

Planning Panels Victoria

Suburban Rail Loop East Precincts Standing Advisory Committee Volume 4: Box Hill Precinct

Advisory Committee Report

Planning and Environment Act 1987

20 February 2026

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

Planning and Environment Act 1987

Advisory Committee Report

Suburban Rail Loop East Precincts Standing Advisory Committee

Volume 4: Box Hill Precinct

20 February 2026

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Glossary and abbreviations for Box Hill precinct

Brickworks site	The Former Box Hill Brickworks site at 14 Federation Street, Box Hill
BHI	Box Hill Institute
BOX [number]	Box Hill Precinct hearing document number
Whitehorse Council	Whitehorse City Council
Cubick	Cubick Developments Ptd Ltd
Cubick Site	11-13 Irving Avenue, Box Hill and 9-11 Bruce Street, Box Hill
draft Amendment	draft Amendment C255wshe to Whitehorse Planning Scheme
draft Implementation Plan	draft Box Hill Implementation Plan
draft Structure Plan	draft Box Hill Structure Plan
Heritage Report	SRL East Draft Structure Plan Historical Heritage Technical Report
Linear Reserve	Whitehorse Road Linear Reserve
NCO2	Neighbourhood Character Overlay Schedule 2
Phileo	Phileo Australia Pty Ltd
precinct	Box Hill precinct
Parking Plan	draft Box Hill Precinct Parking Plan
RSL site	16-28 Nelson Street, Box Hill
702 Station Street	702 and 706 Station Street, Box Hill
702 Station	702 Station Street Pty Ltd

Overview

Summary	
Referral	
Precinct	Box Hill, see Figure 1
Draft Amendment	C255whse
Municipalities	Whitehorse
Committee process	
Report	Volume 4: Box Hill Precinct
Date	20 February 2026
Referred Matters	Box Hill precinct specific issues, see Table 1
Committee Members	Sarah Raso (Chair), Elizabeth McIntosh (Deputy Chair), Simon Shiel, Peter Elliott and Geoff Glynn
Supported by	Georgia Brodrick and Sarah Vojinovic
Directions Hearing	22 July 2025 at Stamford Plaza Hotel, Melbourne and online and 12 August 2025 at Conference Centre, 1 Spring Street, Melbourne and online
Main Hearing	29 September to 23 October 2025 at Novotel Melbourne, Glen Waverley and online
Parties to the Box Hill hearing	See Appendix A
Site inspections	Unaccompanied, 21 September 2025
Citation	Suburban Rail Loop East Precincts Standing Advisory Committee Volume 4 [2026] PPV

1 Introduction

This report is one of nine volumes that have been prepared by the Committee which has been appointed to give advice in accordance with its Terms of Reference dated 1 July 2025. This report responds to the Referred Matters for the Box Hill Precinct.

1.1 Scope

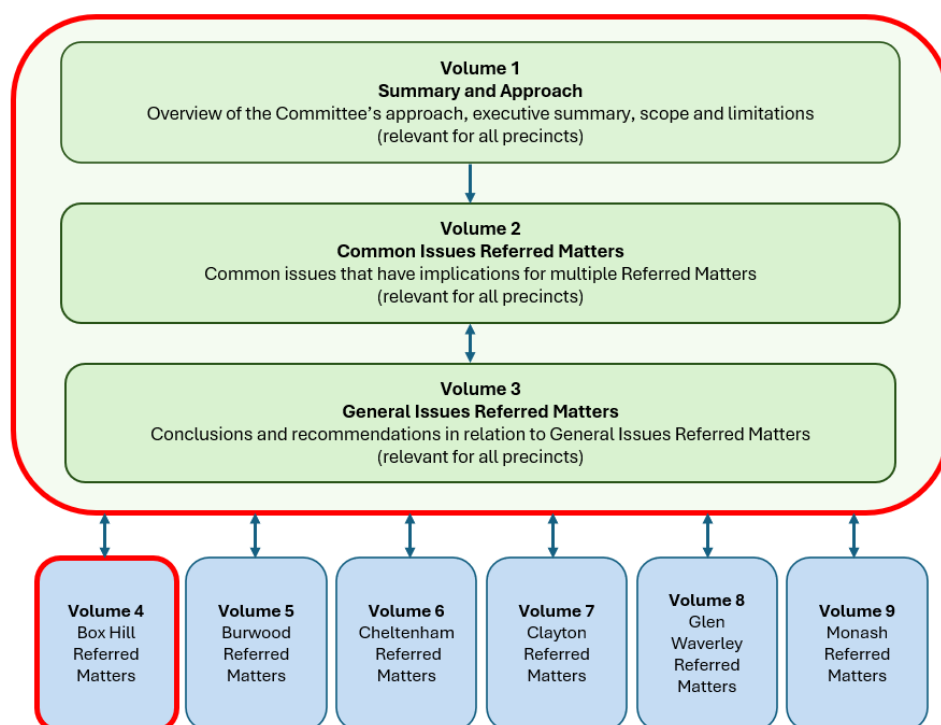
The Committee's advice and recommendations are confined to the Referred Matters. The Committee has not undertaken a general review of the draft Structure Plan, draft Implementation Plan and draft Amendment.

The Committee's Volume 1 (Summary and Approach) Report sets out matters that were not within the Committee's scope and that have therefore not been considered by the Committee.

1.2 Reading this report

This report should be read together with all of the Committee's reports, particularly Volumes 1, 2 and 3 which outline the Committee's approach, response to Common Issues Referred Matters and response to General Issues Referred Matters. The Committee has not repeated content, unless it is necessary to provide context for its recommendations and findings for this precinct.

References in this report to the draft Structure Plan and draft Implementation Plan are to the Box Hill Structure Plan and Box Hill Implementation Plan. References to the draft Amendment are to draft Amendment C255whse to the Whitehorse Planning Scheme. References to Referred Matters are to the Referred Matters for the Box Hill precinct unless stated otherwise.



2 Summary

Table 1 sets out the Referred Matters for the Box Hill Precinct, and a summary of the Committee's key findings, conclusions and recommendations in relation to each Referred Matter. This includes reference to the findings and recommendations from the Common Issues Report (Volume 2) and the General Issues Report (Volume 3) where relevant (indicated with an asterisk*).

The Committee's analysis of the Referred Matters is contained in the issue specific chapters that follow.

In relation to the ordinance, the Committee has based its recommendations on the Day 3 version of the controls. In relation to the draft Structure Plan and draft Implementation Plan, the Committee has based its recommendations on the Day 2 versions.

Table 1 Findings, conclusions and recommendations – Box Hill Referred Matters

Building height, distribution & transition	
Referred Matter	The suitability and distribution of the proposed building heights specified in the draft Structure Plan and draft Planning Scheme Amendment, and transition to surrounding residential areas, including with respect to: - Whitehorse Road - Station Road - 709-713 Station Street - The Laburnum neighbourhood - South of the railway line in Laburnum - Bishop Street and Oxford Street - The Former Box Hill Brickworks site (14 Federation Street) - Zetland Road - Central Box Hill - St Andrews, Habitat Uniting Church and St Peters site - Residential streets and neighbourhood areas above 2-3 storeys - 58-60 William Street - 709-713 Station Street - Central Core Box Hill

- 11 Irving Street, 13 Irving Street, 9 Bruce Street and 11 Bruce Street
- land between Box Hill gardens and Whitehorse Road, bound by Shipley Street (west) and Station Street (east)
- 16-28 Nelson Road
- 853 Whitehorse Road
- 875-887 Whitehorse Road
- 1000 Whitehorse Road
- 16-18 Spring Street
- 465 Elgar Road
- 466 Elgar Road
- 3 and 5 Ellingworth Parade
- 702-706 Station Street
- Potential conflict with existing approved planning permits
- Transition between areas of different height expectations
- Transition to sensitive interfaces
- Wind effects on the public realm and private open space
- Heritage areas

Findings

The proposed controls translate the three levels of housing growth into a coherent built form framework that balances opportunity, constraint and sensitivity.

The approach to height along key corridors which adopts mid-rise street walls and taller, set-back elements is appropriate.

Matters such as tower orientation, spacing, height variation, roofline silhouette and design quality mechanisms will be important to ensure that additional height and form contribute to a distinctive and legible skyline, rather than a uniform or monolithic outcome.

The transition in height from the Station Development Area (SDA) to the Central Flanks and Key Movement Corridors, to the lower-scale Residential Neighbourhoods, will generally provide an appropriate transition between place types.

A precinct-consistent approach to height is preferred to a site-specific approach.

Station Street:

The pattern of building heights and transitions along Station Street is generally suitable and capable of achieving the draft Structure Plan objectives for an intensified but human-scale corridor with appropriate transitions to surrounding residential areas.

The proposed preferred 52-metre height for 702-706 Station Street and 709-713 Station Street is appropriate.

Central Flanks:

The proposed preferred maximum heights in the Central Flanks are broadly appropriate and likely to achieve the draft Structure Plan's objectives of concentrating the tallest buildings in the Central Core while distributing mid-rise development over a wider area.

The exhibited preferred maximum heights for the following sites are considered appropriate and support the draft Structure Plan objectives:

- 6-28 Nelson Road
- 11-13 Irving Street and 9-11 Bruce Street
- 3-5 Ellingworth Parade.

Heritage areas:

The proposed building heights as they relate to heritage areas are appropriate.

Issues related to height, curtilage and views to heritage elements on the Brickworks site has been satisfactorily addressed in the agreed version Precinct Zone Schedule 5.

The combination of proposed interface controls around St Andrews, the Hanbit Uniting Church, St Peters and the Box Hill Town Hall cluster is generally appropriate.

Other sites:

The proposed preferred maximum heights for the following sites are appropriate:

- Bishop Street and Oxford Street
- Dorking Street
- Zetland Road
- 58-60 Williams Street

Potential conflict with existing permits:

The inclusion of transitional provisions relating to existing approved planning permits in the Precinct Zone Schedule

3 and the Built Form Overlay Schedules is appropriate.

Wind effects on the public realm and private open space:

The draft Structure Plan and Day 3 controls appropriately manage wind effects.

Conclusion

The proposed maximum building heights as specified in the draft Structure Plan and draft Amendment are generally appropriate and are strategically justified subject to the modifications recommended in this report.

Recommendations

Draft Amendment

BOX R01: Amend the following decision guideline in Clause 10 of Built Form Overlay Schedule 5 as follows:

Whether building form provides a varied and architecturally interesting articulated skyline.

BOX R02: Add a new decision guideline to Clause 10 of Built Form Overlay Schedule 5 which seeks to ensure:

- buildings do not appear as continuous walls when viewed from the street level or from nearby vantage points
- open sky views between buildings are maintained.

Setbacks

Referred Matter

Whether the building setbacks specified in the draft Structure Plan and draft Planning Scheme Amendment are appropriate, including with respect to:

- Street and rear setbacks for properties fronting Bishop Street
- Street setbacks along Station Street
- Street setbacks along Nelson Road
- Street and rear setbacks for properties fronting Ellingworth Parade
- Rear boundary setback requirements for podium levels of the Central Flank place type areas
- Street, side and rear boundary upper level setbacks above street walls (podium) for Central Core and Central Flank place type areas
- Zero metre side boundary setbacks for residential neighbourhood place types

Findings

Central Core and Central Flanks:

The proposed upper level setbacks in Central Core and Central Flanks are generally appropriate (with some discrete changes required along Whitehorse Road to reduce overshadowing (see Chapter 8)).

The proposed rear street wall (podium) setback of zero metres is suitable for properties with an applied Commercial 1 Zone.

The proposed front setback for properties fronting Ellingworth Parade is appropriate.

The proposed ground level front setbacks along Station Street and Nelson Street are appropriate, including their discretionary nature.

The minimum rear setbacks below the street wall should be measured from the centreline of the laneway or the boundary in the Central Flanks.

Bishop Street:

The proposed setbacks as they relate to Bishop Street properties are appropriate.

Residential neighbourhoods:

The proposed side boundary setbacks for Residential Neighbourhood place types are appropriate.

Conclusion

The proposed building setbacks specified in the draft Structure Plan and draft Amendment are appropriate and are strategically justified subject to the modifications recommended in this report.

Floor Area Ratios*

Referred Matter

Whether the Floor Area Ratio (FAR) controls proposed in the draft Planning Scheme Amendment are appropriate

Conclusion

The FAR controls proposed in the draft Amendment are not appropriate and should not be applied. Refer to Chapter 4 of the Common Issues report.

Recommendations

Refer to recommendations CI R01 and CI R02 in the Common Issues report.

Pedestrian and cycling access & links *

Referred Matter

Whether the planning for active transport in the Box Hill Structure Plan Area is appropriate, including with respect to:

- The indicative pedestrian link over land at 20 Ashted Road
- The role of Nelson Road
- The proposed footpath widening in central Box Hill areas
- Weather protection between Watts/Harrow Streets and the SRL East station

Findings

Pedestrian links:

Across all precincts, a review of pedestrian links is necessary to clearly identify which links are required. Required links should be identified within the draft Structure Plan and draft Amendment to secure their delivery. Delivery mechanisms need to be confirmed, and funding mechanisms should be confirmed as soon as possible (within 12 months). Refer to Chapter 9.9 of the General Issues report.

Planning for cycling links:

A signalised crossing across Station Street between Howard Street and Ashted Road is necessary.

Ashted Road pedestrian link:

The indicative pedestrian link over land at 20 Ashted Road is not required.

Nelson Road:

The role of Nelson Road is appropriate.

The pedestrian and cycling bridge over the rail line, connecting Nelson Road to Thurston Street, is an essential piece of infrastructure for the Structure Plan Area and is appropriately identified in the Day 3 version of the controls.

Footpath widening and weather protection:

The proposed footpath widening in central Box Hill is appropriate.

Weather protection is not necessary in the area between Watts Street and Harrow Street and the SRL Station.

Conclusions

The planning for active transport in the Box Hill Structure Plan Area in relation to:

- pedestrian access and links is not appropriate for the reasons set out in the General Issues report (Volume 3, Chapter 9.9) and this report in Chapter 10
- cycling infrastructure is generally appropriate, subject to modifications.

Recommendations

Refer to recommendation GI R32 to GI R34 in the General Issues report.

Draft Structure Plan

BOX R3: In the context of Recommendation GI R32, amend the Day 2 draft Box Hill Structure Plan to:

- delete any reference to the pedestrian link at 20 Ashted Road
- add a new signalised crossing along Station Street between Howard Street and Ashted Street.

Draft Implementation Plan

BOX R4: In the context of Recommendation GI R32, amend the Day 2 draft Box Hill Implementation Plan to:

- **delete any reference to the pedestrian link at 20 Ashted Road**
- **add a new project for a signalised crossing along Station Street between Howard Street and Ashted Street, specifying timing of 'medium to long term', the lead agency as 'Department of Transport and Planning' and the partner agency as 'Whitehorse City Council'.**

Draft Amendment

BOX R5: In the context of Recommendations GI R32, amend draft Amendment C255whse to the Whitehorse Planning Scheme to:

- **delete any reference to the pedestrian link at 20 Ashted Road.**

Public open space*

Referred Matter

Whether the planning for open space in the Box Hill Structure Plan Area is appropriate, having regard to the needs of future residents, visitors and employees to the Structure Plan Area, including with respect to:

- Whether additional open space should be provided south of the railway to Brougham Street, between Elgar Road and Station Street; south of the railway, between William and Barcelona Streets; East of Station Street and south of Severn Street; South of Maroondah Highway, between Miller Street and Short Street; South of Maroondah Highway to the railway, west of Middleborough Road
- Depiction of future Ellingworth Parade car park as open space in the draft Structure Plan and draft Planning Scheme Amendment
- Whether the Former Box Hill Brickworks site ought properly accommodate future public open space

Findings

Areas within the Structure Plan Area that require improved access to public open space:

Several areas within the Structure Plan Area require improved access to public open space to service the future population it is to accommodate, including:

- the area bound by the railway line, Brougham Street, Elgar Road and Station Street
- south of the rail line to Brougham Street, between Elgar Road and Station Street
- south of the rail line, between William Street and Barcelona Street
- east of Station Street and south of Severn Street
- the Health and Education Neighbourhood.

Areas within the Structure Plan Area with appropriate access to public open space:

Access to public open space is appropriate in the following areas:

- south of Maroondah Highway to the Railway and west of Middleborough
- south of Whitehorse Road, between Miller Street and Short Street
- the Zetland Road area.

Ellingworth Parade carpark:

The Ellingworth Parade Open Space and Court Street Open Space should be identified as permanent public open space in the draft Structure Plan and draft controls.

Former Box Hill Brickworks site:

The Former Box Hill Brickworks site ought properly accommodate future public open space, and:

- the proposed five per cent open space allocation on the Brickworks site is appropriate
- the master planning process is the appropriate time to confirm the location of the open space on the Brickworks site.

Conclusions

The planning for open space in the Box Hill Structure Plan Area is not appropriate having regard to the needs of future residents, visitors and employees to the Structure Plan Area. Further work is required. Refer to Chapter 5 in the Common Issues report.

Recommendations

Refer to recommendations CI R06 to CI R10 in the Common Issues report.

Further work

BOX R6: In the context of Recommendation CI R06, the further assessment of open space needs in the Box Hill Precinct should have regard to the following:

- **Several areas within the Structure Plan Area require improved access to public open space to service the future population it is to accommodate, including:**
 - o **the area bound by the railway line, Brougham Street, Elgar Road and Station Street**
 - o **south of the rail line to Brougham Street, between Elgar Road and Station Street**
 - o **south of the rail line, between William Street and Barcelona Street**
 - o **east of Station Street and south of Severn Street**
 - o **the Health and Education Neighbourhood.**
- **Access to public open space is appropriate in the following areas:**
 - o **south of Maroondah Highway to the Railway and west of Middleborough**

- **south of Whitehorse Road, between Miller Street and Short Street**
- **the Zetland Road area.**

BOX R7: In the context of recommendations CI R06 and CI R07:

- **identify the Ellingworth Parade Open Space and Court Street Open Space as permanent public open space in the draft Structure Plan and draft controls.**

Overshadowing & shading (public)*

Referred Matter

Whether the proposed measures in the draft Structure Plan and controls in the draft Planning Scheme Amendment are appropriate to minimise overshadowing and maintain solar access to the public realm, including Whitehorse Road Linear Reserve, Box Hill Gardens and Ellingworth Park and other public spaces and streets in the Box Hill Structure Plan Area

Findings

Whitehorse Road Linear Reserve:

The proposed solar access to the Whitehorse Road Linear Reserve is broadly acceptable given the existing conditions and orientation of the Whitehorse Road Linear Reserve and growth opportunity and expectations afforded by the SRL station, subject to some refinements to reduce the extent of shadow impacts.

Built Form Overlay Schedule 5 and the Precinct Zone Schedule 4 should be amended to reduce the street wall height to a mandatory 12 metres for the section of Whitehorse Road between the new public realm and Bruce Street to improve shadow impacts.

Precinct Zone Schedule 4 should be amended to increase the minimum tower separation and setbacks above the street wall along the north side of Whitehorse Road to:

- a minimum eight metres at the frontage to the new public realm
- 16 metres between towers on the same site
- make both provisions mandatory.

Box Hill Gardens:

The proposed controls have not struck the appropriate balance between higher density and solar access amenity for Box Hill Gardens.

The proposed building heights along the east side of Station Street including the Uniting AgeWell site should be reduced to limit overshadowing of Box Hill Gardens during a six-hour period from 9:00am on the winter solstice on a mandatory basis.

Other parks:

The proposed overshadowing controls require revision to better manage shadow impacts to several areas of public open space to provide mandatory shadow protections.

Streets:

The Day 3 controls appropriately minimise overshadowing and maintain solar access to key streets within the Structure Plan Area.

Conclusions

The proposed measures in the draft Structure Plan and draft Amendment are generally appropriate to minimise overshadowing and maintain solar access to the public realm, but changes are needed to some of the built form controls to provide better solar access to open space and the public realm.

Recommendations

Refer to recommendation GI R27 in the General Issues report.

The following recommendations are made in the context of recommendation GI R27.

Draft Amendment

To achieve appropriate sun access for Whitehorse Road Linear Reserve:

BOX R8: Amend Built Form Overlay Schedule 5 and Precinct Zone Schedule 4 to reduce the street wall height for the section of Whitehorse Road between the new public realm and Bruce Street to a mandatory 12 metres.

BOX R9: Amend Precinct Zone Schedule 4 to increase the minimum tower separation and setbacks above the street wall along the north side of Whitehorse Road as follows:

- **to a minimum eight metres at the frontage to the new public realm**
- **to 16 metres between towers on the same site**
- **make both provisions mandatory.**

BOX R10: Amend Clause 8.0 in Precinct Zone Schedule 4 to state that a permit must not be granted to construct a building or construct or carry out works that do not comply with the solar access outcomes specified in Clause 4.0.

To achieve appropriate sun access for Box Hill Gardens:

BOX R11: Amend Map 1 of Built Form Overlay Schedule 6 to make a new Area D as shown in Figure 5 of Volume 4 of this report and extend Area D north to Thomas Street.

BOX R12: Amend Table 1, Standard BF02 of Built Form Overlay Schedule 6 to include a maximum building height for the new Area D which is lower than 52 metres but above 21 metres, to be determined through further analysis.

BOX R13: Amend the provisions of Built Form Overlay 6 which limit overshadowing on Box Hill Gardens during a six-hour period from 9:00am so that the provision is mandatory.

To achieve appropriate sun access for other parks:

BOX R14: Amend Table 1, Standard BF04 of the relevant Built Form Overlay schedule(s) to:

- ensure that buildings must not cast any additional shadow beyond that cast by the applicable street (or boundary) wall
- for a minimum of three consecutive hours between 10:00am and 3:00pm at the winter solstice
- over the following public open spaces:
 - Ellingworth Parade Open Space
 - Linsley Street Park
 - Brougham Street Reserve
 - Graham Bend Park.

BOX R15: Amend Table 1, Standard BF04 of the relevant Built Form Overlay schedule(s) to:

- ensure that buildings must not cast any additional shadow beyond that cast by the applicable street (or boundary) wall
- for a minimum of three consecutive hours between 10:00am and 3:00pm at the spring equinox over the following public open spaces:
 - Victoria Road Reserve
 - Ashted Reserve
 - Court Street open space
 - Glenmore Reserve.

BOX R16: Amend Map 1, Table 1 and the Urban Context Report requirements at Clause 10.0 of Precinct Zone Schedule 5 to:

- ensure that buildings must not cast any additional shadow beyond that cast by an 11-metre building set back by four metres from the eastern and southern boundaries
- on the spring equinox between 10:00am and 2:00pm over Surrey Park and Surrey Drive.

BOX R17: Amend Clause 8.0 in Precinct Zone Schedule 5 to state that a permit must not be granted to construct a building or construct or carry out works that do not comply with the solar access outcomes specified in Clause 4.0.

Public realm safety

Referred Matter	Whether the draft Structure Plan makes provision for enhancing public safety in areas where higher density development is proposed or where high levels of traffic and congestion occur
Findings	The draft Structure Plan incorporates various measures to improve safety for pedestrians, such as activated frontages, and to manage vehicle movements, ensuring a safe and accessible public realm for all users. These have been generally translated into the draft Amendment.
Conclusions	The draft Structure Plan will enhance public safety in higher density areas or areas where a high level of traffic and congestion occur.

Land use mix & capacity

Referred Matter	Whether the Land Use Plan in the draft Structure Plan and relevant planning provisions provides for an appropriate land use mix across the Box Hill Structure Plan Area, including with respect to: - The extent to which residential uses should be encouraged/discouraged in the Health and Education neighbourhood - The extent of the Mixed Use Zone generally, particularly along Station Street and Canterbury Road - Whether the application of the applied Residential Growth Zone at 6-8 Archibald Street (Central Flank place typology) is appropriate
Findings	Key worker housing and student accommodation uses should be explicitly encouraged within the Health and Education Neighbourhood by not requiring a planning permit for their use and through a zone objective. The built form controls should allow both a campus style typology and podium and tower typology in the Health and Education Neighbourhood. The applied Mix Use Zone should be changed to the Residential Growth Zone for the following areas: - land on Station Street to the north and south of the commercial core of Box Hill (other than land currently zoned industrial) - land along the south side of Canterbury Road. - land along Whitehorse Road, west of Elgar Road - land to the south of Whitehorse Road, west of Middleborough Road.

Conclusions

The Land Use Plan in the draft Structure Plan and relevant planning provisions generally provide for an appropriate land use mix across the Box Hill Structure Plan Area subject to the modifications recommended in this report.

Recommendations

Draft Amendment:

BOX R18: Amend Clause 2.0 in Precinct Zone Schedule 3 to encourage key worker housing and student accommodation uses in the Health and Education Neighbourhood by:

- **adding a new use and development objective:**

To prioritise health, education and complementary uses (student accommodation and key worker housing for health professionals) in Area 4 of the Use and development framework plan (Map 1) to support the growth of the Box Hill health and education precinct.

- **listing 'group accommodation' and 'residential building' at a Section 1 use**
- **listing 'dwelling' as a Section 2 use.**

BOX R19: Amend Clause 6.0 in Built Form Overlay Schedule 3 by adding the following development objective:

To support a medium-rise campus-scale built form that responds to street widths and showcases excellence in health and education facility design in Area E: Health and Education Precinct.

BOX R20: Amend Clause 3.0 in Precinct Zone Schedule 3 to change the applied zone from Mixed Use Zone to Residential Growth Zone for the following areas:

- **land on Station Street to the north and south of the commercial core of Box Hill (other than land currently zoned industrial)**
- **land along the south side of Canterbury Road.**
- **land along Whitehorse Road, west of Elgar Road**
- **land to the south of Whitehorse Road, west of Middleborough Road.**

Car parking availability & rates*

Referred Matter

Whether the car parking rates as set out in the Precinct Parking Plan for Box Hill are appropriate, including to encourage a shift towards more sustainable transport modes

Whether sufficient car parking availability (including on-street and public car parking availability) will be provided having regard to potential additional parking demand (particularly in the Health and Education Neighbourhood)

Findings	The proposed car parking rates are generally appropriate but should be reviewed as part of each five-yearly review to ensure they are set at an appropriate rate to encourage a shift towards more sustainable transport modes as noted in chapter 8.7 of the General Issues report. The proposed threshold for the preparation of a Green Travel Plan is appropriate. Car parking availability in the Health and Education Neighbourhood will be adequate. This area will accommodate workers, residents and visitors to the education and health institutions, many of which will retain current parking rates.
Conclusions	The proposed car parking rates as set out in the Precinct Parking Plan for Box Hill are generally appropriate subject to the modifications recommended in the General Issues report. Sufficient car parking availability will be provided having regard to potential additional parking demand.
Recommendations	Refer to recommendation GI R15 in the General Issues report.
Community infrastructure*	
Referred Matter	Whether the planning for community infrastructure in the Box Hill Structure Plan Area is appropriate, having regard to the needs of future residents, visitors and employees
Findings	The timing proposed for the detailed planning of community infrastructure in Box Hill is not appropriate and risks undermining liveability and the achievement of the vision and objectives in the Structure Plan. The current planning for community infrastructure in Box Hill is not adequate.
Conclusions	The planning for community infrastructure in the Structure Plan Area is not appropriate and does not have sufficient regard to the needs of future residents, visitors or employees. Further work is required. Refer to Chapter 6 in the Common Issues report.
Recommendations	Refer to recommendations CI R11 to CI R14 in the Common Issues report.
Draft Implementation Plan*	
Referred Matter	Whether the approach to implementing the actions and projects contained in the draft Implementation Plan for Box Hill and the timing and pathways for their implementation are appropriate for the purposes of the draft Structure Plan
Findings	The approach to implementing the actions and projects in the draft Implementation Plans and the timing and pathways for their implementation is not appropriate.

	Regarding the actions and projects in the Box Hill Implementation Plan that were in dispute: - DTP should lead the bus interchange project. - The Proponent should lead the Linsley Street cycling project. - Council should remain the lead for the Bruce Street cycling project.
Conclusions	The approach to implementing the actions and projects in the draft Implementation Plan and the timing and pathways for their implementation is not appropriate. Refer to Chapter 5 in the Common Issues report.
Recommendation	Refer to recommendations CI R16 to CI R20 in the Common Issues report.
Strategic sites*	
Referred Matter	Whether the identification and treatment of strategic sites in the Box Hill Structure Plan Area are appropriate, including with respect to the Former Box Hill Brickworks site, and whether additional sites should be considered as strategic sites such as: - Land bound by Maroondah Highway / Whitehorse Road (to the north), the railway corridor (to the south), Middleborough Road (to the west), and Linsley Street (to the west) - Box Hill institute (853 Whitehorse Road, 16-18 Spring Street, 1000 Whitehorse Road, 465 Elgar Road and 466 Elgar Road) - 16-28 Nelson Road - 11-13 Irving Street and 9-11 Bruce Street - Zetland Road
Findings	Based on its findings in the General Issues report (Volume 3, Chapter 9.3) the Committee finds: - The function of Strategic sites is uncertain and ambiguous. - It is unclear how Strategic sites are expected to deliver land use or built form outcomes that are otherwise provided for in policy, the Precinct Zone schedules and Built Form Overlay schedules. - As proposed, the designation of Strategic sites serves no practical purpose. - The Committee is therefore not in a position to reach a finding on whether any of the specific sites in the Box Hill Referred Matter should be identified as Strategic Sites.
Conclusions	The identification and treatment of strategic sites in the Box Hill Structure Plan Area is not appropriate, for the reasons set out in chapter 9.3 of the General Issues report.

Recommendations	Refer to recommendations GI R20 to GI R23 in the General Issues report.
Road & street network*	
Referred Matter	Whether the road/street network shown in the draft Structure Plan and draft Planning Scheme Amendment is appropriate, including with respect to: - The western end of Whitehorse Road - A road extension from Mont Albert Road to Albion Street
Findings	The treatment of the western end of Whitehorse Road in the draft Structure Plan and draft Planning Scheme Amendment is appropriate. The Mont Albert Road to Albion Street link is appropriate as an active transport link only at this stage.
Conclusions	Based on its findings in the General Issues report (Volume 3, Chapter 8) the road and street network is generally appropriate subject to the modifications recommended in this report.
Recommendations	Draft Amendment BOX R21: Amend Map 1 in Precinct Zone Schedule 5 to replace the cross block connection annotation from 'Mont Albert Rd extension' to 'active transport link'.
Vegetation and ecology	
Referred Matter	Whether it is appropriate to remove Significant Landscape Overlay – Schedule 9 and Neighbourhood Character Overlay – Schedule 2
Findings	Retaining a permit requirement to remove trees that might unduly constrain a development parcel is contrary to the vision and objectives of the draft Structure Plan. However, a decision guideline that supports the retention of existing vegetation, where feasible, is appropriate for the Built Form Overlay schedules except Schedule 5 where the greatest development intensity is proposed. The draft Structure Plan's focus on higher-density development in Box Hill conflicts with the Neighbourhood Character Overlay Schedule 2 objectives.
Conclusions	Removal of Significant Landscape Overlay Schedule 9 and Neighbourhood Character Overlay Schedule 2 is appropriate.

Voluntary Public Benefit Uplift Framework*

Referred Matter	Whether the proposed Voluntary Public Benefit Uplift Framework is appropriate in respect of the spatial application of the framework in Box Hill, and whether proposals meeting Environmentally Sustainable Design (ESD) requirements should be able to access the framework
Findings	In the event that Recommendation GI R01 is not adopted, in the context of Box Hill the Committee finds that proposals meeting Environmentally Sustainable Design requirements should not be eligible for the Voluntary Public Benefit Uplift Framework.
Conclusions	The proposed Voluntary Public Benefit Uplift Framework is not appropriate and should not be applied in any precinct. Refer to Chapter 3 of the General Issues report.
Recommendations	Refer to Recommendations GI R01 in the General Issues report (Volume 3, Chapter 4).

3 Approach

The Committee has conducted its process in accordance with the procedural requirements of the Terms of Reference, particularly Clauses 18 to 24.

Broader comments about the Committee's approach are contained in Volumes 1, 2 and 3.

3.1 Original submissions

The Committee was not referred submissions received by the Proponent through the public consultation process (original submissions). Several parties indicated they wanted to be heard in relation to the matters raised in their original submissions. The Committee confirmed through its directions that:

- parties who wanted their original submissions considered would need to provide copies to the Committee
- the Committee would consider those submissions to the extent that they raised Referred Matters.

The original submissions considered by the Committee for the Box Hill Precinct were tabled documents (see Appendix B).

3.2 Main Hearing

While the Committee was not expected to carry out a public Hearing (Clause 20 of the Terms of Reference), it determined that public Hearings would be necessary for the Committee to consider the Referred Matters.

The Box Hill Precinct Hearing took place from 29 September to 23 October 2025.

3.3 Report

The Committee has reported on the Referred Matters in accordance with its Terms of Reference, particularly Clause 39.

