

WHITTLESEA PLANNING SCHEME

AMENDMENT C275wsea

EXPLANATORY REPORT

Overview

The proposed amendment implements three (3) of thirty-seven (37) recommendations made in the *Planning Scheme Review 2018* (PSR 2018). It seeks to update the following three local policies in the *Whittlesea Planning Scheme* (scheme): Clause 13.07-1L - Display homes, Clause 19.02-1L - Medical centres and Clause 19.03-5L - Materials recycling centres.

Where you may inspect this amendment

The amendment can be inspected free of charge at:

- Whittlesea City Council website at [Planning Scheme and Amendments - Whittlesea Council](#)
- During office hours at:
 - Whittlesea City Council, Civic Centre, 25 Ferres Boulevard, South Morang, VIC 3752
- Department of Transport and Planning website at <http://www.planning.vic.gov.au/public-inspection> or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.

Submissions

Any person may make a submission to the planning authority about the amendment to the planning authority. Submissions about the amendment must be received by **Friday 16 August 2024**.

A submission must be sent to:

Strategic Planning Whittlesea City Council:

By post: Locked Bag 1 Bundoora MDC VIC 3083

In person: 25 Ferres Boulevard, South Morang VIC 3752

By email: strategic.planning@whittlesea.vic.gov.au.

Panel hearing dates

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

- directions hearing: Week of Monday 2 December 2024
- panel hearing: Week of Monday 27 January 2025

Details of the amendment

Who is the planning authority?

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

Land affected by the amendment

The amendment applies to all land within the municipality.

What the amendment does

The amendment proposes to update the Planning Policy Framework of the Whittlesea Planning Scheme to:

- Action three recommendations from the *Whittlesea Planning Scheme Review 2018* (PSR 2018);
- Update three local policies at Clause 13.07-1L (Display homes), Clause 19.02-1L (Medical centres) and Clause 19.03-5L (Materials recycling centres), to ensure they are current, respond to key issues identified by key stakeholders; and,
- Update the structure of the three local policies to improve their useability.

The proposed updates ensure the amended policies provide strategic direction consistent with preferred land use and built form outcomes. They ensure consistency with community expectations and regulatory requirements, particularly in relation to potential negative amenity impacts associated with the three land uses. The changes also aim to improve useability for end users of the Whittlesea Planning Scheme (the Scheme). The changes to each policy are briefly discussed below.

Clause 13.07-1L - Display homes

Key issues addressed through the updates to the Display homes policy include the preference to locate them closer to the development site to which they relate and to minimise traffic and other impacts on residents. Further, the policy encourages consideration of the design and use of display homes so they can transition to a residential use once they are no longer required as a display home.

Usability of the policy is also improved by grouping strategies under the following new headings: Location Strategies, Design Strategies, Landscape Strategies, and Traffic Strategies. These changes respond to issues raised by the PSR 2018 and during the consultation period.

Clause 19.02-1L – Medical centres

Updates to this policy were informed by several VCAT decisions relating to medical centres. These decisions considered negative amenity impacts and incorporation of ancillary uses, such as chemists, so that they are integrated with the primary use. The proposed changes also respond to issues relating to built form and traffic management raised through consultation on the policy. Additionally, the updated policy provides guidance to locate busier medical centres in activity centres as opposed to a neighbourhood context, design preferences, amenity protection measures and co-location with other land-uses of a similar intensity. The proposed changes also improve consistency with other local policies, in particular the Child care centre local policy implemented through Amendment C250wsea in 2020.

Usability of the policy is improved by grouping strategies under the following new headings: Preferred location strategies and guideline, Built form strategies and guidelines, Amenity strategies, and Traffic, circulation and car parking. These changes responded to VCAT cases and feedback from key stakeholders.

Clause 19.03-5L – Materials recycling centres

Proposed changes to this policy were informed through Council officer feedback, and subsequent Environment Protection Authority (EPA) advice in response to the draft policy. Issues raised were primarily in relation to potential negative visual and other amenity impacts. Additionally, the EPA advised that the policy should reflect updated EPA policy and guideline documents.

