

**URBIS**

# **PLANNING PANELS VICTORIA AMENDMENT C230 WHITEHORSE PLANNING SCHEME**

Statement of Town Planning Evidence  
prepared by Andrea Pagliaro

Prepared for  
**NORTON ROSE FULBRIGHT**  
20 January 2023

**URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:**

Director                      Andrea Pagliaro  
Associate Director        Claire Betteridge  
Project Code                P0042225

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# INTRODUCTION

1. My name is Andrea Stefano Pagliaro and I am a Director at Urbis Pty Ltd of Level 10, 477 Collins Street, Melbourne. My qualifications and experience are described in Appendix A.
2. I have been requested by Norton Rose Fulbright on behalf of Dandenong Views Pty Ltd to prepare a town planning assessment of exhibited Amendment C230 to the Whitehorse Planning Scheme, which relates to the land at 490-500 Burwood Highway, Vermont South.
3. Amendment C230whse seeks to:
  - Rezone the land from the Transport Zone Schedule 4 (TRZ4) to the Residential Growth Zone Schedule 3 (RGZ3).
  - Amend Vegetation Protection Overlay Schedule 5 (VPO5) and apply it to the land.
  - Apply a new Significant Landscape Overlay – Schedule 10 (SLO10) to the land.
  - Amend the Heritage Overlay Schedule to include reference to the updated statement of Significance, *Former Australian Road and Research Board, 490–500 Burwood Highway, Vermont South – Statement of Significance (Whitehorse City Council, June 2021)*.
  - Apply a new Design and Development Overlay – Schedule 6 (DDO6) to the land.
  - Apply the Environmental Audit Overlay (EAO) to the land.
  - Amend the Schedule to Clause 72.04 to incorporate two documents, *Former Australian Road and Research Board, 490–500 Burwood Highway, Vermont South – Statement of Significance (Whitehorse City Council, June 2021)* and *Statement of Tree Significance, 490–500 Burwood Highway, Vermont South (September 2021)*.
  - Updates relevant sections of the Local Planning Policy Framework (Clauses 21.06 and 22.03).
4. Specifically, I provide my opinions on the following matters:
  - The strategic planning support for the proposed amendment;
  - Whether the proposed rezoning to RGZ is appropriate;
  - Whether any amendments to the proposed RGZ Schedule are appropriate;
  - Whether the various overlays are appropriate.
  - Whether any amendment to the overlays are required.
5. In the course of preparing this evidence I have inspected the subject site (14 & 30 September 2022) and its environs and have reviewed the proposed amendment documentation. In addition, I have read the relevant background documentation, the Council officer reports and the submissions lodged to the Amendment.
6. I have had no involvement in the matter until I was instructed by Norton Rose Fulbright in July 2022.
7. A summary of my opinions with respect to the Amendment is as follows:
  - **There is strong strategic support for the proposed Amendment.**
  - **The proposed rezoning to the RGZ is appropriate.**
  - **The use of the DDO is appropriate. However, I recommend some minor changes to the Schedule 6 wording and concept plan.**
  - **There is a degree of conflict between the DDO6 preferred development outcome and the tree protection controls. This should be further resolved through wording changes in the DDO6 and SLO10 and /or changes to the concept plan.**

- **The proposed VPO5 is questionable, having regard to the expert evidence of Mr Galbraith, and I would support the sole use of the SLO Schedule for tree controls.**
- **The EAO and retention of the HO are appropriate.**

8. I declare that I have made all the enquiries that I believe are desirable and that no matters of significance which I regard as relevant have, to my knowledge, been withheld from the Panel.



