory requirements rather than discretionary ones would help to mitigate potential amenity impacts to adjoining land and could provide greater development certainty. An improved mechanism to help ensure lot consolidation could also assist in providing more viable development sites with particular requirements

applied to lots of a minimum area such as 2000 – 3000 sqm. This type of provision would assist to achieve the objective included in DDO11 around lot consolidation but could be argued to be a transformation of the Amendment at this point and is not recommended.

CONCLUSION



4. CONCLUSION

Amendment C220whse implements the built form guidelines from the Whitehorse Residential Corridors Built Form Study, 2019.

When the amendment was placed on public exhibition, 16 submissions were received. Issues raised in submissions can be categorised under four key aspects:

- Whether the proposed six storey building height is appropriate.
- The impacts of overshadowing on surrounding land and whether they are reasonable.
- Development impacts on the amenity (including overlooking) of surrounding land and whether they are reasonable.
- Whether height and setback controls should be mandatory or discretionary.

As detailed in **Table 1**, the Amendment is appropriate in terms of proposed building heights and setbacks and the resulting impacts on adjoining land in terms of overshadowing and amenity, as well as other planning impacts.

The main outstanding issue is that of mandatory versus discretionary controls.

At the authorisation stage of the Amendment, the former DELWP, now DTP, was not supportive of mandatory side and rear setbacks. However, convincing arguments have been made by many submitters to support mandatory requirements for the metrics included in DDO11. The proposed six storey buildings anticipated in DDO11 areas include generous setbacks to allow for sufficient building separation and landscaping. This will mitigate the more obvious impacts from larger scale developments and provide for sufficient and viable building envelopes in strategic locations.

Greater certainty about development requirements will be provided for developers/applicants and the community will be clearer about the built form outcomes for substantial change residential areas and their relationship to minimal and incremental change residential areas.

DDO11 appropriately implements the Whitehorse Residential Corridors Built Form Study, 2019 and the emphasis in the controls on a mandatory maximum height of 19 metres and 6 storeys is justified.

Council could also consider advocating at the Panel Hearing for Amendment C220whse to include proposed side and rear setbacks as mandatory requirements rather than discretionary to better mitigate potential amenity impacts to adjoining land and provide greater development certainty. This could be achieved by advocating at the Panel Hearing that post-exhibition changes be made with the following reworded provision in the DDO11 (with changes highlighted in red text):

“Table 2 to Schedule 11

Buildings and works **must** be in accordance with the side and rear setbacks specified in the Table 2 to this schedule. **A permit cannot be granted to vary this requirement.**”

Amendment C220whse is strategically sound and justified and implements State, regional and local planning policies and strategies related to increased housing provision and diversity and transit oriented development along the PPTN. It should be supported with the minor changes suggested above to respond appropriately to submissions and result in an appropriate planning outcome.

Appendix A – Submissions Summary and Response to Submissions

A summary of submissions received to Amendment C220whse is provided below according to submitter number.

Submitter names, addresses, email addresses and phone numbers are not shown for privacy reasons.

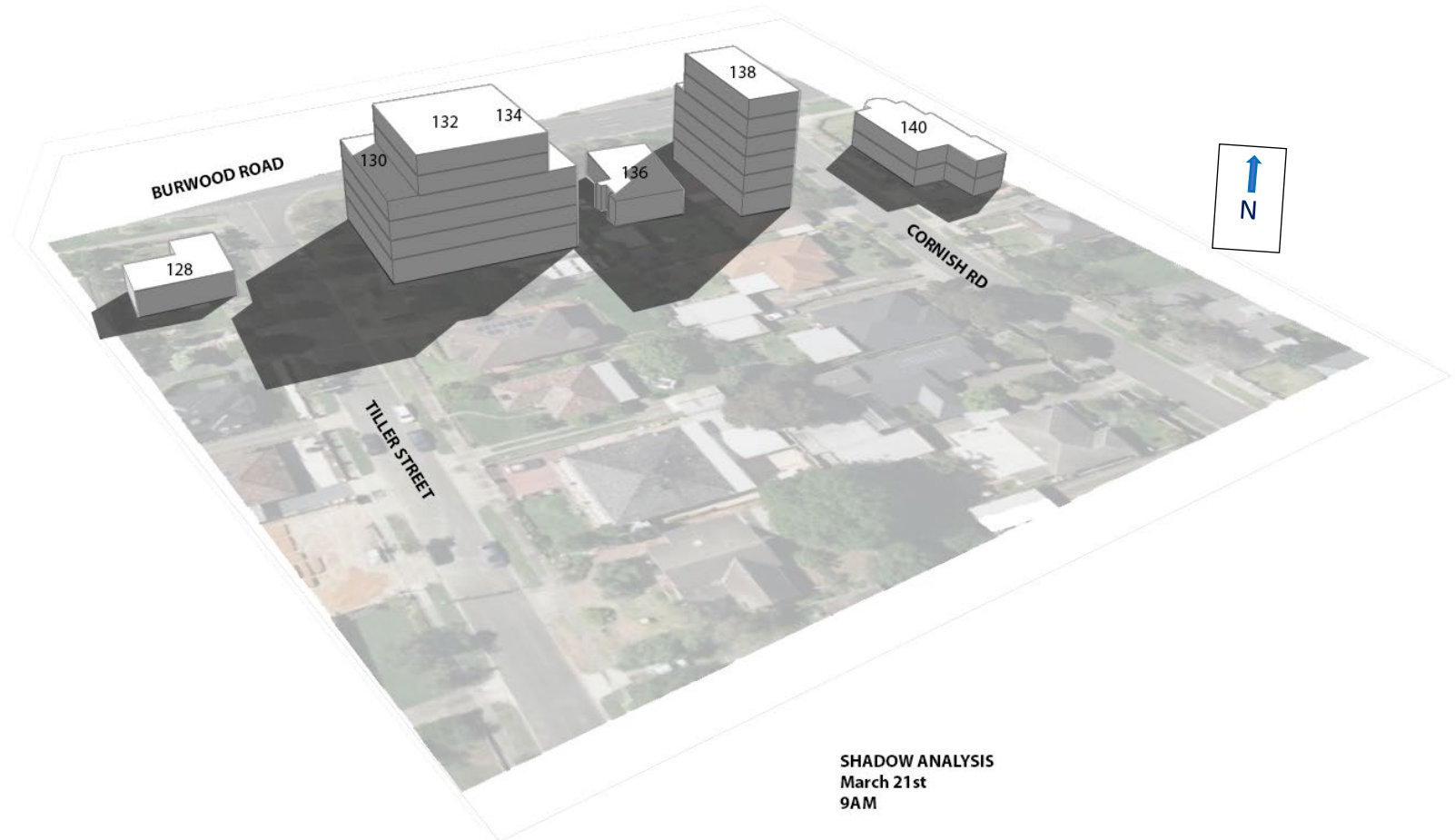
WRITTEN SUBMISSIONS RECEIVED AS PART OF AMENDMENT C220				
Sub. No.	Submission Method	Submission Summary	Detailed Response to Submissions	Recommendation for Amendment
YourSay1 (1)	YourSay	Wants the "greenness" of Burwood preserved and argues that buildings should be low along the tram line to showcase this greenness. Higher density building should be introduced away from urban growth corridors as there is more room in these areas. Prefer lower building heights as taller buildings negatively affect residents due to overshadowing.	In terms of the "greenness" of Burwood and retaining low buildings along the tram lines, this approach is not consistent with state and local planning policy which encourages higher density buildings along transport infrastructure such as tram routes with larger scale developments. There will be some overshadowing caused to land adjoining development proposed in areas where the Design and Development Overlay - Schedule 11 (DDO11) will be applied. The proposed rear building setbacks help to mitigate the impact of shadows from 6 storey buildings to adjoining land to the south. These are overshadowing and design and development considerations that can be adequately addressed for each specific planning application through the apartment provisions at Clause 58. Overshadowing provisions have been included in DDO11 to reduce potential impacts to public land with the following provision: "Developments should not result in additional shadowing to adjacent public open space between 12pm and 2pm on 22 September." There are no changes that are suggested to the Amendment as a result of this submission.	There are no changes required to the Amendment as a result of this submission.
YourSay2 (2)	YourSay	Supports a mandatory maximum height of 19 metres (6 storeys) in all developments. No discretionary exceptions.	The submission supports mandatory maximum building heights of up to 6 storeys as proposed in the exhibited Amendment. The submission also states that there should be no discretionary requirements, such as the proposed side and rear building setbacks which are not mandatory. This is in contrast to the front setbacks and building height requirements which are mandatory. The intention of this submission is supported to include mandatory requirements for all building height and setback provisions. The Amendment submitted for authorisation was only supported by DELWP with the inclusion of discretionary side and rear building setbacks. However, submissions have been received about this issue both in support of, and against, mandatory setbacks. In response to this submission, it is suggested that a change should be made to the exhibited amendment through post exhibition changes to the Planning Panel to make the following change to DDO11 (with changes highlighted in red text): "Table 2 to Schedule 11 Buildings and works must be in accordance with the side and rear setbacks specified in the Table 2 to this schedule. A permit cannot be granted to vary this requirement. "	A change to the Amendment is suggested to support mandatory side and rear setbacks through post-exhibition changes at the Planning Panel.
YourSay3 (3)	YourSay & Email	In addition to mandatory maximum heights and front setbacks, the submission supports mandatory side and rear setbacks in all developments being added to the amendment, due to overlooking and overshadowing concerns.	The submission supports mandatory maximum building heights and front setbacks as proposed in exhibited Amendment to better address overlooking and overshadowing concerns. The intention of this submission is supported to include mandatory requirements for all building height and setback provisions. The Amendment submitted for authorisation was only supported by the then Department of Environment, Land, Water and Planning (DELWP) which is now known as the Department of Transport and Planning (DTP) with the inclusion of discretionary side and rear building setbacks. However, submissions have been received about this issue both in support of, and against, mandatory setbacks. In response to this submission, it is suggested that a change should be made to the exhibited amendment through post exhibition changes to the Planning Panel to make the following change to DDO11 (with changes highlighted in red text): "Table 2 to Schedule 11 Buildings and works must be in accordance with the side and rear setbacks specified in the Table 2 to this schedule. A permit cannot be granted to vary this requirement. "	A change to the Amendment is suggested to support mandatory side and rear setbacks through post-exhibition changes at the Planning Panel.
YourSay4 (4)	YourSay	Opposes any new development in their area until frequent flooding issues are addressed by Council (they have been flooded many times recently and drains have not been upgraded or replaced since 1960). In addition, they support height limits of 11 metres or lower (3 storeys) as a maximum in all developments. 4-5 storey developments create overshadowing issues. They also raise concerns regarding protecting the green spaces in their suburb, and argue that development threatens this as well as residential neighbourhood character and the mental health of residents. They claim families have already left the area due to these concerns. They also believe the zoning of their area is being changed with the introduction of C220.	The submission does not support new development as proposed by DDO11 in the area affected by the Amendment. This is on the basis of a range of issues such as: 1. Flooding related impacts being caused by development. This concern appears to be based in an apparent lack of upgrades to the local drainage system which is reflected in the application of the Special Building Overlay (SBO) Controls to residential land in the area, some of which is zoned Residential Growth Zone - Schedule 2 (RGZ2). Drainage infrastructure could be improved as a result of new development in the area through potential infrastructure contributions and would be considered on a site by site basis through a planning application. This concern can easily be addressed through site by site development proposals. 2. Overshadowing concerns from the impacts of 4-5 storey development. There will be some overshadowing caused to land adjoining a development proposed in areas where the DDO11 will be applied. The proposed rear building setbacks help to mitigate the impact of shadows from 4-6 storey buildings to adjoining land to the south. These design and development considerations can be adequately addressed for each specific planning application through the apartment provisions at Clause 58. 3. The protection of green spaces in the residential areas of the suburb, the impacts on amenity and people's mental health and families moving out of the area due to development. The Amendment aims to enable open space areas with vegetation and particularly canopy trees to be provided in new development subject to the DDO11. Combined with building setbacks, this aims to protect the amenity and enjoyment of adjoining residential land. There has been no specific evidence provided about the direct impacts from recent development on people's declining mental health or about families specifically leaving areas where there has been recent development. In fact, recent developments are likely to have provided new opportunities for families and other types of households to locate in these areas. 4. The zoning of the area being changed by the Amendment. There are no changes proposed to the Residential Growth Zone - Schedule 1 (RGZ1) and RGZ2 as a result of the Amendment, so there are no zoning changes proposed to land subject to the Amendment, only changes proposed to design and development provisions through the proposed application of the DDO11.	There are no changes required to the Amendment as a result of this submission.
YourSay5 (5)	YourSay & Email	Submission includes a 33 page document outline of the significant overshadowing, privacy and view impacts on residents adjoining and adjacent to development areas. Argues no consideration for their loss of amenity is taken into account by the amendment. Detailed concerns include: Sunlight and daylight Loss of solar power efficiency, loss of heat from direct sunlight in homes, an increase on reliance on artificial lighting to light homes, decreased ability to grow food or dry clothes, as well as impacts on mental health from decreased direct sunlight. Diagrams included show affected existing properties affected for a "significant proportion of the year". They propose Council consider changing Schedule 11 to include impacts of overshadowing on existing residential and local business properties as well as public open space. Question why the example day in September has been shown rather than looking in winter when the sun is lowest in the sky and the impacts will be greatest. Privacy Overlooking will become a significant problem, especially due to a lack of stepped rear setback requirements. View Height limits should take into account the natural landscape, six storey developments should not be allowed on hill crests that then dominate views. Expansive sky views should be protected. New developments have views emphasized as strengths, whereas they impact on existing views of residents and businesses that have little say in their introduction / impediment to views. They question how "adequate look" is determined, as outlined in 6.0 of the decision guidelines. They believe the amendment favours transient users of the area over existing residents and that resident feedback from previous consultation has been ignored. Impacts to traffic and parking have not been considered in the amendment. Three suggestions are put forward: 1. Lower maximum heights should be adopted for new developments specifically on the south sides of Burwood Highway and Whitehorse Road, to reduce overlooking and shadowing 2. Permits should not be granted to vary side or rear set back limits, especially for the same areas on the south sides of Burwood Highway and Whitehorse Road 3. Minimum mandatory rear set backs with stepping introduced to reduce shadowing and impacts on privacy Then there are 30 pages of example diagrams showing how 6 storey developments would affect land along the south side of four properties along Burwood Highway. Main findings of these diagrams show that, depending on where 6 storey new builds are built, residences could be affected by overshadowing and other issues up to 9 months of the year.	Submission raises issues of development impacts upon amenity, sunlight and daylight (impacts on solar power efficiency, inability to dry clothes and grow food), privacy, views and overshadowing that would result from the maximum building heights proposed in the Amendment. These issues are responded to below: 1. The Amendment has taken into account amenity impacts as a result of development proposed through DDO11 and it is not accurate to say that there has been no account taken of amenity impacts in the Amendment. 2. In terms of sunlight and daylight, daylight provisions are protected through planning schemes, but sunlight is generally not protected. There are now provisions in the planning system that protect solar voltaic cells so these would need to be considered in any planning application for development in DDO11 areas. 3. Overshadowing concerns from the impacts of 6 storey development - the overshadowing controls are based on the equinox, rather than the winter solstice. This is a typical metric used to assess impacts from proposed development and measure the average, not the extreme, impacts. It is anticipated that there will be some overshadowing caused to land adjoining a development proposed in areas where the DDO11 will be applied. However, the proposed rear building setbacks help to mitigate the impact of shadows from 6 storey buildings to adjoining land to the south. The specific considerations can be adequately addressed for each specific planning application through the apartment provisions at Clause 58. In relation to anticipated overshadowing impacts of Submitter 5's property along Burwood Highway, Burwood East, modelling of overshadowing from the building heights and setbacks contemplated in DDO11 has been undertaken to test the submitter's assumptions and conclusions. These have been tested and modelled based on the equinox. There are obvious overshadowing impacts to this property (land adjacent land to the south) from 6 storey development of land adjoining Burwood Highway. However, the proposed overshadowing impacts stated by the submitter have been slightly overstated due to modelling in the submission being shown for the winter solstice and not taking into account 4.5 metre side setbacks from development. These DDO11 areas are strategically important to provide areas of housing change, supply and diversity and it is appropriate that they allow a large degree of development and change in these well located areas, which help to protect other residential areas in the municipality. It is not suggested that changes be made to the proposed overshadowing provisions in DDO11 that currently apply to reducing shadowing impacts to public land being extended to private open space areas on adjoining residential land on this basis. 4. In terms of the impacts on amenity and people's mental health, there has been no specific evidence provided about the direct impacts from recent development on people's declining mental health in areas where there has been recent development. 5. Privacy issues are protected through the 9 metre rear setbacks in DDO11 so there is no need to make further changes in the Amendment in relation to overlooking. 6. Views have been taken into account in the Amendment, particularly in the supporting strategy with its recommended building heights and setbacks, locations for the application of the DDO11 and case study examples. Reasonable views have been considered and the issue of reasonable view sharing can be considered for each planning application in DDO11 areas, noting that in most cases no-one is entitled to a view through the planning process. 7. This issue of transient residents is not a valid planning consideration. 8. Traffic and car parking issues have not been specifically considered in the Amendment but are relevant considerations for each planning application where the car parking aspects are considered through Clause 52.06 of the Whitehorse Planning Scheme. 9. Suggestions were put forward to reduce building heights for development on the south side of Burwood Highway to reduce overshadowing impact to adjoining residential land and to ensure that there can be no variations to side and rear setbacks in planning applications. The second element of these suggested changes is supported which would require through post exhibition changes to the Planning Panel to make the following change to the DDO11 (with changes highlighted in red text): "Table 2 to Schedule 11 Buildings and works must be in accordance with the side and rear setbacks specified in the Table 2 to this schedule. A permit cannot be granted to vary this requirement. "	A change to the Amendment is suggested to support mandatory side and rear setbacks through post-exhibition changes at the Planning Panel.

