

WHITEHORSE PLANNING SCHEME

AMENDMENT C220whse

EXPLANATORY REPORT

Who is the planning authority?

This proposed amendment has been prepared by Whitehorse City Council, which is the planning authority for this amendment.

The proposed amendment has been made at the request of Whitehorse City Council.

Land affected by the Amendment

The proposed amendment applies to land that is zoned either Schedule 1 or 2 to the Residential Growth Zone (RGZ1 or RGZ2) along the Whitehorse Road and Burwood Highway corridors (within the City of Whitehorse), excluding RGZ1 or RGZ2 land generally affected by existing structure plans and/or urban design frameworks, being the Box Hill Transit City Activity Centre Structure Plan, Tally Ho Urban Design Framework and Burwood Heights Activity Centre Structure Plan.

What the amendment does

The proposed amendment implements the outcomes of the *Whitehorse Residential Corridors Built Form Study, 2019* (the Study), which provides the basis for built form controls to better manage the development outcomes in the RGZ, particularly the impact on adjoining residential areas.

The proposed amendment introduces and applies Schedule 11 to the Design and Development Overlay (DDO) to land within the RGZ along the corridors excluding land generally affected by structure plans and/or urban design frameworks such as Box Hill, Tally Ho and Burwood Heights.

Specifically, the proposed Amendment:

- introduces Schedule 11 to Clause 43.02 (Design and Development Overlay) to the Whitehorse Planning Scheme;
- includes the *Whitehorse Residential Corridors Built Form Study, 2019* as a background document at Clauses 21.06 and 22.03, and the Schedule to Clause 72.08;
- makes minor policy changes to Clauses 21.06 and 22.03 to reference the Study; and
- amends all the planning scheme maps by applying the DDO Schedule 11.

Strategic assessment of the Amendment

Why is the Amendment required?

Council undertook the *Whitehorse Housing Strategy, 2014 (the Strategy)* to support the implementation of the new residential zones. As part of implementing the zones through Amendment C160, Council sought mandatory height limits in Schedule 1 (3 storeys / 11 metres) and Schedule 2 (4 storeys / 13.5 metres) of the Residential Growth Zone (RGZ). These heights were removed when Amendment C160 was approved on 1 October 2014.

Since the introduction of the new residential zones through Amendment C160, concern has been raised about the development outcomes in areas zoned RGZ along key corridors in the municipality, such as Burwood Highway and Whitehorse Road, particularly where the RGZ interfaces with more traditional residential development in the Neighbourhood Residential Zone (NRZ) and to a lesser extent the General Residential Zone (GRZ). This includes concern about the height of new buildings and amenity impacts include overlooking and overshadowing of adjoining buildings. Concerns have also been raised about inadequate setbacks to the street and neighbouring properties and consequentially, the limited space for landscaping and vegetation.

Overall, it is considered that the provisions of the RGZ are providing inadequate guidance for built form, zone transition and building height in these areas. This has prompted Council to undertake the Study to support the implementation of further planning controls, which is sought by an

Implementation direction for Housing Location under Clause 21.06-3 of the Municipal Strategic Statement (MSS) of the Whitehorse Planning Scheme to “*Apply a Development Plan Overlay or Design and Development Overlay to guide the design and built form of new development as appropriate*”.

The Strategy notes that substantial change areas (translated largely into RGZ through Amendment C160) are to provide for housing growth with increased densities, located around larger Activity Centres, train stations and sites immediately along tram routes. Council has completed further work to support the application of controls that reinforce the aspirations of the Strategy. Additionally, the further work has demonstrated that greater height is now justified, in conjunction with the proposed setbacks and sufficient space for landscaping.

The Study proposed the application of a DDO as the most appropriate tool to implement the recommendations of the Study into the Planning Scheme.