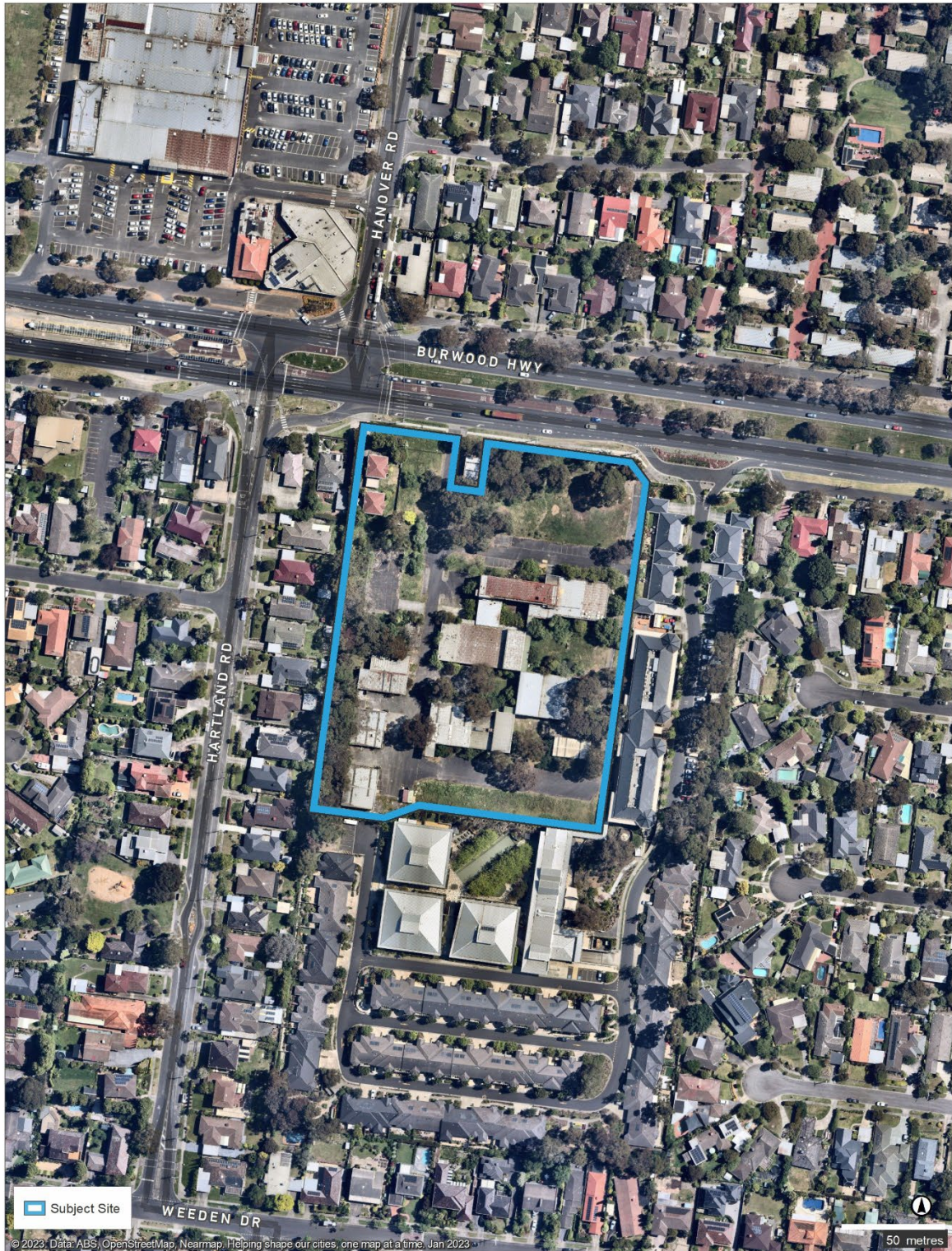
Andrea Pagliaro  
Director  
Urbis

# SITE AND SURROUNDS

9. The subject site is located on the southern side of Burwood Highway within the suburb of Vermont South, approximately 20km east of Melbourne's CBD.
10. The site is generally rectangular in shape and has an area of approximately 2.58 hectares.
11. The site is bounded by Burwood Highway to the north, the Victoria Grange aged care and retirement village to the east and the south, and single dwellings to the west.
12. There is a change in gradient across the site by approximately 7m from north (higher) to south (lower).
13. The site currently accommodates 13 buildings across the site of various styles, uses and ages. The administration building presenting to Burwood Highway is of heritage significance.
14. The buildings are set within landscape grounds including the Burwood Highway setback which comprises an area of open landscape, with significant vegetation and grassed areas. There are a number of significant trees across the site.
15. There is 'cut out' along the northern boundary of the site of a property known as 500A Burwood Highway. This lot contains a substation and does not form part of the subject site.
16. The site has the following interfaces:
  - To the north is the busy arterial road of the Burwood Highway. This road is 6 lanes of traffic with a service lane on the northern side. The terminus of the No.75 Tram is located to the north-west of the site.
  - To the east is Victoria Grange Residential Community. This interface comprises a mix of building types and heights. The northern portion of the interface comprises single storey dwellings with either backyard or garages on the common boundary. The southern portion of the eastern interface comprises along two storey retirement accommodation building. There are numerous windows and balconies that face the subject site.
  - To the south there are three storey buildings and communal open space, including a blowing green which also forms part of the is Victoria Grange Residential Community. Due to the change in topography, the buildings are set at a lower level.
  - To the west, are the rear yards of single dwellings located in the NRZ. The majority of the dwellings are single storey. There is one 2 storey dwelling at 13 Hartland Road.
17. Vermont South Shopping Centre, which is a Category 3 Neighbourhood Activity Centre is located on the opposite side of Burwood Highway. This shopping centre offers a range of retail and other services, including supermarkets, restaurants, a post office and medical services. The Tally Ho Major Activity Centre is located approximately 1.5km from the site, which includes the Tally Ho Business Park.
18. The site is served by the following public transport services:
  - Tram services (No. 75) along Burwood Highway
  - Bus routes along Burwood Highway and routes north and south along Hartland Road and Hanover Road
  - Nearest train station is Glen Waverley located 3km to the south east.
19. Other social infrastructure located within 1km of the site includes:
  - Vermont South Library
  - Vermont South Children's Services Centre (childcare)
  - Sportlink Vermont South (sports complex)
  - Vermont South Health Care Centre
  - Dental Clinic

- Pathology centre
- Livingstone Primary School
- Weeden Heights Primary School
- Holy Samour School
- Hartland Road playground
- Tyrol Park
- Terrara Park
- Licola Reserve
- Billabong Park
- Hanover Reserve
- Vermont South Sports Club





**490-500 BURWOOD HIGHWAY, VERMONT SOUTH**  
**SITE LOCATION**

Figure 1 - Location Plan

# PROPOSED AMENDMENT C230

20. The Amendment proposes to:

- Rezone the land at 490-500, Flat 1/490-500 and Flat 2/490-500 Burwood Highway, Vermont South from Transport Zone – Schedule 4 to the Residential Growth Zone Schedule 3.
- Amend the Local Planning Policy Framework at Clause 21.06 (Housing) and Clause 22.03 (Residential Development) by changing the maps.
- Amend Schedule 5 to Clause 42.02 Vegetation Protection Overlay and apply it to the land.
- Insert Schedule 10 to Clause 42.03 Significant Landscape Overlay into the planning scheme and apply it to the land.
- Amend Schedule to Clause 43.01 Heritage Overlay to include reference to the updated statement of significance, *Former Australian Road and Research Board, 490-500 Burwood Highway, Vermont South -Statement of Significance (Whitehorse City Council, June 2021)*.
- Insert Schedule 6 to Clause 43.02 Design and Development Overlay into the planning scheme and apply it to the land.
- Apply Clause 45.03 Environmental Audit Overlay (EAO) to the land.
- Amend Schedule to Clause 72.04 to incorporate two documents, *Former Australian Road and Research Board, 490–500 Burwood Highway, Vermont South – Statement of Significance (Whitehorse City Council, June 2021)* and *Statement of Tree Significance, 490–500 Burwood Highway, Vermont South (September 2021)*.
- Amend planning scheme maps DDO6, EAO6, SLP6, VPO6 and ZN6 accordingly.

21. The amendment proposes a number of minor text changes to Clause 21.04 (Residential Development) and Clause 22.01 (Residential Development and Character Policy). These changes are intended to provide some direction and policy support for medium to higher density for urban renewal sites having regard to the content of local policy for new residential development is primarily focused on preserving the low scale, garden city character of the municipality.



# CURRENT PLANNING CONTROLS

## ZONING

22. The site is currently zoned Clause 36.04 Transport Zone (TRZ4) – Other Transport Use. The purpose of Clause 36.04 is:
- *‘To implement the Municipal Planning Strategy and the Planning Policy Framework.’*
  - *‘To provide for an integrated and sustainable transport system.’*
  - *‘To identify transport land use and land required for transport services and facilities.’*
  - *‘To provide for the use and development of land that complements, or is consistent with, the transport system or public land reservation.’*
  - *‘To ensure the efficient and safe use of transport infrastructure and land comprising the transport system.’*
23. Clause 36.04-4 (Table of transport use) shows that TRZ4 signifies the purpose of the zone as ‘other transport uses’.