Clause 39(b) requires the Committee to provide a summary of any outcomes reached through parties resolving issues after the matter was referred to the Committee. The Committee directed parties to address resolved matters in their submissions. One Referred Matter was resolved, as summarised in Table 2.

Table 2 Summary of resolved matters

Referred Matter	Issues resolved	Document No.
Multiple referred matters relating to height, open space and Strategic Sites.	A revised, agreed version of Precinct Zone Schedule 5 (PRZ5), was tabled on 30 September 2025 jointly by the landowner of the land to which the PRZ5 applies (Phileo) and the Proponent. The Schedule represents the agreement between the two parties and was accompanied by a joint summary.	GI 151 BOX 033 BOX 095 BOX 104 BOX 168 BOX 173

Several matters remained in dispute between the Proponent and Phileo at the hearing but were ultimately resolved through the Day 3 controls. These were:

- the wording of the requirement for a Sustainable Management Plan (SMP) in Clause 10.0 to the agreed PRZ5
- the wording of the requirement for a Waste Management Plan (WMP) in Clause 10.0 to the agreed PRZ5
- the rate of mounted bicycle spaces that must be provided by any redevelopment.

However, the Proponent ultimately agreed to Phileo's proposed wording.

3.4 Expert evidence

The Committee had regard to the evidence noted in Table 3, as well as the evidence presented at the General Issues Hearing. The General Issues evidence is listed separately in the Common Issues Report (Volume 2).

Table 3 Expert Evidence

Expert	Firm	Party
Planning		
David Crowder	Ratio	Proponent
David Barnes	Hansen Partnership	Whitehorse Council
Sophie Jordan	Contour	Phileo
Tim McBride-Burgess	Contour	Box Hill Institute Box Hill RSL Cubick
Jonathon Fetterplace	A Different City	705 Station Street Pty Ltd
Urban design		
Mark Sheppard	Urbis	Proponent
Andrew Partos	Hansen Partnership	Council
Professor Rob McGauran	MGS Architects	Council
Leanne Hodyl	Hodyl	Phileo
Heritage		
Kate Gray	Lovell Chen	Proponent
Bryce Raworth	Bryce Raworth	Phileo
Traffic and transport		
Hillary Marshall	Ratio	Proponent
Jason Walsh	Traffix Group	Council
Leigh Furness	Traffix Group	Phileo

Community infrastructure		
Chris De Silva	Mesh	Proponent
Kate Kerkin	K2 Planning	Council
Open space, sport and recreation		
Kate Maddock	Otium	Council
Joanna Thompson	Thompson Berrill Landscape Design	Council
Development realisation		
Craig Yelland	Yelland Co	Phileo

(i) Joint Expert Meeting

As directed by the Committee, an expert meeting was held before the hearing in the field of traffic and a Joint Expert Statement was tabled (Document BOX 86) identifying the areas of agreement and disagreement. All traffic experts participated, however Mr Furness was only present for matters relating to the former Box Hill Brickworks site at 14 Federation Street, Box Hill (Brickworks site).

4 The Proposal

4.1 The Precinct

The Box Hill precinct includes the land shown in Figure 1.

The Box Hill precinct is a major Metropolitan activity centre, notable for its significant high-density development, particularly in its core, and its established health and education institutions. Strategically important within the metropolitan hierarchy, it is situated about 14 kilometres east of Melbourne's Central Business District, within the City of Whitehorse and on Wurundjeri Woi Wurrung land. Centred around Whitehorse Road and Station Street, the precinct is well-serviced by train, tram and bus connections linking it to the Central Business District, Ringwood, Deakin University and the Eastern Freeway, ensuring strong accessibility.

As of 2021, the precinct's population was approximately 13,300 residents and 18,500 workers. The Structure Plan Guidelines anticipate these figures will more than double by 2041, reaching 29,100 residents and 38,750 workers.

Key features include a high-rise urban core with buildings up to 30 storeys, a vibrant mix of retail, dining, entertainment and cultural venues, and the Box Hill Central Shopping Centre situated around the train station and bus interchange. The area hosts major health and education providers such as Box Hill Hospital, Epworth Eastern Hospital, and Box Hill Institute, along with civic amenities like the Town Hall, library, and a community arts centre. Surrounding residential neighbourhoods are mostly low-density post-war housing.

The road network follows a grid pattern, with the terrain sloping gently from the south-west to a flatter centre. The precinct offers open spaces including Box Hill Gardens and Surrey Park, and smaller green areas like the Whitehorse Road median.

The local economy is driven by the shopping centre, health and education precincts and commercial buildings, with 40 per cent of workers employed in health care and social assistance.

Figure 1 Box Hill Conceptual Precinct Plan

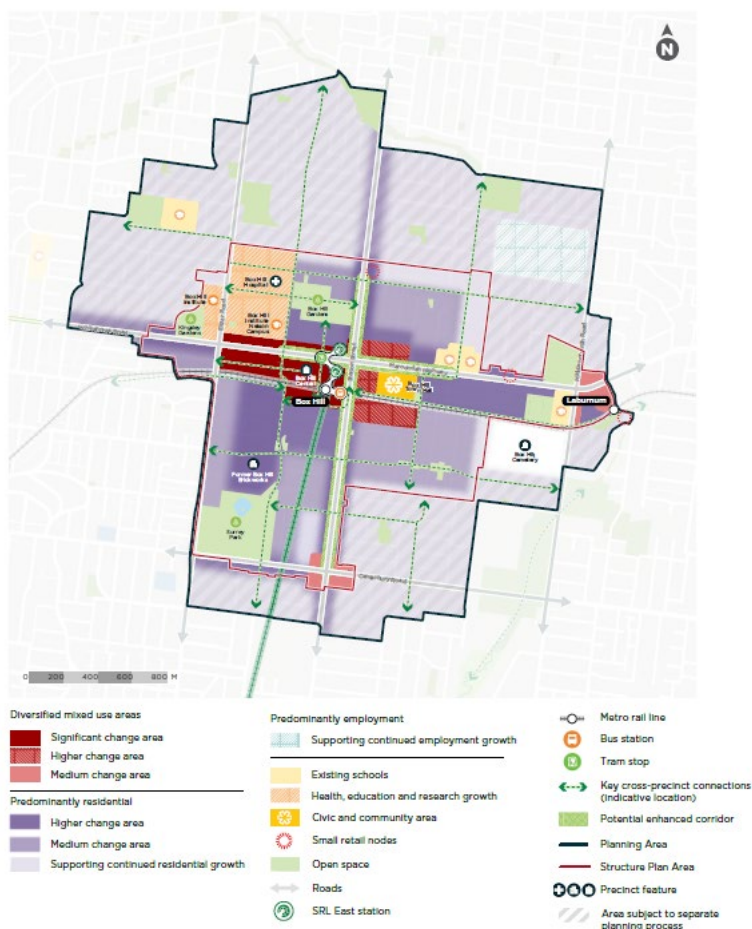


Figure 8: Box Hill Conceptual Precinct Plan

Source: draft Box Hill Structure Plan

4.2 The draft Structure Plan

The draft Structure Plan sets a 15-year framework for transformational change around the Box Hill SRL East station, aiming to accommodate a projected doubling of residents and workers by 2041. It guides development of homes, jobs and community facilities, and is structured around five themes: Enriching Community, Boosting the Economy, Enhancing Place, Better Connections, and Empowering Sustainability. The draft Structure Plan details objectives, strategies and implementation steps for land use, housing, transport, public spaces, and environmental outcomes. It is proposed as a background document at Clause 72.08 of the Planning Scheme.

4.3 The draft Implementation Plan

The draft Implementation Plan outlines how the infrastructure identified in the draft Structure Plan will be delivered. This includes community facilities, open space, transport, sustainability projects and SRL East rail works. It specifies actions for each project, detailing timing, lead agency, partner organisation and delivery pathways, but does not propose funding mechanisms. The draft Implementation Plan is intended to be included as a background document at Clause 72.08 of the Planning Scheme.

4.4 The draft Parking Plan

The draft Parking Plan sets parking objectives for the precinct and outlines tools to achieve them, including the Parking Overlay and other statutory and non-statutory measures. The draft Parking Plan is proposed to be included as a background document for proposed Parking Overlay Schedules 4 and 5 and is listed at Clause 72.08 of the Planning Scheme.

4.5 The draft Amendment

The draft Amendment proposes to introduce the parent provisions for PRZ (Clause 37.10) and BFO (Clause 43.06) into the Whitehorse Planning Scheme. As exhibited, the draft Amendment proposes to apply the:

- Precinct Zone Schedule 3 (PRZ3) to the majority of land within the Box Hill Structure Plan Area
- Precinct Zone Schedule 4 (PRZ4) to the Station Development Area (SDA) strategic site
- PRZ5 to the Brickworks site (and introduce the Precinct Zone (PRZ) parent provision at Clause 37.10 of the Planning Scheme)
- Built Form Overlay Schedule 5 (BFO5) to land in the Central Core (and introduce the Built Form Overlay (BFO) parent provision at Clause 43.06 of the Planning Scheme)
- Built Form Overlay Schedule 6 (BFO6) to land in the Central Flanks
- Built Form Overlay Schedule 7 (BFO7) to land in the Key Movement Corridors and Urban Neighbourhoods
- Built Form Overlay Schedule 8 (BFO8) to land in the Residential Neighbourhoods
- Parking Overlay Schedule 4 (PO4) to 'Area A' generally being land within Neighbourhood A (Central Box Hill) and Neighbourhood B (Health and Education) (but no sites zoned PUZ, SUZ or PPRZ) as well as the SDA
- Parking Overlay Schedule 5 (PO5) to 'Area B' being the balance of the Box Hill Structure Plan Area land not proposed to be affected by PO4 (but no sites zoned PUZ, SUZ or PPRZ) as well as the Brickworks site
- Environmental Audit Overlay (EAO) to selected sites listed in the Explanatory Report.

The following sites are proposed to retain their current zoning:

- sites zoned Public Use Zone including numerous civic uses of Box Hill Town Hall, Box Hill Library, Box Hill Community Arts Centre, Box Hill Hospital, Box Hill Institute (Elgar Campus), Box Hill Institute (Nelson Campus), Box Hill Institute (Whitehorse Campus), Box Hill Police Station, Box Hill High School and Box Hill Cemetery
- sites zoned Public Park and Recreation Zone including Box Hill Gardens, Box Hill City Oval, Aqualink Box Hill, Howard Wilson Oval, Victoria Rose Reserve and Glenmore Street Reserve
- sites zoned Special Use Zone including St Francis Xavier Catholic Primary School and Church.

The draft Amendment proposes to delete from land in the Structure Plan Area:

- Design and Development Overlay Schedule 4 (DDO4) and Design and Development Overlay Schedule 11 (DDO11)
- Parking Overlay Schedule 1 (PO1)
- Significant Landscape Overlay Schedule 9 (SLO9)
- Neighbourhood Character Overlay Schedule 2 (NCO2).

It also seeks to delete Clause 11.03-1L-02 Box Hill Metropolitan Activity Centre from the Planning Scheme.

The draft Amendment seeks to revise the various policies in the Planning Policy Framework at Clauses 2, 11, 15 and 17. The proposed revisions aim to recognise the strategic significance of the Box Hill Structure Plan Area by updating the municipal context, strategic objectives and framework plans. These revisions are intended to emphasise substantial development and transformation in the vicinity of the Box Hill SRL station, making it the focus of new jobs and housing.

4.6 Versions of the planning scheme ordinance

The Committee has based its recommendations for Box Hill on the:

- Day 3 version of the draft Amendment ordinance.
- Day 2 versions of the draft Box Hill Structure Plan and draft Box Hill Implementation Plan.

A full list of the ordinance considered by the Committee for the Box Hill precinct is contained in the document list in Appendix B of this report.

5 Building height, distribution and transition

5.1 Referred Matter

The Referred Matter is:

The suitability and distribution of the proposed building heights specified in the draft Structure Plan and draft Planning Scheme Amendment, and transition to surrounding residential areas, including with respect to:

- Whitehorse Road
- Station (Street)
- The Laburnum neighbourhood
- South of the railway line in Laburnum
- Bishop Street and Oxford Street
- Dorking Street
- The Former Box Hill Brickworks site (14 Federation Street)
- Zetland Road
- Central Box Hill
- St Andrews, Hanbit Uniting Church and St Peters site
- Residential streets and neighbourhood areas above 2-3 storeys
- 58-60 Williams Street
- 709-713 Station Street
- Central Core Box Hill
- 11 Irving Street, 13 Irving Street, 9 Bruce Street and 11 Bruce Street
- Land between Box Hill Gardens and Whitehorse Road, bound by Shipley Street (west) and Station Street (east)
- 16-28 Nelson Road
- 853 Whitehorse Road
- 875-887 Whitehorse Road
- 1000 Whitehorse Road
- 16-18 Spring Street
- 465 Elgar Road
- 466 Elgar Road
- 3 and 5 Ellingworth Parade
- 702-706 Station Street
- Potential conflict with existing approved planning permits
- Transition between areas of different height expectations
- Transition to sensitive interfaces
- Wind effects on the public realm and private open space
- Heritage areas

5.2 Key issues

The key issues are whether:

- the proposed building heights are suitable and appropriately distributed across the Structure Plan Area in general terms
- the proposed building heights are suitable in relation to the sites specified in the Referred Matters
- the proposed building heights provide an appropriate transition to residential areas.

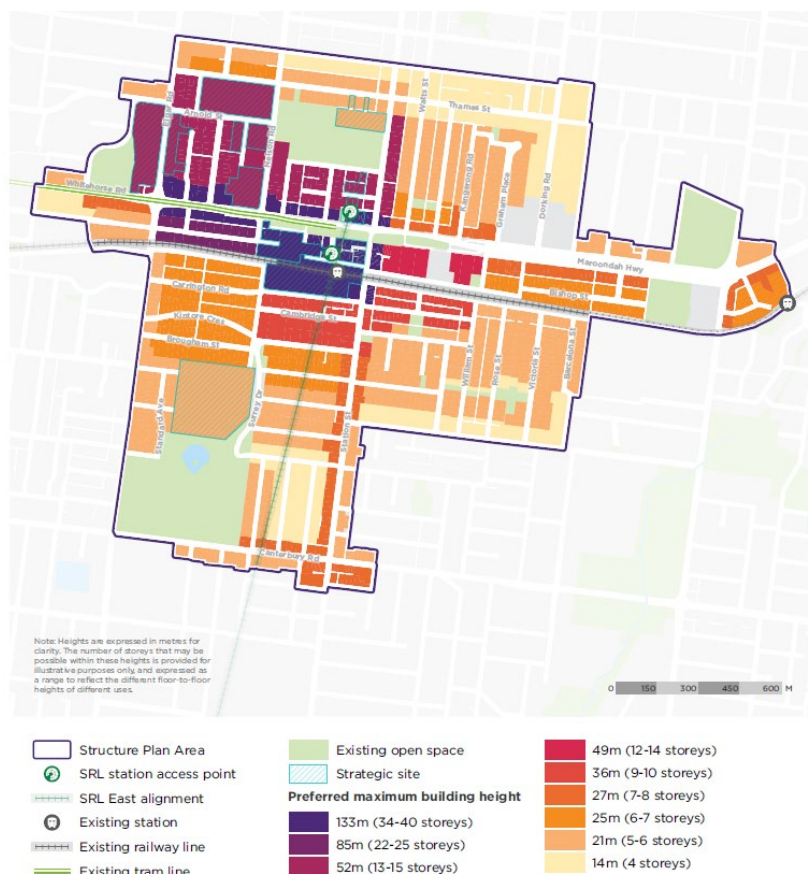
5.3 Background

(i) Draft Structure Plan

The draft Structure Plan sets out objectives for building heights, concentrating taller and denser developments around the SRL station and key corridors like Station Street and Whitehorse Road. Housing growth is highest near the centre and tapers off towards the edges, with mid-rise apartments and townhouses further out. The draft Structure Plan aims for a gradual transition in building scale, promoting intense development centrally, mid-rise buildings along major roads and mixed housing types which allow for efficient land use.

Figure 14 in the draft Structure Plan shows the preferred (discretionary) maximum building heights in the Structure Plan Area. The heights range from 133 metres (40 storeys) in Central Box Hill to 14 metres (4 storeys) in the Residential Neighbourhoods (Figure 2).

Figure 2 Distribution of height



Source: draft Structure Plan

(ii) Draft Implementation Plan

The draft Implementation Plan includes an action to amend the Planning Scheme to achieve preferred scale and built form outcomes, including preferred maximum building heights, to be completed in the short term and led by the Proponent.

(iii) Draft Amendment

Policy

The draft Amendment proposes Clause 11.03-6L-04 Box Hill SRL East Structure Plan Area. It includes 'Built environment strategies' to:

Direct the greatest level of built-form intensity, activity, and development scale to Central Box Hill Neighbourhood and around the SRL station.

Facilitate continuous high built form scale along Whitehorse Road and Station Street to frame these wide roads.

Support a mid-rise urban neighbourhood (within areas shown as accommodating high built form scale) proximate to Surrey Park, the former Box Hill Brickworks, and within walking distance of the Central Box Hill Neighbourhood.

Encourage low to mid-rise apartment buildings in a landscaped setting to promote housing diversity in medium housing built form scale areas.

Maintain the fine grain shop front character along Canterbury Road.

Ensure new development maintain visual links to the facade of Box Hill Town Hall.

Zoning

The PRZ3 includes an objective:

To promote the use and development of land that is consistent with the Use and development framework plan (Map 1) at a scale and intensity to accommodate substantial and high growth.

The PRZ4 applies to the SDA and includes objectives:

To promote the use and development of land that is consistent with the Use and development framework plan (Map 1) at a scale and intensity to accommodate substantial growth in office, retail and residential uses.

To deliver transformational change and activation to support the strategic role of the Station Development Area as a transit-oriented urban renewal precinct.

To create an identifiable centre that supports the civic role of the SRL station, provides for intensified, built form and the creation of new high-amenity public realm.

The PRZ5 applies to the Brickworks site and includes objectives:

To promote the use and development of land that is consistent with the Use and development framework plan (Map 1) at a scale and intensity to accommodate substantial growth in residential uses.

To promote a diversity of housing types including the provision of affordable housing.

To allow residential development that is responsive to the site's strategic context, with mid-rise built form tapering down to the site's interfaces to residential and open space uses and sited to provide an appropriate setting around existing heritage buildings on the site.

Built Form Overlay

Built Form Overlay schedules apply to all private land in the PRZ3. The BFO does not apply to land within the SDA (PRZ4) or the Brickworks site (PRZ5). Master Plan requirements apply to these sites.

Objectives relevant to building heights and preferred maximum building heights for each BFO are summarised below.

Table 4 Summary of BFO Schedules regarding building height

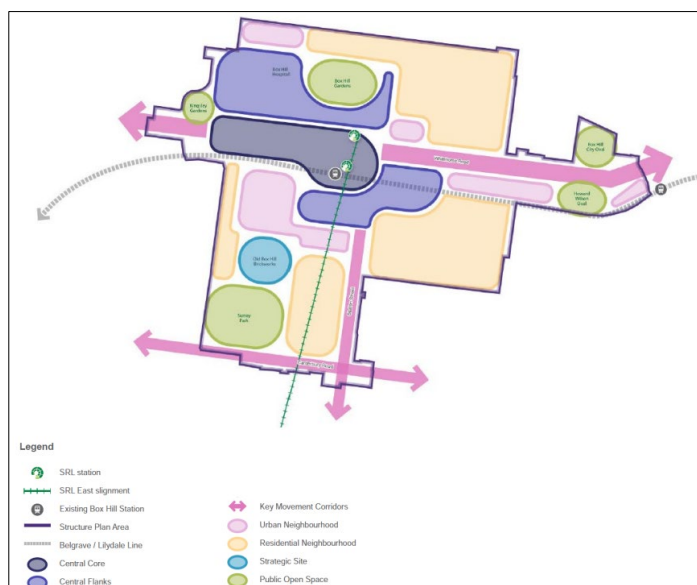
BFO	Summary	Preferred maximum height
BFO5 Central Core	Enables the tallest podium-tower developments in the Central Core, with street-wall height ranges, strong upper-level setbacks and tower separation to address bulk, wind, and sun access, especially near key heritage corners.	Areas A and C: 133 metres Area B: 85 metres
BFO6 Central Flanks	Step down to mid- and high-rise bands, featuring tighter setbacks at sensitive edges and explicit solar protection for open spaces with deep soil and canopy-tree requirements.	Area A: 52 metres Area B: 49 metres Area C: 36 metres
BFO7 Key movement corridors and urban neighbourhoods	Applies mid-rise (5 to 8 storeys) controls along corridors and in urban neighbourhoods, with landscaped setbacks, human-scale street walls, and greened rear interfaces to protect privacy and daylight. Proposals in BFO5, BFO6 and BFO7 that depart from the building height and setback by more than 20 per cent may require a high-quality design report and possible independent review.	Areas A and D: 27 metres Area B: 25 metres Areas C, E and F: 21 metres
BFO8 Residential neighbourhoods	Restricts heights to low- to mid-rise (3 to 6 storeys depending on lot width), with generous setbacks, overshadowing controls, deep soil and canopy-tree ratios. The PRZ schedules set a range of Floor Area Ratios (FARs) that generally vary between place types.	Areas A and C: 21 metres Area B: 14 metres

(iv) The SRL East Draft Structure Plan Urban Design Report Box Hill

The UDR informed the draft Structure Plan's built form provisions. It highlighted opportunities to strengthen the commercial and retail core near the SRL station and promote mid-rise development, except for high-rise buildings directly around the SRL station. Key constraints include strata-titled and recent high-rise buildings, large institutional sites, and heritage or landscape overlays, limiting the areas within the Structure Plan Area that can undergo major transformation.

The UDR defines a graduated urban form with tall towers in the Central Core and SDA, mid-rise mixed-use buildings along major boulevards, medium-rise activated edges, and low- to mid-rise apartments in leafy Residential Neighbourhoods (see Figure 3).

Figure 3 Urban Form outcome



Source: UDR

(v) SRL East Draft Structure Plan Historical Heritage Technical Report

The Heritage Report was prepared to inform the draft Structure Plan.

Key recommendations include integrating heritage appreciation into urban design, maintaining the cohesive streetscape and visual relationships at Whitehorse Road, and respecting the conservation and adaptive reuse of the Victorian Heritage Register-listed Brickworks site. Built-form responses should be tailored to each site's heritage context, with careful siting and scaling of new development to retain the character of individual buildings and groups.

All the BFO Schedules and the PRZ4 and PRZ5 include guidance for management of heritage impacts, as generally informed by the recommendations of the Historical Heritage Technical Report.

(vi) General Issues conclusions

The Committee has made findings and recommendations in the General Issues Report that will influence built form outcomes. These include the Referred Matters relating to:

- deemed to comply provisions
- achieving a reasonable level of privacy
- managing the impact of overshadowing on private open spaces
- managing the impact of overshadowing on the public realm, including public open spaces and key streets
- supporting high quality design.

The relevant conclusions and recommendations are not repeated here, unless they relate to a particular site. As the Committee has identified in the Summary and Approach Report (Volume 1), there will be consequential changes which relate to the built form controls in each precinct.

5.4 Building height distribution

(i) Evidence and submissions

Evidence

The experts largely endorsed the proposed cone-shaped urban form and building height distribution.

Mr Sheppard supported a height framework comprising very tall buildings in the Central Core, mid-rise development (5 to 12 storeys) in the flanks, and low-rise development in surrounding neighbourhoods. He considered that the proposed provisions for maximum heights, FARs, setbacks and overshadowing would facilitate appropriate transitions. Subject to some recommended refinements, he considered the draft Structure Plan to be generally suitable for achieving liveable, sustainable and appealing places. Mr Sheppard also noted that mid-rise development would provide a balance between density and amenity, deliver improved environmental and social outcomes compared with high-rise development, and support distinct area character, with the highest densities located closest to the SRL station and activity centre.

Mr Sheppard identified Whitehorse Road as Box Hill's principal wide street and considered it appropriate for the tallest buildings within the Central Core. He supported the proposed 133-metre height limit on both sides of Whitehorse Road between Station Street and Elgar Road, describing this corridor as the core of the metropolitan centre and capable of accommodating high-rise development. He observed that the evolving character of the area, including taller buildings, is consistent with the scale and function of its main streets.

Prof McGauran did not dispute the overall approach of a higher-density Central Core with building heights stepping down toward low-rise Residential Neighbourhoods. However, he was critical of the extent of research informing the controls and considered that the drafting lacked a sufficiently integrated urban design response, particularly in relation to the coordination of high-density towers and high-quality open space.

Mr Crowder supported the proposed building heights and transition arrangements, noting their consistency with the draft Structure Plan objectives and the cone-shaped urban form. He described a progression from the tallest buildings in the Central Core, stepping down through the Central Flanks and Health and Education Neighbourhood, to lower-rise Residential Neighbourhoods at the periphery of the Structure Plan Area as appropriate. He also noted that area-specific controls, including along Whitehorse Road, Station Street and within the Laburnum Neighbourhood, assist in managing transitions. Mr Barnes expressed similar views.

Submissions

Council generally accepted the proposed building heights, distribution, and transitions. Council and some experts had some concerns regarding the proposed specific heights to several selected locations, and these are discussed in the following sections of this chapter.

The Proponent submitted that the Committee's assessment should focus on the suitability and distribution of building heights in the draft Structure Plan and draft Amendment, rather than on strict replication of the UDR. Relying on the evidence of Mr Sheppard and Mr Crowder, the Proponent contended that the proposed building heights and their distribution are appropriate and consistent with the draft Structure Plan's vision for Box Hill.

The Proponent emphasised the need to accommodate growth to 2041 and beyond, provide flexibility in built form outcomes, and achieve high-quality public realm and amenity. It highlighted the role of the Central Core as the area intended to accommodate the greatest density and change, with the tallest buildings proposed at up to 133 metres. The Proponent submitted that these heights support intensified activity, employment and housing, particularly given the Central Core's proximity to public transport and other services.

(ii) Discussion

The Committee accepts that, generally, the proposed maximum building heights in the Structure Plan Area are appropriate and strategically justified based on the work in the UDR and the draft Structure Plan. The proposed heights are supported by appropriate policy and objectives in the PRZ and BFO schedules.

However, there are limitations in the extent of envelope modelling provided and built form testing. See the Committee's comments in relation to the extent of envelope modelling and built form testing in the Summary and Approach report (Volume 1, Chapter 4.4).

However, there are limitations in the extent of envelope modelling provided. The Committee considers that a comprehensive three-dimensional envelope model would have assisted its evaluation and helped focus discussion as the controls are further refined.

Built form testing was often limited in scope, with modelling generally focused on standard conditions rather than more complex interfaces or constrained sites. Differences between the modelling produced throughout the hearing process resulted in varying massing and shadow outcomes, indicating that some standards may be open to differing interpretations or may be challenging to apply consistently.

In terms of housing growth, the Committee is satisfied that the proposed controls translate the three levels of housing growth into a coherent built form framework that balances opportunity, constraint and sensitivity. While lot consolidation is encouraged to achieve preferred building heights, practical considerations, including small lot sizes, strata arrangements and heritage overlays will mean that not all sites are likely to consolidate or realise those heights. The sub-area height and floor area mapping reflects this variation, identifying differing growth potential across locations.

Significant growth is directed to key sites, including the SDA, the Brickworks site, and those in the Central Core and Central Flanks, where many parcels are already suitable for higher-density development, although some smaller lots may remain constrained. Key Movement Corridors are identified for higher growth, with more moderate growth

anticipated within Residential Neighbourhoods. The cone-shaped urban form concentrates density around the SRL station and Whitehorse Road and steps down toward residential edges, reflecting existing high-density patterns and access to public transport. The Committee notes that Box Hill's tall-core centre is well established and supports its further intensification.

Whitehorse Road and Station Street Corridors

The draft Structure Plan proposes an axial pattern of mid- to high-rise development along Whitehorse Road and Station Street, with building heights stepping from 133 metres to 25 metres. Taller buildings, where appropriately managed at interfaces, can assist in shielding residential areas while concentrating density along major roads, particularly Whitehorse Road as the primary address for Box Hill's metropolitan role.

The Committee supports an approach that frames these corridors with mid-rise street walls and taller, set-back elements, noting that the street wall and parapet have the greatest influence on the street-level public realm. This intent is reflected in the Vision and, to some extent, is already evident in the existing built form.

However, the effectiveness of this approach will depend on the detailed operation of the controls. Matters such as tower orientation, spacing, height variation, roofline silhouette and design quality mechanisms will be important to ensure that additional height and form contribute to a distinctive and legible skyline, rather than a uniform or monolithic outcome. In this regard, the Committee prefers guidance that promotes an 'articulated skyline' rather than relying on the open to interpretation notion of an 'architecturally interesting' skyline and a decision guideline regarding open sky views.

Central Core

The Committee endorses the goal for the Central Core to feature a well-spaced, high-quality podium-tower skyline, seeing this aspiration for a varied articulated skyline as key to Box Hill's metropolitan identity.

Central Flanks

A key UDR principle is the dispersing pattern of mid-rise development from a compact centre, which distributes growth while safeguarding amenity. Mid-rise development in the Central Flanks should provide sunlight access, moderate wind and visual impacts, and help protect Box Hill Gardens from overshadowing, consistent with the amenity-focused vision and the proposed controls. This is supported.

Residential Neighbourhoods

The BFO8 height regime cautiously preserves a garden-suburban character by limiting higher mid-rise development to larger sites and maintaining low-rise forms on smaller lots, ensuring gentle transitions and high on-site amenity for Residential Neighbourhoods. This approach is supported.

(iii) Findings

The Committee finds:

- The proposed controls translate the three levels of housing growth into a coherent built form framework that balances opportunity, constraint and sensitivity
- The approach to height along key corridors which adopts mid-rise street walls and taller, set-back elements is appropriate
- Matters such as tower orientation, spacing, height variation, roofline silhouette and design quality mechanisms will be important to ensure that additional height and form contribute to a distinctive and legible skyline, rather than a uniform or monolithic outcome.

5.5 Building height transitions

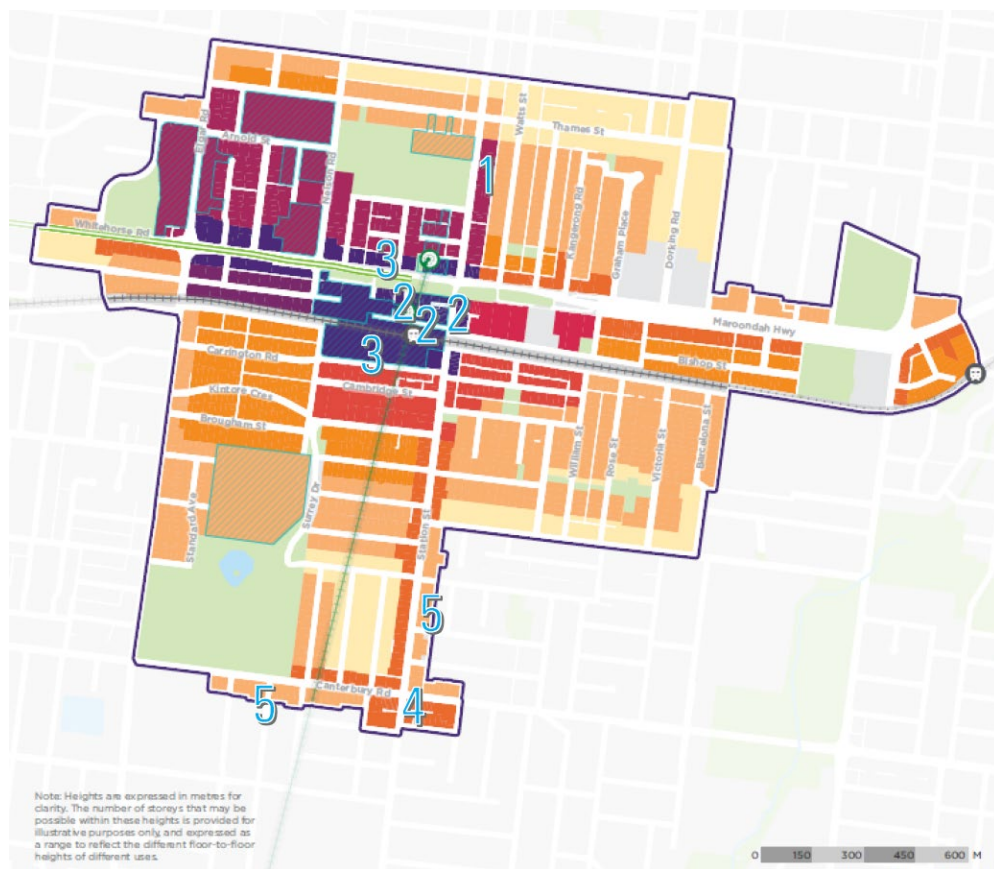
(i) Evidence and submissions

Evidence

While all the experts generally accepted the building height transitions in broad terms, some raised concerns where they considered the height transitions were too large.