The proposed amendment proposes to apply a new schedule - Schedule 11 to the DDO to land included in the RGZ along Whitehorse Road and Burwood Highway, excluding land generally affected by existing structure plans and/or urban design frameworks such as Box Hill, Tally Ho and Burwood Heights. The proposed DDO applies built form controls to these areas that will provide greater certainty to residents, property owners and developers along, and interfacing with, these growth corridors.

The proposed amendment is also required to make minor policy changes to Clauses 21.06 and 22.03 to support DDO11 and introduce the Study as a background document.

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

The objectives of planning in Victoria in section 4 of the *Planning and Environment Act 1987* that are relevant to this Amendment are:

- a) To provide for the fair, orderly, economic and sustainable use and development of land;
- b) To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- c) To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;
- d) To facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d),
- e) To balance the present and future interests of all Victorians.

The proposed amendment is required in order to provide for the fair, orderly, economic and sustainable use, and development of land, consistent with the objectives of Section 4(a) of the *Planning and Environment Act 1987*. The application of the DDO will provide certainty to future built form outcomes to both land owners / occupiers in the area as well as Council.

The DDO has been developed to include a combination of discretionary and mandatory controls based on the analysis of existing conditions, recent planning permit applications, VCAT decisions and feedback from the community. The DDO has a mandatory maximum height of 6 storeys across all locations covered by the DDO, which is recommended to maintain a sense of openness and access to the sky views along the road corridor, as well as maximise solar access from/to the low scale residential development of the adjacent residential areas. This will meet the objectives of Section 4(b) which is to secure a pleasant and safe living and recreational environment.

The Study concluded that better outcomes will be realised, particularly relating to vegetation and tree planting, for developments of 4 storeys and above that would be required to consider the proposed controls (such as increased rear building setbacks). The DDO addresses objective d) by making the intended scale of built form and design outcomes within these linear residential growth corridors clear to developers and facilitating development in accordance with objectives a) and b).

The Study found that there will be negligible impact to the proposed housing capacity as identified in the *Housing and Neighbourhood Character Study, 2014*. Conversely, most of the case studies in the Study result in a higher yield when the proposed controls are applied, along with a better built form outcome. This will meet the objective of 4(e) by striking a balance between ensuring sufficient housing stock and striving for better built form for both, current and future residents.

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

The proposed amendment is not expected to have any significant impacts on the environment due to the location of the growth corridors in an established urban area. The Amendment is not changing the current zoning of the land that is proposed to be covered by the DDO. Housing growth was already being directed to these areas under the Strategy, which was subsequently implemented via Amendment C160.

The DDO is also seeking to increase building setbacks to achieve more space for canopy tree planting and retention, as well as more generous landscaping. The proposed DDO also seeks the provision for a minimum deep soil area relative to tree height, which is minimum depth of 800mm (for small trees) and 1200mm (for large trees). Clause 58 of the Planning Scheme discusses deep soil areas but does not specify a minimum depth. Therefore, the proposed DDO will improve the clarity of existing requirements in, and operation of, the Planning Scheme. It will also contribute to reducing the urban heat island effect, which will support Policy 6.4.1 of *Plan Melbourne*, which is to “support a cooler Melbourne by greening urban areas, buildings, transport corridors and open spaces to create an urban forest”.

This policy notes that “residential development provisions must be updated to mitigate against the loss of tree canopy cover and permeable surfaces as a result of urban intensification”. The proposed DDO controls will help to implement this policy and improve the amenity of residential areas by encouraging the development of the urban forest and provide greater opportunity to retain and plant trees.

The proposed amendment will have positive economic effects by helping to support and improve the design of future apartment developments along major transport corridors within the municipality, which will help to maximise the efficient use of existing transport infrastructure, including public transport. This will also support increased residential densities within the transport corridors and adjacent to activity centres, which will support local business growth in Whitehorse and the broader eastern region.

The proposed amendment is not expected to have a negative impact on the levels of employment in the immediate area since it is not rezoning any commercial, mixed use or industrial land. The built form testing in the Study demonstrates that the proposed DDO controls will at least maintain or potentially increase development capacity within the RGZ.