## HERITAGE OVERLAY

24. The entire site is affected by Clause 43.01 Heritage Overlay (HO23) ‘Australian Road Research Board’. The purpose of Clause 43.01 is:
- *‘To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.’*
  - *‘To conserve and enhance heritage places of natural or cultural significance.’*
  - *‘To conserve and enhance those elements which contribute to the significance of heritage places.’*
  - *‘To ensure that development does not adversely affect the significance of heritage places.’*
  - *‘To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.’*
25. There are no external paint controls, internal controls or tree controls under this existing overlay schedule.

## RELEVANT PLANNING POLICY

### Plan Melbourne

26. The site is located in the eastern sub-region of Melbourne which is identified to accommodate a large number of new dwellings as part of Melbourne’s growth.
27. A key objective of Plan Melbourne is to provide housing choice close to jobs and services and the creation of a ‘20-Minute City’.

### Planning Policy Framework (PPF)

28. Policies within the Planning Policy Framework (PPF) which are of relevance to Amendment C230 include:
- Clause 11 ‘Settlement’
    - **Clause 11.02-1S** ‘Supply of Urban Land’
  - **Clause 12** ‘Environmental and Landscape Values’
    - **Clause 12.01-2** ‘Native Vegetation Management’

- **Clause 13** 'Environmental Risks'
  - **Clause 13.04-1S** 'Contaminated and Potentially Contaminated Land'
- **Clause 15** 'Built Environment and Heritage'
  - **Clause 15.01-1** 'Urban Design'
  - **Clause 15.01-2S** 'Building Design'
  - **Clause 15.01-4** 'Healthy Neighbourhoods'
  - **Clause 15.01-5S** 'Neighbourhood Character'
  - **Clause 15.03-1S** 'Heritage Conservation'
- **Clause 16** 'Housing'
  - **Clause 16.01-1** 'Housing Supply'
  - **Clause 16.01-2** 'Housing Affordability'
- **Clause 17** 'Economic Development'

## Local Planning Policy Framework (LPPF)

29. The local policies that are most relevant to the proposed amendment are detailed below.
30. **Clause 21.01 Municipal Profile** outlines the overarching trends within the municipality including an ageing population and an increased demand for smaller dwelling types.
31. **Clause 21.03 A Vision for the City of Whitehorse** states that the overarching vision is to 'be a healthy, vibrant, prosperous and sustainable community supported by strong leadership and community partnerships.'
32. **Clause 21.04 Strategic Directions** sets out a series of objectives, strategies and implementation mechanisms that reinforce the City of Whitehorse's vision statement, including; environment, housing, economic development and infrastructure (refer to Figure 23 - Strategic Framework Plan).
33. **Clause 21.06 Housing** states that the City of Whitehorse is under increased pressure to accommodate a rising population. It identifies areas of substantial, natural and limited change. The subject site is not given a category, however land to the west of the site (along Burwood Highway) is characterised as an area of substantial change and the areas north, east and south are characterised as areas for limited change. This clause also categorises the area including the Vermont South Shopping Centre as a Category 3 Neighbourhood Activity Centre (refer to Figure 25 - Housing Framework Plan).
34. **Clause 21.06-2 Vision** This clause sets out the vision for housing, which is 'to ensure that housing in the City of Whitehorse meets residents needs in terms of location, diversity, sustainability, accessibility, affordability and good design'. The key housing principles includes encouragement of the provision of housing growth with a diversity of housing styles and sizes that will accommodate the preferences of the Whitehorse community.
35. **Clause 21.06-3 Housing Location** This clause highlights the key issues surrounding housing location in the municipality, including encouraging appropriate residential development in locations with good access to public transport and services. It sets out the objectives for areas of limited, natural and substantial change.
36. **Clause 21.06-4 Housing Diversity** This clause sets out the key issues, objectives and strategies associated with housing diversity within the City of Whitehorse. The key objectives focus on diversifying the variety of housing, meeting specialised requirements for particular residents and ensuring the monitoring of housing development trends and the engagement with relevant stakeholders.
37. **Clause 21.06-5 Housing Affordability** This clause states that a key issue for the City of Whitehorse is 'meeting an increasing demand for more affordable housing across the municipality.' The key objectives focus toward reducing housing stress by increasing the supply and distribution of affordable housing in the City of Whitehorse.

38. **Clause 21.06-6 Housing Design** This clause highlights key issues on housing design in the City of Whitehorse and sets out key objectives to build resilience on housing stock, enhance the quality and character and improve the environmental performance of new and existing housing.
39. **Clause 21.07 Economic Development** This clause outlines Council's commitment to 'playing a key role in facilitating a thriving and sustainable local economy'. The objectives include:
- *'To facilitate the redevelopment of key sites in association with the community'*.
  - *'Developing appropriate zoning, overlay and design guidelines for strategic redevelopment sites, responding to issues such as appropriate treatments to existing residential areas'*.
  - *'Applying the Environmental Audit Overlay to the key redevelopment sites to ensure that any contamination is identified and treated before use and development occurs'*.
  - *'Applying a Development Plan or Design and Development Overlay to all major redevelopment sites and private schools to ensure all necessary plans are in place prior to redevelopment'*.

## REFERENCE DOCUMENTS

40. The following documents are relevant reference documents in the Scheme:
- *Plan Melbourne 2017-2050*
  - *City of Whitehorse Housing & Neighbourhood Character Review 2014*
41. The subject site is not within a residential zone and therefore not identified in the Housing & Neighbourhood Character Review 2014. However, the document is relevant in so far as it includes the characteristics to be considered in a 'substantial change area'.

# PLANNING CONSIDERATIONS

42. I have based my assessment of the proposed Amendment on the following:
- Whether there is strategic planning support for the proposed Amendment.
  - Whether the proposed rezoning to RGZ is appropriate.
  - Whether the proposed DDO schedule is appropriate.
  - Whether the interplay between the DDO schedule and the SLO schedule is appropriate
  - Whether the proposed HO, VPO and EAO are appropriate.