Specifically, Mr Barnes considered the heights in Areas 1, 4 and 5 (see Figure 4 for Mr Barnes' area locations) to be excessive. He recommended that, subject to urban design input, the heights in Area 1 be reduced from 52 to 27 metres, and in Areas 4 and 5 from 21 to 14 metres.

Figure 4 **Distribution of height with Barnes' Areas 1 to 6**



Source: Figure 1 of draft Structure Plan

Mr Sheppard supported the building height transitions and did not agree with Mr Barnes' recommendations. For Area 1, he recommended BFO6 include the landscaping setbacks found at Clause 7.12 in other Central Flank BFO schedules. He considered that this change, along with the proposed six metre rear setback and rear laneway, would provide an adequate transition from the 52 metre heights on Station Street to the 21-metre residential zone.

Mr Sheppard was comfortable that the transitions from Areas 4 and 5 (BFO7) to the adjacent 11-metre NRZ land would be managed through either the proposed six-metre built form setbacks or a road.

Mr Partos assessed whether the BFOs provided suitable building heights, distribution and transitions, particularly along the eastern section of Station Street and from the Central Core to its flanks. His urban morphology tests indicated that the proposed heights and FARs could result in bulky podium-tower forms, which might compromise the intended step-down from the 133-metre Central Core to lower-scale areas.

Prof McGauran emphasised that transitions should prioritise the protection of amenity at key edges, rather than focusing solely on managing abrupt height changes. While he supported a tall Central Core, he considered that some proposed edge heights and FARs were not well suited to their context. For Station Street north (corresponding to Mr Barnes' Area 1), he recommended mid-rise 'garden apartment' forms with lower FARs to better mediate between the Central Flanks and adjacent Residential Neighbourhoods.

He also made further recommendations relating to shadow impacts in this area, as discussed in Chapter 8.

Mr Crowder considered the proposed transitions to be generally appropriate. In relation to the perceived 'abrupt' transition from 702 Station Street up to the heights along Whitehorse Road, he suggested that additional height may be appropriate, noting that the proposed discretionary control could allow for a transition to the greater heights of Whitehorse Road.

Mr Crowder also observed that achieving significant change requires moving beyond the existing character to meet broader strategic objectives. He considered that the draft Amendment balances urban renewal with amenity considerations, while acknowledging that establishing building heights is inherently complex and that some tensions are likely to arise at transition interfaces.

Submissions

Council's primary concern was moderating transitions from taller built forms to residential areas, reflecting the views of Mr Barnes and Mr Partos. It supported Mr Barnes' recommendations for reduced heights in Areas 4 and 5, considering these adjustments necessary to maintain residential amenity at the edge of the Structure Plan Area, as well as Prof McGauran's recommendations regarding Area 1, as discussed in Chapter 5.5. Council also emphasised the need for consistent interface treatments along Severn Street.

The Proponent did not propose any changes in response to the issues raised by Mr Barnes and Mr Partos and relied on the evidence of Mr Sheppard.

(ii) Discussion

This chapter focuses on whether the transition in building heights between place types and the management of transitions at the Structure Plan Area edge is appropriate. While transitions within place types may occur due to lot configurations, these generally pose fewer amenity concerns, as uniform street wall heights maintain consistent street presentation. The Committee generally supports the proposed transitions, recommending that some controls be refined to better manage amenity at sensitive interfaces, as identified by Council's experts.

The Committee endorses the policy of transformational change in Box Hill, aligning with the draft Structure Plan's intent to deliver denser housing near amenities, jobs and transport. It agrees with Mr Crowder's evidence that goes to the heart of the issue – relying on existing character is insufficient where significant change is needed and maintaining the status quo will not meet strategic objectives.

Significant changes in preferred maximum height between sub-areas are observed, with 'step up' increases of 30 to 60 per cent or more, especially where lower height bands adjoin the 133 metre controls. The term 'abrupt' is sometimes used, but the Committee prefers 'distinct', noting that pronounced height contrasts are typical as centres evolve. Provided that public realm and residential amenity are not compromised, sharp height differences can enhance legibility and place identity, distinguishing precincts and edges more clearly than continuous gradients.

Provided public realm and adjacent residents' amenity is acceptable, sharp differences in height can also contribute positively to legibility and place identity. Distinct precincts and edges can be read more clearly than in a scenario where building heights blur indistinctly from place to place.

Mr Barnes' Areas 1, 4 and 5

The key issue is transition to residential areas outside the Central Core area.

In Area 1, BFO6 (Central Flanks) requires additional setbacks at the rear of the Station Street properties - six metres plus 0.6 metres per metre of height above 17 metres. BFO8 then requires a six metre landscaped setback at the rear of the Residential Neighbourhood properties. There is also a lane separating the Central Flanks and Residential Neighbourhood. The Committee agrees with Mr Sheppard that the resulting interface is an appropriate design outcome. It supports Mr Sheppard's recommendation that BFO6 include the landscaping standard found at Clause 7.12 in the other Central Flanks BFO schedules, which will result in canopy trees in the rear setback. This has been included in the Day 3 ordinance. Changes to building heights in this area are discussed in relation to shadow impacts on Box Hill Gardens at Chapter 8.5 of this report.

In Area 4, the Committee agrees with Mr Barnes that transition will be too abrupt opposite land in a Neighbourhood Residential Zone and should be reduced to a maximum height of 21 metres. This will also reduce shadow impacts. This is discussed further in Chapter 8.5 which includes the Committee's finding and recommendation.

In Area 5, the Committee agrees with Mr Sheppard that main-road locations are suitable for mid-rise intensification, with transitions managed by reduced edge heights, rear setbacks and the separating effect of roads.

Severn Street

Nelson Street signifies a clear shift in the urban pattern, with the draft Structure Plan delineating housing to the east and health and education uses to the west. A modestly taller and more efficient built form suits the floorplate requirements of medical and ancillary uses in this area. The seven metre height difference is considered minor, with no shadow impact on the Severn Street public realm and presents no concern for the Committee.

(iii) Findings

The Committee finds:

- The transition in height from the SDA to the Central Flanks and Key Movement Corridors, to the lower-scale Residential Neighbourhoods, will generally provide an appropriate transition between place types subject to the recommendations in this report
- A precinct-consistent approach to height is preferred to a site-specific approach.

5.6 Station Street

Station Street exhibits three distinct conditions from north to south, each reflected in the draft Structure Plan's neighbourhoods and height modulation:

- Box Hill Gardens, which acts as a transition from residential to high-density urban, with a defined park and mid-rise buildings (21 to 52 metres)
- Central Box Hill, which forms a high-density core with heights from 52 metres to 133 metres, tapering to 36 metres, justified by superior retail and transport amenity
- Surrey Park returns to finer-grain residential, with heights of 21 metres and 27 metres, supporting housing growth and retail at street level.

Building heights along Station Street are addressed both broadly and for specific sites that were subject to evidence and submissions including the SDA, 702 Station Street and 709-713 Station Street.

(i) Evidence and submissions

Evidence

Mr Fetterplace, who gave evidence in relation to 702 and 706 Station Street, Box Hill (702 Station Street), considered that the proposed 52-metre preferred maximum height control was not appropriate and that the proposed building height and FAR should be increased. Mr Fetterplace was concerned that:

- the potential interface outcome will create an inappropriate transition to the scale of development to the south, which has a preferred maximum height of 133 metres
- the land to the north along Station Street sits within the same preferred maximum height of 52 metres, but *'exhibits a distinctly different context'*.

Increasing the preferred height to at least 85 metres and the FAR to a minimum of 10:1 was sought, aligning with Central Core Area B for a smoother transition. Mr Fetterplace produced massing and shadow studies which indicated that this uplift would not cause unacceptable additional shadowing compared to the proposed provisions.

Mr Sheppard regarded Station Street as a major, yet narrower street compared to Whitehorse Road, warranting a lower height limit (52 metres in BFO6). He disagreed that the height should be increased to 85 metres at 702 Station Street and 133 metres at 709-713 Station Street.

He supported area-based controls for practicality, noting that while Station Street shares some advantages with the Central Core, its narrower width, overshadowing risks, and differing character justify a lower, distinct maximum building height in the Central Flanks. Mr Barnes reached similar conclusions.

Prof McGauran was critical of the controls at the Station Street edge. He highlighted the need to maintain the heritage street wall's prominence through recessed upper levels and better articulation around the SDA. He warned that high envelopes and generic guidelines could enable over-development, risking heritage and civic character.

Mr Crowder considered that site-specific building height changes are best evaluated during the planning permit stage, as it is impractical to calibrate them to suit every context and circumstance.

Submissions

702 Station relied on the evidence of Mr Fetterplace and submitted that 702 Station Street could accommodate greater building heights than proposed, in the order of 85 metres. It submitted that would provide a gradual transition from the existing adjoining 27-metre to 33-metre buildings to future development within the areas proposed for 133-metre heights.

A submitter sought to expand the Box Hill Central Core northward to Irving Avenue between Station Street and either Bruce Street or Shipley Street, including its maximum building height of 133 metres.

Council generally supported the proposed height and transition strategy for Station Street, opposing site-specific controls for 702 Station Street and agreed with arguments that such matters should be handled through permit applications.

The Proponent, drawing on Mr Sheppard and Mr Crowder's evidence, submitted the proposed heights along Station Street provide an appropriate transition to nearby residential areas.

More specifically, the Proponent responded to concerns regarding the perceived abrupt transition in building heights between the Central Core (133 metres) and 702 Station Street (52 metres), noting that this transition reflected the narrower width of Station Street compared with Whitehorse Road. The Proponent submitted that the urban design approach appropriately considered the physical context and street widths and did not support increasing the height at 702 Station Street, citing potential amenity impacts such as overshadowing. It also submitted that it is not the role of the structure planning exercise to consider sites on an individual basis, unless they are strategic sites. That is, the draft Structure Plan and draft Amendment look at areas with like characteristics and apply the same controls to those areas.

(ii) Discussion

The proposed BFO heights for Station Street align with the draft Structure Plan. At 20 metres wide, Station Street's orientation ensures midday solar access, but its narrowness has driven moderate upper-level setbacks and heights to minimise footpath and public space overshadowing, especially near Box Hill Gardens. Setbacks and overshadowing is discussed further in Chapters 6.4 and 8.5 of this report.

Overall, the Committee is satisfied that the proposed heights along Station Street appropriately reflect neighbourhood character and support the draft Structure Plan's objectives by framing the street, shielding residential areas, and enabling housing and retail growth where suitable.

702 Station Street

702 Station Street seeks greater building height. A tension between site-specific controls and precinct-wide consistency was raised in submissions. While a 'blanket' approach

aids orderly planning, it can neglect unique site contexts. However, ultimately the Committee favours precinct-wide consistency, preserving the framework while allowing site-specific factors to be considered at the planning application stage. A site-specific approach would result in a complex set of planning controls and is one reason why the proposed building envelope controls are discretionary and the maximum FAR can be exceeded through the provision of public benefits (if the FAR remains in the ordinance).

On balance, the Committee supports the proposed building height at 702 Station Street. It has regard and responds to the existing width of Station Street, which is considerably less than the width of Whitehorse Road and appropriately considers overshadowing.

702 Station Street sits at a key intersection adjacent to the SRL station and Central Core. If future proposals for this land address transitions and amenity, the site could accommodate a tall building that transitions appropriately to less intensive neighbours.

709-713 Station Street

A site-specific increase in building height to 133 metres at 709-713 Station Street, located on the western side about 100 metres north of Whitehorse Road, would leave an isolated 52 metre site opposite Box Hill Gardens. While more height could support housing growth with minimal amenity impact, this is best assessed at the planning permit stage.

(iii) Findings

The Committee finds:

- The pattern of building heights and transitions along Station Street is generally suitable and capable of achieving the draft Structure Plan objectives for an intensified but human-scaled corridor with appropriate transitions to surrounding residential areas.
- The proposed preferred 52-metre height at 702-706 Station Street and 709-713 Station Street is appropriate.

5.7 Central Flanks

(i) Evidence and submissions

Evidence

Mr McBride-Burgess gave evidence in relation two parcels of land:

- 16-28 Nelson Road, Box Hill (RSL site)
- 11-13 Irving Avenue, Box Hill and 9-11 Bruce Street, Box Hill (Cubick site).

He recommended increasing building heights on the RSL and Cubick sites to 72 metres (from 52 metres), citing their large size, existing nearby developments around this height, and transformative opportunities. He noted a lack of rationale for the current height limits.

The Proponent's cross-examination circled around the logic of precinct-scale recommendations for a site-specific change to building heights. Mr McBride-Burgess considered if the sites can accommodate more height and if the controls should recognise this. During cross-examination from Council, Mr McBride-Burgess

acknowledged he had not modelled solar access impacts resulting from an increase in height.

Mr Crowder and Mr Barnes agreed that the RSL site is large and suitable for redevelopment. Mr Crowder considered the proposed building heights were appropriate and struck the right balance between growth and public benefit, and taller forms could be considered at the planning permit stage.

Mr Sheppard countered that structure planning should not make site-specific height changes without further testing or modelling, questioning the justification and potential impacts of increased heights on the surrounding streets.

Submissions

The owners of the RSL site and the Cubick site generally supported the draft Amendment but submitted that building height controls should be refined and increased now rather than relying on the permit stage. They submitted that preferred heights rarely increase during permit processes and stressed the importance of establishing the correct height settings. They supported Mr McBride-Burgess's recommended building heights.

Antarctica Holdings Pty (the owner of land at 875-887 Whitehorse Road) and K-Horse Pty Ltd (the owner of land at 6 and 8 Archibald Street) supported the proposed Central Flank building heights and the discretionary controls, which could enable higher designs where appropriate, but raised concerns that the proposed setbacks may limit achievable height. Setbacks are addressed at Chapter 6.

Box Hill Baptist Church sought increased heights for 3-5 Ellingworth Parade, submitting that earlier consultation suggested 20 storeys (which informed their feasibility studies), whereas the draft Amendment reduced this to 9 to 10 storeys, making the desired inclusion of community facilities unviable.

Council opposed changes to Central Flanks heights, favouring solar access tests and clearer guidelines on bulk, setbacks, and transitions over site-specific uplifts. While recognising redevelopment potential for the RSL and Cubick sites, Council supported the Voluntary Public Benefit Uplift Framework (VPBUF) process for achieving greater scale, rather than individual height or FAR increases.

The Proponent's submissions on the Central Flanks focused on landowner requests for increased building heights. It maintained that no changes were needed, suggesting that development potential should be optimised during the VPBUF and permit stage, not by raising preferred heights. It submitted:

- the Cubick site should stay as mid-rise
- the RSL site's proximity to Box Hill Gardens was seen as a constraint to additional height
- proposed heights at 3-5 Ellingworth Parade were deemed appropriate for the intended built form.

(ii) Discussion

The Committee finds the preferred maximum heights in the Central Flanks appropriate, supporting the draft Structure Plan's aim of concentrating taller buildings in the Central Core and mid-rise elsewhere. Increased heights for the Cubick site, RSL site, and 3-5

Ellingworth Parade are not justified and should be considered during the planning permit stage, when site-specific factors can be assessed. While increased height that supports housing growth has merit, especially on larger or consolidated lots, such changes are best evaluated during the permit application process. Redevelopment intentions do not alone justify increased heights, acknowledging however the Box Hill Baptist Church's strong mandate for public benefit.

(iii) Findings

The Committee finds:

- The proposed preferred maximum heights in the Central Flanks are broadly appropriate and likely to achieve the draft Structure Plan's objectives of concentrating the tallest buildings in the Central Core while distributing mid-rise development over a wider area.
- The proposed preferred maximum heights for the following sites are considered appropriate and support the draft Structure Plan objectives:
 - 6-28 Nelson Road
 - 11-13 Irving Street and 9-11 Bruce Street
 - 3-5 Ellingworth Parade.

5.8 Heritage areas

(i) Evidence and submissions

Evidence

Experts mainly discussed how heritage impacts would be managed under the proposed new planning controls, including the state-listed heritage place on the Brickworks site.

Ms Gray, in providing heritage evidence for the Proponent, generally supported the PRZ and BFO provisions, noting they would operate effectively with the existing Heritage Overlay and relevant heritage policies. She considered that future development should be appropriately moderated in response to heritage areas under the proposed controls, with only minor wording changes needed for consistency. Ms Gray did not support any amendments to the current Heritage Overlay.

Mr Partos raised an issue of overshadowing to heritage buildings and associated privately owned public spaces with reference to the potential development of sites to the north of St Andrews and Hanbit Uniting Church at 909-911 Whitehorse Road. Ms Gray considered that the Church's landscape and forecourt are not heritage elements, so shadows on these areas do not constitute a heritage impact and no change is required.

Ms Gray emphasised the importance of view lines to the Brickworks chimney (from Surrey Park Lake, Federation Street, and Surrey Drive) but suggested flexibility regarding the exact alignments. The Proponent and Phileo accepted her recommendations, which included minor wording refinements to the BFO provisions.

Under cross-examination, Ms Gray:

- viewed heritage as just one consideration in redevelopment

- maintained that the Heritage Overlay provides the main heritage protection, so it is unnecessary to duplicate them in the draft Amendment
- supported clearer drafting in BFO5 and BFO6, where heritage is more prominent, but considered extra objectives unnecessary in BFO7 and BFO8 due to the dispersed nature of heritage there
- noted the Heritage Overlay is the appropriate tool for regulating heritage impacts, even where deemed-to-comply provisions are relevant
- explained that if a site does not have a Heritage Overlay, heritage is not formally considered, which aligns with planning practice
- described the local policy extending heritage considerations to adjacent land as unusual.

Mr Raworth, called by Phileo, focussed on the Brickworks site and supported significant redevelopment around the heritage buildings within PRZ5 provided key curtilage, view lines, and the visual prominence of industrial forms, especially the chimney, were preserved.

There was no material disagreement between heritage experts regarding the location of key views to heritage elements depicted in Map 1 of the agreed PRZ5.

Mr Barnes supported retaining the Heritage Overlay on all existing sites and assessing heritage impacts at the permit stage, but recommended aligning the BFO6 development objective with BFO5 to resolve an inconsistency in how heritage and street wall matters are expressed.

Ms Gray disagreed with aligning BFO6. She supported changes to BFO5 only, on the basis that BFO5 contains cohesive heritage groups where street character is relevant, whereas BFO6 mostly contains isolated heritage buildings where it is not.

Submissions

Submitters were concerned that the controls do not give clear guidance on how new development should transition near Heritage Overlay sites and risk allowing building heights that could undermine heritage significance and rely too heavily on deemed-to-comply provisions that may limit proper consideration of heritage impacts. One submitter sought the protection of sightlines to the Brickworks site.

Council accepted that the Heritage Overlay would remain on all sites but submitted that heritage protection in the PRZ and BFO schedules is inconsistent and unclear and should be explicitly and consistently addressed in all BFOs rather than left to the Heritage Overlay and local policy. It was concerned that deemed-to-comply standards in BFO8 could undermine heritage outcomes and proposed detailed changes to PRZ4 and BFO5–BFO7 to strengthen requirements to protect and complement heritage buildings and streetscapes along Whitehorse Road and Station Street.

The Proponent submitted that heritage concerns are addressed through the existing Heritage Overlay (which will be retained), alongside new PRZ and BFO schedules which set out specific objectives and guidelines for heritage across relevant areas. The Heritage Overlay and new controls will apply at the permit stage assessment. The Proponent agreed with Ms Gray and submitted:

It is entirely normal for a decision maker to have to assess and balance competing considerations under a routine planning assessment. That is why the planning system does not seek perfect outcomes, but acceptable outcomes. The decision making assessment requires a balance in the interest of net community benefit. It is the SRLA's view that the tension highlighted by Council is not problematic at all and that a competent planner will be able to navigate the exercise of discretion, where it is available.

For the St Andrews, Hanbit Uniting Church and St Peters church sites, the Proponent submitted that BFO6 provides adequate direction on building heights and requires developments to respond to heritage buildings and character.

(ii) Discussion

The Committee finds building heights in heritage areas appropriate, with the Heritage Overlay retained and statewide Heritage Overlay provisions offering suitable guidance for heritage impacts. Ms Gray's robust analysis supports Heritage Overlay retention and the parent provisions, confirming their relevance even when deemed-to-comply provisions apply.

While the Committee accepts the Proponent's view that the Heritage Overlay remain the key mechanism for heritage protection, it agrees with Council and submitters that heritage expression in the PRZ and BFO schedules is inconsistent, and that consistency is crucial along Whitehorse Road and Station Street where heritage buildings shape Box Hill's identity and new development is expected. The Committee endorses Ms Gray's recommendation for BFO5 and BFO6 schedule changes which have been captured in the Day 3 ordinance.

In BFO7 and BFO8, where heritage places are dispersed, Ms Gray had no concerns about deemed-to-comply provisions on Heritage Overlay sites. The Committee does not consider this situation particularly problematic and agrees with the Proponent that the decision maker will be able to assess and balance competing considerations through a planning permit assessment. In any event, the Committee has concluded that the deemed-to-comply provisions are not appropriate and require further assessment (General Issues report Volume 3, Chapter 9.2).

For sites adjacent to the Heritage Overlay, the Committee relies on Ms Gray's evidence and notes the Heritage Overlay boundary includes an area around the heritage fabric which will adequately protect heritage significance. Therefore, deemed-to-comply provisions on neighbouring sites would not threaten heritage.

Regarding the former Box Hill Brickworks, the agreed PRZ5 and Map 1 clearly identify view lines to the Hoffman chimney, and Ms Gray's minor amendments have been incorporated. No further changes are required.

For St Andrew's, Hanbit Uniting Church and St Peter's, the Committee agrees with Ms Gray that the primary heritage values lie in the buildings, façades and their landmark status. It is satisfied that the Heritage Overlay, strengthened heritage provisions in PRZ4 and BFO schedules, and general guidelines for scale, setbacks, and street walls together ensure new development will maintain the prominence of these churches in streetscape views. The Committee does not see a need for additional height or setback controls, preferring that detailed considerations be addressed at the permit stage through the

proposed revised objectives and guidelines, including decisions about the adjacent open space at St Andrew's Hanbit Uniting Church.

(iii) Findings

The Committee finds:

- The proposed building heights as they relate to heritage areas are appropriate
- Issues related to height, curtilage and views to heritage elements on the Brickworks site have been satisfactorily addressed in the agreed version Precinct Zone Schedule 5
- The combination of proposed interface controls around St Andrews, the Hanbit Uniting Church, St Peters and the Box Hill Town Hall cluster is generally appropriate.

5.9 Other referred sites

Several other sites were listed in the Referred Matter:

- Bishop Street (BFO7)
- Oxford Street (BFO6 to the north and BFO7 to the south)
- Dorking Street (BFO8, and at the Structure Plan Area boundary)
- Zetland Road (BFO7 along a portion of Whitehorse Road and BFO8 elsewhere)
- 58-60 Williams Street (BFO8 and opposite BFO6).

(i) Evidence and submissions

Evidence

Mr Crowder supported the proposed heights, considering them consistent with neighbourhood housing expectations and appropriate transitions to lower-scale areas beyond the Structure Plan Area, including at Bishop Street, Oxford Street and Dorking Street. He endorsed the graduated height approach in the Zetland Road area, with taller buildings near Whitehorse Road and lower heights elsewhere to manage transitions. He also considered William Street a clear and defensible boundary between higher-change areas and residential areas, making different controls on either side appropriate.

Mr Sheppard supported the overall height framework for the Structure Plan Area. He considered that the proposed provisions for maximum heights were generally appropriate and had no issue with the heights proposed for these additional sites. He found the built form on the east side of William Street is distinctly different from that on the west side and concluded that no changes were necessary.

In response to the Committee's questions about redistributing growth or allowing greater building heights elsewhere than proposed, Prof McGauran identified the area around Bishop Street as a suitable option. He noted that its separation from nearby neighbourhoods and strong east-west links to parks make it appropriate for more detailed or ambitious planning than currently proposed.

Submissions

Submitters had different views about the proposed building heights along Bishop Street. Some supported the proposed heights as necessary for achieving transit-oriented

housing density, while others sought a reduction as the area is too far from the station and taller forms are more suitable along Whitehorse Road.

The Proponent submitted the proposed building heights are appropriate on each specific site.

(ii) Discussion

The Committee supports the proposed building heights along Bishop Street, noting that while some attributes could justify taller forms, increased height is more suitable along the Whitehorse Road frontage. As many lots fronting Whitehorse Road are already developed with apartments and medium-density housing, opportunities for substantial redevelopment are limited. However, lots with favourable attributes may be considered for greater height at the planning permit stage.

In relation to the proposed building heights along Oxford Street, Dorking Road and Zetland Road, none of the experts raised particular concern. No changes are necessary.

The land use and built form reasons provided by Mr Crowder and Mr Sheppard to support the proposed heights at 58-60 William Street are accepted. The description of the physical context described by the experts is evident today and is one that policy seeks to maintain and build upon. No changes are necessary.

(iii) Finding

The Committee finds:

- The proposed preferred maximum heights for the following sites are considered appropriate and support the draft Structure Plan objectives:
 - Bishop Street and Oxford Street
 - Dorking Street
 - Zetland Road
 - 58-60 Williams Street.

5.10 Potential conflict with existing permits

The experts raised concerns regarding the need for transitional provisions. Some original submissions expressed concern for conflicts between the proposed controls and existing permits.

Mr Barnes noted that a potential issue may arise where extension of time requests to permits are sought and older permits exceed a new mandatory FAR, before a mandatory FAR is introduced. If the floor area of an approved development exceeds the mandatory FAR, a responsible authority may determine to refuse a request for extension based on a change in planning controls. However, Mr Barnes did not consider this warranted a change to the proposed transitional provisions.

The Proponent supported inclusion of transitional provisions, as outlined in its Technical Note TN-G12 and reflected in the Day 3 provisions, for section 72 amendments to existing permits. Mr Barnes and Mr Crowder took no issue with this approach.

The Day 3 version of the controls are supported.

The Committee finds:

- The inclusion of Transitional Provisions in the Precinct Zone Schedule 3 and the Built Form Overlay Schedules is appropriate.

5.11 Wind Effects

(i) Background

SRL East Draft Structure Plan Wind Technical Report

The Wind Technical Report was prepared to inform the draft Amendment. Within the Structure Plan Area, wind safety exceedances were identified around the existing tall buildings on Whitehorse Road (including the ATO building) and Station Street (Sky One Tower), primarily due to downwash and channelling effects.

All BFO schedules, except BFO8, require wind impact assessments for buildings up to 20 metres in height and wind tunnel modelling studies for taller buildings. The assessment triggers and requirements are based on the recommendations of the Wind Technical Report.

Both the PRZ4 and PRZ5 require a wind impact assessment, although with less stringent requirements than the BFO schedules, and neither requires wind tunnel modelling.

(ii) Evidence and submissions

Evidence

Expert evidence about wind effects was limited to planning expertise. Mr Crowder noted the BFO head provision includes consideration of wind conditions. Mr Barnes confirmed through cross-examination that the wind provisions seemed reasonable within his expertise as a planner.

Submissions

The Combined Residents of Whitehorse Action Group was concerned the wind analysis that informed the draft Amendment did not consider impacts specific to the Box Hill context, which is very different to wind elsewhere in the metropolitan area.

Council submitted that the BFO schedules lack mandatory standards to ensure safe wind conditions, relying instead on the parent clause and discretionary provisions that apply only to taller buildings, with BFO8 not addressing wind at all. It submitted this is inappropriate, contending that wind safety standards should be mandatory in all BFOs, and wind comfort standards mandatory at least in BFO5 and BFO6 where pedestrian activity is highest.

The Proponent submitted that the controls provide an adequate framework to manage wind impacts in public areas, requiring wind assessments through PRZ4 and the BFOs, particularly for taller buildings, and obliging permit applicants to demonstrate how building massing protects pedestrian comfort and the public realm. It noted that wind impacts on private open space are not regulated, and this approach was not challenged by expert evidence.

(iii) Discussion

The BFO head clause prioritises public safety regarding wind impacts, establishing the only mandatory Building Standard within the control. High wind speeds can also affect tree canopy growth.

The Committee agrees with Council in relation to the discretionary nature of the BFO schedules with respect to wind. All Day 3 BFO schedules have been updated to reflect this recommendation.

Equally, the Day 3 BFO8 now requires a Wind Impact Report, with BFO schedules 5, 6 and 7 requiring either a wind impact assessment or a wind tunnel modelling study dependant on building height. The Committee is satisfied that this will provide for wind impacts to be appropriately assessed and managed. Where a proposal does not adequately respond to wind impact standards, the responsible authority has the ability to require design changes or refuse the application.

(iv) Finding

The Committee finds:

- The draft Structure Plan and Day 3 controls appropriately manage wind effects.

5.12 Conclusion and recommendations

The Committee concludes:

- The proposed maximum building heights as specified in the draft Structure Plan and draft Amendment are generally appropriate and are strategically justified subject to the modifications recommended in this report.

5.13 Recommendations

The Committee recommends:

Draft Amendment

1. **BOX R1: Amend the following Clause 10.0 decision guideline of Built Form Overlay Schedule 5 to:**

*Whether building form provides a varied and **architecturally interesting articulated** skyline.*

2. **BOX R2: Add a new decision guideline to Clause 10 of Built Form Overlay Schedule 5 which seeks to ensure:**
 - a) **buildings do not appear as continuous walls when viewed from the street level or from nearby vantage points**
 - b) **open sky views between buildings are maintained.**

6 Setbacks

6.1 Referred Matter

The Referred Matter is:

Whether the building setbacks specified in the draft Structure Plan and draft Planning Scheme Amendment are appropriate, including with respect to:

- Street and rear setbacks for properties fronting Bishop Street
- Street setbacks along Station Street
- Street setbacks along Nelson Road
- Street and rear setbacks for properties fronting Ellingworth Parade
- Rear boundary setback requirements for podium levels of the Central Flank place type areas
- Street, side and rear boundary upper level setbacks above street walls (podium) for Central Core and Central Flank place type areas
- Zero metre side boundary setbacks for residential neighbourhood place types.

6.2 Key issues

The key issues are whether:

- the proposed building setbacks are appropriate in general terms
- the proposed building setbacks are suitable in relation to the sites specified in the Referred Matter.

6.3 Background

(i) Draft Structure Plan

The draft Structure Plan establishes the overall location and rationale for setbacks. It maps front setback expectations that are generally zero metres, with selected areas identified for three- or four-metre setbacks. Setbacks are presented as a key mechanism to shape the pedestrian realm by creating a sense of openness, managing transitions to sensitive interfaces, improving solar access to footpaths, supporting activation and enabling tree canopy.

In terms of built form, the draft Structure Plan generally adopts a consistent street wall podium with a setback tower model. Side and rear podium setbacks are typically either zero or 4.5 metres, depending on outlook and interface conditions, with increasing side and rear tower setbacks required as building height increases. The draft Structure Plan also incorporates landscaped rear setback outcomes in parts of the Central Flanks.

(ii) Draft Amendment

Built Form Overlay schedules

The BFO schedules nominate setbacks according to place types:

- Central Core (BFO5): applies the podium (street wall) and upper-level step-back approach, including a specific Station Street front setback and side and rear

podium versus tower separation standards. PRZ4 includes the same front setback to Station Street.

- Central Flanks (BFO6): includes specific street setbacks in specified areas, including a front level setback to Nelson Street, and a rear setback below the street wall (podium) expressed as a mid-block and laneway-related measure (with localised exceptions noted for Commercial 1 Zone and certain sections of Oxford Street).
- Key Movement Corridors (BFO7): applies three-metre front setback and varied street wall heights depending on the place type, plus rear setbacks of either zero metres in commercial areas or six metres in residential areas, with setbacks increasing with height above the ground level.
- Residential Neighbourhoods (BFO8): applies a smaller-scale interface approach, including fixed front setbacks in some areas, maximum street wall 'near-zero' setbacks in others and rear setback formulas with explicit carve-outs for lots abutting public open space or rail line reserve. BFO8 also implements zero side boundary setbacks in parts of Residential Neighbourhoods.

6.4 Central Core and Central Flanks

This Chapter deals with setbacks for different parts of the Central Core and Central Flanks, including:

- rear podium setbacks in the Central Flanks
- upper-level setbacks above street walls in the Central Core and Central Flanks
- street and rear setbacks for sites on Bishop Street
- street and rear setbacks for sites on Ellingworth Parade.

(i) Evidence and submissions

Expert evidence in relation to the Central Core and Central Flanks generally characterised setbacks as a tool for managing cumulative amenity impacts in a high-density context, including tower separation, access to daylight and sky views, wind conditions, privacy impacts and the delivery of 'green' laneways and park edges.

Evidence from Prof McGauran and Mr Partos placed greater emphasis on the role of setbacks in enabling deep-soil planting and public access where built form interfaces with Box Hill Gardens and other sensitive public realm edges. Prof McGauran recommended a clearly defined landscaped setback zone at these interfaces, with specified dimensions and 'clear of obstructions' requirements to support canopy trees and a continuous pedestrian path. Mr Partos also identified ambiguity in the controls, particularly in relation to rear setbacks.