The proposed amendment is anticipated to have positive social effects on the local community as a result of improved design under the proposed DDO, which will help to ensure that future development will respect abutting residential interfaces and existing and preferred neighbourhood character. The DDO also encourages the design and construction of high quality developments that positively contribute to the safety and amenity of the streetscape and public realm. This includes avoiding blank walls and high front fences at ground level, which will encourage activation and passive surveillance of the street. Service areas and other utility requirements will also be better integrated.

The setbacks in the DDO will allow for deep soil planting and landscaping and greater overall building height without compromising amenity, including overshadowing and overlooking into adjoining low rise residential properties and protect their access to sunlight. Overall, the DDO is expected to result in higher amenity and a safer and more attractive public realm. This will encourage more walking and cycling, which will result in a more active and healthy community.

Does the Amendment address relevant bushfire risk?

Bushfire risk is not relevant to this Amendment because the DDO is to be applied to land in established urban areas that are not identified as bushfire prone areas.

Does the Amendment comply with the requirements of any Minister’s Direction applicable to the amendment?

Section 12(2) (a) of the *Planning and Environment Act*, 1987 requires a Planning Authority to have regard to the Minister’s Directions.

The proposed amendment complies with the *Ministerial Direction on the Form and Content of Planning Schemes* by drafting the DDO in accordance with the requirements in the relevant Ministerial Direction. This includes correct formatting of the proposed schedule to the DDO and not exceeding a maximum of five (5) design objectives.

The proposed amendment is also affected by *Ministerial Direction No. 11 – Strategic Assessment of Amendments*, which seeks to ensure a comprehensive strategic evaluation is undertaken of a

planning scheme amendment and the outcomes it produces. This Direction has been complied with and the details of the strategic assessment are outlined in this Explanatory Report.

Other Ministerial Directions that are applicable include:

- *Ministerial Direction No.9 – Metropolitan Strategy*

This Direction requires an amendment to have regard to *Plan Melbourne* and how the amendment relates to *Plan Melbourne*. This is addressed in the discussion relating to the Planning Policy Framework and State policy below

- *Ministerial Direction No. 15 – the planning scheme amendment process*

The purpose of this Direction is to set times for completing steps in the amendment process. The Amendment intends to comply with this direction by giving notice of the amendment within 40 business days of receiving authorisation. Council has also sought to pre-set the dates for a potential Planning Panel with Planning Panels Victoria in the event that a Panel is requested to hear submissions after exhibition.

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

The PPF supports land use and development that takes advantage of existing settlement patterns. This is to be achieved by consolidating development in established urban areas as a result of the services and infrastructure they provide. Relevant policies include:

Clause 15.01-1S Urban Design

The objective of this Clause is to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity. The strategies to support this include ensuring development supports public realm amenity and safe access to walking, cycling and public transport and ensuring that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.

The proposed amendment supports this by implementing the Study which specifically investigated built form controls for the two major east-west transport corridors in Whitehorse, being Whitehorse Road and Burwood Highway. These areas are well serviced by public transport and main roads.

The DDO seeks to ensure that the visual prominence of landscaping is maintained, particularly to the rear interfaces as well as between buildings and along the frontage, and that sufficient space for medium-large trees is provided as part of development proposals.

Clause 15.01-1R Urban Design – Metropolitan Melbourne

This Clause seeks to create a distinctive and liveable city with quality design and amenity. It includes strengthening Melbourne's network of boulevards and creating high quality urban design and architecture that contributes to the local neighbourhood character. It also seeks to enhance liveability, diversity, amenity and safety of the public realm and minimising the impact on neighbouring properties.