## STRATEGIC PLANNING SUPPORT

43. There is strong strategic support for the redevelopment of the site as an urban renewal site located close to jobs, shops, services and public transport.
44. The former use of the site as a research centre and offices for the Australian Road Research Board has moved to Port Melbourne, enabling the subject site to be available for other uses.
45. Plan Melbourne elevates the role of large, well located underutilised / brownfield sites, in meeting Melbourne's future housing growth, and in relieving pressure for housing change in established residential suburbs.
46. Plan Melbourne also promotes the importance of 'living locally' through the creation of 20 minute neighbourhoods. The site is a good candidate to advance the 20-Minute Neighbourhood objectives given its location close to a large neighbourhood activity centre, public transport accessibility and availability of health and education services in the local area.
47. In accordance with Clause 11, 16 and 21.06, the site is well located in terms of access to public transport, shops, services, educational facilities, health services, public open space, recreational facilities, and employment opportunities, to support the rezoning to facilitate residential intensification. Vermont South neighbourhood activity centre is located 100m to the west, tram and bus services operate along Burwood Highway, and there is easy access to a range of open spaces, primary schools and health facilities within the local area.
48. The site also has the potential to increase housing choice in the municipality which is identified at Clauses 16.01-1s, 16.01-1R and 21.06.
49. The surrounding predominantly residential zone pattern supports the land to be developed for residential purposes, with increased density given its main road location, public transport accessibility and mix of uses in the surrounding area.
50. At the local level, the site's attributes identified above, support the inclusion of the site within the RGZ and a 'Substantial Change Area' as it is consistent with the key housing principles of Clause 21.06-2, including:
- The promotion of housing growth and diversity in locations within walking distance of public transport and local services such as shops, parks and education.
  - Providing a mix of housing that meets the life stage and cultural needs of residents.
  - Ensure housing in substantial change areas is designed to achieve and enhance sense of place and identity, and facilitate neighbourhood participation.
  - Support environmentally sustainable building, design and innovation in new housing development.
51. I consider the planning control framework for the site would enable the site's redevelopment to achieve the following policy objectives for substantial change areas (Clause 21.06-3):
- Support increased residential densities.
  - Support increased housing choice by allowing for a diversity of dwelling types, sizes and tenures to suit a range of household types.

- Facilitate achieving a new, preferred character for these areas over time through quality developments.
- Support the master planning of larger sites to facilitate the development of diverse, high amenity precincts which have an identifiable sense of place.
- Encourage the provision of 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.
- Provide space for planting, communal spaces and rooftop gardens to improve the amenity and liveability of dwellings.

52. The proposed use of the DDO has strategic support for large sites such as this, to assist in guiding built form outcomes which will respect existing residential character, whilst enabling a preferred future medium density character to be developed on the site. The DDO6 objectives are generally consistent with planning policy directions including:

- Clause 15.01-1S -which seek to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.
- Clause 15.01-R which seeks to create a distinctive and liveable city with quality design and amenity.
- Clause 15.01-S which seeks to achieve building design outcomes that contribute positively to the local context and enhance the public realm.
- Clause 15.01-4S which seeks to achieve neighbourhoods that foster healthy and active living and community wellbeing.'

53. The Heritage Overlay is supported by Clauses 13.03-1S and Clause 22.01.

54. The proposed SLO and VPO overlays are supported from a policy perspective, having regard to:

- Clause 12, which seeks to protect sites and features of nature conservation, biodiversity, geological or landscape value
- Clause 21.05 which seeks to (amongst other objectives) protect and enhance areas with special natural, environmental, cultural or historic significance for the future enjoyment of the community.

55. The proposed new EAO is supported by Clause 13.04-1 which seeks to ensure that contaminated and potentially contaminated land is used and developed safely and that any contamination is remediated before a site is used or developed for a sensitive use.

56. Given the strong strategic support for the Amendment, I now turn to the appropriateness of the specific proposed planning controls.

## **APPROPRIATENESS OF THE PROPOSED RGZ**

57. The amendment proposes to rezone the entire site to Residential Growth Zone (RGZ). The existing Transport Zone is no longer an appropriate zone for the site as the land is no longer in public ownership and no longer required for a transport purpose, which makes the current zoning is redundant. A change to the zoning of the land is required to enable its future use and development.

58. The Residential Growth Zone (RGZ) has the following purpose:

- *'To provide housing at increased densities in buildings up to and including four storey buildings'*
- *'To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres.'*
- *'To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas.'*
- *'To ensure residential development achieves design objectives specified in a schedule to this zone.'*

- *'To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.'*

59. I consider that the proposed rezoning to the RGZ is consistent with Planning Practice Notes No. 90 *Planning for housing* (PPN90) and No. 91 *Using the residential zones* (PPN91).

60. The site's attributes and context are consistent with the role and application of the RGZ as specified in Table 1 of PPN91 which states the RGZ should be:

*'Applied to areas suitable for housing diversity and housing at increased densities in locations offering good access to services, jobs and public transport, and to provide a transition between areas of more intensive use and development such as activity centres, and other residential areas.'*

61. The site and proposed controls are also consistent with the key aspects sought for substantial change areas as outlined in PPN90 as:

- The site is close to jobs, services, facilities or public transport
- The proposal will facilitate housing growth that takes advantage of their proximity to jobs, services, and public transport
- The Amendment will make the most of strategic development areas or opportunity sites that has arising from the relocation of the former use
- The Amendment will promote housing diversity in the proposed different housing typologies sought for under the DDO
- The Amendment will allow for the provision of a new built form and neighbourhood character, compared to the surrounding area, whilst respecting existing scale around the boundaries of the site.

62. Schedule 3 to the RGZ relates to Substantial Change C areas and does not contain any proposed variations in the Schedule. This is consistent with Planning Practice Note 91 which recommends when using the DDO to control development greater than four storeys, all built form requirements should be specified in the DDO instead of the schedule to the zone as *'this provides greater clarity and transparency by ensuring all local requirements can be found in the relevant local provision.'*

## **APPROPRIATENESS OF THE PROPOSED DESIGN AND DEVELOPMENT OVERLAY SCHEDULE (DD06)**

63. As already discussed, there is clear policy support for the site to be redeveloped as a strategic redevelopment site in a substantial change area. The preferred built form outcomes to achieve this are provided in the proposed DD06.

64. I generally consider the proposed DD06 design objectives are appropriate. However, in my view, the fourth dot point objective unnecessarily refers to the adjacent NRZ land as being in the Garden Suburban 7 Precinct. To simplify this objective, I suggest the objective should be amended to read:

- *To ensure the form and scale of development appropriately responds and transitions to land in the adjoining Residential Zone.*

65. This will ensure that if future changes occur to other parts of the Planning Scheme with respect to this adjoining land, the DDO will remain relevant.