YourSay6 (6)	YourSay	Submitter believes that parking, traffic flow, services (childcare, schools and shopping centres) are already stretched or have maximised possibilities, and cannot support higher occupancy rates. Additional residents will cause an increase in crime and financial pressures.	The issues raised in the submission are responded to below: 1. Increases in parking and on traffic flow in the area where the DDO11 is proposed are not being considered by the Amendment. These issues are relevant considerations for each planning application where the car parking aspects are considered through Clause 52.06 of the Whitehorse Planning Scheme. 2. In terms of perceived impacts from increases to residential population upon commercial services and social infrastructure, these issues are part of Council's consideration of social infrastructure as part of its municipal community and service planning role and are regularly undertaken. With commercial services such as shopping centres, greater residential population will better support these commercial facilities and improve commercial viability. 3. There is no evidence or basis to the assertion that additional residents will cause any increases to crime in the local area or on financial pressures for residents.	There are no changes required to the Amendment as a result of this submission.
Phone1 (7)	Phone	Submissions states that height limits being discussed are too high due to overshadowing concerns.	The submission raises issues of development impacts from proposed 6 storey heights having detrimental impacts upon overshadowing to adjoining residential land. In terms of overshadowing concerns from the impacts of 6 storey development, the overshadowing controls are based on the equinox, rather than the winter solstice. This is a typical metric used to assess impacts from proposed development and measure the average, not the extreme, impacts. It is anticipated that there will be some overshadowing caused to land adjoining a development proposed in areas where the DDO11 will be applied. However, the proposed rear building setbacks help to mitigate the impact of shadows from 6 storey buildings to adjoining land to the south. The specific considerations can be adequately addressed for each planning application through the apartment provisions at Clause 58 of the Whitehorse Planning Scheme. These DDO11 areas are strategically important to provide areas of housing change, supply and diversity and it is appropriate that they allow a large degree of development and change in these well located areas, which help to protect other residential areas in the municipality. It is not suggested that changes be made to the proposed overshadowing provisions in DDO11 that currently apply to reducing shadowing impacts to public land being extended to private open space areas on adjoining residential land on this basis.	There are no changes required to the Amendment as a result of this submission.
Email1 (8)	Email	Submissions supports 3 storeys as a maximum in all developments due to privacy concerns, wants to maintain the existing character of the streets in the areas surrounding the growth zones and worries about how development would blend with them. Believes development that includes underground parking is not feasible in the area due to frequent flood risks, and would like to see how Council will address this concern as well as pressure on existing parking, traffic flow, and services when they are all already stretched. Raises concerns around the impact of increased pollution, noise and safety on all residents, particularly the young and the elderly.	The submission does not support new development in the areas affected by the DDO11 being greater than 3 storeys. A 3 storey building height is not supported for an Residential Growth Zone (RGZ) area, where greater than 3 storey development is anticipated. Overlooking impacts are mitigated through the DDO11 controls by the proposed rear setbacks of 9 metres, which is a reasonable distance to prevent direct overlooking of adjoining residential land. In RGZ areas, neighbourhood character is not a relevant planning consideration. The DDO11 areas have been carefully chosen by Council as high density residential areas that are distinct from areas of incremental or minimal change. In terms of flooding related impacts and basements being proposed for future developments in DDO11 areas, these flooding concerns are related to the local drainage system which is reflected in the application of the Special Building Overlay (SBO) Controls to residential land in the area. Drainage infrastructure could be improved as a result of new development in the area through potential infrastructure contributions and would be considered on a site by site basis through a planning application. This concern can easily be addressed through site by site development proposals and if basement car parking is appropriate in particular cases. Increases in parking and on traffic flow in the area where the DDO11 is proposed are not being considered by the Amendment. These issues are relevant considerations for each planning application where the car parking aspects are considered through Clause 52.06 of the Whitehorse Planning Scheme. In terms of perceived impacts from increases to residential population upon commercial services and social infrastructure - these issues are part of Council's consideration of social infrastructure as part of its municipal community and service planning role and are regularly undertaken. With commercial services such as shopping centres, greater residential population will better support these commercial facilities and improve commercial viability. Concerns about the impact of increased pollution, noise and safety of residents must be addressed for a specific planning application in DDO11 areas through the Apartment provisions at Clause 58 of the Whitehorse Planning Scheme.	There are no changes required to the Amendment as a result of this submission.
Email2 (9)	Email	Submission states that residents of Burwood East who are unclear on how the amendment might affect them directly. However, they generally oppose the proposed heights in the amendment, believing additional storeys will have a negative privacy, security and sunlight impacts on residents.	The submission does not support new development in the areas affected by the DDO11 at the heights proposed of 6 storeys at an in-principle level. These RGZ areas, have been carefully chosen by Council as high density residential areas that are distinct from areas of incremental or minimal change in the municipality. The submission states that these building heights will have an unreasonable impact on overlooking of adjoining residential land, but these impacts will be mitigated through the DDO11 controls by the proposed rear setbacks of 9 metres, which is a reasonable distance to prevent direct overlooking of adjoining residential land. In terms of security, there is no detailed evidence that has been provided to suggest that security for adjoining residents will be compromised by future development as anticipated in the Amendment. The Amendment has taken into account amenity impacts as a result of development proposed through DDO11 and in terms of sunlight and daylight, daylight provisions are protected through planning schemes, but sunlight is generally not protected.	There are no changes required to the Amendment as a result of this submission.
Email3 (10)	Email	Submission raises concerns regarding the development height limits.	The submission does not support new development in the areas affected by the DDO11 at the heights proposed of 6 storeys at an in-principle level. These RGZ areas, have been carefully chosen by Council as high density residential areas that are distinct from areas of incremental or minimal change in the municipality. The 6 storey heights that have been proposed in DDO11 have been carefully modelled based on a reasonable set of amenity expectations and requirements for land subject to the Amendment and for adjoining residential land and are appropriate.	There are no changes required to the Amendment as a result of this submission.
Email4 (11)	Email	This submission represents the owners of a property (business) that fronts onto Burwood Highway. They oppose and formally object to the introduction of mandatory height and front setback limits (irrespective of proposed development height) as those limits reduce the possibilities the property offers for future development (a new build on this site would render less than 50% of the site eligible for development). They request more nuanced guidelines that allow for assessments to be made on a case-by-case basis to accommodate innovation, unforeseen uses and peculiar circumstances beneficial to the community. They also state that Planning Practice Note 59 (PPN59) - The Role of Mandatory Provisions in Planning Schemes, September 2018 "also directs that mandatory provisions will only be considered in circumstances where...discretionary practices are insufficient to achieve desired outcomes", and therefore argue that mandatory limits are not justifiable and "contravene" this practice note. They support this claim by citing State government's refusal to adopt mandatory height provisions of 4 storeys in Amendment C160 on 14 October 2014, indicating "strategic reluctance to impose mandatory provisions in lieu of performance based standards." While they have only made comment on behalf of one address, they feel that these objections would be relevant to many parcels of land in the southern side of Burwood Highway nominated as a substantial change area that have narrower plot sizes. They argue that rather than encouraging lot consolidation, which would then better accommodate the mandatory aspects of the amendment, the more likely outcome is redevelopment potential not being realised. They also put forward that "the lack of transitional provisions would place unnecessary time pressure on landowners to act on, as well as explore the redevelopment of their property." "In conclusion they request mandatory controls be removed from the amendment, as well standard setback requirements "(Clause 55, B17) which are considered appropriate broadly across Victoria should continue to be applied to our site and others within GR22."	The submission does not support mandatory building heights for development that will result from the Amendment and supports discretionary controls. In terms of the proposed DDO11 controls, these are based on the Whitehorse Residential Corridors Built Form Study, 2019 that provides sufficient capacity and parameters for higher density development. Setbacks have been balanced against seeking improved residential amenity and landscaping outcomes while supporting transit oriented development. The proposed controls enable greater height and resulting development on lots affected by the Amendment, compared to the existing situation where discretionary controls encourage 4 storey development, which is of a lower scale than anticipated by the Amendment. Building setbacks have been included not just in response to overlooking (with or without a laneway or side street) but to also allow adequate areas for the provision of canopy trees, building separation and the minimisation of visual bulk. Land consolidation is encouraged in the DDO11 controls and an improved mechanism to help ensure lot consolidation could also assist in providing more viable development sites (such as a minimum lot size). However, such a change is considered to be a transformation of the Amendment and is not supported for the Amendment. In terms of the mandatory provisions of the Amendment and whether they are consistent with PPN59, there are exceptional circumstances included in PPN59 that enable mandatory provisions to be included in a planning provision where a specific design related public benefit can only be provided through a mandatory requirement, including mandatory built form requirements to provide for public benefits such as reduced overshadowing of the public realm and an improved interface between development and streets, are consistent with the approach included in PPN59. There are a number of planning schemes, such as Darebin and Moreland, where Design and Development Controls with mandatory height and setback requirements have been introduced into planning schemes. Mandatory controls are necessary to meet the principles included in the Whitehorse Residential Corridors Built Form Study, 2019 (Part 1) such as Principle 2: Enhance Sensitive Interfaces - Residential and Open Space and Principle 3: Provide for Equitable Access to Amenity.	There are no changes required to the Amendment as a result of this submission.
Post1 (12)	Post	The submission argues that developing the north rather than south side of the railway line between Laburnum and Blackburn stations is an act of conscious classism and a political act on the part of Council. Their main concern seems to be around what parcels of land are included in DDO-11, as there are allotments directly outside of the zone, on the south side of the train line, that they argue would be better for development than the parcels of land included north of the railway. Their argument is that these parcels of land aren't included because residents south of the railway are of a higher socio-economic status than those north of it, and therefore inherent bias towards those more fortunate means limiting disruption to the area they live in. Listing many examples they argue that amenities north of the railway (the Downing-Frankom precinct) don't lend themselves to additional development (open spaces, through roads, pedestrian access, traffic flow and existing hazards), when the south side would accommodate development more easily due to the absence of these impediments. They argue that Elmore precinct (shown on maps and diagrams provided, which sits directly to the north of the same section of Whitehorse Road and sits outside the DDO), has the same features as the Downing-Frankom precinct (which is the precinct between Whitehorse Road and the railway that they argue is unreasonably targeted for development), and therefore if Elmore is outside the DDO then so should the Downing-Frankom precinct, as they share the same features. They request that if the Downing-Frankom precinct is to remain in the DDO, that the most stringent planning and development controls be implemented in this precinct. They accuse the State Government of bullying Council by not allowing Council to mandate front, side and other setbacks. They show examples of multi-storey development with stepped back higher levels and argue that this kind of development is not in-keeping with the streetscape south of the railway along Whitehorse Road, adding that laneways are public open space, not development opportunities. They conclude by adding that in that precinct single storey residential development is the predominant building type and is now under threat from the "planning blight" put forward in the amendment. They argue these areas should be protected by mandatory setbacks from all boundaries being implemented to ensure no overshadowing or overlooking can occur. They argue against incremental development given they bought a house in Residential C zone which has now been rezoned four times since, and now threatens the amenity and enjoyment of their own home. They have made attempts to discuss concerns with Council and former MPs, the communications included evidence that the local community is generally not in support of these amendments. Finally, they raise concerns about future development having additional negative impact on the biodiversity and green spaces of the area.	The submission does not support new development in the areas affected by the DDO11 and supports redevelopment in areas to the south of the Belgrave-Lydale railway. These areas are not supported by the Amendment. The DDO11 areas have been carefully chosen by Council as high density residential areas that are distinct from areas of incremental or minimal change. These areas are based on the Whitehorse Residential Corridors Built Form Study, 2019 that provides sufficient capacity and parameters for higher density development with building heights and setbacks that have been balanced against seeking improved residential amenity and landscaping outcomes while supporting transit oriented development. There is no evidence that areas that have been chosen for the application of the DDO11 controls have been chosen on the basis of the socio-economic standing of residents in those locations. The intent of this submission is supported to include mandatory requirements for all building height and setback provisions. The Amendment submitted for authorisation was only supported by DELWP with the inclusion of discretionary side and rear building setbacks. However, submissions have been received about this issue both in support of, and against, mandatory setbacks. In response to this submission, it is suggested that a change should be made to the exhibited amendment through post exhibition changes to the Planning Panel to make the following change to the DDO11 (with changes highlighted in red text): "Table 2 to Schedule 11 Buildings and works must be in accordance with the side and rear setbacks specified in the Table 2 to this schedule. A permit cannot be granted to vary this requirement." The submissions states that there should be greater protection of biodiversity and green spaces in the residential areas of the suburb. In response, the Amendment aims to enable open space areas with vegetation and particularly canopy trees to be provided in new development subject to the DDO11 and to support biodiversity. The landscaping provisions of DDO11 include the following requirements: "Landscaping Developments should: • Provide a minimum deep soil area relative to tree height, which is a minimum depth of 800mm (for small trees), 1000mm (for medium trees) and 1200mm (for large trees). • Ensure the green character and tree canopy of the area is enhanced with deep soil plantings in the front, side and rear setbacks." These landscaping requirements will help to ensure good vegetation provision for developments in DDO11 areas and there are adequate decision guidelines in the RGZ and DDO11. In terms of overlooking issues, the proposed rear building setbacks of 9 metres will provide for an adequate distance to resolve direct overlooking to adjoining residential land. With overshadowing impacts from 6 storey development, there will be some overshadowing caused to land adjoining a development proposed in areas where the DDO11 will be applied. The proposed rear building setbacks help to mitigate the impact of shadows from 6 storey buildings to adjoining land to the south. These design and development considerations can be adequately addressed for each specific planning application through the apartment provisions at Clause 58 of the Whitehorse Planning Scheme. No further changes are recommended to the DDO11 to address overlooking issues from developments in DDO11 areas to adjoining land.	A change to the Amendment is suggested to support mandatory side and rear setbacks through post-exhibition changes at the Planning Panel.