Rear boundary podium setback requirements in the Central Flank and upper-level (above podium) setbacks for Central Core and Central Flank

Mr Sheppard's evidence was that the Central Flanks framework was generally workable, subject to recommendations to better align the BFO controls for the Central Core and Central Flanks (BFO and BFO6) with the UDR. Mr Sheppard's reasons for the rear setback relied heavily on the aspiration to create a green spine along the rear lane. The Proponent accepted these recommendations. Further, the Proponent submitted that:

The setbacks are discretionary and so to the extent that various submissions seek a different setback metric, there is sufficient flexibility in the proposed controls to provide for varied outcomes, should a town planning assessment consider such a deviation acceptable.

Mr Fetterplace found the six metre rear setbacks excessive at 702 Station Street given the utilitarian nature of its rear lane. He found that canopy tree setbacks and Interface Type 1 controls were unnecessary and resulted in significant loss of floor area without real public benefit. He recommended zero-metre rear setbacks. Mr Crowder ultimately supported zero-metre rear setbacks where the C1Z was proposed to apply, as accepted by the Proponent in the Day 3 ordinance.

Mr Fetterplace's evidence included built form modelling of the proposed controls, which indicated that the upper-level front setbacks may be overly recessive. He also considered that greater clarity was required as to whether rear setbacks should be measured from the rear lot boundary or the centreline of a laneway, noting that this distinction is not currently specified and is only clarified for setbacks below street wall height. The Day 3 version of the BFO6 specifies that rear setbacks below the podium are to be measured from the centreline of the laneway.

Council submitted that rear setbacks should be mandatory to support tree canopy replacement, protect amenity and mitigate urban heat island effects, even where continuity of a green spine may not be achievable. Council did not support reductions in rear setbacks or the measurement of setbacks from the centreline of a laneway. Council also submitted that upper-level rear setbacks above the podium in the Central Core and Central Flanks require clearer drafting to secure the public realm and amenity outcomes anticipated by the UDR. It sought changes to building separation to align the controls in PRZ4 and BFO5 to the UDR. Mr Sheppard made no recommendation to amend the draft control.

Antarctica Holdings and K-Horse made submissions in relation to front, side and rear setback requirements in both the Central Core and Central Flanks. For the Central Core, they opposed the 10 per cent height-based side and rear setback requirement, submitting that it is excessive and seeking a lower benchmark to enable more efficient development. They also requested that setbacks be measured from the laneway centreline where applicable. For the Central Flanks, they opposed the rear podium setback, front setbacks to Nelson Road, and upper-level side and rear setbacks, submitting that the combined effect would unduly constrain development, result in inefficient tower floorplates and risk rendering some sites undevelopable.

Ellingworth Parade

The experts generally regarded the narrow width of lots on Ellingworth Parade as a substantial constraint to development. Mr Partos tested the Station Street and Ellingworth Parade corner and concluded that on small or shallow lots, the combined effect of multiple setback requirements, being upper-level setbacks and side and rear setbacks that increase with height, could over-constrain envelopes. This could drive inefficient or unworkable built form outcomes.

Mr Sheppard recommended reducing rear setbacks for narrow lots along Ellingworth Parade, Oxford Street and Cambridge Street from six metres to either 4.5 metres or 10

per cent of building height, together with corresponding reductions in deep soil and canopy tree requirements.

Mr Crowder supported a zero-metre rear podium setback for sites in the Commercial 1 Zone, including properties along Ellingworth Parade.

The Proponent preferred Mr Crowder's approach, except for sites along Oxford Street where a Mixed Use Zone is proposed and this is reflected in the Day 3 ordinance.

The Box Hill Baptist Church objected to both the proposed six-metre rear setback and Mr Sheppard's alternative recommendation of a 4.5-metre setback measured from the centreline of the laneway. The Church advocated for full site coverage (100 per cent) on its land, expressing concern that, even with the revised 4.5-metre setback, the resulting 2-metre setbacks would be insufficient to allow for the planting of meaningful canopy trees that would contribute to the green spine.

More broadly, Mr Sheppard recommended that the rear setbacks should be measured from the boundary rather than the centreline of a rear lane, consistent with the UDR. The Proponent did not agree and submitted that the rear setbacks should be amended to be measured from the centreline of a laneway, where one exists. Council submitted the measurement should be taken from the lot boundary.

Street setbacks along Station Street and Nelson Road

Expert evidence generally characterised Station Street and Nelson Road as corridors that require additional public-realm width to support the level of density proposed by the draft controls, particularly to accommodate pedestrian movement, street activity, activation and circulation.

Mr Sheppard supported discretionary ground-level setbacks along Station Street and Nelson Road to improve pedestrian circulation, but recommended consistent application of these setbacks across the BFO and PRZ schedules. Mr Crowder reached a similar conclusion. The Day 3 ordinance adopt consistent setback provisions between the PRZ and BFO schedules in line with Mr Sheppard's recommendation.

Mr Partos produced street cross-section testing which showed that existing road cross sections could be reconfigured to support improved pedestrian movement, consistent with the proposed green street and walking corridor designations.

Mr Barnes supported front street setbacks along Station Street and Nelson Road but recommended they be mandatory, on the basis that continuous setbacks are necessary to achieve effective pedestrian movement.

The Proponent and Council ultimately reached agreement on the setback dimensions but differed in their views on how those setbacks should be applied. Council submitted that setbacks are a fundamental element of the urban design framework and only achieve their intended purpose if applied in a mandatory and continuous manner. The Proponent maintained that a discretionary approach to setbacks is appropriate.

(ii) Discussion

Rear boundary podium setback requirements in the Central Flank and upper-level (above podium) setbacks for Central Core and Central Flank

The Committee considers the proposed setbacks in the Central Core and Central Flanks are generally acceptable including those applicable on C1Z land.

The inclusion of rear setbacks is essential to achieving the UDR's goals of enhancing apartment amenity, establishing green spines and encouraging urban greening. The Committee supports these objectives as translated into the provisions but recognises that it may not be possible to realise all three functions equally or consistently throughout the spine. Many sites have already been redeveloped, are strata titled, or will require vehicle and waste access at the rear boundary, which can limit the ability to create continuous green spines. As a result, the Committee supports utilising laneways to mitigate overlooking and overshadowing by providing building separation. Although this approach reduces opportunities for deep soil planting and therefore canopy coverage, it is a reasonable response to the context.

The zero-metre rear setback on C1Z land is appropriate given the residential amenity issue is generally lower and 100 per cent site coverage is already seen on many lots.

The Committee considered concerns raised by submitters and Mr Partos that the upper-level setbacks on some sites, including small unconsolidated sites, may result in unfeasible tower floor plates. Consolidation of lots may improve development feasibility, but may not be possible in every instance. The Committee accepts the evidence that the blanket controls should not be adjusted to accommodate all lot sizes and configurations and the discretionary controls allow for site specific considerations.

Ellingworth Parade

The zero-metre front setback remains uncontested. The only area of disagreement among the Proponent, Council and Box Hill Baptist Church relates to the rear setbacks. The Committee's findings that a zero-metre rear setback is appropriate for lots proposed for the C1Z is equally applicable to properties along Ellingworth Parade, as well as the narrow lots on Cambridge Street also earmarked for the C1Z. Amenity expectations within the C1Z should be managed relative to those in a residential zone, as should the anticipated impacts of the reduced rear setback.

While the reduced rear setback will likely eliminate opportunities for greening along the rear laneway, which is not a preferred outcome, the Committee acknowledges that the existing lot configurations justify a departure from the UDR principles at this location. This departure is necessary to facilitate redevelopment of lots with advantageous access to the Central Core.

The Committee endorses the provision of 4.5-metre rear podium setbacks for properties at 28 to 38 Oxford Street. These narrow lots are situated within a broader precinct proposed for the MUZ, where higher amenity expectations prevail compared to the C1Z. The proposed setback (measured from the centreline of the laneway) is considered to appropriately balance development potential with amenity considerations in this context.

Street setbacks along Station Street and Nelson Road

The Committee agrees with consensus of the experts and the parties that ground level setbacks are required in Station Street and Nelson Street. The street setback dimensions are appropriate.

Sites along Station Street differ in their capacity to provide ground floor front setbacks, including for example one property which is affected by the Heritage Overlay. However, the Committee does not consider this a barrier to achieving the broader vision for an 'avenue' treatment along Station Street, which aims to improve pedestrian circulation, especially on the side near the SRL station. Accordingly, a consistent three-metre setback should be applied across the relevant controls.

Given the range of legal and practical considerations involved in creating ground floor street setbacks for public use, the Committee recommends that the control should remain discretionary to preserve necessary flexibility.

(iii) Finding

The Committee finds:

- The proposed upper level setbacks in the Central Core and Central Flanks are generally appropriate (with some discrete changes required along Whitehorse Road to reduce overshadowing (see Chapter 8)
- The proposed rear street wall (podium) setback of zero metres is suitable for properties with an applied Commercial 1 Zone
- The proposed front setback for properties fronting Ellingworth Parade is appropriate
- The proposed ground level front setbacks along Station Street and Nelson Street are appropriate, including their discretionary nature
- The minimum rear setbacks below the street wall should be measured from the centreline of the laneway or the boundary in the Central Flanks.

6.5 Street and rear setbacks to Bishop Street (BFO7)

(i) Evidence and submissions

Properties on the south side of Bishop Street back onto the rail reserve. One submitter sought a variation to the front and/or rear setbacks for properties on the south side of Bishop Street at its western end given the narrow lot depths.

In the General Issues Hearing, Mr Sheppard recommended that upper-level rear setback requirements in the Urban and Residential Neighbourhoods be deleted where the rear boundary abuts a rail reserve. The Proponent accepted this recommendation.

Mr Partos' evidence examined the rear setback of 41 Bishop Street (north side) and recommended a reduced or zero rear setback. The Proponent made no submission regarding the north side.

Mr Barnes accepted the exhibited front and rear setbacks along Bishop Street and saw value in retaining the 6-metre rear setback to the rail reserve to allow deep soil planting and potential future rear-facing dwellings addressing the shared path.

Council made no submissions on this matter.

(ii) Discussion

The Committee notes that deleting the requirement for a rear setback to a rail reserve boundary is uncontested between the Proponent and Council. The Committee agrees with the Proponent that the Bishop Street rear setback to the rail reserve boundary should be zero metres, consistent with other Precincts, and is not persuaded that a different outcome is necessary along this interface.

Properties on the north side of Bishop Street have a six metre rear setback measured from either the boundary or centreline of a laneway. The proposed interface treatment and existing laneway condition is expected to be favourable to the realisation of a green spine in an area where building heights up to eight storeys are envisaged.

The proposed front setbacks are supported, noting no expert raised concern about these.

(iii) Finding

The Committee finds:

- The proposed setbacks as they relate to Bishop Street properties are appropriate.

6.6 Side boundary setbacks for Residential Neighbourhoods

The draft Structure Plan proposes zero-metre side boundary setbacks at the lower levels of buildings in Residential Neighbourhoods (BFO8).

For land with frontage widths of less than 24 metres, proposed side setbacks above 6.9 metres in height are two metres along the first half of the site, and further increased for the rear half of the site. The Day 3 controls maintain the setback dimensions but change the transitions to 20 metres from front boundary.

(i) Evidence and submissions

Evidence

Prof McGauran pointed out that the BFO8 enables building form to be built to the side boundary for the first portion of the site (up to 6.9 metres), with only a modest side setback beyond that. He considered that much of the Residential Neighbourhoods consist of narrow, deep lots that are not well suited to mid-rise development at the proposed heights. He considered this would allow boundary-to-boundary built form inconsistent with the intended neighbourhood character and amenity expectations. He recommended mid-block breaks and setbacks for lots deeper than 35 metres.

Mr Sheppard replied that while most residential lots are of moderate depth, unusually deep and narrow lots carry the risk of producing long, boundary-hugging building forms (despite the proposed length and width limits he recommended to the GI Committee). To better control this, Mr Sheppard supported redefining setback rules for lots less than 24 metres wide by using a 20-metre fixed distance from the front boundary rather than the 'front half' and 'rear half' of the site as per the exhibited controls. These changes were reflected in the Day 3 controls.

Submissions

Council's position materially aligned with its urban design evidence about the risk of zero-metre side boundaries in the real-world sequencing of development. It submitted the controls might describe an ultimate desired urban form, but without further refinement could permit poor interim amenity and inequitable outcomes when one site is redeveloped ahead of its neighbour.

More generally, Council submitted that key setback settings in the BFO schedules should deliver the underlying urban design rationale with greater certainty (including where departures from that rationale could not be properly justified), and it pressed for drafting changes to correct and strengthen setback outcomes rather than relying on aspiration alone.

The Proponent submitted:

The zero setback is intended to maximise development potential on narrower residential sites and to maintain the street wall type in small retail strips.¹

(ii) Discussion

The Committee shares Mr Partos' and Prof McGauran's concerns that long blank walls on side boundaries presents a substantial risk of inequitable amenity. The Proponent's Day 3 ordinance applies a consistent upper-level setback transition to 20-metre lot depths and are expected to result in more equitable development outcomes and allow for predictable extent of boundary walls. This outcome is supported.

(iii) Finding

The Committee finds that the proposed side boundary setbacks for Residential Neighbourhood place types are appropriate.

6.7 Conclusion

The Committee concludes:

- The proposed building setbacks specified in the draft Structure Plan and draft Amendment are appropriate and are strategically justified subject to the modifications recommended in this report.

¹ BOX143, Proponent main submission para 238

7 Public open space

7.1 Referred Matter

The Referred Matter is:

Whether the planning for open space in the Box Hill Structure Plan Area is appropriate, having regard to the needs of future residents, visitors and employees to the Structure Plan Area, including with respect to:

- Whether additional open space should be provided south of the railway to Brougham Street, between Elgar Road and Station Street; south of the railway, between William and Barcelona Streets; East of Station Street and south of Severn Street; South of Maroondah Highway [Whitehorse Road], between Miller Street and Short Street; South of Maroondah Highway to the railway, west of Middleborough Road
- Depiction of future Ellingworth Parade car park as open space in the draft Structure Plan and draft Planning Scheme Amendment
- Whether the Former Box Hill Brickworks site ought properly accommodate future public open space.

7.2 Key issues

The key issues are whether:

- the planning for open space in the Box Hill Structure Plan Area is appropriate
- additional open space should be provided in Box Hill.

7.3 Background

(i) Draft Structure Plan

The draft Structure Plan seeks to create a connected and accessible open space network for those who live and work in Box Hill through easily accessed high-quality open spaces especially in higher density locations.

Actions include to plan for enhancements and upgrades to existing open spaces and encourage new key links through private landholdings to improve walkable access to open space.

The draft Structure Plan identifies several existing public open space areas and identifies four new public open spaces.

(ii) Draft Implementation Plan

Several actions and projects relate to open space. Specifically, Action 5.1 (medium-long term timing) is to work collaboratively to confirm the form and location of community infrastructure and deliver new and enhanced community infrastructure. Key projects to add or enhance existing public open space include:

- new open space and pedestrian links connecting Prospect Street, Main Street and Clisby Court
- a new open space around Ellingworth Parade
- upgrade open spaces at Brougham Street Reserve and Surrey Drive Reserve
- a new open space around Court Street and Watt Street

- a new linear open space along Whitehorse Road between Nelson Road and Linsley Street
- upgrade open space at Box Hill Gardens.

The actions in the draft Implementation Plan are generally consistent with the Open Space Technical Report (OSTR) recommendations.

(iii) Draft Amendment

The PRZ use and development frameworks and the BFO development framework plans show existing and new public open spaces.

The PRZ5 requires preparation of a Public Realm Plan to provide 14 per cent of the Brickworks site area as public realm improvements including five per cent non-VPBUF-eligible public open space. No locations for public open space are identified.

(iv) Background assessments

Open Space Technical Report

The Open Space Technical Report (OSTR) informed the draft Structure Plan. The OSTR considered the size and location of open space and recommended:

- add 22,330 square metres including two new open spaces and converting two temporary spaces into permanent open spaces
- create four strategic pedestrian links to improve public open space access
- future opportunities:
 - investigate new open spaces at the Brickworks site and between Hopetoun Crescent and Kintore Crescent
 - increase public access to restricted spaces (like Box Hill Cemetery and school grounds) as secondary provision, but not a primary solution (due to lack of control over long-term tenure).

The OSTR found that the areas specified in the Referred Matter generally already have good access to public open space and did not recommend any new spaces. The recommendations were:

- deliver the pedestrian and cycling bridge over the rail line to improve access for the area south of the railway to Brougham Street (between Elgar Road and Station Street)
- add new pedestrian links to improve access for the area south of the railway between William Street and Barcelona Street and the area east of Station Street and south of Severn Street
- no changes for areas south of Whitehorse Road between Miller Street and Short Street, and west of Middleborough Road to the railway.

(v) Common Issues conclusion

The Committee has concluded in the Common Issues report (Volume 2, Chapter 5) that the planning for open space is not appropriate having regard to the needs of future residents, visitors and employees to the Structure Plan Area and further work is required.

7.4 Provision in Box Hill

This chapter covers public open space provision other than the Brickworks site, which is addressed separately in Chapter 7.5.

(i) Evidence and submissions

Evidence

Ms Thompson, appearing for Council and giving the only open space evidence, found the draft Structure Plan insufficient to meet the public open space needs arising from Box Hill's projected growth. Only two new public open space areas are identified, and several parts of the Structure Plan Area lack adequate provision. She anticipated that the high densities proposed would result in limited private open space, thereby increasing reliance on public open space.

By dividing the Structure Plan Area into sub-precinct catchments defined by major barriers, Ms Thompson calculated that an additional 35,000 square metres of public open space was required, including converting the two temporary spaces into permanent spaces. She assessed demand from workers based on projected densities and translated visitor demand into a need for improved open space quality rather than additional area. Her recommended measures included a mix of new parks, park expansions, upgrades and improved pedestrian links.

Many of Ms Thompson's recommendations involve the creation of small pocket parks, an approach that aligns with Mr Partos' evidence that such parks are effective in high-density areas and reflects community support for small parks in established centres undergoing redevelopment.

Ms Thompson excluded the Linear Reserve from her analysis, characterising it as public realm space rather than public open space. Prof McGauran placed high importance on this area and envisaged it as a destination and core location for town centre events.

Ms Thompson advised all Referred Matter areas would require new or expanded parks. She supported recognition of the Ellingworth Parade Open Space in the draft Structure Plan and proposed controls, a position supported by Mr Crowder, Council and the Proponent and reflected in the Day 3 controls.

Ms Thompson recommended:

- one new park between the railway and Brougham Street, between Elgar Street and Station Street
- one new park and one expanded park between the railway and Barcelona Street
- two new parks within area east of Station Street, south of Severn Street (including Court Street Open Space), one new park outside the SPA, and one expanded park east of Station Street and south of Severn Street
- one new and one upgraded park south of Whitehorse Road, between Miller Street and Short Street
- one new park south of Maroondah Highway to the railway, west of Middleborough Road.

Additionally, Ms Thompson recommended new parks in two further areas:

- two new parks in the Health and Education Neighbourhood
- one new park in the Zetland Road area.

Submissions

The Surrey Hills and Mont Albert Progress Association emphasised the need for quality open space to support community wellbeing. It considered that both pocket and larger parks are important and requested early planning and delivery of open space.

Council submitted that the proposed open space planning is insufficient, as the OSTR underestimates demand from the precinct's future residents and workers and the draft Amendment fails to allocate land for new public open space. Council relied on Ms Thompson's evidence, which demonstrated:

- the OSTR understates both need and access gaps across the Structure Plan Area
- the two proposed open spaces are inadequate in light of projected growth
- substantially more public open space is required.

Council submitted that Ms Thompson's recommendations should be incorporated directly into the draft Amendment and draft Implementation Plan.

The Proponent submitted that further detail on open space is unnecessary at this stage of the planning process, contending that the proposed secondary review process will adequately address the mechanisms for providing sufficient public open space. It maintained that the approach to public open space was consistent with the recommendations of the Box Hill Precinct Community Infrastructure Needs Assessment (CINA) and OSTR.

The Proponent emphasised the need for flexibility as land ownership and funding mechanisms evolve and to give effect to ongoing stakeholder consultation.

While the Proponent did not challenge Ms Thompson's conclusions or recommendations regarding the location, size or type of open space (which it considered to be out of scope), it did challenge her analysis. The Proponent submitted that the analysis is better suited to later work undertaken through the draft Implementation Plan. It further submitted that Ms Thompson's work was not sufficiently settled to inform final decisions on the size or location of new public open space.

(ii) Discussion

Planning for public open space in the precinct is inadequate, consistent with the findings in the Common Issues report (Volume 2 Chapter 5). Delivering open space is critical to achieving the precinct's vision and supporting the wellbeing of its growing population of residents, workers and visitors. The precinct requires better access to public open space to accommodate future demand, and these spaces need to be identified in the controls. Although four potential sites have been nominated, the planning for two predates the draft Amendment and requires further assessment having regard to the future precinct population.

There is insufficient evidence before the Committee to pinpoint additional open space size and locations, as Ms Thompson's recommendations relate to investigation areas. Instead, the Committee identifies areas needing improved access, drawing on Ms

Thompson's methodology, as generally endorsed in the Common Issues report, and highlighting further considerations where relevant. The Committee acknowledges that enhancing access can be achieved through various means, not solely by providing new spaces.

Analysis and approach

The Committee broadly agrees with Ms Thompson's analysis of public open space access in the Box Hill precinct. However, it notes that additional practical realities of turning investigation areas into confirmed locations must be acknowledged given the precinct is an established activity centre where redevelopment pressures exist and rising land prices (and acquisition costs) are a reality. While aiming to ensure all lots in the Structure Plan Area have access to open space is an ideal goal, it may not be reasonable or achievable, noting Clause 56 already sets a policy benchmark of providing open space access to 95 per cent of lots.

The Committee identifies the following further considerations for analysis:

- include public open space outside the Structure Plan Area when analysing access for the Structure Plan Area population
- whether safe, longer walks in some areas meet open space needs, even if they go beyond the usual walkable catchment
- access to supplementary open spaces, like the Linear Reserve, active open spaces, publicly accessible private land and institutional land (like the Box Hill Institute of Tafe – Elgar and Nelson campuses), plus alternative spaces (like the Box Hill Cemetery)
- the willingness of some members of the population to cross major roads to access open space, expanding access to supplementary provision
- use any available data on worker usage patterns and visitor hotspots (such as educational and medical institutions) to inform open space needs and usage patterns.

Specific areas

The Referred Matters list five focus areas, with Ms Thompson identifying two more for consideration. The Committee's findings on the open space access for these areas are:

South of the railway to Brougham Street (between Elgar Road and Station Street)

- Improved open space access is needed
- Consideration should include the status and timing of a pedestrian and cycling bridge over the rail line and any confirmed future public open space at the Brickworks site (subject to master planning).

South of the railway (between William Street and Barcelona Street)

- The southern boundary of the referred area is assumed to be Albion Road, consistent with Ms Thompson's sub-precinct analysis. Improved access to open space in this area is supported
- Consideration should include the confirmed Ellingworth Parade Open Space (which Ms Thompson did not map) and any confirmed east-west pedestrian links
- The Box Hill Cemetery may serve as supplementary space.

East of Station Street and south of Severn Street

- This area is assumed to extend to the Structure Plan Area boundary (east) and Whitehorse Road (north), aligning with Ms Thompson's sub-precinct boundary
- The Committee supports improved access, with consideration for the status of the Court Street open space (which Ms Thompson did not map) and any confirmed east-west pedestrian connections.

South of Maroondah Highway (between Miller Street and Short Street)

- The southern boundary of this area is assumed to be the rail line, consistent with Ms Thompson's sub-precinct analysis
- Most lots meet the accessibility standards in this area
- The remaining lots can access the nearby local park and sports reserve by longer walks along local streets which the Committee considers sufficient to fulfill open space needs
- No new open space is needed here.

South of Whitehorse Road to the railway and west of Middleborough Road

- The Committee adopts the Structure Plan Area boundary as the eastern edge of the referred area
- No significant accessibility gaps exist in either the OSTR nor Ms Thompson's evidence, and a nearby park is accessible by local road even if located outside the Structure Plan Area
- No new open space is justified here.

The Health and Education Neighbourhood

- Improved access is supported in this area
- Consideration should be given to the patterns of worker and student use as available, confirmation of any pedestrian links, and access to supplementary open spaces on institutional land.

Zetland Road Area

- Additional access is not supported in this area
- A few lots fall short of accessibility standards but remain near a local park at distances slightly longer than the standards
- Kingsley Gardens could provide supplementary space across a major road.

(iii) Findings

The Committee finds:

- Several areas within the Structure Plan Area require improved access to public open space to service the future population it is to accommodate, including:
 - the area bound by the railway line, Brougham Street, Elgar Road and Station Street
 - south of the rail line to Brougham Street, between Elgar Road and Station Street
 - south of the rail line, between William Street and Barcelona Street
 - east of Station Street and south of Severn Street
 - the Health and Education Neighbourhood.
- Access to public open space is appropriate in the following areas:
 - south of Maroondah Highway to the Railway and west of Middleborough Road

- south of Whitehorse Road, between Miller Street and Short Street
- the Zetland Road area.
- The Ellingworth Parade Open Space and Court Street Open Space should be identified as permanent public open space in the draft Structure Plan and draft controls.

7.5 Brickworks site

The Brickworks site is located at 14 Federation Street, north of Surrey Park.

(i) Evidence and submissions

The evidence and submissions considered several levels for public open space contributions:

- 100 per cent, supported by a Council resolution and some community submitters
- 25 per cent, requested by Council in submissions
- 10 per cent, recommended by Ms Thompson
- five per cent, as per the joint agreed version of the PRZ5 and supported by both Phileo and the Proponent.

Evidence

Ms Thompson recommended 7,500 square metres of public open space along the eastern boundary of the Brickworks site, adjacent to Surrey Drive Reserve, requiring the realignment of the existing road. She reasoned this would create enough space to expand recreation opportunities and allow the existing roadway to be shifted out of the PPRZ and into the site. The recommended provision on the Brickworks site was encompassed in the total 35,000 square metres recommended in her evidence.

During cross-examination, she acknowledged she did not assess the feasibility or costs of realigning Surrey Drive or its impact on development.

Ms Maddock's view was that the Brickworks site had some capacity to accommodate new sports facilities.

Prof McGauran's evidence was that:

- no open space is indicated in Map 1 of the PRZ5, even conceptually
- open space on the Brickworks site would logically sit along the site's edge adjoining Surrey Park and Surrey Road Reserve, to enlarge these spaces and would have the greatest benefit in managing sunlight access to the existing parks.

Ms Jordan's written evidence, which was not tested², was that:

- the site has not been strategically identified for wholesale acquisition as public open space
- the OSTR confirms that existing open space provision in the Structure Plan Area is sufficient, with planned upgrades to Surrey Park and other spaces
- on-site open space contributions of four per cent (equivalent to a neighbourhood park) would enhance connectivity and public realm outcomes

² Phileo elected not to call Ms Jordan given the agreed position reached with the Proponent.

- Mr Crowder reached the same conclusion, before the agreed version of the PRZ5 was circulated
- any additional space would augment (not replace) Surrey Park, which is in very good condition.

Submissions

Phileo is the landowner of the Brickworks site. It accepted that the Brickworks site should include some public open space but submitted firmly against Council's push for a much larger or mandated size or fixed location. It submitted the existing agreed five per cent requirement already exceeds what the Planning Scheme requires (being four per cent), and additional open space can appropriately be determined later through the master plan or uplift process, not by setting it now.

Further, Phileo:

- emphasised the site's strategic role in delivering significant housing capacity
- submitted that Council's proposed 25 per cent open space is not strategically justified as this position differs from the expert evidence called by Council and its recently adopted open space strategy
- advised the Council resolution of 13 October 2025 is a separate process and submitted this was not within the terms of reference for this Committee
- submitted the precise location of open space should be resolved through the master planning process.

Several submissions from community groups advocated for a greater portion of the Brickworks site to be allocated for open space:

- the Surrey Hills and Mont Albert Road Progress Association considered five per cent as a minimum allocation, and pointed to the artist's impression in the draft Structure Plan which showed the land as almost all open space
- the Box Hill Brickworks Parkland Inc favoured 100 per cent contribution.

Council submitted the Brickworks site is an obvious site for open space in the Structure Plan Area. It sought a 25 per cent public open space provision on the site, should the full site not be acquired for open space.

In the first instance, Council supported 100 per cent acquisition of the land for open space, based on a resolution unanimously passed by Council on 13 October 2025. This resolution indicated that Council supported allocating the Brickworks site as public open space and would enter negotiations with the landowner for potential purchase of the site, or a suitable portion for open space. Council clarified, in answer to a question from the Committee, that the negotiations foreshadowed by the resolution are a separate process to the draft Amendment and outside the scope of the Committee's Terms of Reference. Nonetheless, Council intended to act on this resolution.

Instead of this, Council relied on the expert evidence of Ms Maddock and Ms Thompson which supported the use of the whole or most of the land as open space, located along the site's edge to integrate with existing parks.

The Proponent backed the five per cent contribution specified in the agreed version of the PRZ5 and deferred to the master planning process to confirm its location. It

submitted that the option to provide additional public open space through the VPBUF remained open.

(ii) Discussion

The Brickworks site is the largest parcel of vacant land within the Structure Plan Area and can accommodate a range of uses, including public open space. The site is expected to play a significant role in providing housing to meet projected population growth in the Structure Plan Area and is also a logical location for open space provision. The primary issue before the Committee is what proportion of the site should be set aside for open space, and whether the specific location of that open space should be identified in the PRZ5.

Neither the 25 nor the 100 per cent contributions are strategically justified or supported by strategies, technical reports or evidence. The artist's impression in the draft Structure Plan is unfortunately misleading.

The Committee finds insufficient explanation in Ms Thompson's evidence for recommending a 10 per cent contribution. Her analysis did not identify any gaps in provision for this area, nor did the OSTR. The Surrey Park, Surrey Park Drive and Brougham Street playground all abut the site. The basis for her findings is unclear.

Mr Crowder and Ms Jordan supported a four per cent contribution, and the proposed five per cent allocation exceeds what is otherwise required by the Planning Scheme. On balance, the proposed provision is supported noting an opportunity for further provision could be realised through the master planning process.

The Committee does not support the alternative site layout schemes proposed by Ms Thompson and Prof McGauran at this time, despite the possible benefits of the proposed locations. The site's status as a master plan site highlights its planning complexities, which warrant a comprehensive master planning process. Determining the location of open space involves more than just open space provision and urban design; it also requires careful consideration of other matters including environmental factors, heritage and road network.

The need to address shadow management in the PRZ5 is discussed in Chapter 8².

(iii) Findings

The Former Box Hill Brickworks site ought to properly accommodate future public open space, and:

- the proposed five per cent open space allocation on the Brickworks site is appropriate
- the master planning process is the appropriate time to confirm the location of the open space on the Brickworks site.

7.6 Conclusion and recommendations

The Committee concludes:

- The planning for open space in the Box Hill Structure Plan Area is not appropriate having regard to the needs of future residents, visitors and

employees to the Structure Plan Area. Further work is required. Refer to Chapter 5 in the Common Issues report.

The Committee recommends:

3. Refer to Recommendations CI R06 to CI R010 in the Common Issues report.

Further work

4. BOX R6: In the context of Recommendation CI R06, the further assessment of open space needs in the Box Hill Precinct should have regard to the following:

a) Several areas within the Structure Plan Area require improved access to public open space to service the future population it is to accommodate, including:

- the area bound by the railway line, Brougham Street, Elgar Road and Station Street
- south of the rail line to Brougham Street, between Elgar Road and Station Street
- south of the rail line, between William Street and Barcelona Street
- east of Station Street and south of Severn Street
- the Health and Education Neighbourhood.

b) Access to public open space is appropriate in the following areas:

- south of Maroondah Highway to the Railway and west of Middleborough Road
- south of Whitehorse Road, between Miller Street and Short Street
- the Zetland Road area.

5. BOX R7: In the context of Recommendations CI R06 and CI R07:

a) identify the Ellingworth Parade Open Space and Court Street Open Space as permanent public open space in the draft Structure Plan and draft controls.

8 Overshadowing

8.1 Referred Matter

The Referred Matter is:

Whether the proposed measures in the draft Structure Plan and controls in the draft Planning Scheme Amendment are appropriate to minimise overshadowing and maintain solar access to the public realm, including Whitehorse Road Linear Reserve, Box Hill Gardens and Ellingworth Park and other public spaces and streets in the Box Hill Structure Plan Area.

8.2 Key issues

The key issues are whether:

- the proposed controls minimise overshadowing impacts and maintain solar access to the public realm generally (including streets, plazas and pedestrian links)
- the proposed controls minimise overshadowing impacts and maintain solar access to public open spaces, in particular Whitehorse Road Linear Reserve, Box Hill Gardens and Ellingworth Park.