66. In terms of the Building and Works requirements, there should be greater flexibility in achieving the design objectives and desired built form outcomes. In this regard, and to be consistent with other wording within the Planning Scheme where concept plans are included in Schedules (e.g. CDZ and DPO), the first dot point under Built Form should read (my suggested changes underlined):

- *All buildings and works should be generally consistent with Figure 1 - Concept Plan.*

67. I am, for the most part, supportive of the building heights proposed. Given the site's interface with the NRZ, the proposed mandatory maximum building height of 3 storeys adjacent to the southern and western boundaries is appropriate and will provide a transition to the lower scale of the adjacent land (which has a mandatory 9m height control). Similarly, the allowance for 4 and 6 storey buildings on a site of this scale is appropriate given the heights are separated from more



sensitive residential areas and the ability to mitigate potential built form impacts through setbacks and landscaping.

68. However, I do not support the metre designation relative to the accompanying storey for the following reasons:

- The heights are inconsistent, in part, with heights found in other parts of the planning scheme:
  - The GRZ allows for 3 storey development up to 11m. I do not see the need for a preferred height of 9m and 3 storeys. There are countless examples across Melbourne where the GRZ is located adjacent to the NRZ.
  - The site is proposed to be in the RGZ which normally allows for 4 storey development up to 13.5m. The 4 storey height control in the proposed DDO6 should be consistent with this control.
- A 19m building at 6 storeys would result in 3.1m floor to floor heights. Apartment buildings typically require greater space between floors for servicing requirements and building structure and it is not unusual to see 0.5m between levels.
- The metres proposed in DDO6 may result in buildings with compromised floor to ceiling heights which may impact on their internal amenity.
- The heights do not take into consideration sloping land which would impact a site's ability to achieve the preferred heights.

69. I therefore consider there should be some consistency with the proposed heights limits and other height limits in the Planning Scheme and to ensure there are no unnecessary constraints to developing the site from a buildability/amenity perspective. To this end, I recommend the following:

- *3 storey buildings to be 11m in height*
- *4 storey buildings to be 13.5 in height*
- *6 storey buildings to be 20m in height*

70. The discretionary height control for the central apartment buildings are appropriate having regard to the location of these centrally within the site and the mandatory separation distance to the eastern boundary.

71. I support the inclusion of the mandatory setbacks from the site's residential boundaries. The proposed 5m setback to the west and south will provide an appropriate separation distance to the existing development surrounding the site. The 12m setback to the east will assist in limiting visual bulk and amenity impacts to the retirement village to the east. The setbacks to the west are further discussed in the next section.

72. Turning to the concept plan, I have the following concerns with the current version (in addition to those raised above):

- The plan presentation appears to designate building envelopes which raises the question of the uncoloured (white) areas and what is intended for those spaces.
- The proposed building envelopes are too prescriptive, which could stifle potentially better design outcomes – particularly the apartment building envelopes in the centre of the site which would result in a significant amount of south facing apartments.
- Pedestrian links are shown in the townhouse zones but they lead to rear fences abutting other private properties. While I support building breaks in this zone, it is unclear as to the purpose of these links, particularly as townhouse lots are likely to occupy land up to this boundary interface and there would be no opportunity for connections further west.
- There is no guidance on building separation or breaks between buildings.
- The '2-way Vehicle, Pedestrian and Cycle Access' should be shown as 'indicative' to enable flexibility in the exact location of this road.

73. My recommendations are contained within a marked up version of Schedule to the DDO at Appendix C.
74. I have been provided with an updated concept plan prepared by Ms Bell. This version addresses my concerns and I support its replacement in the DDO6. I agree with Ms Bell that the building envelope areas should be replaced with building height and typology areas. The current concept plan has the potential to stifle an architect's ability to produce the best design outcome, which may not be confined to the proposed building envelopes. The currently proposed apartment building envelopes are not considered optimal for achieving ESD outcomes given the proposed east-west orientation of the building blocks, which would result in a significant number of south facing apartments. I also support Ms Bell's recommendation in relation to the townhouse areas to require 3 physical breaks along each of the western and southern boundaries in the requirements of DDO6 rather than shown on the concept plan. This will achieve the same desired outcome in terms of building breaks but provide greater flexibility in the final location of the breaks. Overall, I consider Ms Bell's concept plan, which provides greater flexibility whilst retaining certainty through retaining height and setback controls, provides the preferred planning framework for the site.
75. The interplay of the DDO6 preferred built form outcomes and the SLO10 are discussed in the next section of my report. In terms of the landscaping requirements specified in the DDO6, in my view, the last dot point should be reworded or delete the reference to '*aesthetically pleasing*'. This is too subjective and makes compliance difficult to assess. Terms such as 'high quality' or 'high standard', while still subjective, are common in design and built form controls and I would support its their use here in lieu of '*aesthetically pleasing*'.

## **THE INTERPLAY BETWEEN DDO6 AND THE PROPOSED SIGNIFICANT LANDSCAPE OVERLAY (SLO10)**

76. I note the proposed Amendment includes various landscape measures to protect and enhance landscaping throughout the site. Given the importance of landscaping and the role it will play as part of any future built form, I support the notion of the tree protection controls and the various objectives and guidelines proposed to achieve the desire landscape outcome. I defer to Mr Galbraith on tree matters and Mr Patrick on more detailed landscaping matters.
77. In my view, the objectives of the DDO should be balanced with tree retention and preferred landscape outcomes. However, I consider there is some conflict between the DDO6 preferred development outcome (as shown on the concept plan) and the tree protection controls. Having regard to my planning expertise, if there is to be a strict protection of trees (as proposed under the SLO and Landscaping requirements of DDO6), the development outcomes of the DDO are unlikely to be achieved in their entirety. I would support a more considered approached to tree controls to enable fulfilling the DDO objectives but with measures around protecting the highest order trees and requiring a certain amount of landscaping in lieu of any tree being removed.
78. While the 5m mandatory setback is useful in the DDO6 to set a clear parameter for built form location, the development expectation of the townhouse 'opportunity area' appears to be quite unrealistic if high and medium value trees are required to be retained. As shown in the arborist report, there are a significant number of high and medium value trees (represented with green and yellow colour respectively) along the western boundary:



Figure 2 - Extract from arborist report

79. While I note the DDO planning tool is not the correct place for vegetation control (the SLO and VPO are the correct tools), I consider the development expectations of DDO6 (5m setback distance) may not be entirely achieved if all medium and high value trees are to be retained.
80. To this end, I recommend that the first requirement under Landscaping in the DDO6 should be amended to read:
- Retain existing significant native trees and stands of trees, being those of high and medium value, where possible.
81. I also suggest the following new dot points be added:
- Where high or medium value trees are removed, these should be replaced with new canopy tree species.
82. Similarly, I recommend that the objective in the proposed site-specific Schedule 10 to the SLO could be amended to read:
- *'To retain medium and high-value established native trees, where possible.*

## **APPROPRIATENESS OF THE VEGETATION PROTECTION OVERLAY (VPO5)**

83. I would support the use of a VPO given the stated significance of the three trees proposed to be specifically protected under this control. However, I defer to Mr Galbraith in relation to the appropriateness of this control having regard to his opinions of the significance, value and health of the trees sought to be protected. Having read Mr Galbraith's evidence, I question the need for a specific VPO for the protection of these trees and would support the provision of the SLO10 only to provide controls for trees of significance.

## **APPROPRIATENESS OF THE PROPOSED AMENDMENT TO HO23**

84. Having regard to the already recognised heritage significance of the existing administration building on site through the existing Heritage Overlay control applying to the site, I support the continued protection of the heritage values of the site through the retention of the Heritage Overlay over the site.
85. I defer to Mr Raworth in regard to heritage matters, but from a planning perspective, I support the updated Statement of Significance in that it provides greater clarity and direction in relation to the various heritage elements on site.

## **APPROPRIATENESS OF THE PROPOSED ENVIRONMENTAL AUDIT OVERLAY (EAO)**

86. In accordance with Planning Practice Note 30, an EAO is required to ensure any potential contamination on the land is identified and remediated prior to any sensitive use (including residential) occurring on the land.
87. I consider the EAO an appropriate tool given the former use of the site and the bitumen and concrete testing operations that were carried out on the site while the site was operated by ARRB.

# CONCLUSION

88. Overall, I consider the proposed suite of planning controls will facilitate the transition of the site from a redundant TRZ4 to the RGZ substantial change area, which better aligns with the surrounding residential land uses and the nearby activity centre context. The use of the various overlays to control built form outcomes, protect significant vegetation, protect the heritage values and ensure the site is appropriately remediated before a sensitive use can commence through the application of the EAO.

# APPENDIX A

# STATEMENT OF QUALIFICATIONS AND EXPERTISE

## NAME AND PROFESSIONAL ADDRESS OF EXPERT:

Andrea Stefano Pagliaro  
Director  
Urbis Pty Ltd  
Level 10, 477 Collins Street  
MELBOURNE VIC 3000

## QUALIFICATIONS AND EXPERIENCE:

I hold a Bachelor of Urban Planning and Development from the University of Melbourne (2006).

Professional experience includes:

- 2013 – Current: Town Planner at Urbis Pty Ltd, including:
  - Director
  - Associate Director
  - Senior Consultant
- 2007 – 2013: Town Planner at City of Stonnington including:
  - Coordinator, Statutory Planning
  - Senior Planner
  - Planner

- 2006 – 2007: Town Planner, Tomkinson Pty Ltd

(Including contract statutory planner role at Macedon Ranges Council)

## AREA OF EXPERTISE INCLUDES:

- Statutory planning for local and state government on a range of residential, commercial and industrial issues.
- Preparation of statutory and strategic planning documentation including applications for residential and commercial use and development, submission to strategic planning and policy changes, assistance in the review and preparation of planning scheme amendments.
- Extensive planning advice to local government, architects, project managers and other professionals associated with the use and development of land.

## EXPERTISE TO PREPARE THIS REPORT:

Professional qualifications and expertise in town planning in both the public and private sectors.

## INSTRUCTIONS RECEIVED IN RELATION TO THIS MATTER:

My instructions required me to undertake a town planning assessment on the planning merits of the proposal, having specific regard to the reasons for refusal. In doing so, I have relied upon those matters set out below.

## FACTS, MATTERS AND ASSUMPTIONS RELIED UPON:

I have relied upon the following in the preparation of this report:

- Inspection of the subject site and surrounds.
- Review of the relevant provisions of the Whitehorse Planning Scheme.
- Review of the Amendment materials.



**REFERENCE DOCUMENTS:**

Relevant reference documents are identified within my statement.

**IDENTITY OF PERSONS UNDERTAKING THE WORK:**

Andrea Pagliaro assisted by Claire Betteridge.

**SUMMARY OF OPINION:**

A summary of my opinions in relation to this matter is included at paragraph no.7 of my evidence.

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

# APPENDIX B

# SITE PHOTOS



Picture 1: Review site from Burwood Highway



Picture 2: Review site from Burwood Highway





Picture 3: View of site's main entrance and substation



Picture 4: Nearby activity centre





Picture 5: View east across front landscaped area



Picture 6: View west across front landscaped area





Picture 7: ARRB building



Picture 8: ARRB building





Picture 9: Western residential interface



Picture 10: Western residential interface





Picture 11: Southern aged care interface



Picture 12: Southern aged care interface





Picture 13: Southern aged care interface



Picture 14: Southern aged care interface





Picture 15: View to west across southern aged care interface



Picture 16: Eastern aged care interface





Picture 17: Eastern aged care interface



Picture 18: Eastern aged care interface looking north





Picture 19: Communal outdoor area to eastern aged care



Picture 20: Private courtyard to eastern aged care

# APPENDIX C

# DDO6 TRACK CHANGES

## WHITEHORSE PLANNING SCHEME

Proposed C230whse

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

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

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

#### 1.0 Design objectives

Proposed C230whse

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

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

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

~~To ensure the form and scale of development at the interface with land located in the Neighbourhood Residential Zone appropriately responds and transitions to the established lower scale development in the Garden Suburban 7 precinct.~~

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

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

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#### 2.0 Buildings and works

Proposed C230whse

A permit is not required to:

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

#### Fences

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

#### Built Form

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

- All buildings and works should be generally consistent with *Figure 1 - Concept Plan*.
- All buildings must not exceed the mandatory maximum building heights (storeys and metres) and should not exceed the preferred maximum building heights (storeys and metres) as indicated on *Figure 1 - Concept Plan*. A planning permit cannot be granted to vary the mandatory height requirements.
- All buildings must be set back a mandatory minimum 5 metres or 12 metres from land in the

## WHITEHORSE PLANNING SCHEME

adjoining Neighbourhood Residential Zone as shown in *Figure 1 – Concept Plan* to respect the existing character and amenity of established residential areas. A planning permit cannot be granted to vary this requirement.