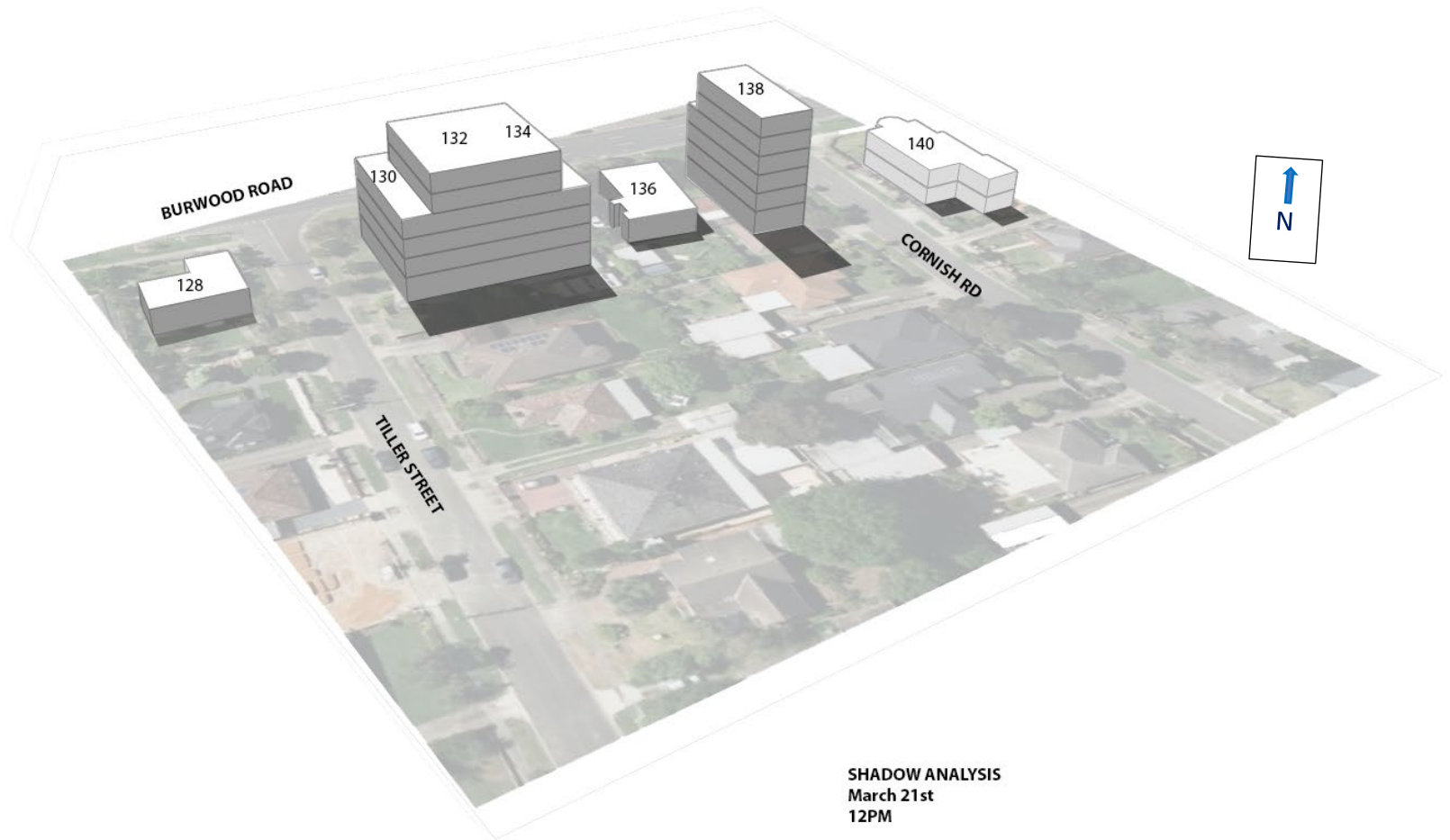
Email5 (13)	Email	The submission is from a long-term resident writing to complain about the possible negative impacts the building heights might have on ratepayers, especially those on the south side of Whitehorse Road. They note that the amendment doesn't make mention of allowances to private open space, only public open space, and that in general private spaces belonging to existing residents are not taken into account. They make the case that six storey buildings will affect their enjoyment of view, sunshine and privacy and state that no buildings higher than three to four storeys should be allowed near existing residential buildings. They seek clarification about who makes decisions on the appropriateness of a new build and whether or not it will dominate streetscapes or compromise character. They are concerned that without this being given proper consideration land parcels that are consolidated to ensure six storey developments can take place will outweigh concerns about these factors and will heavily impact existing residents in the corridor just south of Whitehorse Road. They question whether presumed impacts of six storey developments on their access to sunlight, including access to solar power and dependence on non-solar based heating, are in line with Council's greenhouse emissions and climate change policies. They're concerned this amenity would be even more greatly affected given that services might exist above the 19m limit six storey buildings have imposed on them in the amendment. They strongly oppose discretionary side and rear setbacks and feel the amendment is not clear on what rules apply regarding side and rear setback limits - their fear is of a six storey building set back at the front, but then six storeys high to the boundary of the new development, maximally overshadowing existing residential buildings, and they call for mandatory side and rear setbacks. They question the use of a date in spring to measure sunlight given the largest impacts on residents will be in mid winter. They further argue the negative impacts to residents who might end up with six storey developments on either side of their residence would render available direct sunlight to only 4-5 hours during winter. The submission states that new development will increase traffic flow and parking stress in the area. After their written submission they present a number of diagrams and sketches of how much six storey developments will interrupt and impact their amenity, specifically access to direct sunlight, privacy and views.	The submissions raises concerns about the following issues: 1. Overshadowing caused to land adjoining an development proposed in areas where the DDO11 will be applied is only be considered for public land. The Amendment includes overshadowing provisions to reduce potential impacts to public land with the following provision: "Developments should not result in additional shadowing to adjacent public open space between 12pm and 2pm on 22 September." The proposed rear building setbacks help to mitigate the impact of shadows from 6 storey buildings to adjoining land including private open space for residential land to the south. These are overshadowing and design and development considerations that can be adequately addressed for each specific planning application through the apartment provisions at Clause 58, so overshadowing of adjoining residential land can be considered. 2. In terms of sunlight and daylight, daylight provisions are protected through planning schemes, but sunlight is generally not protected. There are now provisions in the planning system that protect solar voltaic cells so these would need to be considered in any planning application for development in DDO11 areas to meet Council's greenhouse emissions and climate change policies. 3. Overshadowing concerns from the impacts of 6 storey development - the overshadowing controls are based on the equinox, rather than the winter solstice. This is a typical metric used to assess impacts from proposed development and measure the average, not the extreme, impacts. It is anticipated that there will be some overshadowing caused to land adjoining a development proposed in areas where the DDO11 will be applied. However, the proposed rear building setbacks help to mitigate the impact of shadows from 6 storey buildings to adjoining land to the south. The specific considerations can be adequately addressed for each specific planning application through the apartment provisions at Clause 58 of the Whitehorse Planning Scheme. 4. Privacy issues are protected through the 9 metre rear setbacks in DDO11 so there is no need to make further changes in the Amendment in relation to overlooking. 5. Views have been taken into account in the Amendment, particularly in the supporting Strategy with its recommended building heights and setbacks, locations for the application of the DDO11 and case study examples. Reasonable views have been considered and the issue of reasonable view sharing can be considered for each planning application in DDO11 areas, noting that in most cases no-one is entitled to a view through the planning process. 6. Traffic and car parking issues have not been specifically considered in the Amendment but are relevant considerations for each planning application where the car parking aspects of the Apartment provisions at Clause 58 of the Whitehorse Planning Scheme apply. 7. Concerns were raised about discretionary side and rear setback provisions and that they should be mandatory. Changes could be considered further to the Amendment through post exhibition changes to the Planning Panel to make the following change to the DDO11 (with changes highlighted in red text): "Table 2 to Schedule 11 Buildings and works must be in accordance with the side and rear setbacks specified in the Table 2 to this schedule. A permit cannot be granted to vary this requirement." 8. Character issues are raised but it is important to note that in RGZ areas, neighbourhood character is not a relevant planning consideration. The DDO11 areas have been carefully chosen by Council as high density residential areas that are distinct from areas of incremental or minimal change, where neighbourhood character can be assessed.	A change to the Amendment is suggested to support mandatory side and rear setbacks through post-exhibition changes at the Planning Panel.
Email6 (14)	Email	The submission is generally supportive of the amendment but objects to their perception of the requirements relating to rear setbacks. They (seem to) propose that rear setbacks: 1. should only apply when adjacent to residential land 2. where a lane separates the two sites maximum setbacks should apply from the rear of the developed site, rather than the rear of a neighbouring building (that begins on the other side of a lane) 3. propose that nine metres rear setbacks are too large as a mandatory maximum, they propose five metres as a minimum for buildings up to four storeys, with an additional four metres setback for buildings above four storeys. 4. that rear and side setbacks should be treated equally It looks like further follow up via phone clarified that the DDO did not apply to development under three storeys, but the submission continues with a second email that continues with the assumption of mandatory nine metre rear setbacks, stating if they're introduced they will result in 18 metre distances between neighbouring properties. State that a six storey rear wall will be visually very bulky.	The submission supports the overall intent of the Amendment but raises concerns with some of the setback requirements included in DDO11. The submission makes a number of suggestions for changes to the metrics included in DDO11 and where setbacks should be measured from and that a 6 storey wall at the rear could be very bulky. In terms of the justification for the metrics included in DDO11, these derives from the strategic work and case study examples that were included in the Whitehorse Residential Corridors Built Form Study, 2019. This study provides the justification for the 9 metre rear setback and why side setbacks should be provided. These setbacks are not just in response to overlooking (with or without a laneway or side street) but to also allow adequate areas for the provision of canopy trees, building separation and the minimisation of visual bulk. These setbacks help to mitigate the impact of a 6 storey building, which in setback areas of 9 metres can be moderated by areas of landscaping with large canopy trees. The changes to the setbacks as suggested in this submission are not seen as necessary to be incorporated into the Amendment.	There are no changes required to the Amendment as a result of this submission.
Email7 (15)	Email	The submission focuses around access to green space and sunlight for all residents of Whitehorse. It emphasises that developments must allow for provision of green space and set backs from gull boundaries, both to ensure existing residents' access to these resources, but also ensure new high density housing allows for residents' access to both as well. Green spaces encourage walking rather than using vehicles, security due to significant space usage, and contributes positively to mental health. They discuss the loss of urban wildlife and that future growth must accommodate and encourage ecological diversity. "Residential, and commercial construction must embrace a social responsibility to local citizens and wildlife. Council's loss of powers to VCAT and State Governments has severely adversely affected the amenity of Whitehorse and integrating trees and wildlife corridors must be brought back to enhance local amenity."	The submissions states that there should be greater protection of biodiversity and green spaces in the residential areas of the suburb, particularly in developments subject to DDO11. The submitter is also seeking improved urban wildlife corridors, amenity and provision of green spaces. In response, the Amendment aims to enable open space areas with vegetation and particularly canopy trees to be provided in new development subject to the DDO11 and to support biodiversity. Amenity is also sought to be improved for residential development by the inclusion of landscape setback areas in new developments and in private open space areas. No changes are considered necessary to the Amendment as a result of the issues raised in this submission.	There are no changes required to the Amendment as a result of this submission.
Submission 16 (letter attached in an email)	Email	Submission is from land owners of a large block within one of the sites. They approve of an increased maximum building height (from 13.5 to 19m) and feel that it offers good opportunities for urban and affordable development options, however, feel that no mandatory maximum height should exist. Similarly they feel that setback limits should be discretionary. They feel that the amendment does not integrate well with the Whitehorse Residential Corridors Built Form Study and question why the changes, specifically these mandatory factors, have been made in the proposed amendment. They also point out that their site abuts commercial 1 zone land, and the amendment "appears to assume that all interfaces are residential-to-residential."	The submission generally supports the Amendment including the 6 storey height limits and setback requirements but not the proposed mandatory height and front setbacks, stating they these controls should be discretionary. It is not considered appropriate to change the proposed mandatory height and front setbacks to discretionary. In terms of the interfaces to commercial areas, there are few interfaces from the proposed DDO11 areas to commercial areas. In most cases, amenity impacts are usually considered from commercial areas to residential areas rather than mitigating amenity impacts from residential areas to commercial areas. There are no changes that are required to the Amendment as a result of this submission.	There are no changes required to the Amendment as a result of this submission.