8.3 Background

(i) Draft Structure Plan

The draft Structure Plan requires overshadowing to be actively managed and balanced against growth, rather than absolutely minimised. As building heights increase, it emphasises the importance of protecting key spaces from excessive overshadowing, ensuring that sunlight reaches areas in accordance with their significance and use, and that unreasonable overshadowing from city-scale development in Central Box Hill is avoided.

New development must provide adequate sunlight to key public areas, particularly Box Hill Gardens. Other parks, including Surrey Park and Graham Bend Park, must also be protected from overshadowing at the spring equinox.

Market Street, as a busy pedestrian area, should receive sunlight at the equinox, while Whitehorse Road and its Linear Reserve are identified as important gathering spaces where limiting overshadowing is essential to maintain comfort and amenity.

(ii) Draft Amendment

The proposed controls protect solar access to the public realm, including both public open spaces and streets, through the building envelope, specifically through a combination of street walls, upper-level setbacks, and side and rear setbacks, applied to nominated open spaces and streets.

A combination of spring equinox and winter solstice solar protection is proposed for nominated public open spaces, based on the identified role and function of each space

within the draft Structure Plan. In addition, specific equinox protections are applied to nominated streets within the Central Core.

Build Form Overlays

The preferred upper-level setbacks in each BFO area, except in the Central Core and the narrowest streets of the Central Flanks, are designed to maintain solar access to opposite footpaths at the spring equinox. Within the Central Core, maximum street wall heights, side setbacks, and building separation requirements ensure shafts of sunlight penetrate between towers in the public realm.

All the shadow protection controls are discretionary.

BFO5 provides that development should not cast additional shadow beyond that created by the approved building envelope on the following spaces:

- Public open spaces and streets:
 - Market Street (eastern footpath): 11:00am to 1:00pm on the equinox
 - Station Street (western footpath) between Whitehorse Road and Carrington Road: 9:00am to noon on the equinox
- Or beyond the maximum street wall height Street wall for these spaces:
 - Carrington Road (southern footpath) between 51–53 Carrington Road and Station Street: 12 noon–3:00pm on the equinox.

BFO6 provides that development should not cast any additional shadow beyond that created by the approved building envelope on these public open spaces:

- New Ellingworth Parade Open Space: 10am to 2:00pm on the equinox
- Pioneer Park: 10:00am–2:00pm on 22 September
- Box Hill Gardens: 9am–3pm on the winter solstice.

BFO7 provides that development should not cast any additional shadow beyond that created by the approved building envelope on Brougham Street Reserve and Surrey Drive Reserve between 10:00am–2:00pm on the equinox.

BFO8 provides that development should not create any additional shadow beyond the approved building envelope on these public open spaces:

- Box Hill Gardens: 9:00am–3:00pm on the winter solstice
- Graham Bend Park, Victoria Rose Reserve and Glenmore Reserve: 10:00am–3:00pm on 22 September
- Ashted Road Reserve and Surrey Drive Reserve: 10:00am to 2:00pm the equinox
- Surrey Park: 9:00am to 3:00pm on the equinox
- New Ellingworth Parade Open Space: 10:00am to 2:00pm on the equinox.

Precinct Zone

In the SDA (PRZ4), buildings above the street wall must be designed to limit additional shadow. This includes how towers are positioned, their width and spacing, so that they do not unduly overshadow:

- Whitehorse Road Linear Reserve between 11:00am–2:00pm on the equinox
- Market Street public realm between 11:00am–1:00pm on the equinox.

For the Brickworks site (PRZ5), buildings must not create extra shadow beyond what would be cast by a 21-metre building set back four metres from the southern and eastern boundaries, or by existing buildings on:

- Surrey Park between 10:00am to 2:00pm on the equinox
- Surrey Drive Reserve between 10:00am to 2:00pm on the equinox.

(iii) Urban Design Report

The UDR builds a hierarchy of solar access standards for different types of open space and streets, developed through an iterative method – set a solar access target, apply maximum built-form controls, assess the results, and either approve, adjust, or remove protections in favour of nearby sunny spaces.

For parks, benchmarks require 70 per cent of the area to receive at least three hours of sunlight at mid-winter for medium-to-large parks, and 50 per cent for neighbourhood and pocket parks outside the Central Core and Central Flanks. Key spaces, such as the Whitehorse Road Linear Reserve, have bespoke equinox standards. Box Hill Gardens already meets the 70 per cent mid-winter solar access standard and requires no changes to surrounding built form.

Where these benchmarks would unreasonably constrain anticipated growth, the UDR withdraws the standard and instead relies on nearby sunny spaces. For this reason, some small open spaces in the Central Core have no proposed solar access standards.

For streets, main streets are expected to have 100 per cent of their southern, western, or eastern footpaths in sun for at least three hours at the September equinox. Activity Streets should aim for 50 per cent, with exceptions where deep shadow already exists and nearby spaces provide the sunny function.

(iv) General Issues conclusions

The Committee has concluded in the General Issues report (Volume 3, chapter 9.6) that the proposed overshadowing measures in the draft Structure Plan and draft Amendment are not appropriate to minimise overshadowing and maintain solar access to the public realm.

These recommendations are appropriate in the Box Hill context, except where a tailored response is necessary because of specific site constraints or context, including for the Whitehorse Road Linear Reserve, Box Hill Gardens and a number of key existing and proposed open space areas.

8.4 Whitehorse Road Linear Reserve

The key issue is whether the proposed controls appropriately balance overshadowing protection of the proposed Whitehorse Linear Reserve (the Linear Reserve) with growth and the strategic role of development on the north side of Whitehorse Road.

The controls recognise the Linear Reserve as a key public space and seek to protect its solar access, while balancing this against the growth and strategic role of development on the north side of Whitehorse Road. Through the BFO5 and PRZ4, they manage overshadowing by requiring that, between 11:00am and 2:00pm on the equinox,

development should not cast additional shadow beyond that of the maximum street wall, or should minimise any additional overshadowing through tower siting, width, spacing and setbacks. The Day 3 controls strengthen this approach by adding discretionary standards and decision guidelines that require explicit consideration of the extent, duration and amenity impacts of any additional shadow on the Linear Reserve.

(i) Evidence and submissions

Evidence

The experts broadly agreed that solar access to the Linear Reserve and other key public spaces is important, but they each framed the issue differently.

Mr Sheppard started from the Central Core's role as the place for the 'greatest scale' of built form. Through the UDR and shadow analysis, he treated the Linear Reserve as a primary open space but said it could tolerate more overshadowing than smaller parks because of its size, its place in a wider network and the availability of sun in the nearby Box Hill Gardens. On that basis, he adopted an equinox benchmark that at least 50 per cent of the Linear Reserve should receive sun for a minimum of three hours at the spring equinox, tested against the preferred 133-metre envelopes on the north side of Whitehorse Road. He supported adding equinox-based 'no additional shadow beyond the envelope' tests for the Linear Reserve and certain streets in the PRZ4 and BFO5, but preferred that these were discretionary and did not support height reductions in the Central Core.

Council's experts approached the issue from the performance of open space rather than from building capacity.

Mr Partos advocated mid-winter, largely mandatory 'no additional shadow' controls for parks and key public spaces, typically expressed as a street-wall-based test (around 11:00am to 2:00pm at the winter solstice), so that people could rely on a stable band of sun in the middle of the day.

Prof McGauran adopted an intermediate but still more conservative stance than Mr Sheppard. He accepted an equinox focus but considered that 133 metre envelopes on the north side of Whitehorse Road meant the Linear Reserve 'will not allow [it] to achieve its intended purpose', because heights above roughly 40 metres on that edge produced major shadow impacts. He was critical of the idea that a large space can simply accept a lower proportion of sunlight offset by Box Hill Gardens, and of the conclusion that 50 per cent sun at the equinox is adequate. He recommended:

- reducing preferred heights on the critical northern frontage to 43 metres with a 23-metre street wall and additional setbacks
- mandatory 'no additional shadow' controls in the BFO5 and PRZ4 to secure a continuous solar band across the southern part of the Linear Reserve between 10:00am and 2:00pm at the equinox.

Mr Sheppard responded that Prof McGauran's recommendation will result in an unacceptable loss of 'growth' and suggested a reduction on the order of 600 to 700 dwellings. He asserted that the area was optimised and could not be 'made up' in another location.

Mr Barnes' planning evidence broadly supported substantial growth in Central Box Hill but aligned with Prof McGauran in treating overshadowing of the Linear Reserve as a critical design parameter. He was wary of combining very tall envelopes with only limited overshadowing controls, particularly along the north side of Whitehorse Road, and supported more detailed decision guidelines and stronger shadow controls in those locations.

A key point in the experts' evidence was the issue of moving shadows. Prof McGauran and Mr Partos were of the view that a 'tooth and gap' approach to solar protection will produce a poor outcome. Mr Sheppard noted the overshadowing controls produced the condition of 'shadows throughout the day, with moments of sun'. Given the 12-metre and 23-metre street walls, these fleeting 'moments of sun' will be through the tower separation allowing moving bands of sunlight in the middle of the day, that diminish and disappear in morning and afternoon. Both Prof McGauran and Mr Partos noted that moving patches of sunlight were problematic for locating fixed park facilities and spaces and necessitated that people move to follow the sun.

Mr Sheppard acknowledged in cross-examination that his 50 per cent standard would be satisfied by moving shafts of sunlight across a space, and that in such circumstances no single part of the space is guaranteed to be in sun at the relevant time. His response was to say that this 'depends on how long [people] want to be [in this space] for and whether they choose a wide or a narrow [shaft of sun]', but he did not otherwise address Prof McGauran's concern that this does not provide a reliable, designable area of sunlit public realm.

In summary, the experts' positions are:

Table 5 Expert positions on Whitehorse Linear Reserve

Space	Sheppard (Day 1/2 changes) – Discretionary standards	Mandatory standards	Partos – Mandatory standards
Whitehorse Linear Reserve	No additional shadow beyond envelope (3 hours at the equinox from 9:00am–3:00pm)	No additional shadow above 43 metres height from 10:00am to 2:00pm at the equinox	No additional shadow beyond street wall from 11:00am to 2:00pm at the winter solstice

Submissions

Council submitted that the draft Structure Plan and controls did not provide adequate solar protection for the key public spaces and streets in the precinct, given the scale of growth they facilitate.

In relation to the Linear Reserve, Council relied on the draft Structure Plan and UDR language that identified it as the primary gathering space for the Structure Plan Area warranting the highest level of solar protection. It submitted that the combination of very tall envelopes on the north side of Whitehorse Road and a discretionary equinox-based standard would not maintain that role, particularly in winter. Council invited the Committee to adopt stronger, largely mandatory 'no additional shadow' controls for the

Linear Reserve, generally expressed as protecting sunlight for defined periods at the winter solstice or spring equinox. Council's experts also recommended height and setback reductions on the north side so that a stable, legible area of sun could be maintained in the middle of the day.

Council criticised the Proponent's overshadowing methodology and testing. It characterised the modelling as 'not as per controls' and 'incomplete' and submitted that much of the shadow analysis relied on selective or 'feasible' built form rather than the allowable envelopes. Council was concerned that the Proponent's 50 per cent area-based standard allowed outcomes where spaces were in shadow for much of the day with only 'moments of sun' between towers. It contended that contemporary metropolitan practice for comparable centres, including Chapel Street, the Hoddle Grid and Fishermans Bend, demonstrates that stronger, often mandatory solar controls for primary civic spaces are both achievable and appropriate, and that a similar approach should be taken in Box Hill.

The Proponent, drawing on the UDR, its associated Attachment C³ and Mr Sheppard's evidence, supported a standard where at least 50 per cent of the Linear Reserve receives sunlight for three hours at the spring equinox, rather than applying a winter solstice test. This, it submitted, aligns with the Linear Reserve's function in a dense city centre and reflects the principle that solar standards should consider each space's context and role. Mr Sheppard's shadow testing indicated that, with the exhibited built form and adjustments, the Linear Reserve could meet the equinox standard while enabling significant growth north of Whitehorse Road. The Proponent submitted that a 'no additional shadow' control above the street wall would be misplaced, as the wall's shadow falls mainly on the carriageway, not the open space.

Characterising the Committee's task as choosing where on the solar access 'spectrum' it should sit, the Proponent maintained that growth outcomes consistent with the draft Structure Plan's strategic intent should be prioritised in Box Hill's Central Core. It suggested the Linear Reserve should be viewed within a wider network of public spaces, contending that the stricter mandatory controls requested by others would unnecessarily hinder essential development along Whitehorse Road's northern edge. The Proponent ultimately relied on Mr Sheppard's approach, which gives greater weight to growth when balancing solar access protection and capacity. Neither the Proponent nor Council presented designs or design requirements for the Linear Reserve improvements.

(ii) Discussion

The Committee finds that, with some changes, the proposed controls can balance transformational growth with solar access to the Linear Reserve.

The Committee must choose between imperfect options. The dilemma is summed up where the UDR states that the Linear Reserve warrants the highest level of solar access protection, then immediately recognises this conflicts with urban form goals for the north side. Whitehorse Road's east-west orientation limits solar access.

³ BBOX 006q. UDR Attachment C, Assessment of solar access to the public realm

A significant portion of the hearing focussed on errors and gaps in the shadow modelling presented. The Committee approached this evidence cautiously, relying more on general principles and outcomes. Claims of compliance, such as 50 per cent coverage, were undermined by missing building envelopes, inaccurate boundaries and absent calculations, making them unreliable.

Prof McGauran compared the Linear Reserve's solar protection to Southbank Promenade, but the comparison falls short due to critical differences. Southbank is a 600-metre vehicle-free zone with diverted cycle lanes, no existing shadows and development set back across the river and roads. Rather, the Committee prefers Ms Thompson's assessment that the Linear Reserve is foremost a transport corridor rather than a passive park due to the demands of vehicle traffic, service lanes, trams and cycling infrastructure, and functions as public realm space.

The competing considerations for managing solar access to the Linear Reserve include:

- The north side of Whitehorse Road is prime for housing growth due to exceptional transport, retail and open space amenity, further enhanced by the SRL station, with policy and the draft Structure Plan encouraging higher density there
- Contemporary urban design practices place high weight on solar access, reflected in recent tighter controls for key public spaces
- The Linear Reserve's east-west alignment and transport role restrict its use as a traditional park, creating varied conditions. The western end, acting as a constrained median, is less affected by changing light and shadow, while Bruce Street to Station Street is pedestrian-heavy and warrants greater protection
- The existing 81-metre ATO building casts a significant shadow over the busy core west of Station Street
- Moving sun bands (around 35 metres wide) will adequately benefit Market Street, supporting active urban use in the evenings
- East of Station Street, the Linear Reserve receives ample sunlight and civic proximity
- A 'tooth and gap' solar approach is sub-optimal, but varied light and shadow suit city spaces with transitory uses like lunch breaks or dog walking, shaping design accordingly
- Prof McGauran's proposed 43-metre height cap is problematic: it would disproportionately highlight the ATO building, produce incongruous, truncated forms that fail to contribute to an articulated skyline, and primarily benefit the transport-affected western part of the Linear Reserve while reducing valuable floorspace in the SDA where transport amenity is the highest
- At moderate scales, increasing tower separation allows more sunlight penetration than reducing tower height
- Box Hill Gardens, 200 metres north through the SDA public realm, provides excellent solar access and a higher-amenity alternative for extended recreation
- The Proponent's BFO5 changes strengthen solar protection for the Linear Reserve's western end and encourage coordinated built form to address specific overshadowing impacts. The proposed 23-metre street wall height will overshadow the carriageway and tram lines, which is not problematic.

The Committee was less persuaded by the argument that reducing building height would unreasonably restrict growth that could not be 'made up' in another location as every location had been maximised. While the Committee generally supports retaining building mass in this location, this does not imply that envelope changes to reduce overshadowing are an unreasonable curtailing of growth.

Planning seeks to balance competing policy objectives to achieve net community benefit for existing and future generations. This may not be achieved if most weight is given to meeting the specified building heights at the cost of providing practical open space to the future community.

On balance, the Committee considers the proposed controls, with some changes, are an acceptable resolution of the conflict between solar protection on one side and urban form and housing on the other. The following changes are required to improve the impact of the shadow on the Linear Reserve:

- Reduce the height of the street wall for the block at the north-east corner of Linear Reserve and Bruce Street to 12 metres. Whilst this lot, currently the ATO building, is unlikely to be redeveloped in the short term, any future development is an opportunity to improve the outcome by reducing shadow impact and completing the street wall alignment for the block between Bruce Street and Station Street
- Avoid erosion of the sunlight that is afforded to the Linear Reserve, and increase the tower separation and setbacks above the street wall along the north side of Whitehorse Road in the PRZ4 to a minimum of 8 metres at the frontage to the new public realm and 16 metres between towers on the same site, making tower separation and setbacks mandatory.

Broad acceptance of the proposed control in this instance does not signal acceptance of lower standards in other locations. In fact, the imperfect solar protection of Linear Reserve reinforces the need for the highest level of protection for the key open spaces and balance of parks.

(iii) Findings

The Committee finds:

- The proposed solar access to the Whitehorse Road Linear Reserve is broadly acceptable given the existing conditions and orientation of the Whitehorse Road Linear Reserve and growth opportunity and expectations afforded by the SRL station, subject to some refinements to reduce the extent of shadow impacts.
- Built Form Overlay Schedule 5 and the Precinct Zone Schedule 4 should be amended to reduce the street wall height to a mandatory 12 metres for the section of Whitehorse Road between the new public realm and Bruce Street to improve shadow impacts.
- Precinct Zone Schedule 4 should be amended to increase the minimum tower separation and setbacks above the street wall along the north side of Whitehorse Road to:
 - a minimum eight metres at the frontage to the new public realm
 - 16 metres between towers on the same site
 - make both provisions mandatory.

8.5 Box Hill Gardens

(i) Evidence and submissions

Evidence

The experts broadly agreed that Box Hill Gardens is the main district park for a dense, growing catchment, but they disagreed on how much extra winter shadow it can reasonably absorb.

Mr Sheppard indicated that, under the proposed controls, Box Hill Gardens would retain high levels of sun at both the equinox and winter solstice (around 70 per cent of the park in sun for at least three hours in winter). On that basis, he treated overshadowing as something to be balanced against growth. His view was that the Gardens would continue to perform strongly as a sunny park even with the proposed heights on Station Street, and that this did not warrant significant reductions in building height or capacity.

Council's experts started from the opposite end: the performance and fragility of the park itself.

Ms Thompson described Box Hill Gardens as heavily relied upon and already under pressure, and considered a clear, mandatory 'no additional shadow' test from 10:00am to 3:00pm at the winter solstice to be appropriate. Prof McGauran accepted some growth but used architectural sections to show how the proposed envelopes would cast substantial extra winter shadow into the northern part of the park. He recommended a solstice control that allows no additional shadow above about a 13.5 to 14-metre datum along Station Street and the northern edge, so that a broad, legible band of winter sun is preserved inside the Gardens.

Mr Partos proposed a more codified version of that approach: for key parks including Box Hill Gardens, he advocated mandatory solstice controls under which no additional shadow could be cast above a 'street wall' reference height (equivalent to a 2.4-metre fence in residential areas) between 11:00am and 2:00pm. Mr Barnes' planning evidence broadly supported this stronger protection, treating Box Hill Gardens as a non-negotiable anchor of the open space network that should not be used as a reserve of solar access to be traded away for extra built form.

Prof McGauran tabled shadow modelling indicating the shadow impact of the proposed controls. These impacts are greatest before 12 noon. Prof McGauran recommended changes to the controls that in effect retained the existing controls. This recommendation:

- reduces the allowable height on the Uniting AgeWell site
- suggests the redesignation of sub-area Area E (which he labelled as Area D) on the east side of Station Street generally extending from Irving Street to the northern edge of the Uniting AgeWell site.

The experts' positions are summarised in Table 6.

Table 6 Expert positions on Box Hill Gardens

Space	Sheppard (Day 1/2 changes) – Discretionary standards	Mandatory standards	Partos – Mandatory standards
Box Hill Gardens	No additional shadow beyond envelope from 9am–3pm at the winter solstice	No additional shadow beyond extent of existing controls from 9:00am–3:00pm at the winter solstice	No additional shadow beyond street wall from 11:00am–2:00pm at the winter solstice

Submissions

A submitter raised concerns regarding overshadowing effects on Box Hill Gardens, specifically from developments situated along its eastern boundary, on the basis that the land rises as it extends away from the Gardens, creating greater potential for increasing the extent of shadow cast into the public open space.

Council’s submissions treated Box Hill Gardens as a critical piece of open-space infrastructure for a rapidly intensifying high-density catchment. It emphasised its size (around 6.7 hectares), high level of existing use, and the forecast ‘significant increase’ in residents and workers in the immediate vicinity with limited access to private open space. Drawing on Ms Thompson’s and Prof McGauran’s evidence, Council submitted that this role demands more robust winter solar protection than is provided by the Proponent’s 70 per cent three-hour standard. Council submitted that the combination of taller development along Station Street and north of Whitehorse Road, mature tree cover and SRL construction impacts risked materially eroding the quality and usability of the Gardens in winter unless overshadowing was tightly controlled.

Council sought a mandatory no additional shadow control for Box Hill Gardens between 10:00am and 3:00pm at the winter solstice, broadly in line with its experts’ evidence. Council submitted that adopting such a control, together with associated height and setback changes, was necessary to ‘maximise protection’ of Box Hill Gardens as the key district park and to ensure that winter sunlight and amenity are not traded away in favour of additional development yield in the surrounding blocks.

(ii) Discussion

The Committee finds that the proposed controls have not struck the appropriate balance between higher density and solar access amenity for Box Hill Gardens. Given the overshadowing of the Linear Reserve and the importance of Box Hill Gardens as a high-amenity alternative, reduction of protection afforded by the current controls is not acceptable.

It was uncontested by the experts and the parties that the winter solstice is the relevant criterion. Mr Sheppard and Prof McGauran recommend a six-hour period from 9:00am. The Committee agrees and supports the changes made in the Day 3 BFO6, but recommends the provision is mandatory.

The Committee notes that the shadows are cast by two distinct blocks of development: the Uniting AgeWell site (proposed for 21 metres) and the east side of Station Street (proposed for 52 metres). The impact is in the morning and abates after 12 noon. Under the proposed controls, the Uniting AgeWell site will cast more shadow before 12 noon. The existing building height is the appropriate protection.

The east side of Station Street will cast substantially more shadow on Box Hill Gardens than the current controls allow. Modelling indicates that at 9:00am the shadow will extend about 100 metres into the park. Prof McGauran's new Area D forms a distinct, substantial block warranting a sub-area control. The Committee recommends amending BFO6 to introduce this new sub-area D with a maximum building height lower than 52 metres but above 21 metres, to be determined through further analysis. The area should be extended north to Thames Street to avoid isolated lots of 52 metres (see Figure 5). The FAR would then need to be adjusted accordingly, if the Uplift Framework remains. The Committee observes that numerous sites within this sub-area are affected by Heritage Overlays (HO) and strata title arrangements, which may limit opportunities for redevelopment.

Figure 5 New Area D for BFO6



(iii) Findings

The Committee finds:

- The proposed controls have not struck the appropriate balance between higher density and solar access amenity for Box Hill Gardens.
- The BFO6 provisions which limit overshadowing on Box Gardens should be mandatory.
- The proposed building heights along the east side of Station Street including the Uniting AgeWell site should be reduced to limit overshadowing of Box Hill

Gardens during a six-hour period from 9:00am on the winter solstice on a mandatory basis.

8.6 Other parks

Other parks which received submissions relating to overshadowing include:

- Ellingworth Park
- Surrey Park and Surrey Drive Reserve
- Linsley Park
- Brougham Street playground
- Pioneer Park
- Graham Bend Park
- Glenmore Reserve
- Victoria Rose Reserve
- Ashted Road
- Watts Court Park.

Broadly, the Proponent submitted:

In this regard, SRLA principally relies on Mr Sheppard's approach with respect to balancing protection of solar access against capacity for growth. That approach places greater weight on growth, consistent with the transformative change that the proposed planning controls are seeking to achieve.

Broadly, Council submitted that:

While clearly the best community outcome for parks is mandatory solstice protection for all parks for five hours in the middle of the day, as suggested by Ms Thompson, Council acknowledges that is a difficult position to adopt for all parks given the existing conditions for a number of the public open spaces...

Consequently, in its recommendations..., Council puts forward drafting that largely aligns with the nuanced views of Mr McGauran. Mr McGauran has looked at each of the existing public open spaces and given his considered view about the level of protection that should be given. His view is a balanced one that Council supports.

Mr Sheppard, Prof McGauran and Mr Partos provided their perspectives regarding shadow protection for local parks. Largely, Mr Sheppard supported discretionary controls on the September equinox, assessed by reference to the proposed preferred building envelopes. Prof McGauran supported mandatory standards that would prevent any additional shadowing beyond existing conditions, drawing on both equinox and solstice measurements according to each park's unique context and function. Meanwhile, Mr Partos recommended mandatory controls, measured from the street wall height in most cases. His evidence included shadow models of various parks.

Ms Thompson took the generic approach that all parks should be protected for winter solstice sunlight access between 10:00am and 3:00pm.

Council's Appendix E of its main submission helpfully distilled the expert positions on shadow protections.

(i) Ellingworth Parade Open Space (planned)

Evidence and submissions

Mr Sheppard pointed to modelling showing that development at the scale contemplated by the controls maintains solar access to the ‘vast majority’ of new open space during key equinox hours. He noted that the BFO6 already contains a Standard BF04 test requiring development to avoid any additional shadow beyond that contemplated between 10:00am and 2:00pm at the September equinox. In later supplementary work he reported that at least 50 per cent of the Ellingworth Parade Open Space receives sun between 10:00am and 2:00pm at the equinox and also between 11:00am and 1:00pm at the winter solstice, which he presented as consistent with his broader 50 to 75 per cent benchmark approach.

Mr Partos considered that this park would serve as a key public open space for residents, workers and visitors within the Central Box Hill Neighbourhood, noting that it represents the only significant public open space in the area.

The experts’ positions are summarised in Table 7.

Table 7 Expert positions on Ellingworth park

Space	Sheppard (Day 1/2 changes) – Discretionary standards	Mandatory standards	Partos – Mandatory standards
Ellingworth Parade open space	No additional shadow beyond envelope from 10:00am–2:00pm at the spring equinox	No additional shadow beyond street wall from 10:00am–3:00pm at the winter solstice	No additional shadow beyond street wall from 11:00am–2:00pm at the winter solstice

Council’s submissions, informed by Ms Thompson and Prof McGauran (with input from Mr Partos), treated the Ellingworth Parade Open Space as a critical piece of the Central Box Hill open-space network and sought solar protections. Council was critical of Mr Sheppard’s equinox-based standard and the reliance on discretionary building-envelope tests, and highlighted inconsistencies between Attachment C and later Proponent modelling for the Ellingworth Parade Open Space and other parks, as well as instances where his own 50 to 75 per cent benchmark is not in fact met.

The Proponent, relying on the UDR and Attachment C, submitted that the proposed Central Flanks envelopes north of Ellingworth Parade can deliver acceptable solar access while still supporting the intended built form intensity.

Discussion

The Ellingworth Parade Open Space is currently a surface carpark proposed to be redeveloped as a 4,000 square metre park. It should be a high amenity place for residents in a medium to high density area. There are no reasonable alternative public open spaces.

While the space will enjoy midday sun from Pippard Street, it is overshadowed by an existing eight storey building to the north. The proposed building heights are 49 metres

to the north. An examination of Mr Sheppard's evidence indicates a moderate degree of spring equinox solar access but substantial overshadowing at the winter solstice with areas of the park in perpetual shadow. A solar control that limits winter solstice impacts to a street wall (podium) is expected to modify the envelope of a small number of lots. The Committee considers a winter solstice protection is required for this high-value space. The control should be for no further shadow beyond that cast by the applicable street (or boundary) wall for a minimum of three consecutive hours between 10:00 am and 3:00 pm at the winter solstice, applied on a mandatory basis.

(ii) Surrey Park and Surrey Drive Reserve

Evidence and submissions

The Proponent and Phileo, landowner of the Brickworks site to the north of Surrey Park, tabled an amended joint agreed version of the PRZ5. They submitted that the controls detailed in Map 1 achieved the right balance between development for housing and protecting adjacent open space, in particular the interface to Surrey Park and Surrey Park Drive. The agreed version PRZ5 requires shadow diagrams that demonstrate:

Buildings should not cast any additional shadow beyond that cast by buildings 21m high with a 4m setback from the southern and eastern boundaries of the site, and existing buildings, over public open spaces shown on the Map 1:

- Surrey Park measured between 10am and 2pm on 22 September.
- Surrey Drive Reserve measured between 10am and 2pm on 22 September.

Phileo relied on its own shadow testing of a 21-metre envelope to submit that built form up to six storeys or more (with higher elements toward the middle of the site) does not produce unreasonable overshadowing, and that the control therefore 'appropriately balances' development on the site with solar protection of Surrey Park and Surrey Drive Reserve. Phileo aligned itself with the Proponent's broader position that discretionary solar controls are appropriate and some additional shadow is an acceptable trade-off for housing growth.

Prof McGauran modelled winter solstice shadows on the Surrey Park and Surrey Drive Reserve. He recommended a much deeper setback regime (around 60 metres from the park's northern boundary and 15 metres from the eastern lot boundary) along the southern boundary of the Brickworks site. He said this would ensure that solar access to the northern path and key access routes is protected between 9:00 am and 3:00 pm at the winter solstice.

In summary, the experts' positions are:

Table 8 Expert positions on Surrey Park and Surrey Drive Reserve

Space	Sheppard (Day 1/2 changes) – Discretionary standards	Mandatory standards	Partos – Mandatory standards	Hodyl – Mandatory standards
Surrey Park	No additional shadow beyond envelope from 9am–3pm at the spring equinox	No additional shadow beyond street wall from 11am–2pm at the winter solstice	No additional shadow beyond street wall from 11am–2pm at the winter solstice	Spring equinox control aligned with the 21–metre envelope

Council sought a much stronger mandatory standard than proposed, being no additional shadow over Surrey Park and Surrey Drive Reserve between 9:00 am and 3:00 pm at the winter solstice.

Phileo replied that this goes beyond the specific controls recommended by any of Council's own experts (Ms Thompson, Prof McGauran or Mr Partos).

Discussion

Surrey Park and Surrey Drive form the south and east edges of the Brickworks site. The northern interface of Surrey Park forms a strip that, due to barriers such as Surrey Park lake, is the only pedestrian and cycling route from Surrey Park Drive to the Surrey Park Playground. Whilst large, Surrey Park is divided by carparks, fences, the lake, buildings, and terrain into a mosaic of uses with passive open park spaces in the northwest. Arguments that a proportion of overshadowing is acceptable ignore the fact that the spaces in the park cannot be exchanged. A sunny carpark is not a replacement when the only route from east to west is overshadowed.

Shadow studies tabled indicate that a hypothetical 21-metre building, at the winter solstice, would cast a shadow deep into Surrey Park, covering the zone between the boundary and extending past the edge of the lake. The lawn, picnic tables and apron to the model boat club at this edge warrant protection.

Surrey Drive is a charming, curved avenue of mature native trees with a processional and arranged quality. The southern end bends to the west and the landscape merges seamlessly into the northern edge of Surrey Park. With its broad verge, no crossovers to the west, and dense and irregular tree planting Surrey Drive functions as a linear park. Given the north-south orientation, pedestrians have the option to walk 'on the sunny side'. On the eastern side, the draft Amendment allows 11- and 21-metre tall buildings, with 14-metre-high street walls and four-metre setbacks. The Brickworks site is about five metres higher in elevation than Surrey Park Drive. It is desirable that buildings along Surrey Drive are roughly symmetrical in height and setback.

Curiously, whilst the agreed PRZ5 includes the residential interfaces with setbacks and reduced building heights, the public realm has no such interface. This can be seen in the inconsistencies between Map 1, Table 1 and the Urban Design and Context report requirements. Map 1 and Table 1 should be amended, so that the east and south interfaces align with both the 11-metre-high residential interface and the overarching 'built form of 3–10 storeys with taller buildings towards the centre of the site'. Consequential changes should be made to the Urban Design and Context report requirements, including four-metre setbacks from the southern and eastern boundaries.

(iii) Linsley Park

Mr Sheppard treated Linsley Park as a small Central Flanks park whose orientation and tight surrounds mean built form changes to achieve a solar access objective would be significant in an area envisioned for denser built form. Instead of adjusting envelopes, he pointed to the proximity of the new Ellingworth Parade Open Space and the Linear Reserve as providing sunny options for local residents, and therefore recommended 'no solar access standard' for Linsley Park.