- Apartment buildings should only be developed in the locations specifically identified for apartments in *Figure 1 – Concept Plan*.
- Apartment developments above four storeys should be set back at the upper two levels in order to create a distinguishable podium element with recessive upper levels that have limited visibility from the internal streets, adjacent Neighbourhood Residential Land and the Burwood Highway frontage. Balconies should not significantly encroach into upper level setbacks.
- Development should avoid creating a continuous wall of built form by providing physical breaks that accommodate vegetation and provide viewlines between apartment buildings and rows of townhouses.
- The upper levels of townhouses should be recessive and additional breaks should be provided between upper levels to provide articulation and reduce visual bulk, particularly when viewed from adjoining land in the Neighbourhood Residential Zone.
- Dwellings located on corner sites should be designed to address both interfaces to the public/communal realm, including opportunities for passive surveillance.
- Buildings should provide a high quality architectural response through appropriate building massing and articulation, building materials, finishes and design detail.
- Buildings should be sited and designed to maintain the prominence and significance of the heritage building and other key heritage characteristics of the site such as the courtyard structure.
- Pedestrian and bicycle connections should be provided throughout the site, through a network of streets and paths, and through breaks between buildings.
- The development should be designed to maximise northerly aspects for passive solar design, natural ventilation and cooling, energy efficiency performance, and thermal comfort. In addition, natural lighting, urban greening and integrated water management are required to be incorporated into any new development.
- Building design should minimise screening as a means of addressing overlooking.
- Development should provide a mix of dwelling sizes, including one, two and three bedroom dwellings.

### **Former Administration Building**

- The former Administration building should read as a standalone building from Burwood Highway.
- No buildings are to be constructed between Burwood Highway and the north façade of the former Administration building. A planning permit cannot be granted to vary this requirement.
- Any additional car parking between Burwood Highway and the former Administration building should be subservient to the dominant landscape setting.
- Additions to, or new structures to the rear of the former Administration building should be respectful of the mass, form and detail of the heritage building.
- Any proposed works to extend above the former administration building should be:
  - limited to one additional level above the eastern end of the building
  - setback at least 2 metres from the north façade
  - designed with a simple form and complementary materials to appear visually recessive relative to the existing building
- Any proposed works to extend the footprint of the former administration building should:
  - be located to the rear (south) of the former administration building



## WHITEHORSE PLANNING SCHEME

- not exceed the height of the former administration building
- be designed to avoid any impact on the east courtyard at the rear of the former administration building

### Landscaping

- Retain existing significant native trees and stands of trees, being those of high and medium value, where possible.
- Where high or medium value trees are removed, these should be replaced with new canopy tree species.
- Provide a landscape design that is a sensitive reinterpretation of the existing concept in the context of new residential use and development.
- Provide new landscaping, including canopy trees, and a chain of courtyards, that applaud Beryl Mann's practical approach to the existing site landscape.
- Provide landscaped areas at the interfaces with existing residential land in the Neighbourhood Residential Zone.
- Provide a robust, low maintenance, drought-tolerant and high quality aesthetically pleasing landscape that is inviting and is dominated by canopy vegetation.

### Traffic and Transport

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

An application to construct a building or construct or carry out works that is more than 30 metres from the site boundary shown in *Figure 1-Concept Plan*, and that does not exceed the preferred maximum building height (storeys and metres) shown in *Figure 1 – Concept Plan* is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. This exemption does not apply to an application to construct or carry out works within the area between the north façade of the former Administration building and Burwood Highway boundary.

### 3.0 Subdivision

Proposed C230whse None specified.

### 4.0 Signs

Proposed C230whse None specified.

### 5.0 Application requirements

Proposed C230whse The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A Planning Report that demonstrates that the proposal:
  - is generally in accordance with the provisions of this Scheme;
  - meets the design objectives and buildings and works requirements of Clause 1.0 and 2.0 of

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## WHITEHORSE PLANNING SCHEME