Appendix B – Testing of Overshadowing along Burwood Road, Burwood East

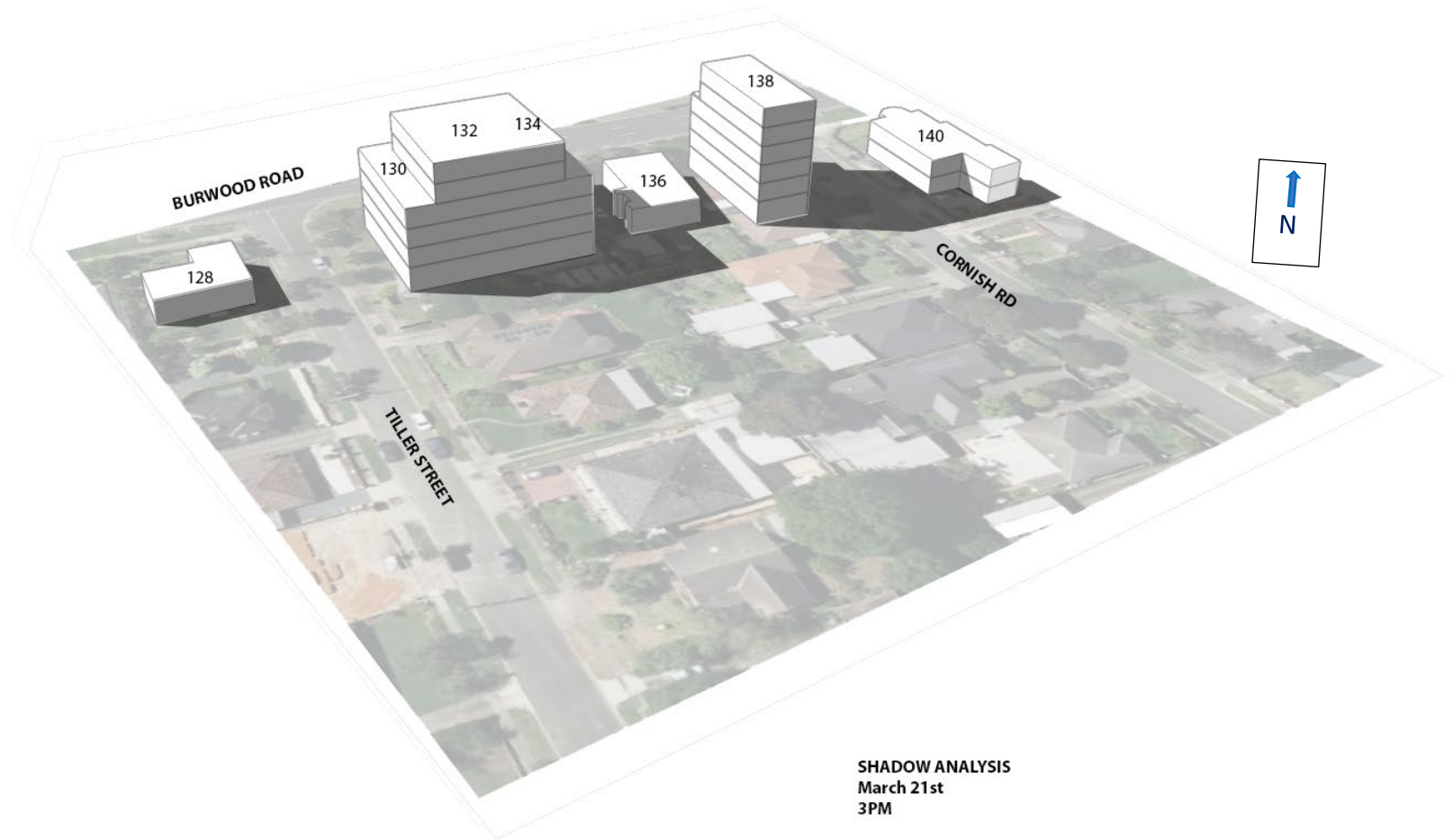
Testing of overshadowing assumptions/impacts from 6 storey (19 metre) development along Burwood Road, Burwood East.