The proposed amendment supports this policy because it is focused on areas where the RGZ has been applied along two of the major boulevards within the municipality, including Whitehorse Road and the Burwood Highway. The Amendment proposes to apply the DDO to these areas in order to achieve a high quality of amenity in the public realm. This includes that the height and setbacks of new buildings provides an acceptable built form interface with the scale of development in adjacent lower density residential zones such as NRZ and GRZ. This will help to minimise the impact of more intensive residential development in the RGZ. The mandatory maximum building height in the proposed DDO schedule will help to maintain and/or achieve the mid-rise scale of development within substantial change areas (i.e. RGZ) that is sought by the *Housing Strategy*. The height and setback requirements in the proposed DDO schedule will also improve the transition of the scale of built form between Substantial Change Areas and surrounding Limited (NRZ) and Natural (GRZ) Change Areas.

Clause 16.01-1R Integrated Housing – Metropolitan Melbourne

This clause contains a strategy to “Provide certainty about the scale of growth by prescribing appropriate height and site coverage provisions for different areas.”

The proposed amendment helps to implement the above strategy by identifying building heights and setbacks that are appropriate to residential corridors along major boulevards and transport routes within the municipality.

Clause 16.01-2S Location of Residential Development

The objective of this Clause is to locate new housing in designated locations that offer good access to jobs, services and transport. It includes strategies to increase the proportion of new housing in designated locations within established urban areas, to encourage higher density housing development on sites that are well located in relation to jobs, services and public transport and to identify opportunities for increased residential densities to help consolidate urban areas.

The proposed amendment supports this clause by proposing to introduce a DDO to support increased housing densities in an established urban area where housing growth is already being directed through the Strategy and the subsequent application of the RGZ through Amendment C160. Additionally, the DDO includes a mandatory maximum building height to ensure that landowners, developers and local residents have certainty about the scale of development in the area.

The Study shows that the proposed mandatory maximum building height is appropriate as it will encourage the mid-rise scale of development envisaged in the Strategy, enhance the sense of openness and maintain access to views along the residential corridors. The mandatory maximum height will also maximise solar access for existing lower scale residential development in adjacent residential zones.

The proposed height and setback controls will result in a more sensitive built form outcome, as intended under the Strategy, whilst still maintaining housing choice and capacity in Whitehorse. The Study found that there will be no adverse impact on the housing capacity identified in the *Housing and Neighbourhood Character Study, 2014*. Conversely, most of the case studies in the Study would have likely resulted in a higher yield if the proposed controls were applied, along with better built form outcomes.

Clause 18.01-1S Land Use and Transport Planning

This Clause has the objective to create a safe and sustainable transport system by integrating land-use and transport. The residential corridors are well serviced by major roads, tram routes and bus services. The areas along Whitehorse Road in Mont Albert and Laburnum are also in close proximity to the Belgrave/Lilydale railway line. The Amendment will support higher density residential development along these corridors, which will help to better integrate residential land uses with a wide range of transport options.

The proposed amendment further supports this Clause by reinforcing the Strategy's direction to apply higher density development along the key transport corridors. This will encourage increased use of public transport and help to integrate land use and transport in a sustainable manner.

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

The proposed amendment proposes only minor changes to the LPPF in Clause 21.06 - *Housing* and in Clause 22.03- *Residential Development*. In both clauses it makes minor policy changes to introduce the residential corridors and includes the *Whitehorse Residential Corridors Built Form Study, 2018* as a background document.

It is consistent with the strategic directions of the MSS with regard to the neighbourhood character of residential areas in Whitehorse and the importance of housing and trees in the Whitehorse environment.

Relevant policies of the LPPF include:

Clause 21.05 Environment

This Clause emphasises the importance of protecting the natural and built environment, and encourages environmental sustainability. Related objectives include developing main thoroughfares as attractive boulevards with improved landscaping and building design, and encouraging sustainable transport use. Strategies to support these include ensuring development is of a high quality design that is compatible with the character and appearance of the area, providing adequate open space and landscaping for new development. This Clause also seeks to reduce any visual impact by locating parking areas to the side or rear of buildings and providing adequate buffers to soften hard areas.