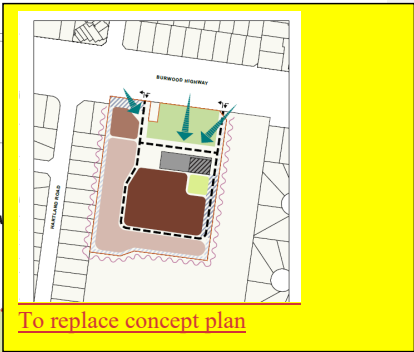
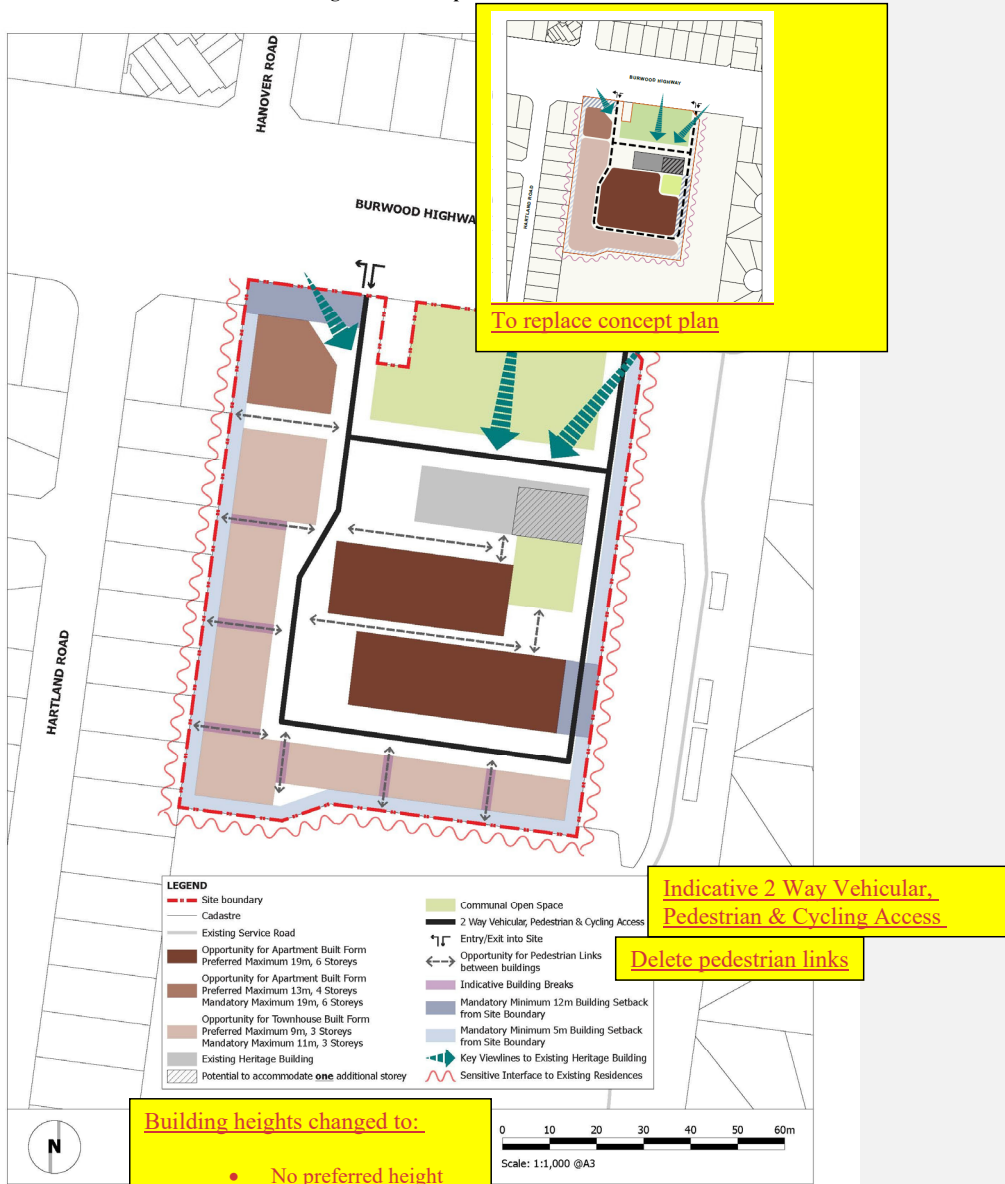
this schedule.

- An Urban Context Report that analyses the features of the land and its strategic planning context within the City of Whitehorse and metropolitan Melbourne. The report must also outline the residential community vision and the proposed housing mix for the site.
- A Heritage Impact Statement that analyses the relationship between proposed development and the existing heritage buildings and other elements of heritage significance.
- A management plan for future conservation and adaptive reuse of the former administration building that includes a prioritised Schedule of Conservation and Maintenance Works.
- A View Line Analysis and 3D modelling of the proposed development from vantages along Burwood Highway and surrounding areas to enable an assessment of the visual impact on the development on the existing heritage buildings and on the surrounding residential area.
- A report from a suitably qualified arborist that:
  - assesses the health of the trees and justifies any tree removal;
  - outlines the measures to be taken, particularly during construction phase, to ensure that long-term preservation of trees on, or adjoining , the development site.
- A Landscape Report that identifies vegetation to be retained, the future landscape vision, and landscape details for the site. Consideration must also be given to the staged removal of any vegetation and replacement planting to ensure that a dominant canopy tree presence at the interface is retained as the site is redeveloped.
- Plans which show, as relevant to the application:
  - The location, height, dimensions and floor area of the proposed building forms in the context of the immediately surrounding area.
  - The indicative stages in which the land is to be developed.
  - The location of all vehicle, bicycle and pedestrian ways.
  - The location and layout of all car and bicycle parking areas and access and views to and from them.
  - The location of all communal open space.
  - The colours and details of materials to be used for external walls.
  - Annotation of WSUD and ESD measures on relevant plans.
  - The layout of vehicle and pedestrian access routes to surrounding public transport options.
- A Traffic Engineering Report prepared by a suitably qualified person confirming the suitability of traffic and access arrangements with reference to Clause 56.06 and the adequacy of the car parking provision.
- A Waste Management Report which provides details of waste collection, storage and removal facilities and areas.
- A Sustainability Management Plan which provides details regarding the Sustainable Design Assessment in the Planning Process (SDAPP) and Sustainable Subdivision frameworks, including the use of an ESD assessment rating tool. The Plan must include the following items:
  - Energy performance;
  - Integrated Water Management;
  - Indoor Environment Quality;
  - Transport;
  - Waste Management, Materials and Circular Economy;

WHITEHORSE PLANNING SCHEME

- Urban Heat; and
- Ecology.

Figure 1 - Concept Plan



Indicative 2 Way Vehicular, Pedestrian & Cycling Access

Delete pedestrian links

Building heights changed to:

- No preferred height
- Townhouse Built Form
- 3 storey buildings to be 11m in height
- 4 storey buildings to be 13.5 in height
- 6 storey buildings to be 20m in height

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## WHITEHORSE PLANNING SCHEME

### 6.0

Proposed C230whse

#### Decision guidelines

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

- Whether the proposal achieves the design objectives of section 1.0, and the buildings and works requirements of section 2.0 of this schedule.
- The general consistency of the proposed development with *Figure 1 – Concept Plan*.
- The reasonable, open, clear and unobstructed view lines from along Burwood Highway and surrounding area towards the existing significant heritage buildings.
- Whether the proposal respects and preserves the significant elements of the heritage place.
- Whether the development provides an appropriate transition to the adjoining properties in the Neighbourhood Residential Zone.
- The visibility of the upper levels of apartment buildings from internal streets, adjacent Neighbourhood Residential land and the Burwood Highway frontage.
- How the landscape design responds to the existing landscape character and Beryl Mann's themes for the site, including the retention of significant vegetation.
- The impact of additional traffic generation and the provision of car parking and bicycle parking.
- The staging of development.
- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services, and public transport.
- The provision made for the storage of rubbish and materials for recycling in a manner that is screened from the public/communal realm.
- The proposed management arrangements for the maintenance of buildings, landscaping and paved areas.
- The design of the proposed buildings, their relationship to the streetscape and surrounding development and uses.
- The design of buildings, in response to ESD principles, that demonstrate that the development may attain a long-term, zero carbon, outcome.
- The application of IWM principles that address potential impacts concerning stormwater runoff, flooding, quality and drainage management, as well as, support water efficiency and the reduction of potable water demand.