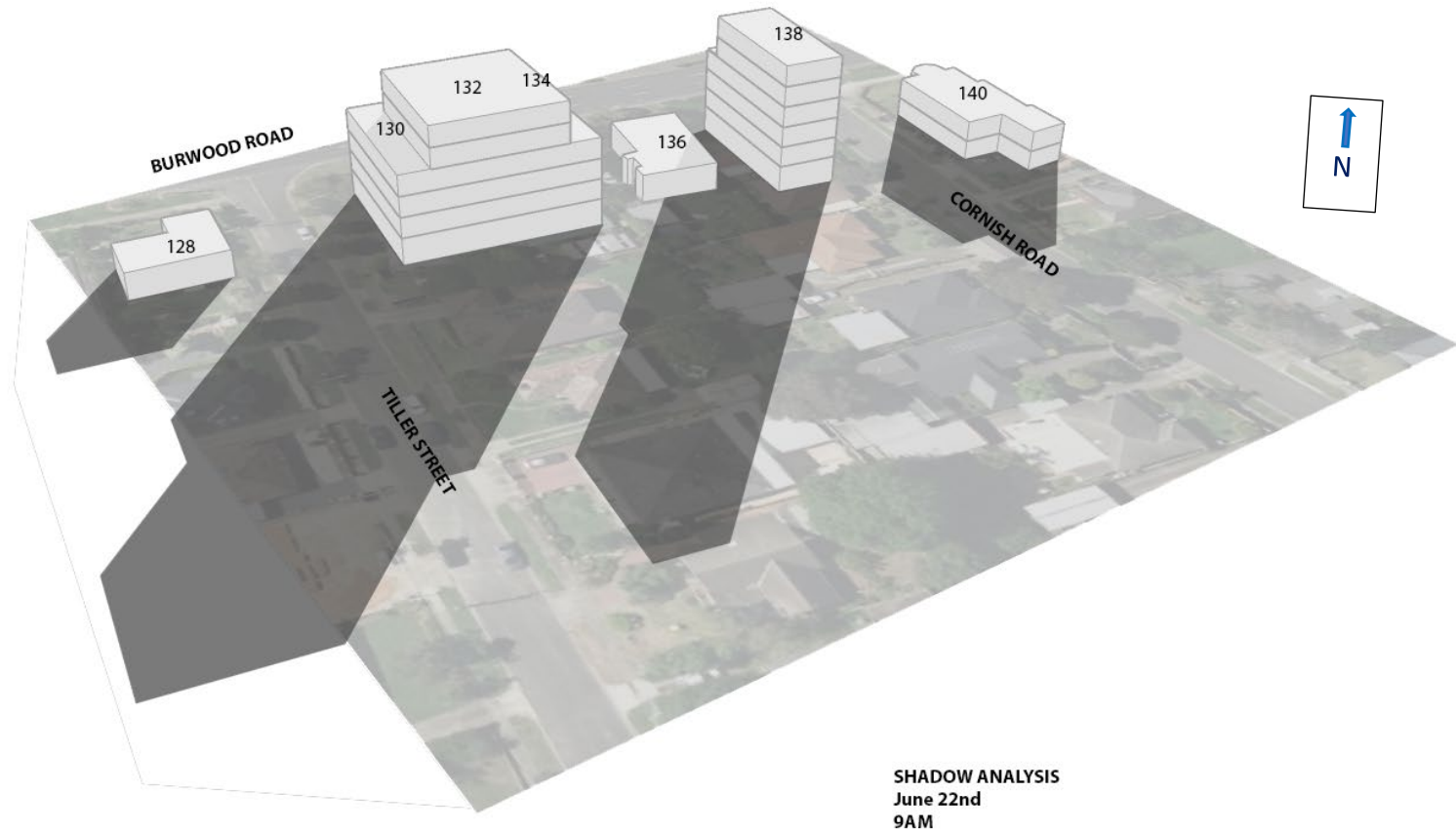
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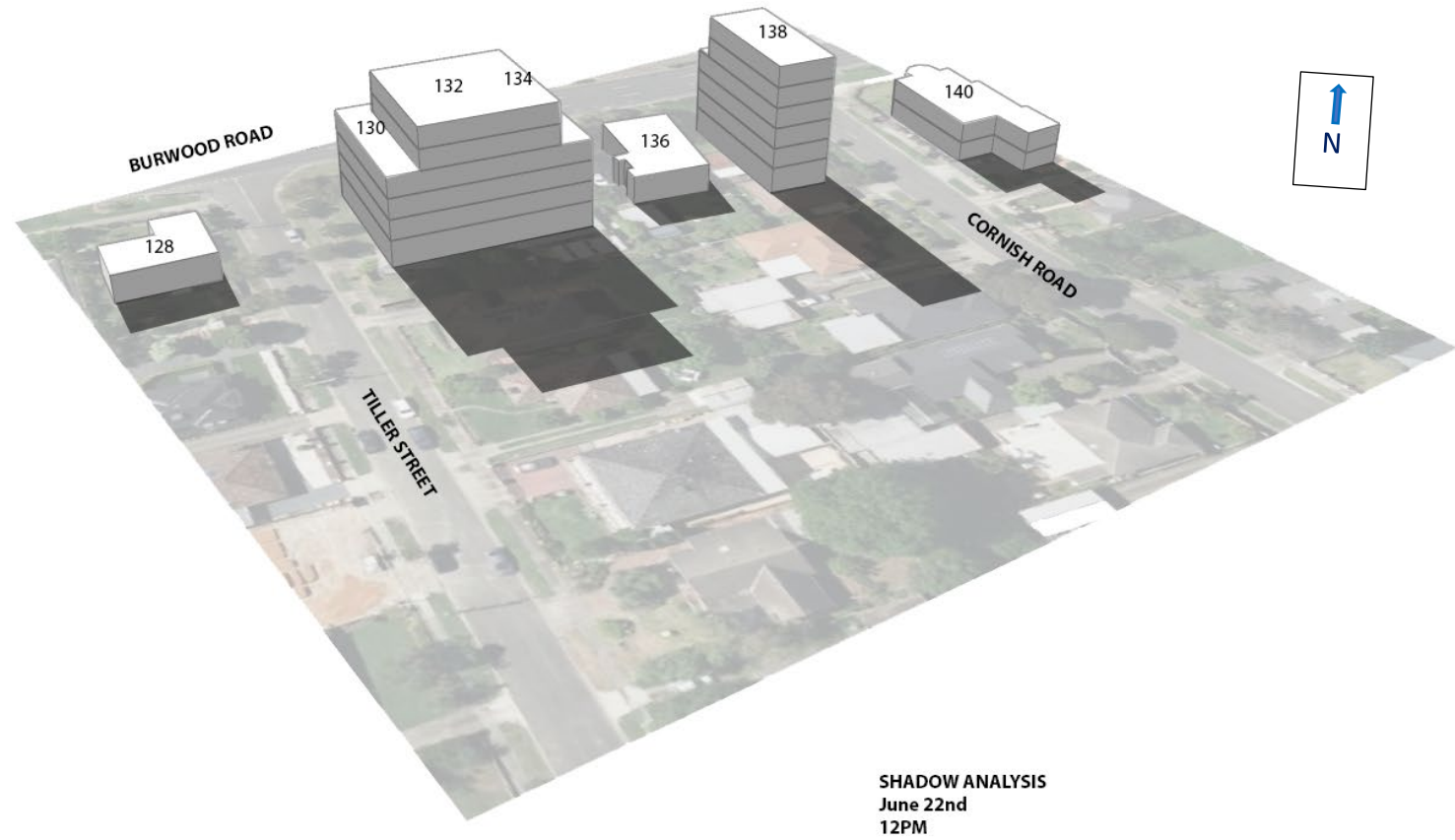
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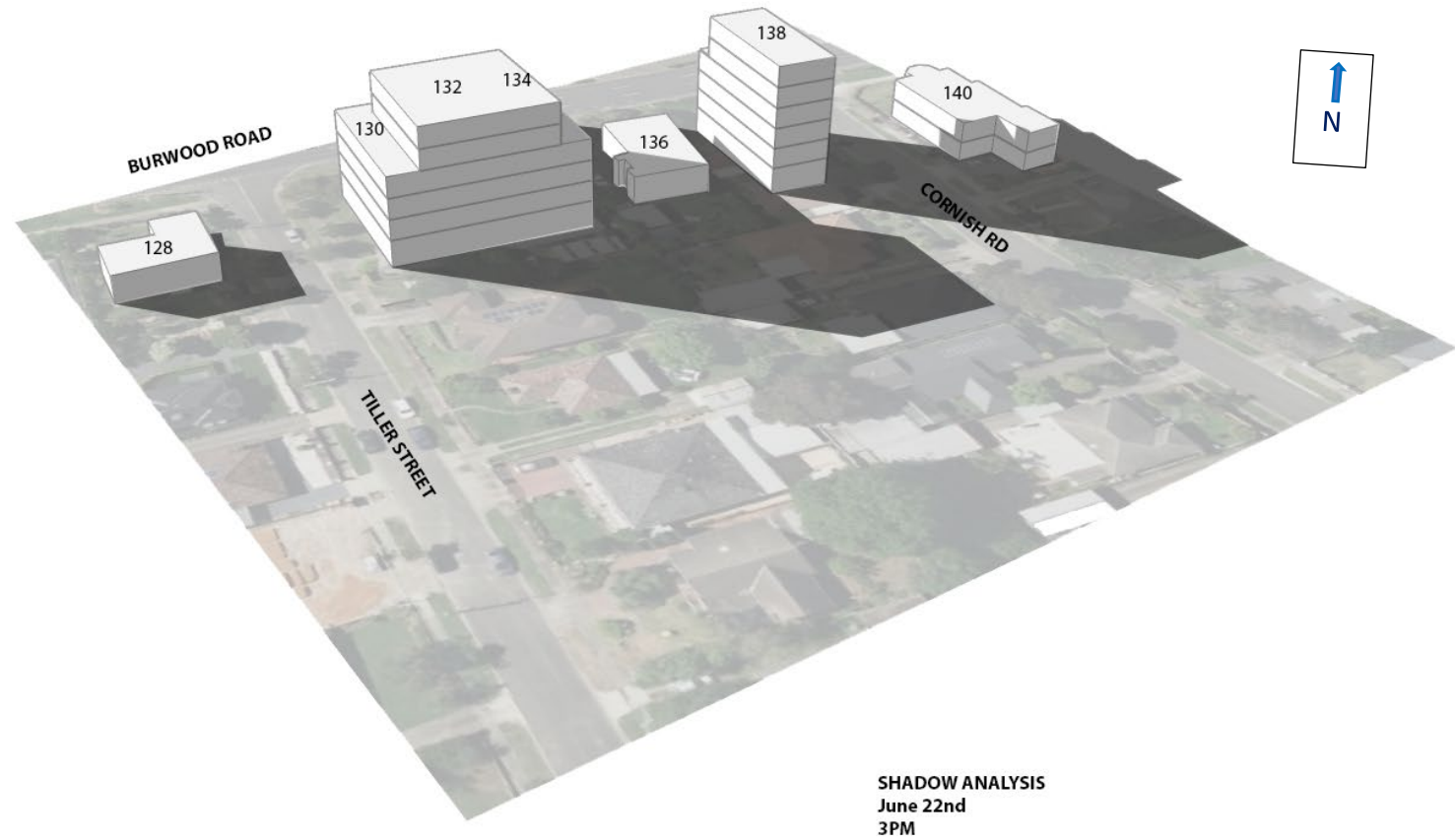