The proposed amendment supports this clause by seeking to introduce a DDO for key road corridors in Whitehorse that includes provisions to encourage better building design. This includes provision of adequate space for landscaping in developments, planting of upper canopy trees in appropriate spaces and construction of high quality developments compatible with the neighbourhood character, appearance and environmental values in the local area.

Additionally, the DDO seeks to reinforce the development of higher density development along major public transport routes, which will encourage residents to access more sustainable modes of travel.

Clause 21.06 Housing

This Clause discusses the composition of housing in Whitehorse, including the categories of housing change identified as part of the Strategy, as well as the neighbourhood character statements contained in the *Neighbourhood Character Study 2014*. Substantial Change Areas in the municipality were largely translated into the RGZ through Amendment C160 and are to provide for housing growth with increased densities inside and around larger activity centres, and along residential corridors that are close to public transport, in a manner that respects low-rise development in adjoining residential zones.

This Clause also identifies that a key issue is “*providing appropriate housing growth in locations with potential amenity considerations (e.g. sensitive interfaces, rail corridors, tram lines, main roads)*”. The DDO will address this issue by seeking to provide an appropriate interface between land in the RGZ and lower density residential zones such as the NRZ and, to a lesser extent, the GRZ.

The Objectives in this Clause relate to Substantial Change Areas include supporting increased residential densities and providing space for planting to improve the amenity and liveability of dwellings. The proposed DDO reinforces the location of the residential growth corridors that were implemented as part of the Strategy, while also seeking adequate space for planting of trees and achieving a preferred character for these areas through encouraging quality developments.

Additionally, the application of a DDO directly responds to an implementation direction to apply a DDO to guide the design and built form of new development as appropriate.

Clause 22.03 Residential Development

This Policy applies to all development within the NRZ, GRZ, RGZ, Mixed Use Zone (MUZ) and Priority Development Zone (PDZ) and builds on the MSS objectives in Clauses 21.05 Environment and 21.06 Housing. This includes that all development in these zones is consistent with the Neighbourhood Character precincts and the categories of housing change, is of high quality and compatible with the character and appearance of the area, and that there is adequate open space and landscaping for new development.

The Objectives under this Policy include that new development minimises the loss of trees and provides adequate vegetation and gardens consistent with the preferred neighbourhood character. An objective of the proposed DDO is to maintain the visual prominence of landscaping and to ensure space for medium-large trees on site.

Strategies for Substantial Change Areas include to ensure that buildings interfacing sensitive areas and uses have a scale and massing appropriate to the character and scale of their context. The Amendment will help to implement this strategy by applying a DDO that will help to ensure an appropriate transition between development in the RGZ and less intense development in adjoining NRZ or GRZ areas.

The proposed DDO will also help to ensure that the scale and massing of development within the core of a larger RGZ area, such as to the north and north-east of Laburnum Railway Station, will respond to the requirement to enhance the green character and tree canopy of the area and broader locality, and provide sufficient space for the provision of medium to large trees on the site.

Clause 22.04 Tree Conservation

This Policy states the importance of tree conservation set out in the MSS and contains objectives and requirements for the protection of existing tree canopy and the provision of adequate open space in new development for landscaping and the regeneration of tall trees.

The proposed amendment supports this policy because the proposed DDO seeks to ensure that deep soil plantings in the front, side and rear setbacks in new development will have sufficient depths to support the retention and new provision of small, medium and large trees. This will also improve the operation of Standard D10 under Clause 58 (Apartment developments), which refers to deep soil plantings.

How does the amendment support or implement the Municipal Planning Strategy?

The Whitehorse Planning Scheme does not contain an MPS at Clause 02 because translation of the LPPF into the new PPF structure has yet to be completed in direct consultation with DELWP.

Does the Amendment make proper use of the Victoria Planning Provisions?