In summary, the experts' positions are:

Table 9 Expert positions on Linsley Park

Space	Sheppard (Day 1/2 changes) – Discretionary standards	Mandatory standards	Partos – Mandatory standards
Linsley Park	Nil	No additional net shadow of Linsley Park from 10am–2pm at the spring equinox	No additional shadow beyond street wall from 11am–2pm at the winter solstice

Council and other experts took a different view. Council's open space case, supported by Ms Thompson and Prof McGauran, regarded Linsley Park as an important but vulnerable local park and opposed the idea that its overshadowing could be traded off against new or larger parks nearby.

Council also pointed to its recommended changes to the draft Implementation Plan action to investigate options to expand Linsley Park as a necessary complement to stronger overshadowing controls, rather than accepting the park as effectively sacrificial in the broader open space network.

The Proponent relied on Mr Sheppard's analysis in Attachment C to the UDR.

Discussion

A 49-metre-tall building to the north of Linsley Park will unacceptably overshadow the park. Even by the 50 per cent equinox standard, Mr Sheppard's evidence was clear on this unacceptable result. The UDR report justifies no solar protection:

Orientation and size of this park makes built form changes needed to achieve solar access standard significant.
New Ellingworth Parade open space is in close proximity and can provide solar access to local residents.

Taken in turn, the Committee notes that Mr Sheppard's evidence frequently places a higher weight on growth over public space amenity. The Box Hill Library is unlikely to be developed to a height of 49 metres. Reduction of building mass would be limited to the Le Pine Funerals lot, which is located more than 400 metres from the public transport and retail amenity hub and does not appear to have strong drivers for height. Redevelopment opportunities may be limited due to the hazardous wind conditions identified in the Wind Technical Report. The argument for avoiding unduly restricting growth is tenuous in this instance.

Regarding alternatives, the UDR considers Ellingworth Parade Open Space as reasonable, and in oral evidence Mr Sheppard suggested the Linear Reserve. However, the Ellingworth Parade Open Space is 340 metres away, requires crossing three roads and a railway line, and does not yet exist. The Linear Reserve is a 'medium to long term' proposal, with its end isolated by 200 metres of service road and unlikely to suit a playground. Thus, neither option is reasonable.

A high standard of solar protection is required for Linsley Park, being no further shadow beyond that cast by the applicable street (or boundary) wall for a minimum of three consecutive hours between 10:00am and 3:00pm at the winter solstice. The Committee notes that these changes apply to a context where redevelopment opportunities may be limited. This is due to both the unsafe wind conditions identified in the Wind Technical Report and the presence of adjoining sites whose circumstances are unlikely to change, such as the substantial front setback of the Town Hall and the heritage fire station (HO229).

(iv) Other Parks

The experts' positions are summarised in Table 10.

Table 10 Expert positions on other parks

Space	Sheppard (Day 1/2 changes) – Discretionary standards	Mandatory standards	Partos – Mandatory standards
Brougham Street Reserve	No additional shadow beyond envelope from 10:00am–2:00pm at the spring equinox	No additional shadow from 10:00am to 3:00pm at the winter solstice	No additional shadow beyond street wall from 11:00am to 2:00pm at the winter solstice
Graham Bend Park	No additional shadow beyond envelope from 10:00am– 3:00pm at the spring equinox	No additional shadow from 10am to 3pm at the winter solstice	No additional shadow beyond 2.4m from 11:00am– 2:00pm at the winter solstice
Victoria Rose Reserve	No additional shadow beyond envelope from 10:00am– 3:00pm at the spring equinox	No additional shadow from 10:00am to 2:00pm at the spring equinox	No additional shadow beyond 2.4m from 11:00am to 2:00pm at the winter solstice
Glenmore Reserve	No additional shadow beyond envelope from 10:00am– 3:00pm at the spring equinox	-	No additional shadow beyond 2.4m from 11:00am to 2:00pm at the winter solstice
Ashted Reserve	No additional shadow beyond envelope from 10:00am– 2:00pm at the spring equinox	No additional net shadow from 10:00am–2:00pm at the spring equinox	No additional shadow beyond 2.4m from 11:00am to 2:00pm at the winter solstice
Pioneer Park	No additional shadow beyond envelope from 10:00am– 2:00pm at the spring equinox	No additional shadow from 10:00am to 2:00pm at the spring equinox	No additional shadow beyond street wall from 11:00am to 2:00pm at the winter solstice

Court Street open space	No control	No additional net shadow from 10:00am to 2:00pm at the spring equinox	No additional shadow beyond street wall from 11:00am to 2:00pm at the winter solstice
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Discussion

The Committee's findings about other parks draw reference to those in the Common issues report, as well as evidence where the shadow protections required a contextual response or otherwise justified in evidence.

In summary, the Committees findings adopt those in the Common issues report being no additional shadow beyond that cast by the applicable street wall or boundary wall during these specified times.

Table 11 Summary of Committee's findings of other parks

Space	Mandatory standards	Reasons
Brougham Street Reserve	No additional shadow for a minimum of three consecutive hours between 10:00am and 3:00pm at the winter solstice	This is the only playground on the key north-south walking route between Box Hill Gardens and Surrey Park.
Graham Bend Park	No additional shadow for a minimum of three consecutive hours between 10:00am and 3:00pm at the winter solstice	There are no realistic alternative parks within an easy walking distance and the draft Structure Plan identifies it for upgrade.
Victoria Rose Reserve	No additional shadow for a minimum of three consecutive hours between 10:00am and 3:00pm at the spring equinox	Given its role in the primary east-west green spine supporting mid-rise housing.
Glenmore Reserve	No additional shadow for a minimum of three consecutive hours between 10:00am and 3:00pm at the spring equinox	The reserve is a key node in a chain forming a key local open-space network warranting protection.
Ashted Reserve	No additional net shadow for a minimum of three consecutive hours between 10:00am and 3:00pm at the spring equinox	Agree with Prof McGauran and Mr Partos who regard the Ashted Reserve as more than an 'incidental' reserve due to its movement role.
Pioneer Park	No additional shadow between 10:00am and 2:00pm at the spring equinox (i.e. no change from proposed controls)	Little impact is expected to proposed envelopes. Mr Sheppard and Prof McGauran agree.

Court Street open space	No additional net shadow for a minimum of three consecutive hours between 10:00am and 3:00pm at spring equinox	This is a new pocket park that warrants protection.
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(v) Decision Guidelines

Mr Sheppard, under cross-examination about the appropriateness of the overshadowing decision guidelines listed in the Design and Development Overlay Schedule 80 for the Arden Precinct (Melbourne Planning Scheme), considered the guidelines reasonable except for the last one. Council accepted this evidence and listed all the criteria but the one Mr Sheppard expressed concern for in its preferred version of the controls.

Council sought clearer decision guidelines, warning that parallel approval pathways (such as Clause 52.32) could lead to inconsistent decisions by different Responsible Authorities within the precinct.

The Proponent opposed adding more built-form decision guidelines, submitting the controls are already complex and further guidance would exacerbate that. It accepted limited additional guidance where technically justified, but otherwise considered the Responsible Authority can assess applications under existing provisions to achieve net community benefit. The Day 3 controls included some decision guidelines specific to shadow impacts on parks.

The Committee's recommendation is that mandatory solar protection controls should be applied to parks, which renders decision guidelines for these spaces unnecessary.

(vi) Finding

The Committee finds:

- The proposed overshadowing controls require revision to better manage shadow impacts to several areas of public open space to provide mandatory shadow protections.

8.7 Streets

Streets which received submissions related to overshadowing include:

- Carrington Road
- Station Street.

The PRZ4 and BFO5 guide three-metre front setbacks along the western and eastern side of Station Street, for the purpose of footpath widening, between Whitehorse Road and Carrington Road.

(i) Evidence and submissions

The UDR guides the following relevant benchmarks for solar protection to streets:

- for east-west activity streets, at least 50 per cent of the southern footpath in sunlight for three hours between 10:00am and 3:00pm at the spring equinox

- for north-south activity streets, around 50 per cent of the western footpath in sunlight between 9:00am and 12 noon at the spring equinox.

Specific to Carrington Road, the UDR recommends solar access is measured from the street wall height.

Carrington Road

All experts treated Carrington Road as a key east-west Activity Street. Mr Sheppard's shadow testing showed that the proposed building envelope would not meet the UDR benchmark. He recommended the provisions be changed so that buildings avoid casting any additional shadow beyond that cast by the applicable maximum street wall height (17 metres) over the southern footpath of Carrington Road, between 51-53 Carrington Road to Station Street, from midday to 3:00pm at the spring equinox. This recommendation was reflected in the Proponent's Day 3 BFO5 including a set of specific decision guidelines.

Mr Partos and Prof McGauran accepted that Carrington Road should carry substantial built form but said it must also function as a genuinely sunny main street. Mr Partos called for a mandatory minimum of two hours of sunlight at the spring equinox on the southern footpath. Prof McGauran's position aligned with Mr Sheppard's street wall recommendation and added that the controls should be mandatory.

The Proponent adopted the UDR benchmarks, as supported by Mr Sheppard. It submitted that Carrington Road sits within a dense metropolitan core with alternative sunny spaces (Box Hill Gardens, Linear Reserve, Ellingworth Parade open space, Market Street and Main Streets), and that it is reasonable for an intense Activity Street to experience significant overshadowing.

Council leant heavily on the UDR benchmarks and Mr Sheppard's modelling to say the proposed envelopes 'over-spend' building height on both sides and would produce a canyon-like, fully shaded southern footpath. It pressed for Carrington Road's equinox standards to be mandatory, and for any uplift or FAR to be subordinate to achieving a reliable sunny period on at least one side of the street.

Further, Council recommended:

- to introduce a set of decision guidelines to manage solar access to green streets, which includes Carrington Road
- creation of a 'Area E' in BFO5 with a maximum building height of 87 metres to better manage shadow impacts on Carrington Road.

Station Street

The main issue concerns overshadowing from 133-metre-tall building envelopes on the western footpath of Station Street before 12 noon, as the street will inevitably be in shadow after noon due to its orientation.

The area of concern was the section of Station Street north of Whitehorse Road (Hiltons Lane) to Carrington Road. The experts regarded Station Street as the main north-south civic and transit spine. Mr Sheppard applied the UDR benchmark, tied it to the preferred building envelope on a discretionary basis. His modelling of that benchmark showed that both footpaths would be overshadowed for much of the day at the spring equinox and

winter solstice, with the western side receiving sunlight for only brief periods around midday. Some sections will receive sunlight earlier where they are opposite constrained land that won't be developed to the preferred heights, such as the railway reserve and the Whitehorse Road reserve.

Mr Partos' and Prof McGauran's interpretation of the shadow modelling was that Station Street would not provide a reliable 'sunny side' and this would be inconsistent with its civic role. Prof McGauran adopted the UDR benchmark but recommended it be mandatory. Mr Partos recommended at least two hours of sun at spring equinox on the primary footpath (10:00am to 12:00 noon) again as mandatory.

Council adopted its experts' view that Station Street should not be allowed to function as a permanently shaded transit canyon. It submitted that the Station Street envelopes must be recalibrated (or the equinox controls made mandatory as per Prof McGauran's view) so that a predictable sunny period on the western footpath is secured, rather than leaving overshadowing to be traded off case-by-case at the permit stage.

The Proponent adopted Mr Sheppard's recommendations in the Day 3 controls.

(ii) Discussion

The Day 3 controls address solar access impacts differently for Station Street and Carrington Road. On Station Street, the test is whether the preferred building envelope is exceeded and if any additional shadow is acceptable. For Carrington Road, the test is the impact of tower forms above the street wall and whether the forms create shadow beyond the street wall. The decision guidelines are tailored for each street.

Overall, the Committee considers a pragmatic approach to solar access is necessary for Box Hill's key streets. While the findings in the General Issues report (Volume 3, Chapter 9.5) depart from using the building envelopes as the primary measure for solar access to key streets, the Committee supports using this approach in Box Hill's Central Core context. Given the existing and planned tall buildings around the SRL Station and the existing train station, a different balance between growth and solar access is necessary.

The General Issues findings that support using the spring equinox test is adopted and is consistent with the expert evidence presented for Box Hill.

Station Street

The current setting is a mix of high and low sensitivity areas, which are expected to change over time. The western footpath, which is proposed for widening, is affected by a mixed condition including a 30-metre-wide multi-lane vehicle entry, larger format hospitality frontages, residential foyers and stretches of heritage frontages. Managing solar access in this context warrants a different approach than along Carrington Road.

The Committee supports the Day 3 controls that manage additional shadow cast beyond the building envelope being the 'standard' UDR measure. This approach provides a consistent approach and appropriate balance of growth and shadow along the street. Many parts of the western footpath will receive sunlight from 11:00am on the equinox and parts of the western footpath will receive good sunlight throughout the morning where they benefit from constrained land on the eastern side.

Prioritising morning sunlight protection is a practical approach given the north-south orientation of the street and consistent with the evidence presented.

The controls are appropriately supported by decision guidelines that require a decision maker to consider how much extra shadow is created, how long it lasts, whether it can be reduced, and whether that additional shadowing would harm the usability, amenity or quality of the footpath during the relevant sunlight period.

Carrington Road

Sunlight contributes to the existing pedestrian friendly nature of Carrington Road and will remain important to its role as an activity street.

However, similar to Whitehorse Road, Carrington Road is unfavourably aligned east-west. The Central Core and the Box Hill Central strategic site forms its northern edge; therefore some shadow is inevitable in this context. The key question is what level of shadow is acceptable.

Consistent with the findings for the Linear Reserve, the extent of shadow cast by the proposed 17-metre street wall is accepted as a practical baseline condition. Any additional shadow from taller elements should be managed carefully. Applying the building envelope shadow controls in this context would not appropriately balance growth and shadow, and Council's proposal to lower building heights to the north is not supported for given the impact this would have on growth for the Box Hill Central site.

Importantly, the proposed decision guidelines provide a clear framework for assessing impacts beyond the street wall. Rather than simply checking if the street wall is exceeded, the guidelines consider how tower siting, spacing and setbacks affect the usability, amenity and activity of the footpath during sunlight hours. These performance-based controls allow for a layered assessment of public realm impacts and are preferable to mandatory provisions in an area targeted for growth.

The proposed timeframe for solar protection is supported, as it will enable sunlight access during lunchtime and facilitate sunlit footpath dining.

(iii) Finding

The Committee finds:

- The Day 3 controls appropriately minimise overshadowing and maintain solar access to key streets within the Structure Plan Area.

8.8 Conclusion and recommendations

The Committee concludes:

- The proposed measures in the draft Structure Plan and draft Amendment are generally appropriate to minimise overshadowing and maintain solar access to the public realm, but changes are needed to some of the built form controls to provide better solar access to open space and the public realm.

The Committee recommends:

- 6. Refer to Recommendation GI R27 in the General Issues report (Volume 3, Chapter 9.6). The following recommendations are made in the context of Recommendation GI R27).**

Draft Amendment

To achieve appropriate sun access for Whitehorse Road Linear Reserve:

- 7. BOX R8: Amend Built Form Overlay Schedule 5 and Precinct Zone Schedule 4 to reduce the street wall height for the section of Whitehorse Road between the new public realm and Bruce Street to a mandatory 12 metres.**
- 8. BOX R9: Amend Precinct Zone Schedule 4 to increase the minimum tower separation and setbacks above the street wall along the north side of Whitehorse Road as follows:**
 - a) to a minimum eight metres at the frontage to the new public realm**
 - b) to 16 metres between towers on the same site**
 - c) make both provisions mandatory.**
- 9. BOX R10: Amend Clause 8.0 in Precinct Zone Schedule 4 to state that a permit must not be granted to construct a building or construct or carry out works that do not comply with the solar access outcomes specified in Clause 4.0.**

To achieve appropriate sun access for Box Hill Gardens:

- 10. BOX R11: Amend Map 1 of Built Form Overlay Schedule 6 to make a new Area D as shown in Figure 5 of this report and extend Area D north to Thomas Street**
- 11. BOX R12: Amend Table 1, Standard BF02 of Built Form Overlay Schedule 6 to include a maximum building height for the new Area D which is lower than 52 metres but above 21 metres, to be determined through further analysis.**
- 12. BOX R13: Amend the provisions of Built Form Overlay 6 which limit overshadowing on Box Hill Gardens during a six-hour period from 9:00am so that the provision is mandatory.**

To achieve appropriate sun access for other parks:

- 13. BOX R14: Amend Table 1, Standard BF04 of the relevant Built Form Overlay schedule(s) to:**
 - a) ensure that buildings must not cast any additional shadow beyond that cast by the applicable street (or boundary) wall**
 - b) for a minimum of three consecutive hours between 10:00am and 3:00pm at the winter solstice:**
 - over the following public open spaces:**
 - Ellingworth Parade Open Space**
 - Linsley Street Park**
 - Brougham Street Reserve**
 - Graham Bend Park.**

14. BOX R15: Amend Table 1, Standard BF04 of the relevant Built Form Overlay schedule(s) to:

- a) ensure that buildings must not cast any additional shadow beyond that cast by the applicable street (or boundary) wall**
- b) for a minimum of three consecutive hours between 10:00am and 3:00pm at the spring equinox over the following public open spaces:**
 - **Victoria Road Reserve**
 - **Ashted Reserve**
 - **Court Street open space**
 - **Glenmore Reserve.**

15. BOX R16: Amend Map 1, Table 1 and the Urban Context Report requirements at Clause 10.0 of Precinct Zone Schedule 5 to:

- a) ensure that buildings must not cast any additional shadow beyond that cast by an 11-metre building set back by four metres from the eastern and southern boundaries**
- b) on the spring equinox between 10:00am and 2:00pm over Surrey Park and Surrey Drive.**

16. BOX R17: Amend Clause 8.0 in Precinct Zone Schedule 5 to state that a permit must not be granted to construct a building or construct or carry out works that do not comply with the solar access outcomes specified in Clause 4.0.

9 Floor Area Ratios and Voluntary Public Benefit Uplift Framework

9.1 Referred Matter

The Referred Matters are:

Whether the Floor Area Ratio (FAR) controls proposed in the draft Planning Scheme Amendment are appropriate.

Whether the proposed Voluntary Public Benefit Uplift Framework is appropriate in respect of the spatial application of the framework in Box Hill, and whether proposals meeting Environmentally Sustainable Design (ESD) requirements should be able to access the framework.

9.2 Key issues

The key issues are whether:

- the FAR controls are appropriate
- proposals which meet Environmentally Sustainable Design (ESD) requirements should be able to access the VPBUF.

9.3 Background

(i) Draft Planning Scheme Amendment

The PRZ3 sets FARs ranging from 3:1 up to 13:1. The FAR boundaries generally correspond with the spatial extents of the BFO5, BFO6 and BFO7, and the variation in FAR metrics generally reflect the different place types (building heights). The highest FARs are allocated to the Central Core, with lower FARs in the Central Flanks and the lowest FARs within the Key Movement Corridor Neighbourhood.

PRZ4 sets a FAR of 15:1 for the SDA and PRZ5 sets a FAR of 2.5:1 for the Brickworks site.

On ESD, each of the PRZ schedules include an application requirement for a Sustainable Management Plan.

(ii) General Issues conclusions

The Committee concluded in the Common Issues report (Volume 2, chapter 4) that the VBPUF is not appropriate and the FARs should not be included in the draft Amendments, until the further work recommended is completed (CI R01 and CI R02).

9.4 Evidence and submissions

The views of experts, beyond those in the General Issues report, were relatively confined.

On the spatial application, both Mr Crowder and Mr Barnes agreed the VPBUF is best applied to areas of significant and higher intensity change, with clear public benefit categories in each locale.

Mr Crowder and Mr Barnes agreed that ESD measures should be a standard requirement rather than qualify for access to the Uplift Scheme. Council and the Proponent supported this.

The Committee asked Mr Crowder whether he considered there was a strategic justification for the spatial application of the VPBUF. He was unable to cite specific references in support but maintained that it is logical to apply the VPBUF in areas where development is feasible and the associated costs are less burdensome.

The Proponent relied on Mr Crowder's evidence regarding the spatial application and ESD issues.

Various experts (and parties they gave evidence for) sought to lower the FAR to correspond with where they sought lower heights, as did Council.

9.5 Discussion

There are no precinct-specific matters that justify diverging from the comprehensive conclusions reached in the Common Issues report. No evidence or submissions satisfactorily explained or analysed how the FARs were calibrated and applied in Box Hill. The Committee was not presented with a clear methodology or explanation of how the FARs were set for specific sites.

While architectural testing of the FARs for various sites was undertaken and demonstrates how FARs and the VPBUF could work, this testing was of limited utility in understanding how the FARs were set.

There was no clear framework presented to the Committee that demonstrated how sites of various attributes were selected for higher or lower FARs. To this extent, the setting of the FARs appears to be arbitrary.

The FARs are required to support the operation of the Uplift Scheme, so without the FARs it follows that the Uplift Scheme should not be applied.

If the Committee's recommendations to not apply the FARs and the Uplift Scheme are not accepted, the Committee accepts expert views that applications compliant with ESD should not be eligible for the VPBUF.

9.6 Finding and conclusion

The Committee finds:

- In the event that Recommendation CI R01 is not adopted, in the context of Box Hill the Committee finds that proposals meeting Environmentally Sustainable Design requirements should not be eligible for the Voluntary Public Benefit Uplift Framework.

The Committee concludes:

- The FAR controls proposed in the draft Amendment are not appropriate and should not be applied. Refer to the General Issues report (Volume 3, Chapter 4).

10 Pedestrian and cycling access and infrastructure

10.1 Referred Matter

The Referred Matter is:

Whether the planning for active transport in the Box Hill Structure Plan Area is appropriate, including with respect to:

- The indicative pedestrian link over land at 20 Ashted Road
- The proposed footpath widening in central Box Hill areas
- Weather protection between Watts/Harrow Streets and the SRL East station
- The role of Nelson Road.

10.2 Key issues

The key issues are whether:

- the planning for pedestrian links is appropriate
- the planning for cycling links is appropriate
- the role of Nelson Road is appropriate
- weather protection is needed between Watts Street and Harrow Street and the SRL station.

Pedestrian and cycling infrastructure on the Brickworks site is discussed at Chapter 17.5.

The proposed footpath widening in central Box Hill areas, and ground floor setbacks along Nelson Road, are covered in Chapter 6 of this report.

10.3 Background

(i) Draft Structure Plan

The draft Structure Plan includes a range of initiatives that endeavour to influence travel behaviours through infrastructure upgrades and enhancements that promote a shift from private car travel to public and active transport. The Vision is for open spaces that make walking and cycling between new and established places more comfortable and enjoyable.

(ii) Draft Implementation Plan

The draft Implementation Plan includes objectives supported by projects that have a focus on supporting active transport across the precinct, including the pedestrian and cycling bridge over the rail line connecting Nelson Road and Thurston Street.

(iii) Draft Amendment

The draft Amendment provides for proposed key links through a range of objectives. Those links located within the BFO5, BFO6 and BFO7 areas are within the spatial extent of the VPBUF, while the links located in BFO8 are not subject to the VPBUF.

No controls require cycling infrastructure.

(iv) Other background

Technical Notes TN-BOX01

Technical Note TN-BOX01 was tabled by the Proponent and provides further information to the SRLA Position Paper – Pedestrian Connections tabled in the General Issues Hearing (PP-G02).

TN-BOX01 provides a review of pedestrian connections shown in the BFO8 but applying two criteria:

- technical reports and strategic direction
- current context and planning conditions.

The outcome of the review was to remove six 'indicative' links from Map 1 of the BFO8, being the:

- northern east-west link between Station Street and Kangerong Street
- east-west link between Watts Street and Court Street
- east-west link through the Brickworks site (this was instead identified in the PRZ5)
- north-south link between Howard Street and Alexander Street
- north-south link between John Street and Ashted Road
- north-south link at 20 Ashted Road.

Joint Expert Meeting

The Joint Expert Statement listed the following points of agreement regarding pedestrian and cycling access:

- upgrade the local walking corridor along Surrey Drive and south of Kintore Crescent to a strategic walking link and extend it to Canterbury Road
- remove pedestrian links in accordance with TN-BOX01 and the Day 1 version of the planning scheme ordinance
- remove the pedestrian link at 20 Ashted Road
- a review should be undertaken of the bicycle crossing arrangements on Station Street (strategic cycling corridor) between Cambridge Road and Harrow Street
- weather protection is not required between Watts Street, Harrows Street and the SRL station.

Points of disagreement related to:

- removing additional links further to those identified in TN-BOX01 and the Day 1 version of the planning scheme ordinance
- adding a new intersection crossing on Station Street, between Howard Street and Ashted Road.

(v) General Issues conclusion

The Committee concluded in the General Issues report (Volume 3 Chapter 9.9) that the BFO schedules are not appropriate in respect of the identification and delivery of pedestrian connections and links. It found that a review of pedestrian links is necessary to clearly identify critical links so that they can be identified in the Structure Plan and

draft Amendment to secure their delivery. Delivery and funding mechanisms also need to be confirmed.

10.4 Pedestrian links

(i) Evidence and submissions

Transport experts held differing opinions on which pedestrian links should remain.

Ms Marshall endorsed the draft Structure Plan's approach to pedestrian access which seeks to enhance the existing cycling network. She advocated for retaining most pedestrian links as aspirational rather than mandatory, particularly to address long blocks, recognising Box Hill's existing walkability.

While she suggested some links could be delivered through building interiors as in central Melbourne, Mr Sheppard considered such designs should be limited to the Central Core.

The Committee asked Ms Marshall a series of questions around link alignments, intended users and user catchments. Ms Marshall clarified that the links were assessed for general connectivity rather than detailed user analysis, viewing them as urban design enhancements rather than necessities. If the links were to be pared back, she recommended testing each one against need and nexus – whether it clearly improves safety, access or amenity – rather than assuming all are necessary.

Mr Walsh was satisfied that the planning for the active transport network was appropriate, and the strategic walking corridors were generally consistent with the Whitehorse Integrated Transport Strategy.

In reviewing the pedestrian links, Mr Walsh considered some would have permeability benefits and are realistically deliverable, while others are located where existing streets already provide adequate connectivity or delivery is impractical given current development patterns. Mr Walsh recommended:

- The strategic walking corridors should be provided with wider footpaths to encourage mode shift.
- In addition to the links identified in TN-BOX01, several other proposed pedestrian links should be removed because they are either unnecessary or unlikely to be delivered. These include links where equivalent connections already exist nearby, where streets are already designated walking corridors, or where delivery would require crossing multiple recently developed or single-lot properties, making them unrealistic in practice. These are:
 - the mid-block east-west link from Station Street to Nelson Street through Elland Avenue
 - the north-south link between Cambridge Street and Oxford Street
 - the mid-block north-south link between Market Street and Carrington Road
 - one of the north-south links between Carrington Road and Cambridge Street
 - the north-south link between Brougham Street and the Brickworks site
 - the pedestrian link between Oxford Street and Alexander Street
 - the east-west link between Graham Place and Clota Avenue
 - the updated east-west link from Graham Place to Court Street, and from Watts Street to Station Street

- the east-west link between Barcelona Street and Victoria Street.

Mr Sheppard used block length and street perimeter analysis (240 metres guided by Clause 56) to inform his classification of links. Under cross-examination, he expressed support to retain three links proposed for removal in TN-BOX01:

- the north-south link from Kent Street to Howard Street should be retained, but deleted south of Kent Street (so that it does not continue to Alexander Street)
- the north-south link between Ashted Road and John Street
- the east-west links between Kangarong Road to Station Street, but in a rationalised form.

Council supported retaining these three links.

All three traffic experts supported removal of the link at 20 Ashted Road, as did Mr Sheppard.

Mr Barnes considered that merely deleting links that are identified as impractical on further investigation, as per TN-BOX01, does not achieve the aim of increasing permeability throughout the Structure Plan Area, which was the aim of providing connections in the first instance. This justified the need for the additional work to ensure the desired increase in pedestrian permeability is achieved.

One submitter did not support the link at 20 Ashted Road, submitting that the current road network provides adequate access and it is unclear why the new link is needed. Further, the link makes it difficult for property owners to make plans.

Council submitted that the links were necessary for urban design as well as transport reasons and accepted with the analysis in the UDR supported by the evidence of Mr Sheppard.

The Proponent supported the view of the transport experts and submitted that active transport planning in the Structure Plan Area is appropriate, as is removing the six links identified in TN-BOX01.

(ii) Discussion

No evidence or submissions presented at the Box Hill Hearing support a different conclusion in relation to pedestrian links to that reached by the Committee in the General Issues report (Volume 3 Chapter 9.9). The review undertaken as part of TN-BOX01 is insufficient to address the Committee's Recommendation GI R32 for further work in relation to pedestrian links.

Given this, the Committee is constrained in drawing conclusions about individual links. However, based on the evidence, it can provide guidance on what considerations should inform the review in the precinct.

Mr Sheppard referenced Clause 56 – Walkable Block Benchmarks in analysing local links, leading him to prefer retaining some links that the Proponent had removed in the Day 1 versions of the ordinance. In contrast, Ms Marshall's evidence was that the precinct already enjoys strong functional walkability.

The Committee sees no justification for providing new pedestrian links only to increase permeability in an already walkable and established precinct, particularly where this would require acquisition or vesting of private land.

The extent of pedestrian access to open space is also a relevant consideration. As discussed in Chapter 7, not all dwellings in the Precinct will have identical levels of open space access, given the 95 per cent benchmark in Clause 56. This concept might also apply to pedestrian routes, raising the question of whether it is reasonable for every part of the Structure Plan Area to expect an equal level of walkability to open spaces.

Pedestrian links should focus on connecting destinations, such as those forming part of the open space network, the SRL station, Box Hill train station (including links between Carrington Road and Market Street), key employment and visitor locations and existing and future public open space and community facilities. Further, the delivery of covered pedestrian links requires clarification.

The only exception to the Committee's recommendation for further review is the pedestrian link at 20 Ashted Road, which should be removed, as supported unanimously by experts across multiple disciplines.

(iii) Findings

The Committee finds:

- Across all precincts, a review of pedestrian links is necessary to clearly identify which links are required. Required links should be identified within the draft Structure Plan and draft Amendment to secure their delivery. Delivery mechanisms need to be confirmed, and funding mechanisms should be confirmed as soon as possible (within 12 months). Refer to the General Issues report (Volume 3, Chapter 9.9).
- The indicative pedestrian link over land at 20 Ashted Road is not required.

10.5 Nelson Road

(i) Evidence and submissions

The evidence and submissions about Nelson Road focussed on the pedestrian and cycling bridge over the rail line connecting Nelson Road and Thurston Street (the pedestrian and cycling bridge).

Ms Marshall considered the proposed pedestrian and cycling provision along Nelson Road to be entirely appropriate given both the existing and proposed context, and consistent with the Whitehorse Integrated Transport Strategy. Mr Walsh agreed.

Under cross-examination, Ms Marshall described the pedestrian and cycling bridge as a significant link and an important connection and acknowledged that it is a complex project for which planning should commence immediately. She accepted that the Department of Transport and Planning (DTP) and the Proponent should jointly lead the project.

Mr Walsh considered the pedestrian and cycling bridge to be a key component of the Nelson Road cycling corridor. He identified numerous challenges to delivering the bridge

and noted that improvements to the broader cycling corridor will need to balance the loss of car parking with enhanced active transport routes.

Mr Barnes noted the pedestrian and cycling bridge was not shown on the maps for the PRZ3, BFO5 or Clause 11.03, which he considered it should be given it constitutes essential public realm infrastructure.

Council submitted that the bridge is essential to the success of the Structure Plan Area. It added that all experts agreed the link is crucial, and that it must be delivered and planned for in the short term as reflected in the draft Implementation Plan, planning controls and local policy. It also sought an amendment to the development objectives in Clause 1.0 of the BFO5 and BFO7 as follows:

To increase permeability and connectivity for pedestrians and cyclists, [with the creation of a new shared cycle and pedestrian bridge linking Nelson Road and Thurston Street](#), and with the creation of through block pedestrian connections to achieve a fine-grain street and laneway network.

The Combined Residents of Whitehorse Action Group Inc submitted that active transport links should be embedded in the draft Amendment, and considered the pedestrian and cycling bridge as a key priority.

The Proponent submitted that DTP should lead the pedestrian and cycling bridge project due to its complexity and the various stakeholders involved.

(ii) Discussion

All evidence and submissions unanimously agreed that the pedestrian and cycling bridge is vital infrastructure. Planning this connection will be complex, involving multiple stakeholders and requiring significant time, and further time to deliver. The Committee supports the view that planning should start now given the bridge's role in mode shift, a fundamental premise of the draft Structure Plan. The bridge should be and is identified in the Proponent's final preferred version of the controls. DTP should be the lead agency.

The Committee finds that Nelson Road's role in the draft Structure Plan is appropriate.

(iii) Findings

The Committee finds:

- The role of Nelson Road is appropriate.
- The pedestrian and cycling bridge over the rail line, connecting Nelson Road to Thurston Street, is an essential piece of infrastructure for the Structure Plan Area and is appropriately identified in the Day 3 version of the ordinance.

10.6 Planning for cycling links

(i) Evidence and submissions

Both Ms Marshall and Mr Walsh were satisfied that the planning for cycling infrastructure was appropriate but diverged in their views about additional infrastructure and what form the cycling paths should take.