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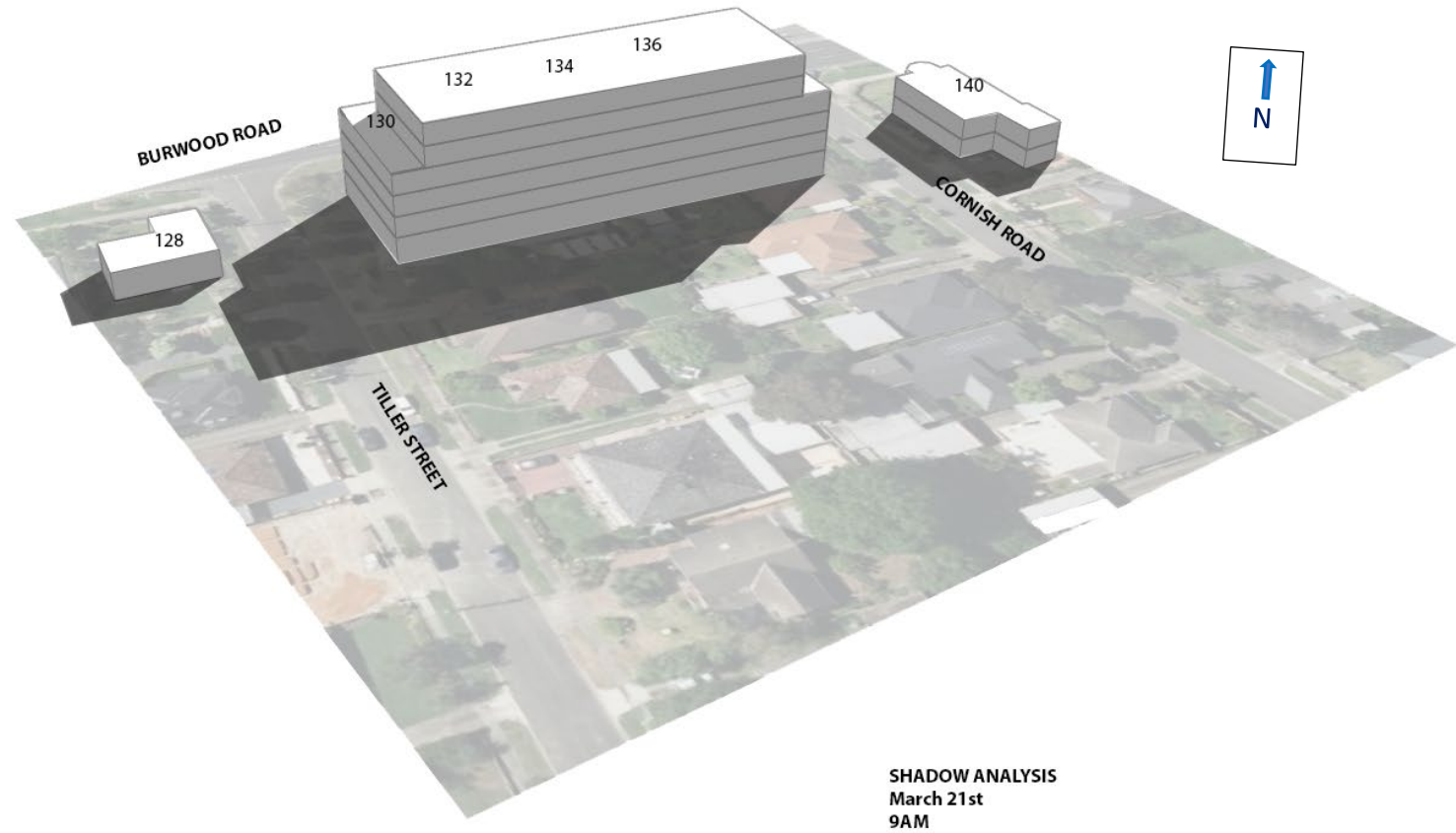
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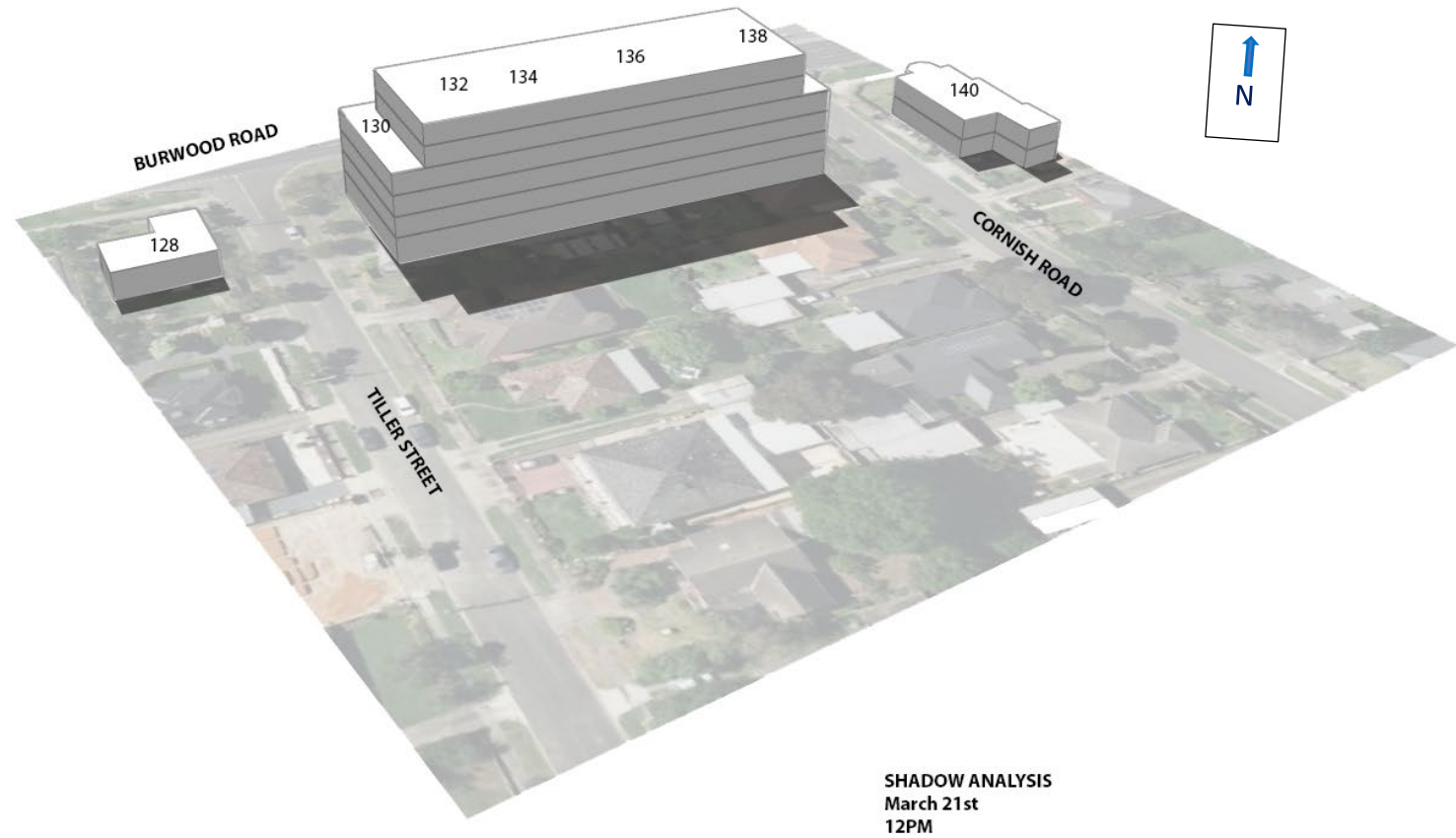
22 June, 12 pm