Usability of the policy is improved by grouping strategies under the following new headings: Location strategies and guidelines, Amenity strategies and guidelines, and Use strategies and guidelines. Proposed changes relate to the location of Materials recycling centres, management of amenity impacts and land use outcomes. These changes will encourage better located facilities, improved landscaping and building orientation. Amenity management outcomes, including noise, air quality including dust suppressant management, traffic and car parking, visual appearance and site maintenance, and hours of operation have also been addressed. These changes responded to feedback from key stakeholders.

Strategic assessment of the amendment

Why is the amendment required?

As noted above, Amendment C275wsea seeks to action three recommendations from the PSR 2018. This document was adopted by Council at a Council meeting on 4 June 2019.

In accordance with Planning Practice Note 32. *Review of planning schemes*, the PSR 2018 assessed whether provisions, such as local planning policies, zones, overlays and schedules have been effective and efficient in achieving the objectives and strategies of the scheme.

While the PSR 2018 found that the scheme is generally operating well, it recommended five local policies needed updating to ensure they adequately address changes in community requirements, expectations and the Council requirements. This review was the impetus for the update of the three policies.

The need to review these three policies was based on a combination of officer experience utilising the existing policies within the Whittlesea Planning Scheme, implications of relevant VCAT decisions, and in the case of the Material recycling centres policy, the impact of regulatory (EPA) advice and expertise that need to be considered.

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

The amendment implements the objectives of planning in Victoria as outlined in section 4(1) of the *Planning and Environment Act 1987* (the Act). In particular, it supports the objectives to:

- a) *to provide for the fair, orderly, economic and sustainable use, and development of land*
- (c) *to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria*
- (g) *to balance the present and future interests of all Victorians.*

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

Environmental

The amendment responds to environmental considerations, in the following ways:

- The amendment strengthens guidance in relation to management of potential negative amenity impacts, that could affect the surrounding environment. Of note, it updates to the Materials recycling centres policy include measures to improve noise, air quality including dust suppressant management, traffic and car parking, visual appearance and site maintenance, and hours of operation.
- The medical centres policy also seeks to improve amenity management, through strategies

aimed at controlling medical waste. In contrast, the display homes amenity management is less of a concern, given the different nature and function of this land use.

Social

The amendment responds to social considerations, in the following ways:

- The amendment may have indirect public health benefit (particularly the Materials recycling centres local policy) because of improved management of potential negative amenity impacts.
- The policies also aim to facilitate services within walking distances of dwellings which will have a public health benefit.
- The amendment seeks to implement new strategies to improve urban design outcomes when considering the buildings and works components of these land uses. These policies seek to improve presentation of buildings associated with these land uses, which will have positive impacts upon the social environment.

Economic

The amendment responds to economic considerations, in the following ways:

- The proposal seeks to facilitate the three land uses within the municipality, which are all economically important. The policies strike an appropriate balance between the potential negative impacts of these land uses (including potential negative externalities), and the need to generate employment within the municipality.
- The City of Whittlesea two state-significant waste and resource recovery hubs being the Cooper Street Precinct and the Hanson Landfill and Quarry. The facilitation of material recycling centres is important to the municipality's economic growth, provided the potential health and amenity impacts are appropriately addressed. The amendment strikes an appropriate balance between these two factors.
- The proposed changes are aimed at simplifying the policies and enhancing their useability for end users of the Scheme. Additionally, the proposed changes clearly outline the Council's desired outcome on the matter. Consequently, it is reasonable to conclude that the proposed amendment is expected to encourage private sector investment.

Does the amendment address relevant bushfire risk?

The amendment does not increase the risk to life, property, community infrastructure and the natural environment from bushfire because it does not remove or alter any existing bushfire requirements within the Whittlesea Planning Scheme.

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

The amendment complies with relevant Ministerial Directions issued under section 12 of the Act.