Ms Marshall recommended an additional signalised pedestrian crossing across Station Street between Howard Street and Ashted Street to facilitate the pedestrian and cycling crossing movements along the local cycling corridor. She considered the existing signalised crossings were unreasonably distant (280 metres to 300 metres) from the Ashted and Howard intersection. Mr Furness agreed, but Mr Walsh did not on the basis that the crossing is not located on a strategic cycling corridor.

Under cross-examination, Ms Marshall agreed that separated bike lanes or shared paths should be provided along the strategic cycling corridors in the Structure Plan Area, but that the provision could come with a series of compromises within the road reserves that could unreasonably affect a range of stakeholders.

Mr Walsh was satisfied with the proposed cycling corridor network, which he assessed as generally consistent with the Whitehorse Integrated Transport Strategy. However, he considered that encouraging cycling requires strategic cycling corridors to include separated bicycle facilities, such as off-road paths, shared paths or on-road marked bike lanes. Under cross-examination, he clarified that he also regarded shared pedestrian environments as a form of separated cycling facility.

Council submissions repeated issues raised at the General Issues Hearing.

The Proponent agreed with Mr Walsh that strategic cycling corridors should generally have separated facilities, but submitted it is not practical or realistic to mandate at this stage of the planning process.

(ii) Discussion

The Committee finds the proposed cycling corridor network to be suitable. It maintains the findings in the General Issues report that enhancing cycling infrastructure along strategic corridors will likely encourage greater cycling participation and support the intended shift in travel modes.

The network will benefit from a new signalised crossing across Station Street between Howard Street and Ashted Road. The Committee accepts Ms Marshall's evidence that the crossing is needed to support the proposed local cycling link through this part of the Structure Plan Area.

Transport experts agreed that separated bicycle facilities, such as off-road cycle paths, shared paths, or on-road marked lanes, are the preferred outcome, however these may require trade-offs and context specific analysis. These matters require later clarification, consistent with the conclusions in the General Issues report (Volume 3 Chapter 9.9).

(iii) Finding

The Committee finds:

- A signalised crossing across Station Street between Howard Street and Ashted Road is necessary.

10.7 Weather protection

The BFO6 does not identify any weather protection along Watts Street, Harrow Street, or between these streets and the SRL station. Weather protection is provided along streets around the SRL station.

(i) Evidence and submissions

None of the traffic experts considered that weather protection in the referred location was needed. Ms Marshall's view was that weather protection was unlikely to influence walking behaviour. Mr Walsh considered Harrow Street and Watt Street as local streets which will not play a more important role in the Structure Plan Area than other local streets.

Council did not raise particular concern about this Referred Matter.

The Proponent initially misunderstood the Referred Matter as applying to weather protection along Watts and Harrow Streets, but after Committee questions accepted that it relates to weather protection for the area between the two streets. It did not provide further submissions.

(ii) Discussion

The Committee has interpreted the Referred Matter to be considering weather protection on roads between Watts and Harrow Streets and the SRL station.

The Committee accepts the evidence of all three traffic experts that weather protection is not required in this area. Weather protection is typically provided in areas with high pedestrian activity or where people are likely to rest, such as around the SRL station or along streets designated for dining, and not along local streets. The area between these two streets does not meet this description.

(iii) Finding

The Committee finds:

- Weather protection is not necessary in the area between Watts Street and Harrow Street and the SRL Station.

10.8 Conclusion and recommendations

The Committee concludes:

- The planning for active transport in the Box Hill Structure Plan Area in relation to:
 - pedestrian access and links is not appropriate for the reasons set out in the Chapter 9.9 of the General Issues report and this report in Chapter 1010
 - cycling infrastructure is generally appropriate, subject to modifications.

The Committee recommends:

17. Refer to recommendation GI R32 to GI R34 in the General Issues report.

Draft Structure Plan

18. BOX R3: In the context of Recommendation GI R32, amend the Day 2 draft Box Hill Structure Plan to:

- a) delete any reference to the pedestrian link at 20 Ashted Road**
- b) add a new signalised crossing along Station Street between Howard Street and Ashted Street.**

Draft Implementation Plan

19. BOX R4: In the context of Recommendation GI R32, amend the Day 2 draft Box Hill Implementation Plan to:

- a) delete any reference to the pedestrian link at 20 Ashted Road**
- b) add a new project for a signalised crossing along Station Street between Howard Street and Ashted Street, specifying timing of 'medium to long term', the lead agency as 'Department of Transport and Planning' and the partner agency as 'Whitehorse City Council'.**

Draft Amendment

20. BOX R5: In the context of Recommendations GI R34, amend draft Amendment C255whse to the Whitehorse Planning Scheme to:

- a) delete any reference to the pedestrian link at 20 Ashted Road.**

11 Public realm safety

11.1 Referred Matter

The Referred Matter is:

Whether the draft Structure Plan makes provision for enhancing public safety in areas where higher density development is proposed or where high levels of traffic and congestion occur.

11.2 Key issue

The key issue is whether public safety will be enhanced in higher density areas or areas where high levels of traffic and congestion occur.

Issues relating to wind are discussed in Chapter 5.11.

11.3 Background

(i) Draft Structure Plan

The draft Structure Plan includes strategies that relate to public safety relating to safe and legible street networks and an amenable public realm.

(ii) Draft Implementation Plan

The draft Implementation Plan includes actions to improve public safety generally relating to improvements to the street network. The draft Amendment includes objectives and built form standards within the proposed controls which require the creation of safe places and activated edges.

11.4 Evidence and submissions

Mr Sheppard considered that the relevant strategies relating to public safety in the draft Structure Plan have been appropriately translated into the draft Amendment.

Ms Marshall said that transport related initiatives and projects in the draft Implementation Plan have been appropriately included. Most of these projects focus improving active transport (walking, cycling and other micro-mobility uses) to better cater for vulnerable road users.

Mr Crowder largely deferred to the urban design and transport experts. He nevertheless noted that public safety is also supported through surveillance and observed that the draft Amendment will encourage appropriate streetscape activation and passive surveillance through the PRZ and BFO head clauses, as well as the BFO schedules (including requirements for active frontages and weather protection). He also noted that upgrades to the road network, including signals and pedestrian crossings proposed as part of the draft Implementation Plan for the draft Structure Plan, would contribute to improved public safety.

Mr Barnes observed that, while the draft Structure Plan includes strategies and actions relating to public safety, this has not been translated into the draft Amendment.

Council's submission on this issue was principally linked to the need for separated bicycle lanes in strategic cycling corridors.

The Proponent pointed to the numerous objectives within the draft Structure Plan that address public safety and submitted that the proposed urban design and infrastructure responses would improve pedestrian safety in high-traffic areas.

11.5 Discussion

The Committee is generally satisfied that the draft Structure Plan adequately addresses public safety and ensures that it will be enhanced over time in areas of higher density or traffic. The draft Structure Plan incorporates various measures to improve safety for pedestrians, such as activated frontages, and to manage vehicle movements, ensuring a safe and accessible public realm for all users. These have been generally translated into the draft Amendment.

The issue of separated bike lanes is addressed at Chapter 10.6.

11.6 Finding and conclusion

The Committee finds:

- The draft Structure Plan incorporates various measures to improve safety for pedestrians, such as activated frontages, and to manage vehicle movements, ensuring a safe and accessible public realm for all users. These have been generally translated into the draft Amendment.

The Committee concludes:

- The draft Structure Plan will enhance public safety in higher density areas or areas where a high level of traffic and congestion occur.

12 Land use mix and capacity

12.1 Referred Matter

The Referred Matter is:

Whether the Land Use Plan in the draft Structure Plan and relevant planning provisions provide for an appropriate land use mix across the Box Hill Structure Plan Area, including with respect to:

- The extent to which residential uses should be encouraged/discouraged in the Health and Education neighbourhood
- The extent of the Mixed Use Zone generally, particularly along Station Street and Canterbury Road
- Whether the application of the applied Residential Growth Zone at 6-8 Archibald Street (Central Flank place typology) is appropriate

12.2 Key issues

The key issues are:

- the extent to which residential uses should be encouraged or discouraged, or both, in the Health and Education neighbourhood
- whether the extent of the Mixed Use Zone generally, particularly along Station Street and Canterbury Road, is appropriate
- whether application of the applied Residential Growth Zone at 6-8 Archibald Street is appropriate.

The issue of whether the land use plan in the draft Structure Plan and relevant planning provisions establish an appropriate mix across the precinct broadly was reviewed in the General Issues Hearing in the context of land use mix and capacity. This chapter focusses on the specific areas outlined in the Referred Matter.

12.3 Background

(i) Draft Structure Plan

The Vision for Box Hill is for the precinct to continue its strategic importance as one of Melbourne's economic and lifestyle centres. The centre of Box Hill will remain the 'community heart' and the wider area will be a place of many neighbourhoods. Growth will build upon existing strengths including leveraging established health and education uses and seeking new economic opportunities.

The Land Use Plan applies priorities of:

- Health in the Health and Education Neighbourhood
- Commercial in the Central Box Hill Neighbourhood
- Mixed use around the Laburnum neighbourhood.

(ii) Draft Planning Scheme Amendment

The policy and controls have been drafted to facilitate the draft Structure Plan's aims for:

- growth in the Health and Education Neighbourhood (located in the Central Flanks built form area) and the Central Box Hill Neighbourhood (being the commercial core which comprises the Central Core and some of the Central Flank built form areas)
- residential growth along key movement corridors.

New policies seek to reinforce the aims for each neighbourhood as set out in the draft Structure Plan.

Plan Melbourne also recognises the health and education precincts of the Box Hill Institute (BHI) land and Box Hill Hospital, which are also recognised in local policy.

In the Health and Education Neighbourhood, the PRZ3 applies a tailored table of uses, includes objectives to prioritise health, education and complementary uses, and includes land use decision guidelines which include consideration of the impact of residential uses in the precinct. The BFO6 sets both a podium and tower and campus style typology for the neighbourhood.

The PRZ3 applies the C1Z to the Central Box Hill Neighbourhood (as does the PRZ4) and the MUZ along the transport corridor. Objectives for this neighbourhood include to promote significant employment and housing growth. Land use decision guidelines include consideration of the employment focus.

(iii) Technical Reports

LUSCA

The Land Use Scenario and Capacity Assessment (LUSCA) was prepared to inform the draft Structure Plan. It tested the capacity of the Structure Plan Area to accommodate the floorspace demand generated by growth projected to 2041. It recommended:

- support high-density residential and employment growth in Central Box Hill
- protect health and education uses in the Health and Education neighbourhood
- maintain residential capacity in residential areas.

Retail and Economic Report

The Retail and Economic Report was prepared to inform the draft Structure Plan. The report evaluated whether the Structure Plan Area's future retail demand can be met by the market without policy or planning changes. It recommended:

- concentrating most retail activity within the core area near the SRL station
- encouraging compact retail development
- restricting peripheral retail spread along transport corridors.

12.4 Health and education neighbourhood

(i) Evidence and submissions

Evidence

Mr Crowder saw a need for planning provisions to manage residential uses in the Health and Education Neighbourhood to support health jobs.

In forming his views, Mr Crowder relied on advice from Mr Quick as attached to his evidence which said:

- residential development in the neighbourhood should only occur if it supports health and education functions, such as key-worker housing or student accommodation
- broader housing could limit space for health and education facilities.

Mr Crowder found the way in which the draft Structure Plan described the neighbourhood as a place to 'live and work' did not match its main purpose and should be revised. Mr Barnes agreed with him.

In response to Committee questions, Mr Crowder was of the view that:

- the planning controls offer sufficient direction to prioritise health and education uses through permit requirements for accommodation and policies that discourage standard apartment developments
- the maximum FAR limits purely residential uses
- strategic land uses eligible for uplift in the neighbourhood should specifically include education and not just 'health uses', as education is a fundamental component of the area's purpose.

Mr Barnes said the neighbourhood must strongly prioritise health- and education-related activity, and warned that standard apartment development would otherwise 'creep' in. He supported retaining 'accommodation' as an allowed use but considered the PRZ3 needs to be more explicit that student accommodation and key worker housing were the preferred form of accommodation.

Mr Barnes recommended targeted refinements to the PRZ3 to:

- specify in the objectives that the 'complementary uses' envisaged are student accommodation and key worker housing
- revise the Table of Uses to not require a permit for student accommodation and key worker housing.

Mr Crowder supported these recommendations and considered the change would assist with the intended hierarchy of uses of the neighbourhood.

Prof McGauran considered that the podium and tower typology proposed for the neighbourhood (in the exhibited controls) advantages residential tower development over the typical larger floor plate and lower forms of institutional buildings. This would undesirably reduce medical and education space and employment and training options. He recommended a campus style typology along Nelson Street.

Mr Sheppard agreed with Prof McGauran and recommended raising the street wall height to 17 metres while lowering the overall building height to 41 metres. He applied this typology equally to other wide streets in the neighbourhood, specifically Elgar Road, Arnold Street and Wellington Street. Prof McGauran confirmed his support for these recommendations during cross-examination.

Council

Council submitted the proposed controls do not sufficiently prioritise medical and education uses or provide built-form settings suited to campus-style institutions in the Health and Education Neighbourhood, which is of regional significance.

Council (and Mr Barnes) sought tighter calibration of PRZ3 so health and education uses are clearly preferred and generic residential and office development does not erode long-term institutional capacity. While some limited accommodation (student and key worker housing) is appropriate, broader residential development should not be encouraged.

Council supported the campus-style typologies.

Proponent

The Proponent submitted that, subject to changes, the draft Amendment would provide sufficient guidance to ensure the aspirations of the neighbourhood are met. The proposed changes:

- change the neighbourhood description in the draft Structure Plan to not over-emphasise residential living
- amend the PRZ3 objectives to clearly prioritise health and institutional uses (but further changes to the schedule were supported)
- facilitate a campus style typology suited to health and education uses in BFO6.

(ii) Discussion

The Health and Education Neighbourhood is recognised as a regionally significant employment hub, crucial for both local and metropolitan economic growth according to Plan Melbourne and existing local policies. The LUSCA identified a risk that allowing excessive residential floorspace could undermine the area's core health and medical functions. The LUSCA recommends prioritising capacity for hospitals, tertiary education, and complementary accommodation (specifically student accommodation and key worker housing), rather than encouraging general residential development. This underscores the need for carefully calibrated planning controls to support ongoing growth in the neighbourhood.

Planning experts broadly endorsed the proposed approach to guiding residential uses, contingent on further refinement. General accommodation requires a permit and must satisfy land use decision guidelines, ensuring such uses do not become dominant. This is supported. However, the accommodation definitions should be distinguished to list key worker housing and student accommodation as Section 1 uses, aligning with recommendations from Mr Barnes and Mr Crowder.

Urban design experts agreed BFO6 should support a campus-style development typology within the neighbourhood. While land use provisions remain the primary mechanism for regulating residential floorspace, the built form parameters should enable building forms typically associated with health and education uses. At the same time, the controls should retain flexibility to allow podium and tower typologies where appropriate, including for key worker housing and student accommodation.

The Committee acknowledges Mr Crowder's proposal to include 'education' as a strategic use in the VPBUF, recognising its essential role in the neighbourhood. The reason it is not listed is unclear. In the absence of sufficient supporting evidence, the Committee is reluctant to draw any conclusions other than suggesting that the Proponent review the need to expand the eligible strategic uses in the neighbourhood, if the Uplift Scheme is retained.

(iii) Findings

The Committee finds:

- Key worker housing and student accommodation uses should be explicitly encouraged within the Health and Education Neighbourhood by not requiring a planning permit for their use and through a zone objective.
- The built form controls should allow both a campus style typology and podium and tower typology in the Health and Education Neighbourhood.

12.5 Other areas

The other specific areas listed in the Referred Matter are the extent of the MUZ and the proposed applied zone of RGZ at 6-8 Archibald Street. The scope of the issues for these areas was relatively confined.

(i) Evidence and submissions

Evidence

Attached to Mr Crowder's evidence was a memo from Mr Quick which said:

The MUZ along transport corridors is appropriate and will not create unwanted commercial sprawl. This zone primarily a residential zone, it triggers permits for large commercial activities and there is not enough market demand for large-scale commercial development in these areas.

Changing the zone at 6-8 Archibald Street from RGZ would allow scattered commercial uses and could weaken the focus of commercial activity in Central Box Hill Neighbourhood, which goes against the technical advice.

At first, Mr Crowder supported the proposed extent of the MUZ along the key transport corridors of the Structure Plan Area. He later supported Mr Barnes' position to reduce the extent of these corridors.

Mr Crowder identified that 6-8 Archibald Street forms part of an area identified in the Land Use Plan as a housing priority area. The site is in an area set away from the main transport routes which allows dwellings to sit alongside the SRL station within a high-amenity location. He supported this direction and did not see the need for more commercial zoned land within the surrounding area.

Mr Barnes deemed the proposed extent of the MUZ too broad, warning it could disperse commercial activity rather than concentrate it. He considered that much of the land mapped for MUZ, particularly along Station Street, Canterbury Road and parts of Whitehorse Road, would be better zoned RGZ to support higher-density housing while still allowing limited commercial uses at the ground floor. He supported the MUZ only where the existing land-use pattern is genuinely mixed.

Mr Barnes recommended to replace the MUZ with RGZ for the land:

- on Station Street, north and south of the Central Core
- along the south side of Canterbury Road
- along Whitehorse Road, west of Elgar Road
- south of Whitehorse Road, west of Middleborough Road.

Mr Barnes assessed 6-8 Archibald Street by considering its role within the broader area, rather than evaluating the site on its own. He considered the entire area should be

rezoned to C1Z, as this would better support mixed-use development. This change, in his view, would encourage more active ground floor uses (office and commercial) while still allowing for the construction of apartments above.

In reply, Mr Crowder maintained his view that the RGZ is appropriate but preferred the MUZ rather than C1Z if the applied zone were to change.

Submissions

Council supported replacing the MUZ with the RGZ in accordance with Mr Barnes' evidence. It adopted the consistent planning expert view that the RGZ better suits the intended land-use mix along these roads.

Council did not support changing the applied zone at 6-8 Archibald Street.

The Proponent preferred the advice of Mr Quick rather than Mr Crowder, regarding both the extent of MUZ and the applied zone at 6-8 Archibald Street as appropriate.

(ii) Discussion

The Committee supports changing the applied zone along transport corridors from MUZ to RGZ. This position aligns with both planning experts' views that commercial activities should remain focussed within the Central Box Hill Neighbourhood, which serves as the commercial core of the precinct. Allowing commercial uses to disperse along transport corridors or north of the Central Box Hill Neighbourhood could undermine the strategic goal of clustering retail and office activities around the SRL station, as recommended in technical assessments.

While transport corridors may be appropriate locations for a scattering of non-residential uses, the RGZ is already designed to permit some commercial activities adjacent to transport zones.

The Committee finds no compelling reason in Mr Barnes' evidence or Council's submission to support changing the applied RGZ on and around 6-8 Archibald Street. Changing the zone to C1Z would effectively extend the commercial core to the edge of Box Hill Gardens and no economic evidence nor technical assessment supports this. No change is supported.

(iii) Finding

The Committee finds:

- The applied Mix Use Zone should be changed to the Residential Growth Zone for the following areas:
 - land on Station Street to the north and south of the commercial core of Box Hill (other than land currently zoned industrial)
 - land along the south side of Canterbury Road.
 - land along Whitehorse Road, west of Elgar Road
 - land to the south of Whitehorse Road, west of Middleborough Road.

12.6 Conclusions and recommendations

The Committee concludes:

- The Land Use Plan in the draft Structure Plan and relevant planning provisions generally provide for an appropriate land use mix across the Box Hill Structure Plan Area subject to the modifications recommended in this report.

The Committee recommends:

Draft Amendment

21. BOX R18: Amend Clause 2.0 in Precinct Zone Schedule 3 to encourage key worker housing and student accommodation uses in the Health and Education

Neighbourhood by:

a) adding a new use and development objective:

To prioritise health, education and complementary uses (student accommodation and key worker housing for health professionals) in Area 4 of the Use and development framework plan (Map 1) to support the growth of the Box Hill health and education precinct.

b) listing 'group accommodation' and 'residential building' at a Section 1 use

c) listing 'dwelling' as a Section 2 use.

22. BOX R19: Amend Clause 6.0 in Built Form Overlay Schedule 3 by adding the following development objective:

To support a medium-rise campus-scale built form that responds to street widths and showcases excellence in health and education facility design in Area E: Health and Education Precinct.

23. BOX R20: Amend Clause 3.0 in Precinct Zone Schedule 3 to change the applied zone from Mixed Use Zone to Residential Growth Zone for the following areas:

- a) land on Station Street to the north and south of the commercial core of Box Hill (other than land currently zoned industrial)**
- b) land along the south side of Canterbury Road.**
- c) land along Whitehorse Road, west of Elgar Road**
- d) land to the south of Whitehorse Road, west of Middleborough Road.**

13 Car parking availability and rates

13.1 Referred Matter

The Referred Matter is:

- Whether the car parking rates as set out in the Parking Plan for Box Hill are appropriate, including to encourage a shift towards more sustainable transport modes.
- Whether sufficient car parking availability (including on-street and public car parking availability) will be provided having regard to potential additional parking demand (particularly in the Health and Education Neighbourhood).

13.2 Key issues

The key issue is whether:

- the car parking rates are appropriate and encourage a shift towards more sustainable transport modes
- sufficient car parking availability will be provided having regard to potential additional parking demand (particularly in the Health and Education Neighbourhood).

13.3 Background

(i) Draft Structure Plan

The draft Structure Plan includes objectives and strategies around limiting the supply of car parking in new developments, facilitating cycling and improving on-street parking management to optimise streets for walking and cycling.

(ii) Draft Planning Scheme Amendment

Precinct Parking Plan

The Parking Plan is proposed as a background document listed at Clause 72.08. It informed the application and drafting of the Parking Overlay schedules and future actions around car parking.

Parking Overlays

Two Parking Overlay schedules (PO4 and PO5) are proposed for most Structure Plan Area land, excluding the PUZ, SUZ and PPRZ zones. Specifically:

- PO4 covers Area A near the SRL station, setting maximum parking rates and permit triggers and specific rates for dwellings, student accommodation, offices, retail and supermarkets
- PO5 applies to Area B, setting minimum and maximum rates and permit triggers for dwellings, student accommodation, and supermarkets
- both overlays share objectives and decision guidelines, with added provisions (Day 1 controls) allowing reduced or deferred car parking through alternative arrangements.

The PRZ schedules require the preparation of Green Travel Plans.

(iii) Draft Implementation Plan

The draft Implementation Plan includes two actions related to the recommendations of the Parking Plan, being to review the PO schedules every five years (Action 18.3) and to develop an on-street parking management policy that supports land use and accessibility changes over time (Action 18.4).

(iv) Joint Expert Meeting

Points of agreement between the experts regarding carparking availability and rates were:

- the proposed parking rates are not aggressive and will not significantly contribute to mode shift
- PO extents and parking rates should be reviewed at least every five years (this is consistent with the Committee's findings in the General Issues report)
- hospital car parking rates will be appropriately dealt with by Clause 52.06, though Mr Walsh initially sought for the PO4 to specify rates for 'hospital' and 'medical centre' uses
- the decision guidelines for car parking plans in the PO4 and PO5 (Day 1 controls) are appropriate
- the PO5 design standards relating to dedicated parking for car charging stations and accessible short term temporary parking in drop off and pick up zones should be deleted.

Points of disagreement were:

- including minimum rates for office, shop and restaurant in the PO5
- increasing the threshold to prepare Green Travel Plans for dwellings, leisure and recreational developments and removing the requirement for childcare centres and kindergartens
- increasing the extent of the PO4
- removing minimum car parking rates for residential uses from the PO5 to encourage mode shift and reduce car parking.

(v) Planning Scheme Amendment VC277

The Committee in the General Issues report (Volume 3, Chapter 8.7) discusses the impacts of Amendment VC277 (gazetted on 18 December 2025) on the proposed Parking Overlay schedule rates. Amendment VC277 introduced new car parking provisions in the Victoria Planning Provisions. The new rates are tailored based on the Public Transport Accessibility Level (PTAL) mapping for an area.

The Committee identified that while the Parking Overlay rates differ to Amendment VC277, the Committee is satisfied that the parking rates were developed based on precinct-specific assessments and were subject to peer review and critique and found to be satisfactory.

(vi) General Issues conclusion

The Committee concluded in the General Issues report (Volume 3, Chapter 8.7):

- the car parking rates set out in the Parking Overlay schedules are generally satisfactory
- car parking rates should be reviewed at least every five years
- setting mode shift targets is appropriate
- the draft Amendment should include active travel mode shift targets, and a review and monitoring strategy to ascertain if sustainable transport modes are being realised.

Matters relating to acceptability of car parking rates generally are therefore not repeated here.

13.4 Car parking rates

(i) Evidence and submissions

Evidence

Ms Marshall generally supported the car parking rates, subject to changes to the PO5.

Ms Marshall recommended that the PO5 include minimum parking rates for office, restaurant and shop uses because the default Clause 52.06 rates are too high given the Structure Plan Area's proximity to train stations. Otherwise, most applications would need dispensations to lower the provision, which she considered unnecessary, time-consuming and a deterrent to development. She noted the rates could be refined over time. Her recommended rates were adopted in the Day 2 version of the PO5 and carried through to the Day 3 controls. Mr Furness supported this, and while Mr Walsh initially agreed, his position changed at the conclave.

Mr Walsh opposed zero minimum rates for shops and restaurants, preferring a minimum of 1.0 space per 100 square metres to ensure parking for operators. Dispensations were available if fewer spaces were needed, which he did not consider a deterrent.

Mr Walsh also initially sought that minimum parking rates for medical centre and hospital uses be included in the PO4, but later agreed at the transport expert meeting that hospital parking should be managed under Clause 52.06 and no changes to the PO4 were required.

Mr Furness considered the minimum car parking rates for residential uses should be removed from the PO5 to encourage mode shift and reduce car parking. Ms Marshall and Mr Walsh supported deferring consideration of these rates until the five-year review.

Mr Furness recommended that the PO4 extent cover more areas close to central Box Hill, based on proximity to key land uses and public transport. He observed the PO extents seem to follow proposed building heights rather than actual transport accessibility. In reply, Ms Marshall acknowledged scope for change but supported deferring its consideration until the five-year review.

Mr Furness found the thresholds for preparing Green Travel Plans were too low and onerous for small scale proposals. He recommended raising the thresholds for dwellings, retail premises, offices and leisure and recreation uses, and removing the requirement for

childcare centres and kindergartens. In reply, Ms Marshall saw the Plans as important tools to increase awareness of and encouraging mode shift, including for these sites.

The transport experts all agreed that the Parking Overlay schedules should be reviewed every five years. A related action was listed in the Day 3 draft Implementation Plan as a short-term action for Council to lead.

Submissions

Council submitted two matters of contention regarding the PO:

- the PO should apply to all institutional land zoned PUZ, as a PO currently applies to these sites
- a minimum rate of 1.0 space per 100 square metres of leasable floor area should apply for shop and restaurant uses, as per Mr Walsh's recommendation at the traffic expert meeting.

The Proponent deferred to the General Issues Hearing on the topic of mode shift, which it characterised as 'thoroughly ventilated'.

The Proponent supported the parking rates set out in the Parking Plan and said they were appropriate. It explained the rates are premised on mode shift from 2026 onwards, with the expectation that they are reviewed particularly as the SRL East project is delivered. The Parking Precinct Plan should be monitored and reviewed to ensure its aims and objectives continue to be met.

(ii) Discussion

Mode shift was comprehensively addressed during the General Issues Hearing and no precinct-specific matters were raised that would warrant a different finding or conclusion to those in the General Issues report (Volume 3, Chapter 8.7).

The Committee accepts that the proposed PO schedules are generally appropriate, as agreed by the transport experts. Where the experts did not agree, the Committee:

- supports Ms Marshall's view on minimum car parking rates for office, restaurant and shop uses, with specified rates in the PO5 and any variations to be considered at application stage. Adjustments can occur through the five-yearly review
- considers future parking rates on PUZ land, including hospitals, can be managed by the 'to the satisfaction of the responsible authority' test in Clause 52.06.

The PO should not apply to PUZ land. No questions were put to any experts about this. The rates in the Planning Scheme will apply to these sites which Ms Marshall assessed were adequate.

The Committee agrees with Ms Marshall that other issues raised by the traffic experts can be addressed as part of the five-yearly review, considering change in accessibility and activity over time. This includes:

- the extent of the PO4, and whether it could encompass more areas closer to the Central Core
- the residential car parking rates and whether lower rates could assist with mode shift.

The Committee accepts Ms Marshall's view that Green Travel Plans are important to encourage mode shift. Mr Walsh did not consider otherwise. There is no basis for changing the threshold. The Committee notes the Green Travel Plan requirements in the PRZ5 were not in dispute between Phileo and the Proponent.

(iii) Findings

The Committee concludes:

- The proposed car parking rates are generally appropriate but should be reviewed as part of each five-yearly review to ensure they are set at an appropriate rate to encourage a shift towards more sustainable transport modes as noted in the General Issues report (Volume 3, Chapter 8.7).
- The proposed threshold for the preparation of a Green Travel Plan is appropriate.

13.5 Car parking availability

(i) Evidence and submissions

Ms Marshall found the parking provisions in the draft Amendment to be suitable, noting the existing parking supply, the policy shift towards more efficient use of parking rather than expansion, and that changes will occur gradually over time and be monitored. The parking controls are discretionary and location-specific, with minimal parking encouraged in central Box Hill and on-street parking managed to prioritise essential needs.

She noted that in the Health and Education Neighbourhood, changes to parking will be limited, with major institutions (BHI, Box Hill Hospital, Epworth and Eastern Health) largely retaining current arrangements and improved walking and cycling infrastructure expected to offset any loss of on-street parking.

Mr Walsh did not directly address the issue of car parking availability in his evidence, other than the car parking rates for hospital uses, as discussed in Chapter 13.4.

The Proponent submitted that there is sufficient car parking availability within the Structure Plan Area, even when considering potential additional car parking demand. It relied on the evidence of Ms Marshall.

Council did not raise any concerns about the car parking availability.

(ii) Discussion

The Committee is satisfied that there will be sufficient car parking availability (including on-street and public car parking availability) after the draft Amendment is implemented, having regard to potential additional parking demand. It accepts the reasoning of Ms Marshall that the car parking availability in the Health and Education Neighbourhood will be adequate. This area will accommodate workers, residents and visitors to the education and health institutions, many of which will retain current parking rates.

The draft Implementation Plan action to develop an on-street parking management policy will enable response to the evolution of the precinct.

(iii) Finding

The Committee finds:

- Car parking availability in the Health and Education Neighbourhood will be adequate. This area will accommodate workers, residents and visitors to the education and health institutions, many of which will retain current parking rates.

13.6 Conclusions

The Committee concludes:

- The proposed car parking rates as set out in the Precinct Parking Plan for Box Hill are generally appropriate subject to the modifications recommended in the General Issues report.
- Sufficient car parking availability will be provided having regard to potential additional parking demand.

14 Community infrastructure

14.1 Referred Matter

The Referred Matter is:

Whether the planning for community infrastructure in the Box Hill Structure Plan Area is appropriate, having regard to the needs of future residents, visitors and employees

14.2 Key issues

The key issues are whether:

- the timing of community infrastructure planning is appropriate
- the provision of community infrastructure is appropriate.

14.3 Background

(i) Draft Structure Plan

The Vision for Box Hill includes that community amenities are needed to enhance the quality of life for the growth of the Box Hill community. The draft Structure Plan depicts community infrastructure 'opportunity areas' and includes strategies to support:

- a new multipurpose community hub, ideally located around the SRL station
- maternal and child health services, preferably co-located with other services
- a new district library located centrally and co-located with other community facilities.

Other strategies have been translated into actions in the draft Implementation Plan, as listed below.

(ii) Draft Implementation Plan

Several project actions relate to community infrastructure:

- Action 5.1 is to work collaboratively to confirm the form and location of community infrastructure and deliver new and enhanced community infrastructure.
- Project A.10 is land for, and construction of, a new multipurpose community hub and library.
- Projects A.11 and C.8 are for a new district indoor sports and recreation facility.
- Action 6.4 is to investigate opportunities to improve public access to large restricted and private active, passive and informal open spaces.

(iii) Background assessments

Community Infrastructure Needs Assessment

The Community Infrastructure Needs Assessment (CINA) conducted a qualitative and quantitative analysis of existing community infrastructure and projected future needs of the Structure Plan Area population as it grows to 2041. It recommended provision for:

- one centrally located, multi-purpose community hub anchored by a new library, with the final size to be refined through detailed design – two central sites were identified as potential locations
- one large indoor sports facility with five or more courts to serve Box Hill and Burwood, with possible locations at Surrey Park or Thurston Street.