22 June, 3 pm

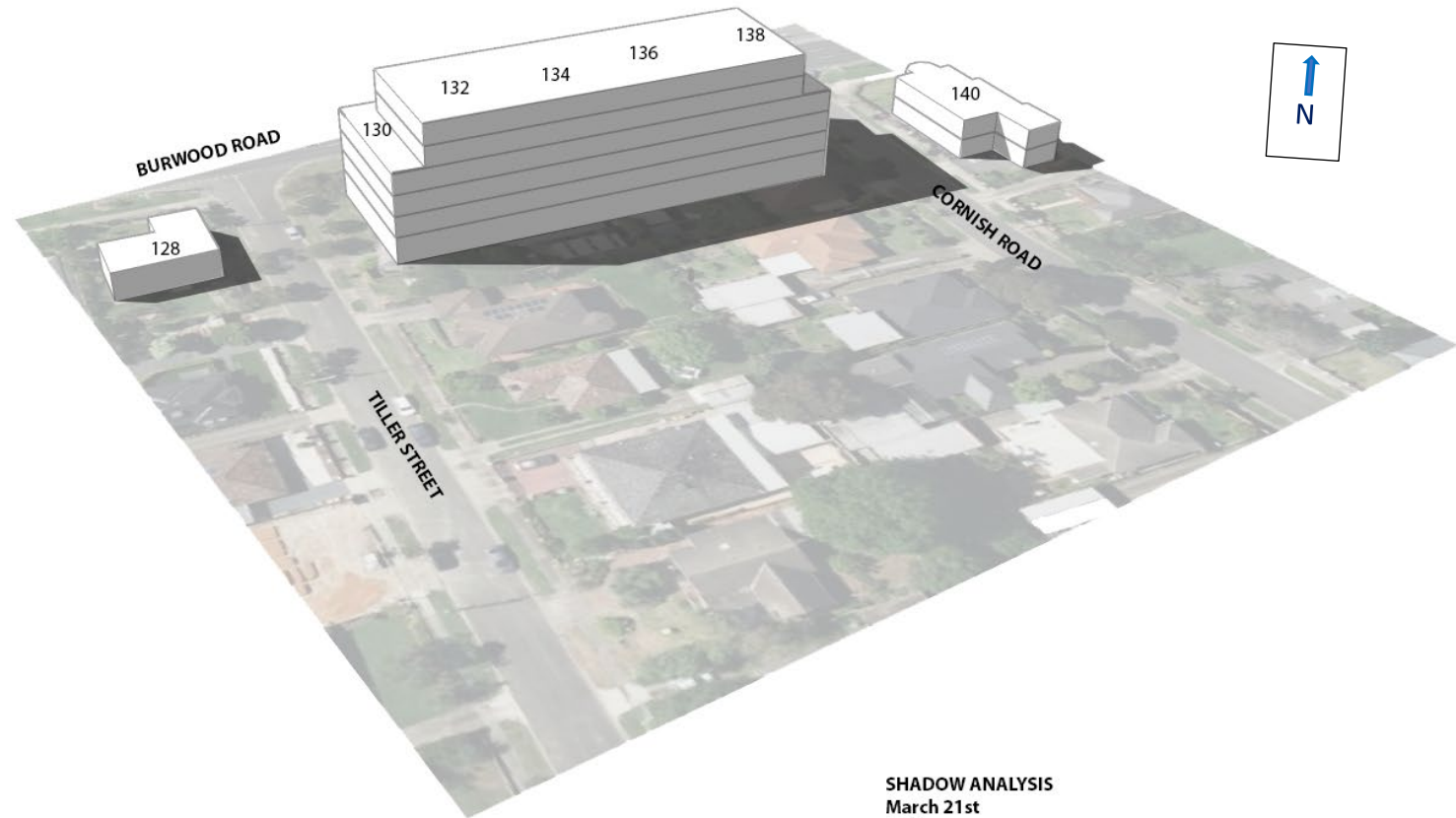


21 March, 9 am

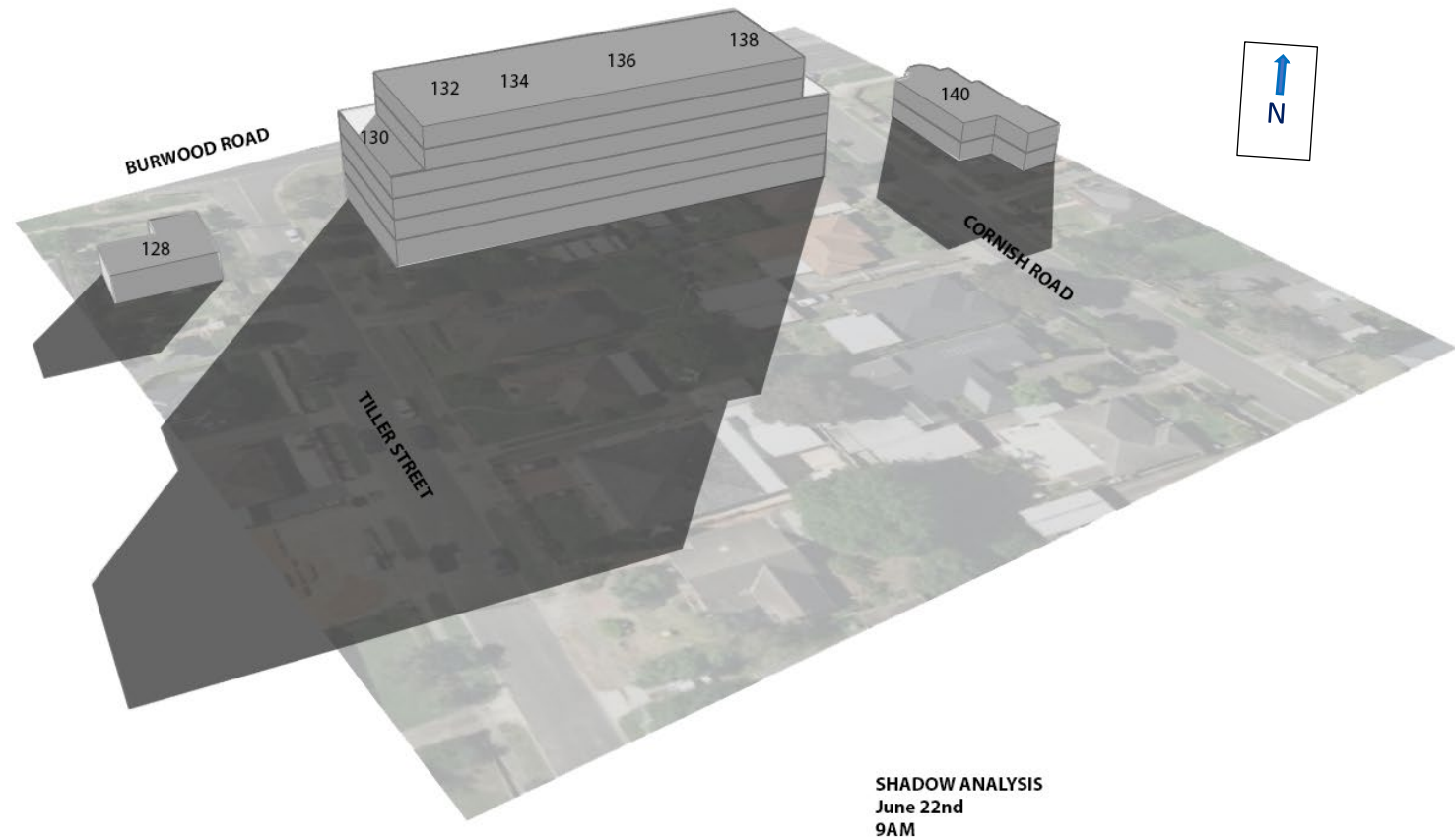


SHADOW ANALYSIS
March 21st
12PM

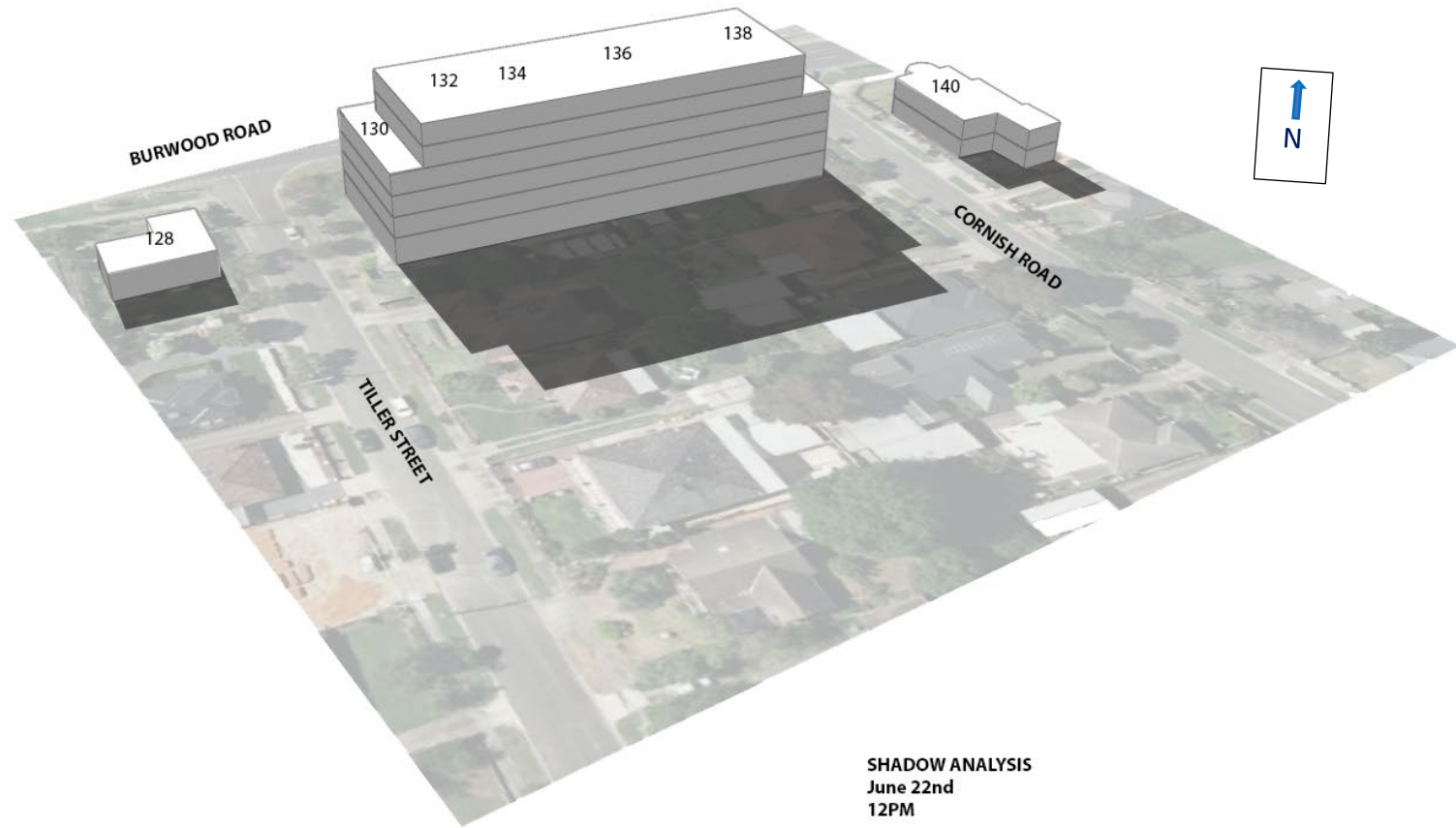
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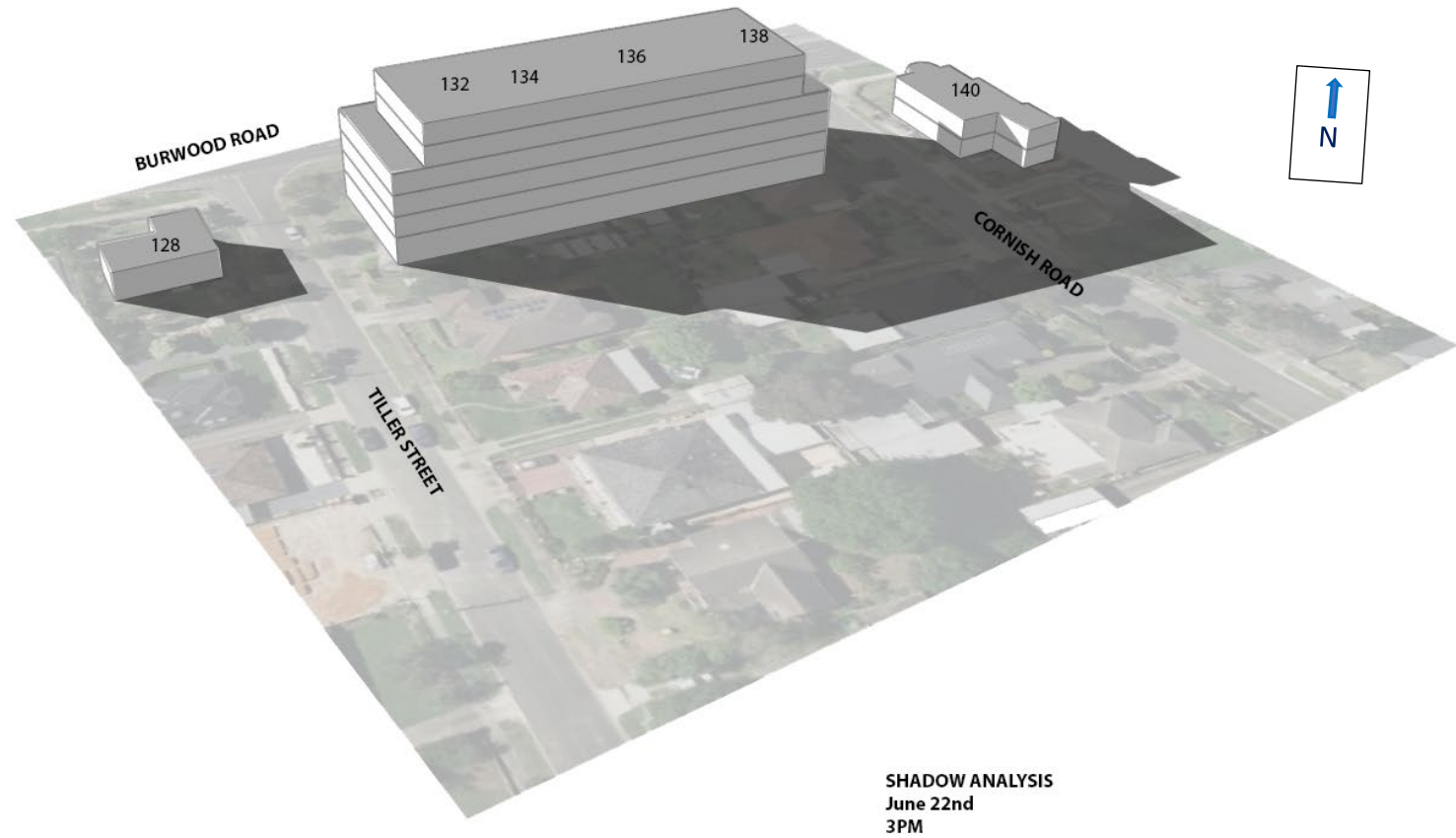
21 March 3 pm



22 June, 9 am



22 June, 12 pm



22 June, 3 pm

Appendix C – Design and Development Overlay – Schedule 11, Revisions

Proposed C220whse

SCHEDULE 11 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO11**.

RESIDENTIAL GROWTH CORRIDORS

1.0

Proposed C220whse

Design objectives

To ensure development achieves high quality public realm and public open space in relation to human scale and micro-climate conditions by providing a comfortable, pedestrian-friendly urban environment.