Ministerial Direction No. 1 Potentially Contaminated Land

The amendment will not directly impact upon the *Ministerial Direction on Potentially Contaminated Land* as it seeks to change local policies that guide officer discretion. It will not change when a planning permit is triggered nor what is considered a sensitive use. Accordingly, matters addressing potential contamination must be addressed whether or not this amendment is approved.

Ministerial Direction No.9 Metropolitan Planning Strategy (Plan Melbourne)

The amendment complies with the Ministerial Direction that seeks to ensure that Planning Scheme amendments have regard to the Metropolitan Planning Strategy; *Plan Melbourne*. This amendment does not compromise any of the policies or initiatives contained in the Strategy and is consistent with:

- Policy 3.3.1: Create pedestrian-friendly neighbourhoods

- Direction 5.3: Deliver social infrastructure to support strong communities
- Policy 5.3.1: Facilitate a whole of government approach to the delivery of social infrastructure
- Policy 5.3.2: Create health and education precincts to support neighbourhoods
- Direction 6.6: Improve air quality and reduce the impact of excessive noise
- Policy 6.6.1: Reduce air pollution emissions and minimise exposure to air pollution and excessive noise.

Ministerial Direction No.11 Strategic Assessment of Amendments

This explanatory report has been prepared in accordance with *Ministerial Direction No. 11 Strategic Assessment of Amendments*.

The amendment complies with the *Ministerial Direction on the Form and Content of Planning Schemes* under section 7(5) of the Act.

The amendment complies with Minister Direction No. 11 Strategic Assessment of Amendments under Section 12 of the *Planning and Environment Act 1987*. The amendment is consistent with this direction which ensures a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces. It achieves this by:

- Addressing a need identified within the PSR 2018.
- Being consistent with the Planning Policy Framework drafting rules and makes proper use of the Victorian Planning Provisions.
- The policies respond to emerging issues and trends, as outlined by key stakeholders.
- The amendment does not seek to burden end users of the Scheme with unreasonable requirements.

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

The changes to the local policies seek to fix recurring issues with the current policies, but do not significantly alter the intent of the policies. The changes follow a maintenance approach, as outlined by the 2018 Planning Scheme Review Background report, which was the impetus for this planning scheme amendment.

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

The Whittlesea Planning Scheme has been translated and therefore the LPPF and MSS provisions are no longer present. These have been replaced by the MPS and the PPF. Therefore no response is required.

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

The three land uses are noted within the Strategic Directions as important land uses within the municipality. It also outlines how negative impacts are to be managed. The proposed changes to the three land-use local policies remain consistent with the aims outlined within the strategic directions. Consequently, the amended local policies will continue to implement the MPS but will result in improved outcomes.

Does the amendment make proper use of the Victorian Planning Provision?

The amendment makes proper use of the Victoria Planning Provisions by amending Clause 13.07-1L (Display homes), Clause 19.02-1L (Medical centres), and Clause 19.03-5L (Materials recycling centres) in their existing locations within the Whittlesea Planning Scheme. The proposed amendment retains much of the existing structure of the existing, approved scheme but seeks to provide additional guidance in identified areas. The drafting is consistent with the proper use of the VPPs.

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

The views of relevant agencies will be sought through the exhibition of the amendment.

The Environment Protection Authority (EPA) was consulted during the preparation of the amendment in relation to Clause 19.03-5L Materials recycling centres. The amendment includes updated EPA policy and guideline documents. The EPA and other key stakeholders, including state agencies will have the opportunity to make submissions, during the exhibition phase of the amendment.

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

The amendment is not expected to have an impact on the transport system. The updated policies include additional guidance around appropriate location of the respective land uses in relation to the transport network, consistent with the objectives of the *Transport Integration Act 2010*.

Resource and administrative costs

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

The amendment will have no significant resource and administrative costs for council as the Responsible Authority. The amendment will not change when the three land uses will trigger a planning permit and when they will not. This is determined by the existing zones. The change in the application of officer discretion will not impact the administrative costs of the scheme. The amendment should also facilitate decision-making when exercising officer discretion on planning permit applications, by providing additional guidance.

Furthermore, the processing of the amendment will only make use of existing staff resources.