The proposed amendment makes proper use of the Victoria Planning Provisions because the proposed DDO is the most transparent and efficient way to implement built form controls that will provide clearer guidance on the preferred built form in the residential growth corridors of Whitehorse. This targets specific RGZ areas rather than all of the RGZ areas within the municipality.

The Amendment directly implements the recommendation in the Study to use the DDO to apply built form controls because the schedule to the RGZ is limited to specific standards of Clause 54 and Clause 55 (ResCode), which does not provide sufficient scope to implement all of the Study's recommendations. Setback and landscaping requirements can be more comprehensively expressed (for example with the aid of diagrams) in the proposed DDO schedule compared to specifying the requirements for setbacks and landscaping in the table to Clause 2.0 of an RGZ schedule.

The Study demonstrated that the provisions in Clause 32.07-10 (Buildings on lots that abut another residential zone) and ResCode, given their discretionary nature, do not adequately address the interface issues between properties in the RGZ and other residential zones such as NRZ and GRZ. The provision of increased setbacks through the proposed DDO, together with the height controls, will result in a better built form transition between developments within the RGZ road corridors and less intense development in the adjoining GRZ or NRZ areas.

The DDO provisions consider the relationship of any future development to existing properties along the corridors. Planning Practice Note 59 (The Role of Mandatory Provisions in Planning Schemes) sets out the criteria that can be used to decide whether mandatory controls are appropriate. The Practice Note concludes that a DDO is the most appropriate tool for the expression of mandatory built form requirements. The criteria is as follows:

- **Is the mandatory provision strategically supported?**

The Study has established an evidence based approach to support the application of mandatory controls to guide the future development of these corridors. The establishment of clear parameters, informed by the design principles set out in the Study, as well as the planning objectives to be achieved, will strengthen the consideration of building height up to the proposed mandatory maximum height.

The Study demonstrated that the proposed mandatory height controls are appropriate to maintain the midrise scale of development and to protect views along the corridors to the Dandenong Ranges.

The DDO proposes mandatory front setback and discretionary side and rear setbacks, which allow for greater opportunities for deep soil planting and landscaping, space between buildings and a sensitive interface to low rise development in the adjoining residential zones which is consistent with the *Neighbourhood Character Study, 2014*.

The combination of the height and setback provisions will result in the creation of a pedestrian friendly corridor, particularly through upper level setbacks that reduce the visual impact of taller buildings, as well as better transition to low rise development in the adjacent areas.

The application of the built form controls through the proposed DDO schedule is consistent with the strategy at Clause 16.01-R for *Integrated Housing – Metropolitan Melbourne* to:

“Provide certainty about the scale of growth by prescribing appropriate height and site coverage provisions for different areas.”

It is also consistent with the implementation direction at MSS Clause 21.06-3 for *Housing Location* to:

“Apply a Development Plan Overlay or Design and Development Overlay to guide the design and built form of new development as appropriate.”

The Study recommends applying the built form controls through the DDO for RGZ areas along the two main east-west residential boulevard corridors in Whitehorse that are outside activity centres and structure plan areas. Therefore, the proposed Amendment will directly help to implement the above Regional Metropolitan strategy and the MSS direction for Housing Location under the Whitehorse Planning Scheme.

The built form testing, undertaken in the Study, against a cross-section of recent planning permit approvals also demonstrated that development capacity is maintained and potentially increased within the RGZ along the corridors. In particular, the overall gross floor area between the permitted developments and developments with the proposed controls is comparable, when also taking into

account the relatively recent provisions at Clause 58 of the Planning Scheme (Apartment Developments).

The proposed height and setback controls clearly seek to strengthen the consideration of amenity issues and building design impacts that have been highlighted by the community and Council. From a policy perspective, the provisions proposed to be implemented by this Amendment are consistent with the relevant objectives of the PPF and *Plan Melbourne 2017-2050*.