To ensure that the height of new buildings provides an acceptable built form interface with adjoining development in other zones.

To ensure the height and built form of new buildings do not visually dominate the street or compromise the character and amenity of adjacent low-rise residential areas.

To maintain the visual prominence of landscaping and ensure space for medium and large trees on site, particularly within the front and rear setbacks.

To encourage lot consolidation in order to achieve the maximum building heights and to provide for sufficient building setbacks to deliver high levels of internal amenity.

2.0

Proposed C220whse

Buildings and works

A permit is not required to construct a building or construct or carry out works for a development up to 3 storeys.

A permit is required to construct a front fence.

Building height

- A building must not exceed a height of 19 metres and 6 storeys, except where the height of an existing building on the land already exceeds 19 metres, in which case new buildings and works must not exceed the height of the existing building in metres and storeys. A permit cannot be granted to vary this requirement.
- Building height excludes rooftop services, such as plant rooms, air conditioning, lift overruns, roof mounted equipment and the like, that cannot be seen from any adjoining public space or are designed as architectural roof top features.

Building setbacks

- Buildings and works must be in accordance with the front setback specified in the Table 1 to this schedule. A permit cannot be granted to vary this requirement.

Table 1 to Schedule 11

Measure

Front setback Minimum 5 metres with an additional 3 metres to levels above 4 storeys

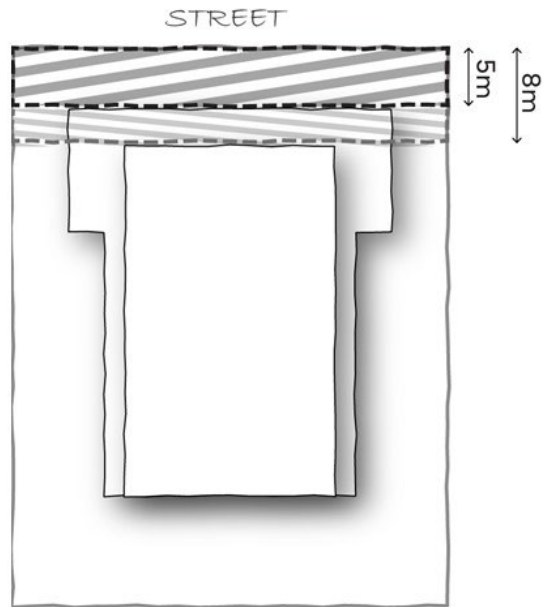
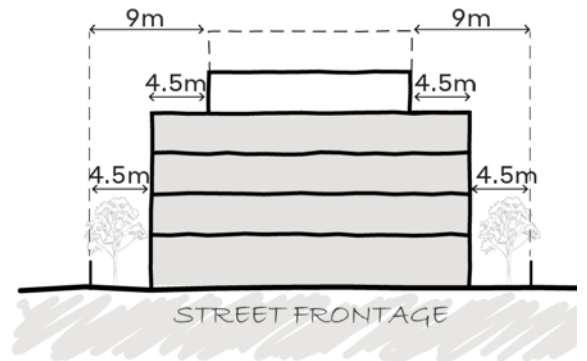


Table 2 to Schedule 11

- Buildings and works must be in accordance with the side and rear setbacks specified in the Table 2 to this schedule. A permit cannot be granted to vary this requirement.

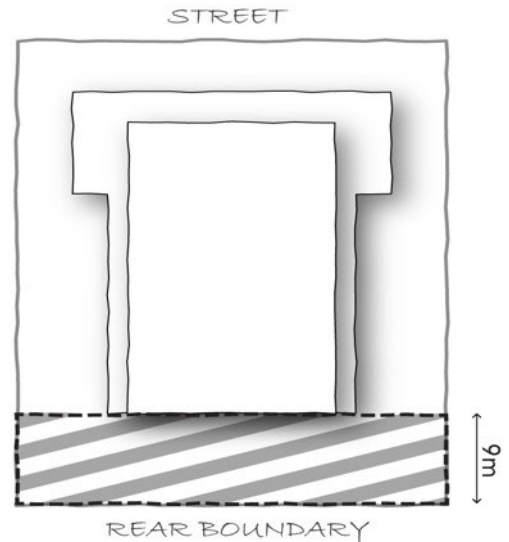
Measure

Side setback Minimum of 4.5 metres with an additional 4.5 metres to levels above 4 storeys



Rearsetback

Minimum of 9 metres



Pedestrian interface

- Buildings at the ground floor should:
 - Present attractive, pedestrian orientated frontages, which avoid blank walls, car parking areas and wide car park entrances.
 - Avoid service areas and other utility requirements, including fire hydrants and mailboxes, unless they are integrated into a landscaped front setback.
 - Avoid unscreened waste storage areas when viewed from a street.

Overshadowing

- Developments should not result in additional shadowing to adjacent public open space between 12pm and 2pm on 22 September.

Landscaping

- Developments should:
 - Provide a minimum deep soil area relative to tree height, which is a minimum depth of 800mm (for small trees), 1000mm (for medium trees) and 1200mm (for large trees).
 - Ensure the green character and tree canopy of the area is enhanced with deep soil plantings in the front, side and rear setbacks.

- Maximise windows at ground level and avoid high front fences to provide passive surveillance of the street.

A wind tunnel assessment prepared by a suitably qualified person that:

3.0

Subdivision

Proposed C220whse

None specified.

4.0

Signs

Proposed C220whse

None specified.

5.0

Application requirements

Proposed C220whse

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:

- Models the wind effects of the proposed development and its surrounding buildings.

Demonstrates the proposed development will not cause unsafe wind conditions.
Explains the effect of the proposed development on the wind conditions in publicly accessible areas.

- Shows the development will allow for comfortable sitting in any public open space, standing in any pedestrian entrance and walking in any pedestrian walkway.

6.0 Decision guidelines

---Proposed C220whse 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 development provides an appropriate transition to an adjoining residential zone or public open space.
- Whether the development maintains a mid-rise scale that enhances the sense of openness, maintains access to expansive sky views along the corridor and allows maximum solar access to low-rise residential development in the adjoining and adjacent areas.
- Whether the development provides for adequate sun penetration at street level and mitigates wind down-draughts through upper level setbacks.
- Whether the development achieves an acceptable built form interface with the public realm, so as not to dominate the streetscape or appear as a continuous wall at street level or nearby vantage points if adjoining and/or nearby sites are developed in a similar manner.
- Whether the development allows for deep soil planting and landscaping within the front, side and rear setbacks.
- Whether the development achieves high architectural quality.
- Whether the development provides adequate sunlight, daylight and privacy, and outlook from habitable rooms, for both existing and proposed developments.
- Whether any additional overshadowing of adjacent public open space will:
 - Reduce the extent to which sunlight will be available between 12pm and 2pm on 22 September, including the cumulative impacts if adjacent land is developed in accordance with the planning scheme.
 - Have an adverse impact on the landscaping, including plants, trees and lawn or turf surfaces in the public open space.
 - Compromise the existing and future use, quality and amenity of the public open space.

5. CONTACT

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Attachment B - CV

Paul Buxton BA(Social Sciences), MUP, FPIA-Registered Planner

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Paul established Plan2Place Consulting in 2018 following a distinguished career in State and Local governments. He is a leader and planning professional with three decades of expertise managing high performing teams, projects, programs and reforms enhancing Victoria's liveability.

He is sought out for his planning systems and activity centres experience with the capability of bridging the strategic and statutory spheres. Paul is an expert in organisational change and reform, best practice process and regulation, strategic and statutory implementation, team leadership, governance, place management and precinct renewal, negotiation and influencing.

Paul is a values driven person who achieves results through experience, demonstration and leadership, providing strategic, practical insights and advice, great judgement and an outcomes focus delivering positive, lasting results.

KEY STRENGTHS

- Strategic and innovative thinking
- Project and program management
- Process, system and organisational reform
- Effective problem solving and authoritative advice pitched at major project delivery
- Business case preparation
- Staff management and development
- Analytical skills and evidenced based approach
- Community consultation and stakeholder engagement
- Strategic and statutory planning
- Technical understanding of legislation, subordinate legislation and planning/policy frameworks
- Technical understanding of information technology platforms and their application

CAREER HISTORY

ORGANISATION	POSITION	DATE
Plan2Place Consulting	Director	February 2018–current
Department of Environment, Land, Water and Planning	Manager Planning System Reform	Jan 2015–February 2018
Department of Planning and Community Development	Project Director, Reformed Zones Assistant Director, Activity Centres Unit	Oct 2012–Dec 2014 Jul 2007–Oct 2012
Moonee Valley City Council	Acting Deputy Manager Coordinator Planning	Jan 2003–Jul 2007
Moreland City Council	Urban Planning Team Leader Urban Planner	Oct 1998–Dec 2002
Tract Consultants	Town Planner	Jan 1996–Oct 1998

Paul Buxton BA(Social Sciences), MUP, FPIA-Registered Planner

EMAIL paul@plan2place.com.au

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► CAREER EXPERIENCE/HIGHLIGHTS

- Management of Activity Centres Unit; responsibility for capital works and strategic programs worth \$21.6 Million (Creating Better Places, Expert Assistance and Community Works Programs) procuring projects involving expert consultant advice and competitive grants; developing and implementing planning reforms including the Activity Centre Zone and associated guidelines/practice notes recognised through a Planning Institute of Australia award for excellence; production of state-wide place management resources
- Management and delivery of reformed zones advisory committee reports; state-wide consultation process; gazettal of state-wide reformed zones and associated guidelines
- State-wide planning scheme amendments restructuring the State Planning Policy Framework giving greater weight to Plan Melbourne, Regional Growth Plans and government policy reviews/housing reforms
- Preparation/management of business case—\$25.5M Smart Planning Program in Victorian 2016 budget
- Brimbank Industrial Land Strategy Peer Review—Brimbank City Council
- West Footscray Neighbourhood Plan Peer Review—Maribyrnong City Council
- St Albans Activity Centre Precinct-4 Land Swap & Planning Advice—Brimbank City Council
- Review of the Nunawading/Mitcham/Mega Mile Structure Plan—Whitehorse City Council
- Strategic and statutory provisions advice for the Sunshine NEIC—Brimbank City Council
- Stormwater controls project for integrated water management—DELWP (Water)
- Development of Commercial 3 Zone and VC Amendment documentation—DELWP (Planning)
- Preparation of Industrial and Commercial Land Use Framework Report—DELWP (Planning)
- Building Better Apartments: Revised Planning Provisions Project—DELWP (Planning)
- Greening the Greyfields, Planning Implementation Pathways and Peer Review—Swinburne University/Maroondah City Council
- Solomon Heights Estate Strategic Options and Implementation Pathways—Brimbank City Council
- Background Reports, Structure Plans and Community Engagement for the Baxter, Balnarring and Somerville Townships—Mornington Peninsula Sire Council
- Tottenham & West Footscray Employment Precincts Framework Plans—Maribyrnong City Council
- Planning scheme amendment documentation to implement the West Footscray Neighbourhood Plan—Maribyrnong City Council.
- Planning scheme amendment documentation review and development to implement the Postcode 3081 Urban Design Framework and Expert Evidence—Banyule City Council.
- Casey Activity Centres Peer Review—Casey City Council
- Wodonga Residential and Sloping Land Design Guidelines / Statutory Planning Options—City of Wodonga
- Planning Scheme Amendments Protocol—Melbourne City Council
- Brimbank Planning Scheme, Planning Policy Framework Peer Review—Brimbank City Council
- Tree Protection Controls Review, Options Paper and Revised Provisions—Banyule City Council
- Hepburn Planning Scheme Review and Amendment C80hepb—Hepburn Shire Council
- Croydon Activity Centre Structure Plan, Issues and Opportunities Paper—Maroondah City Council
- Braybrook Ballarat Road Employment Precinct Framework Plan—Maribyrnong City Council