Specifically, the proposed Amendment supports Clause 15.01-1R Urban design – Metropolitan Melbourne, by ensuring that, the amenity and liveability of the area is protected.

The proposed amendment also supports the *Plan Melbourne* Policy 2.1.4 (Provide certainty about the scale of growth in the suburbs) by providing mandatory built form controls to guide future development. Notably, *Plan Melbourne* states:

'In areas where greater change is expected – such as urban renewal precincts and mixed-use and activity centre areas – requirements to adhere to preferred heights will also be strengthened. This will be achieved by improving the way height in strategic locations is managed and decisions are made'.

- **Is the mandatory provision appropriate to the majority of proposals?**

Council has been receiving development applications along the corridors that are above the current discretionary height limits that were imposed through Amendment C160, but below the proposed mandatory maximum height under the proposed DDO. However, the Study demonstrates that the inclusion of mandatory height controls in conjunction with specifying setback and landscaping requirements would potentially result in improved interfaces with, and amenity for, neighbouring properties, whilst also potentially increasing housing capacity within the corridors. This is based on analysis of case studies in the Study.

The application of the built form controls through the DDO will help to better manage any incremental rise in heights within acceptable limits through the mandatory maximum height. The proposed DDO will also help to better address issues with overshadowing and overlooking, provide for greater amenity in the public realm including access to sunlight, reinforce the sense of human scale to the street, provide for integrated frontages and ensure adequate servicing of existing and new developments. Developments to which the proposed DDO applies (development 4 storeys and over) will be required to comply with the requirements in the DDO, including those relating to landscaping, shadowing and access to sunlight in the public realm, noting that any developments that are 3 storeys and under will also continue to be assessed against Clause 55 of the Planning Scheme (ResCode).

- **Does the mandatory provision provide for the preferred outcome?**

The proposed mandatory provisions are generally supported by the consultation undertaken as part of the Study. Overall, the Study found that the design and potential impacts of new residential buildings along the road corridors is important to the local residents. Height limits and setbacks were amongst the most important design elements that were identified by residents in improving their perceptions and acceptance of new development.

The built form testing undertaken as part of the Study demonstrates that the proposed DDO would potentially improve design and development outcomes within the RGZ along the corridors without decreasing development capacity and housing growth.

Council is continuing to receive applications along the corridors that are above the current discretionary height limits that were imposed through Amendment C160. The proposed DDO will provide greater certainty to landowners, the community and Council as to the preferred outcome.

- **Will the majority of proposals not in accordance with the mandatory provision be clearly unacceptable?**

The Study reinforces the importance of mandatory height and setback controls to allow for deep soil planting and to minimise amenity impacts, including the scale and presentation of buildings to the street and adjoining properties, wind effects and overshadowing. This is supported by the MSS directions to encourage a high quality of design and development, protect residential amenity and to provide space for landscaping and the protection of canopy trees. However, the DDO includes mandatory height and front setback requirements and discretionary side setbacks. It will help to better achieve these outcomes. Conversely, less acceptable outcomes would be encouraged without the proposed controls.

The proposed side setbacks will help to achieve adequate space for deep soil areas to support tree planting and landscaping of interfaces with adjacent NRZ or GRZ areas. This will help to alleviate overlooking and soften the appearance of new development. The proposed DDO specifies minimum soil depths for small, medium and tall trees, which will improve the operation of Standard 10 of Clause 58 Apartment Developments. The side setbacks will also allow an appropriate separation distance between buildings on adjoining sites, which will help to avoid screening of opposing windows. Additionally, this will contribute to appropriate floor plate widths that ensures compliance with Clause 58 (Apartment Developments) and eliminates the need to rely on light courts or “snorkel” windows for internal light. Design and development outcomes are likely to be less acceptable without these proposed controls. This was demonstrated by the Study through an analysis of a selection of existing permits within the corridors.

- **Will the mandatory provision reduce administrative costs?**

The mandatory height and front setback and discretionary side setback controls will improve consistency and efficiency of assessment and decision making for Council and provide certainty for the community. These efficiencies will reduce administrative costs to Council by allowing for quicker assessment of applications against the requirements.

How does the Amendment address the views of any relevant agency?

The views of relevant stakeholder groups were sought during the preparation of the Study. Feedback was sought from officers at DELWP on the adopted Study and the draft Amendment documents.

Feedback from additional stakeholders and agencies will also be sought during the statutory exhibition period of the Amendment.

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

The area along Burwood Highway and Whitehorse Road are located adjacent to bus and tram routes. The areas located along Whitehorse Road in Mont Albert, Laburnum and Nunawading are located adjacent to bus routes and nearby to the Belgrave / Lilydale railway line. Therefore both corridors are well served by public transport.

The DDO does not contemplate car parking as this is covered elsewhere in the Planning Scheme (Clause 52.06). Regarding concerns about access to more intensive residential developments from side streets, Whitehorse Road and Burwood Highway are under the jurisdiction of the Department of Transport (DoT) which typically does not allow additional access from its roads to private properties. DoT usually requests any access to be from local streets or Service roads. This is intended to reduce conflict between vehicles and pedestrians which promotes a safer public realm.

The gazettal of Amendment VC148 reduced car parking requirements for land within 400m of the Principal Public Transport Network Area (PPTN). In particular it reduced the number of visitor car parking spaces to zero for developments within 400m of the PPTN. Therefore there is a likely growth in public transport patronage higher than what the transport network currently experiences given the changes to car parking, as there will be limited or no visitor car parking available. There may also be an increase in private vehicle usage as a result of increased residential densities along the corridor.

However, any future planning permit application for a site covered by the DDO will be assessed for vehicle usage and transport patronage.

Resource and administrative costs

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

The consideration of the proposed DDO is not anticipated to impose significant resource or administration costs on Council as any developments on land covered by the DDO would typically already require a planning permit under the RGZ and the DDO requirements would be considered as part of the application.

Council is resourced to consider any additional applications that result from the new planning provisions.

Where you may inspect this Amendment

The Amendment is available for public inspection, free of charge, during office hours at the following places:

- at the office of the Planning Authority, Whitehorse City Council, Planning Counter, 379-399 Whitehorse Road, Nunawading
- at the Whitehorse City Council Service Centres at Box Hill Town Hall (1022 Whitehorse Road, Box Hill) and Forest Hill Chase Shopping Centre (Level 2, Shop 275, 270 Canterbury Road, Forest Hill)
- at libraries in the City of Whitehorse at Nunawading, Vermont South, Blackburn and Box Hill
- at the Whitehorse City Council website at [Amendment C220 | Whitehorse City Council](#) or <https://www.whitehorse.vic.gov.au/amendment-c220> and

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection

Submissions

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the proposed amendment must be received by **Monday 31 October 2022**.

A submission must be sent via one of the options below:

Mail: Strategic Planning Unit - Amendment C220whse
Whitehorse City Council
Locked Bag 2
Nunawading VIC 3131

Email: customer.service@whitehorse.vic.gov.au

Online: <https://yoursay.whitehorse.vic.gov.au/amendment-c220>

Panel Hearing dates

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

- Directions Hearing – week beginning **30 January 2023**
- Panel Hearing – week beginning **27 February 2023**

Anyone who has made a submission that has been referred to a Panel has an opportunity to be heard.

All submitters will be formally advised in writing of any Directions or Panel Hearing and the date.

PRIVACY STATEMENT

Any personal information you may include in any submission to Council on the Amendment is collected for planning purposes in accordance with the *Planning and Environment Act 1987*. In accordance with the “Improving Access to Planning Documents” Practice Note dated December 1999, a copy of your submission may be made available upon request. You may access this information by contacting Council on (03) 9262 6303.