(iv) Common Issues conclusion

The Committee concluded in the Common Issues report (Volume 2, Chapter 6) that the planning for community infrastructure is not appropriate and does not sufficiently cater for the needs of future residents, visitors or employees and further work is required.

14.4 Evidence and submissions

Evidence

Mr De Silva considered the draft Amendment and draft Structure Plan adequately plan for community infrastructure and supported the secondary review process recommended by Mr Crowder to refine project details based on work in the CINA, informed by further assessment.

Mr De Silva supported the CINA recommendations, considering them suitable for the projected population growth, housing in the Structure Plan Area and its 1.6-kilometre catchment. He considered the recommendations in the CINA would meet local infrastructure needs over the lifespan of the structure plan and enable future district and regional planning.

Ms Maddock found that existing infrastructure in the Structure Plan Area and surrounds cannot support the projected population growth and increased demand for sports and recreation in the area. In addition to her concerns about the methodology adopted for the CINAs discussed in the Common Issues report (Volume 2 Chapter 6), Ms Maddock considered that the Box Hill CINA recommendations fall short of meeting future needs, particularly for indoor and outdoor sport and aquatic centres.

Ms Maddock noted that current facilities in the area are already at or near capacity, and that population growth from the Structure Plan Area will intensify demand. Council studies recommended upgrades and expansions based on existing population projections, but these did not take Structure Plan Area growth into account.

Using the CINA's catchment, demographic data and population projections, Dr Kerkin identified that the Box Hill precinct population will include residents, tertiary students, older people and workers. Social trends indicate a relatively disadvantaged community, with many low-income households, recent arrivals and vulnerable children. Existing facilities, like Box Hill Library, neighbourhood house and creative spaces, are inadequate, either due to their condition or capacity. The number of young children is projected to rise sharply, resulting in a significant shortfall in services adding to existing unmet need, which the CINA had not addressed.

Submissions

Consistent with submissions made in the General Issues hearing (and discussed in Chapter 6 of the Common Issues report), the Combined Residents of Whitehorse Action Group Inc emphasised that reserving land for community infrastructure is a fundamental aspect of effective long-term planning and should be addressed in the current Structure Plan. The Group said that securing sites now would ensure acquisition at current land values, rather than at potentially higher prices after land is rezoned for redevelopment in accordance with the draft Structure Plan.

Council submitted that the draft Structure Plan and draft Amendment do not appropriately plan for community infrastructure. Its position presented at the General Issues Hearing remained unchanged.

The Proponent maintained the same position about planning for community infrastructure as it did for public open space, being that the draft Amendment deals with the planning appropriately. It submitted it was not the Committee's role to make recommendations about the form, size or location of community infrastructure.

14.5 Discussion

Consistent with the Committee's findings in the Common Issues report, the current planning for community infrastructure in Box Hill is not appropriate and risks undermining liveability and the achievement of the vision and objectives in the draft Structure Plan.

The need for timely planning for community infrastructure in Box Hill is particularly urgent. Box Hill, as a mature Metropolitan Activity Centre, faces significant redevelopment pressures, perhaps more than any other SRL East precinct. This intensifies the likelihood of rising land values and acquisition challenges discussed in the Common Issues report.

The failure to identify locations, sizes and types of community infrastructure required in Box Hill undermines the precinct's vision, especially as evidence shows the current population is underserved in terms of community infrastructure, and anticipated growth facilitated by the draft Amendment will intensify pressure on already strained services unless upgrades or expansions are made.

Evidence from Ms Maddock and Dr Kerkin provides robust qualitative and quantitative support for specific community infrastructure recommendations in Box Hill. They made detailed recommendations on sports facilities, community hubs, and library and kindergarten needs for the future Structure Plan Area population.

Notwithstanding the detailed assessment undertaken by Ms Maddock and Dr Kerkin, the Committee is not in a position to make specific findings on the locations, sizes and types of community infrastructure needed in Box Hill. Further analysis is needed that addresses the methodological shortcomings identified in Chapter 6 of the Common Issues report.

Proposed planning policy seeks to cement Box Hill's role as a regional centre for social, educational, cultural and recreational activity. It will have a significant worker population

and is likely to also have a significant number of visitors. Consistent with the Committee's findings in Chapter 4.5 of the Common Issues report, it is essential that the assessment of community infrastructure needs in Box Hill accounts for both the anticipated worker population and the anticipated visitor population.

14.6 Findings and conclusion

The Committee finds:

- The timing proposed for the detailed planning of community infrastructure in Box Hill is not appropriate and risks undermining liveability and the achievement of the vision and objectives in the draft Structure Plan.
- The current planning for community infrastructure in Box Hill is not adequate.

The Committee concludes:

- The planning for community infrastructure in the Structure Plan Area is not appropriate and does not have sufficient regard to the needs of future residents, visitors or employees. Further work is required. Refer to Chapter 6 in the Common Issues report.

15 Draft Implementation Plan

15.1 Referred Matter

The Referred Matter is:

Whether the approach to implementing the actions and projects contained in the draft Implementation Plan for Box Hill and the timing and pathways for their implementation are appropriate for the purposes of the draft Structure Plan.

15.2 Key issue

The key issue is whether the approach to implementing the actions and projects contained in the draft Implementation Plan for Box Hill and the timing and pathways for their implementation are appropriate, including in relation to:

- the bus interchange
- the Linsley Street cycling project
- the Bruce Street cycling project.

15.3 Background

(i) Draft Structure Plan

The Vision includes aims for green streets, open spaces and comfortable walking and cycling spaces.

(ii) Draft Implementation Plan

Various actions and projects are listed in the draft Implementation Plan which are generally consistent with the recommendations of the Transport Technical Report and include:

- investigate improvements to the Box Hill bus interchange (the bus interchange investigation)
- new cycling infrastructure along Linsley Street between Whitehorse Road and Bank Street (the Linsley Street cycling project)
- new cycling infrastructure along Bruce Street between Irving Avenue and Whitehorse Road (the Bruce Street cycling project)
- deliver wayfinding improvements between the different modes of transport within the Structure Plan Area (wayfinding improvements action).

(iii) Draft Amendment

The only project from the draft Implementation Plan that is shown in the controls is the new pedestrian and cycling link over the Lilydale Line that is identified in PRZ3 (but not in the BFO schedules).

(iv) Other background

SRL East Project Environmental Effect Statement

The Minister's Assessment of the Environmental Effects Statement (EES) for the SRL East Project includes references to two actions listed in the draft Implementation Plan.

The Minister encouraged Department of Transport and Planning (DTP) and the Proponent to progress with assessing, planning and delivering any necessary upgrades or relocation of the bus interchange. Issues were identified with the poor connectivity and amenity of the existing interchange.

The Minister supported the Proponent delivering cycling infrastructure along Linsley Street as part of the SRL Project to connect to the C1 Box Hill to Ringwood corridor.

Impact Assessment Summary – Traffic and Transport

The Impact Assessment Summary that informed the EES found the SRL station will significantly increase demand and pressure on the existing bus interchange because many passengers will transfer between buses, rail and the SRL, driving a large increase in interchange movements.

(v) Joint Expert Meeting

Points of disagreement were whether the Proponent should be the lead for the:

- bus interchange
- Linsley Street cycling project
- Bruce Street cycling project.

(vi) Common Issues conclusion

The Committee concluded in the Common Issues report (Volume 2, Chapter 5) that the approach to implementing the actions and projects in the draft Implementation Plans and the timing and pathways for their implementation is not appropriate, and that the Implementation Plans require significant amendments. Further review of the Implementation Plans is required once the further work recommended by the Committee is complete. The Proponent must ensure appropriate support and commitment from key stakeholders in relation to the actions and key projects in the Implementation Plans.

15.4 Evidence and submissions

Evidence

Ms Marshall's view was that the bus interchange investigation should remain DTP's responsibility, because it is an existing public transport asset managed by DTP.

Under cross-examination, Ms Marshall was referred to the various references to the bus interchange found in the Minister's EES Assessment and she:

- agreed the bus interchange is problematic and that relocation, not just investigation, should be considered
- accepted both the Proponent and DTP should lead the project but rejected the Proponent taking primary responsibility, as issues with the interchange pre-date the SRL Project and sat squarely with DTP.

Under re-examination, Ms Marshall stated she considered the Environmental Performance Requirements of the EES contemplate both relocating the interchange and keeping the interchange in the same location paired with improved pedestrian connectivity.

Mr Walsh took the view that the bus interchange investigation should be the joint responsibility of DTP and the Proponent. He found justification in the transport modelling completed for the SRL East Project EES which projected a reasonable level of patronage transfer between the SRL station and the bus interchange.

Mr Walsh recommended the Proponent lead delivery of the Linsley Street cycling project, consistent with the Minister's EES Assessment. Council supported this.

Mr Walsh said the Bruce Street cycling project should be led by the Proponent given it is part of the station construction is the nominated cycling route to the new station, which will include a bicycle hub.

Submissions

One submitter expressed a view that the bus interchange investigation is a critical component of Box Hill's public transport network, and its significance will only grow with the introduction of the SRL stations. They expressed concern that the existing facility is dependent on private ownership, delivers a poor experience for passengers and exacerbates traffic congestion. They considered a new and reliable interchange should be provided.

Council requested that the Proponent and DTP jointly lead the bus interchange investigation to relocate the interchange.

Council submitted that the bus interchange investigation is a critical Structure Plan Area project that the Proponent has effectively sidelined, despite long-standing evidence that relocation, not just upgrades, should be investigated. It submitted that the Proponent is already required under the SRL EES Environmental Performance Requirements to do this and that structure planning is the right (and overdue) stage to properly address future connectivity and mode-shift outcomes.

The Proponent submitted:

- the draft Implementation Plan appropriately leaves the bus interchange investigation to DTP as the responsible authority, with the Proponent's role limited to meeting its environmental obligations as part of the SRL East Project to assess pedestrian access or potential relocation rather than delivering broader interchange upgrades
- it accepted responsibility for the Linsley Street cycling project
- Bruce Street is located outside of the SRL Main works program and is a local road so Council should remain the lead.

15.5 Discussion

The Committee concluded in the Common Issues report (Volume 2, Chapter 5) that the approach to implementing the actions and projects in the draft Implementation Plans and the timing and pathways for their implementation is not appropriate, and that the

Implementation Plans require significant amendments. Further review of the Implementation Plans is required once the further work recommended by the Committee is complete (see recommendations CI R16 to CI R20).

In the context of Recommendations CI R16 to CI R20 and the further review of the Implementation Plans, the Committee discusses the actions and projects which were in dispute.

The bus interchange

No party disputed the need to investigate improvements to the bus interchange. The point of contention concerned the extent of the Proponent's involvement in the project.

DTP should remain as the Lead for the bus interchange project. The bus interchange is a DTP Asset. DTP also has statutory responsibilities in managing the interchange under the *Transport Integration Act 2010* that do not apply to the Proponent.

The Linsley Street cycling project

The draft Implementation Plan appropriately identifies the Proponent as responsible for delivering the Linsley Street cycling project, consistent with the SRL EES Environmental Performance Requirements endorsed by the Minister's EES Assessment. This was accepted by the Proponent.

The Bruce Street cycling project

Council should remain the lead for the Bruce Street cycling project. Bruce Street is a Council road located outside the SRL main works area.

15.6 Findings

The Committee finds:

- The approach to implementing the actions and projects in the draft Implementation Plans and the timing and pathways for their implementation is not appropriate.
- Regarding the actions and projects in the Box Hill Implementation Plan that were in dispute:
 - DTP should lead the bus interchange project.
 - The Proponent should lead the Linsley Street cycling project.
 - Council should remain the lead for the Bruce Street cycling project.

15.7 Conclusion

The Committee concludes:

- The approach to implementing the actions and projects in the draft Implementation Plan and the timing and pathways for their implementation is not appropriate. Refer to Chapter 5 in the Common Issues report.

16 Strategic sites

16.1 Referred Matter

The Referred Matter is:

Whether the identification and treatment of strategic sites in the Box Hill Structure Plan Area are appropriate, including with respect to the Former Box Hill Brickworks site, and whether additional sites should be considered as strategic sites such as:

- Land bound by Maroondah Highway / Whitehorse Road (to the north), the railway corridor (to the south), Middleborough Road (to the east), and Linsley Street (to the west)
- Box Hill institute (853 Whitehorse Road, 16-18 Spring Street, 1000 Whitehorse Road, 465 Elgar Road and 466 Elgar Road)
- 16-28 Nelson Road
- 11-13 Irving Street and 9-11 Bruce Street
- Zetland Road.

16.2 Key issues

The key issues are whether:

- the identification of strategic sites in Box Hill is appropriate
- additional sites should be identified as strategic sites, including referred sites.

16.3 Background

(i) Draft Structure Plan

The draft Structure Plan describes the intent and location of strategic sites in Box Hill:

Strategic sites have been identified throughout the Structure Plan Area based on the opportunities they present to accommodate significant growth or their strong potential to help deliver policy objectives or public benefit.

To capture these opportunities, strategic sites may be subject to detailed master planning in future. The master planning process allows for better management of site-specific and offsite impacts, while providing flexibility to test potential design options and fully consider matters that may only be known closer to the time of the site's development. The context and characteristics of the strategic site will dictate the exact planning process required to achieve the desired outcomes.

The strategic sites identified in the Structure Plan Area are:

- SRL SDA
- Box Hill Central
- Former Box Hill Brickworks
- Box Hill Institute of Tafe – Elgar Campus
- Box Hill Institute of Tafe – Nelson Campus
- Box Hill Hospital
- Epworth Eastern
- Uniting AgeWell Box Hill.

(ii) Draft Amendment

Clause 11.03-6L-034 (Box Hill SRL East Structure Plan Area) includes strategies to:

Encourage residential growth through increased built form scale. This includes significant housing growth around the SRL station, within Central Box Hill Neighbourhood and on strategic sites; high housing growth along Whitehorse Road/Maroondah Highway, Station Street and Canterbury Road and in the north of Surrey Park Neighbourhood; and medium housing growth on residential land elsewhere.

Strategic sites are identified on the Box Hill SRL East Structure Plan Area Map in Clause 11.03-6L-03.

The SDA (PRZ4) and the Brickworks site (PRZ5) both have site-specific PRZ schedules which 'switch on' the master planning requirements of the Precinct Zone parent clause. The remaining sites are identified in Map 1 of the PRZ3 and are not subject to master planning requirements.

The PRZ3 refers to strategic sites within the decision guidelines:

The suitability of Strategic Sites identified on the Use and development framework plan (Map 1) to accommodate substantial redevelopment and intensification, including making significant contributions to the delivery of nominated public benefits.

There is no reference to strategic sites within the exhibited BFO schedules. The Day 1 version of BFO5 and BFO6 proposed additional decision guidelines regarding Building form, including:

For strategic sites, or development that exceeds preferred building height and minimum setbacks, demonstration of design excellence through high-quality architecture, landscape architecture and urban design for the site as supported, where required, by an independent design review that endorses the proposed outcomes for the site.

For sites that are not strategic sites, or development that does not exceed preferred building height and minimum setbacks, demonstration of high-quality design through architecture, landscape architecture and urban design.

(iii) General Issues conclusion

The Committee identified some significant shortcomings in the approach to strategic sites in the General Issues report (Volume 3, Chapter 9.3).

16.4 Evidence and submissions

The Proponent submitted that it is appropriate to continue to identify the following sites as strategic sites:

- SDA – for the opportunity to support the SRL station and mixed-use development
- Box Hill Central – existing shopping centre with capacity to deliver diversity of land use, new links and an enhanced public realm
- Epworth Eastern – health facility with potential for expansion
- Box Hill Institute of TAFE – Elgar Campus (466 Elgar Road only) – for the opportunity to support education and employment uses
- Brickworks site.

No party disputed these designations.

There were differing views, however, as to whether the land at 16-18 Spring Street, Box Hill (which forms part of the BHI land) should be designated as a strategic site.

Other land considered for a strategic site designation included:

- the Uniting AgeWell site
- Box Hill Institute of TAFE - Whitehorse Campus at 1000 Whitehorse Road
- 16-28 Nelson Street (the RSL site)
- 11-13 Irving Street and 9-11 Bruce Street (the Cubick land)
- Zetland Road
- land bound by Maroondah Highway/Whitehorse Road (to the north), the railway corridor (to the south), Middleborough Road (to the east), and Linsley Street (to the west) (the Investigation Area).

Evidence

The planning experts had differing opinions on which sites should be designated as strategic sites. The most divergent views were about the BHI sites and sites not identified in the Day 3 controls.

Both Mr Crowder and Mr Barnes recognised that there was scope for strategic sites to be excluded from the draft Amendment. Nonetheless, along with Mr McBride-Burgess, they provided input on which sites should be designated as strategic sites.

The Day 3 controls incorporated Mr Crowder's assessment, which was based on site complexity for strategic site designation. He recommended:

- removing the Uniting AgeWell site due to redevelopment potential being constrained by its abuttal to Box Hill Gardens
- designating 16-18 Spring Street as a strategic site, with the DPO8 retained and the BFO6 and VPBUF removed (as the approved development plan already provides education use public benefits)
- excluding Zetland Road, the Cubick land, and the RSL site from the strategic sites designation.

In relation to how strategic sites are treated in the draft Amendment, Mr Barnes formed the following views:

- with the exception of the SDA and Brickworks site, strategic sites generally lack specific statutory controls
- institutional sites in a PUZ or owned by institutions for core health or education purposes, should not be designated as strategic sites (a position shared by Mr Crowder, the Proponent, and Council).

Mr Barnes opposed strategic site designation for 16-18 Spring Street and considered that removing the VPBUF from the site represented a lost opportunity to secure public benefits if it remains in the PRZ3 rather than the PUZ, a position also held by Council. He considered neither of the BHI Elgar Campus sites should be strategic sites, while supporting strategic site status for the RSL site due to its size.

He recommended that the Investigation Area be earmarked for future master plan designation, given its potential to reinforce the boulevard character at the eastern end of the Structure Plan Area and accommodate greater height than proposed (this was not supported by Mr Crowder or Council).

Mr McBride-Burgess provided planning evidence in relation to the 16-18 Spring Street and RSL land. He emphasised the importance of the land for education, health, and community services in the precinct and that the planning controls should reflect this. He

recommended strategic sites designation for 16-18 Spring Street and that its existing controls (MUZ and DPO8) not be altered to ensure continued support for large-scale, education-focused redevelopment. He said the DPO, which requires a master plan, justifies strategic sites designation.

A further recommendation of Mr McBride-Burgess was strategic site designation for the RSL site due to its size and significant potential for housing growth or public benefit.

In terms of the Brickworks site, all planning and urban design experts agreed that it qualifies as a strategic site, meeting nearly all of the relevant criteria including scale, single ownership, housing capacity and complex heritage and environmental factors.

Submissions

The owners of the RSL land and BHI land relied on the evidence of Mr McBride-Burgess and submitted:

- the RSL site is a good strategic site candidate given its large size and context
- all five BHI sites should be designated as strategic sites for consistency
- the land at 466 Elgar Road should retain its current zoning (RGZ) and not be subject to the VPBUF.

The Surrey Hills and Mont Albert Progress Association acknowledged that a master plan is not appropriate for the Zetland Road area, after having earlier considered otherwise.

One submitter rejected the Investigation Area for special treatment and others expressed a combination of support and opposition to proposed building height changes in Bishop Street.

Council submitted that, aside from the SDA and Brickworks sites with specific PRZ schedules, other strategic sites lack distinct roles in the Structure Plan Area. Council further stated that many are institutional PUZ uses, like hospitals and BHI sites, and should not be classified as strategic sites.

Further, Council requested to:

- remove the strategic site designation of the Uniting AgeWell land
- retain 16-18 Spring Street under its current controls
- not designate any additional strategic sites.

In response, the Proponent submitted that the size of the RSL site does not justify strategic site designation and that proposals exceeding standards can be addressed through the planning permit process.

The Proponent opposed further investigation or strategic site designation for the Investigation Area, considering the proposed frameworks sufficiently support growth without needing additional planning guidance.

16.5 Discussion

The Committee identified some significant shortcomings in the approach to strategic sites in the General Issues report (Volume 3, Chapter 9.3). That discussion is not repeated here. Recommendations GI R20 to GI R23 address these shortcomings and apply equally to the strategic sites in Box Hill as those in other precincts.

The Committee is therefore not in a position to reach a finding on whether any of the specific sites in the Box Hill Referred Matter should be identified as Strategic Sites.

16.6 Findings and Conclusion

Based on its findings in the General Issues report (Volume 3, Chapter 9.3) the Committee finds:

- The function of Strategic sites is uncertain and ambiguous.
- It is unclear how Strategic sites are expected to deliver land use or built form outcomes that are otherwise provided for in policy, the Precinct Zone schedules and Built Form Overlay schedules.
- As proposed, the designation of Strategic sites serves no practical purpose.
- The Committee is therefore not in a position to reach a finding on whether any of the specific sites in the Box Hill Referred Matter should be identified as Strategic Sites.

The Committee concludes:

- The identification and treatment of strategic sites in the Box Hill Structure Plan Area (and other Structure Plan Areas) is not appropriate, for the reasons set out in Chapter 9.3 of the General Issues report.

17 Road and street network

17.1 Referred Matter

The Referred Matter is:

Whether the road/street network shown in the draft Structure Plan and draft Planning Scheme Amendment is appropriate, including with respect to:

- The western end of Whitehorse Road.
- A road extension from Mont Albert Road to Albion Street.

17.2 Key issues

The key issues are whether:

- the road and street network is appropriate
- the treatment of the western end of Whitehorse Road is appropriate
- a road extension from Mont Albert Road to Albion Street is appropriate.

17.3 Background

(i) Draft Structure Plan

The draft Structure Plan includes a Vision for mode share. Objectives and strategies are centred around integrated transport networks and low-traffic neighbourhoods.

The proposed road network builds on the grid structure of the existing road network. A boulevard treatment is proposed for Whitehorse Road along its full length within the Structure Plan Area, enabling multiple transport functions and strong landscape and pedestrian environments.

(ii) Draft Implementation Plan

The draft Implementation Plan includes two relevant actions:

- prepare and implement master plans for each street type (Action 12.1)
- deliver the streetscape upgrades consistent with each enhanced street type (Action 12.2).

The draft Implementation Plan does not nominate any actions specific to the western end of Whitehorse Road, other than the action to investigate the public transport corridor along Whitehorse Road.

(iii) Draft Planning Scheme Amendment

The planning controls do not identify the road network.

(iv) Joint Expert Meeting

Ms Marshall and Mr Walsh agreed that the treatment of the western end of Whitehorse Road was unclear.

In relation to the road extension from Mont Albert Road to Albion Street (which would dissect the Brickworks site) the traffic experts all agreed:

- a local east-west pedestrian and cycling link must be provided through the site
- the need for a Mont Albert Road to Albion Road connection should be decided at the master plan stage.

(v) General Issues conclusions

The Committee concluded in Chapter 8 of the General Issues report:

- The draft Structure Plans provide sufficient information to guide the desired outcomes for each street typology.
- The local road network appears capable of accommodating at least some of the features of the proposed street typologies, in particular Green Streets.
- Given the street network in the precincts is already established, the street masterplan phase is the appropriate time to resolve and balance the competing demands of environmental and transport needs placed on each street.

17.4 Western end of Whitehorse Road

The Proponent advised the Committee that this matter was raised in an original submission which states that western end of Whitehorse Road is very hostile and desolate and needs improvement.

(i) Evidence and submissions

Ms Marshall interpreted the 'western end' of Whitehorse Road as west of Nelson Road, while Mr Walsh saw it as west of Elgar Road due to the changing road configuration.

Ms Marshall considered the existing infrastructure satisfactorily supports the draft Structure Plan's goals for walking, tram, and bus corridors, although under examination she agreed that urban design reasons might prevail to support a boulevard treatment west of Elgar Road.

Mr Walsh suggested a different classification than boulevard may be suitable west of Elgar Road, given its divided carriageway, but acknowledged urban design considerations may justify its designation as a boulevard.

The Proponent submitted that as the Structure Plan Area evolves, the western end of Whitehorse Road will progressively align with boulevard objectives through urban design improvements.

Council supported boulevard treatment from Nelson Road to Elgar Road, but not beyond.

(ii) Discussion

The Committee finds the draft Structure Plan and draft Amendment's approach to the western end of Whitehorse Road appropriate. Classifying Whitehorse Road as a boulevard throughout is both suitable and aligned with the draft Structure Plan's aims, reflecting its importance as a key transport and landscape corridor. This designation supports improved public spaces, tree planting, pedestrian access and urban activity. The single carriageway west of Elgar Road does not prevent it from being treated as a boulevard, even if its configuration differs from the eastern section.

(iii) Finding

The Committee finds:

- The treatment of the western end of Whitehorse Road in the draft Structure Plan and draft Planning Scheme Amendment is appropriate.

17.5 Mont Albert Road to Albion Street connection

(i) Evidence and submission

Ms Marshall advised that the need for a road extension from Mont Albert Road to Albion Street would be determined when preparing the masterplan for the Brickworks site.

Mr Walsh considered that given the limited width of Mont Albert Road and its restriction at Elgar Road, it would not be advisable to encourage an easy through vehicle connection from Albion Road to Mont Albert Road. He confirmed that a master plan will need to be informed by a traffic assessment that will be able to assess whether a road connection should be provided.

Mr Furness indicated that there should be a road link through the site connecting Mont Albert Road and Surrey Road.

At the transport expert meeting, all experts agreed that:

- a local east-west pedestrian and cycling link must be provided through the Brickworks site
- the need for a Mont Albert Road to Albion Road connection should be decided at the master plan stage.

The Proponent and Phileo submitted that the indicative cross-block connection shown from Mont Albert Road to Surrey Drive should be subject to traffic modelling in accordance with an Integrated Transport and Access Report.

Council submitted that the Mont Albert Road extension through the Brickworks site should not be a through route for vehicles, and no presumption in that regard should be given in the PRZ5.

The Surrey Hills and Mont Albert Progress Association and the Combined Residents of Whitehorse Action Group Inc. opposed the proposed road extension, citing risks to active transport and fears of creating a 'rat run'.

(ii) Discussion

The Committee finds the draft Structure Plan and draft Amendment's approach to designating the proposed road link through the Brickworks site is generally appropriate at this stage in the planning process, subject to refinement through the master planning process. The master plan needs to include traffic analysis to assess the need and desirability for this vehicular link. The PRZ5 should therefore be reworded to avoid any presumption about a vehicular link being required through the Brickworks site. An active transport link through the site remains appropriate given it is identified in the draft Structure Plan as such.

(iii) Finding

The Committee finds:

- The Mont Albert Road to Albion Street link is appropriate as an active transport link only at this stage.

17.6 Conclusion and recommendation

Based on its findings in the General Issues report (Volume 3, Chapter 8) the Committee concludes:

- The road and street network is generally appropriate subject to the modification recommended in this report.

The Committee recommends:

- 24. BOX R21: Amend Map 1 in Precinct Zone Schedule 5 to replace the cross block connection annotation from 'Mont Albert Rd extension' to 'active transport link'.**

18 Vegetation and ecology

18.1 Referred Matter

The Referred Matter is:

Whether it is appropriate to remove Significant Landscape Overlay Schedule 9 and Neighbourhood Character Overlay – Schedule 2.

18.2 Key issues

The key issue is whether it is appropriate to remove:

- Significant Landscape Overlay Schedule 9 (SLO9)
- Neighbourhood Character Overlay Schedule 2 (NCO2).

18.3 Background

The SLO9 applies to a large portion of the Structure Plan Area and beyond. The overlay applies tree removal controls to 'Neighbourhood Character Areas' across most of the Structure Plan Area's residential land. The draft Amendment proposes to exclude the Structure Plan Area from the local policies about the tree conservation.

The SLO9 statement of neighbourhood character explains that Whitehorse's neighbourhood character is shaped by extensive tree cover.

Removal of SLO9 from the Planning Scheme means that the draft Amendment will not require planning permission to remove existing site vegetation.

The NCO2 applies to a precinct located within the southwest of the Structure Plan Area, within a residential area. The NCO2 requires a permit for buildings and works and to demolish a building. The draft Amendment seeks to delete NCO2 and local policies relating to character.

The NCO2 statement of neighbourhood character states that the precinct is valued for its consistent interwar-era character, defined by single-storey weatherboard bungalows, and its uniform scale and green streetscape.

(i) Draft Structure Plan

The draft Structure Plan includes strategies to minimise urban heat island effects by incorporating space for tree canopy cover into the private and public realms, aspiring to achieve 30 per cent tree canopy cover.

The Vision is for a place of many neighbourhoods, each with its own character, identity and sense of place. The draft Structure Plan considers how the character of each part of the Structure Plan Area will transition over time and guides how new buildings should contribute to the preferred new character of the neighbourhood.

(ii) Draft Amendment

The BFO schedules, other than BFO5, guide the provision of canopy trees through objectives, metrics about soil depths and canopy trees, and building form decision guidelines about vegetation within built form setbacks.

The BFO8 seeks a mid-rise residential character in a garden landscaped character in the area currently subject to the NCO2.

18.4 Evidence and submissions

Removal of the SLO9

Mr Crowder said:

Considering the extent of change required and the preference to achieve lot consolidation to allow for more intensive development, my view is retaining a permit requirement to remove trees that unduly constrain a development parcel would be contrary to the vision and objectives of the Structure Plan.

He considered the proposed landscape and built-form measures offered adequate space and direction for new canopy trees, embedding greening in planning. However, under examination from Council, he conceded that significant canopy tree loss on private land is likely as redevelopment proceeds under the draft Amendment.

Mr Barnes accepted that the SLO9's purpose of preserving a bush character conflicts with the draft Structure Plan's transformative, higher-density intent, a view broadly shared by Mr Sheppard. He supported the removal of the SLO9 in this context.

However, Mr Barnes found the proposed BFO7 and BFO8 controls insufficient, as they do not mandate tree retention and would allow significant trees to be lost during redevelopment. He recommended introducing a guideline to consider retaining major trees in setbacks, which Mr Sheppard and Mr Crowder supported.

Ms Voight submitted that removing the SLO9 could reduce canopy cover, even where higher-density housing isn't planned.

The Combined Residents of Whitehorse Action Group expressed concern that local streets are already too crowded with other functions, including services, car parking, vehicle access and footpaths, to accommodate more canopy trees to contribute to the desired levels of canopy cover.

Other submitters feared that removing the SLO9 might lead to all vegetation being cleared before redevelopment, undermining efforts to maintain and enhance tree canopy cover.

Council submitted that the SLO9 should remain in BFO7 and BFO8 areas unless a comparable measure is introduced to protect mature canopy trees. It maintained its position at the General Issues Hearing that the current PRZ and BFO controls are inadequate to achieve the 30 per cent canopy cover target, as deep-soil and replacement planting requirements are limited, and the private realm contributes little.

Council stressed that removing the SLO9 would lead to significant long-term loss of mature trees, undermining policy goals for greener neighbourhoods and heightened canopy protection, especially given climate change concerns.

The Proponent submitted that removing the SLO9 is necessary for the growth and redevelopment outlined in the draft Structure Plan, with greening outcomes still addressed through canopy cover, urban cooling and biodiversity measures in the new controls. Citing expert evidence, it considered the SLO9 conflicts with the draft Structure Plan's aims and that the updated overlays adequately support tree retention during redevelopment, particularly with the recommended guideline for BFO7 and BFO8.

Removal of the NCO2

Both planning experts, Mr Crowder and Mr Barnes, supported removing the NCO2, stating it conflicts with the draft Structure Plan's vision for higher-density redevelopment and that retaining it would hinder the area's growth and planning flexibility.

No submissions from Council or the community were presented to the Committee on this matter.

The Proponent submitted that removing the NCO2 was necessary and appropriate. Box Hill is already undergoing change, and the SRL East project further intensifies growth pressures. Retaining the NCO2 would block the draft Structure Plan's objectives.

(i) Discussion

The Committee agrees with Mr Crowder that retaining a permit requirement to remove trees that might unduly constrain a development parcel is contrary to the vision and objectives of the draft Structure Plan.

The Committee has concluded in the General Issues report (Volume 3, Chapter 9.11) that the measures to support tree canopy cover are not appropriate and recommended:

- that local policies be updated to include a 30 per cent tree canopy target
- amendments are needed to the BFO schedule to ensure there is sufficient space for canopy tree planting.

With the implementation of this recommendation, the Committee is comfortable that the suite of objectives, requirements and decision guidelines provided in the draft Amendment will be sufficient to ensure the draft Structure Plan objectives are met.

The Committee acknowledges the concerns raised by Mr Barnes and supports the decision guideline included in the Day 3 controls to consider retaining existing trees wherever possible, except in BFO5 where the greatest development intensity is proposed.

The Committee agrees with Mr Crowder and Mr Barnes that it is appropriate to remove the NCO2, noting no opposition from Council or the community. Its removal is justified because the draft Structure Plan's focus on higher-density development in Box Hill conflicts with the NCO2 objectives.

18.5 Findings and conclusion

The Committee finds:

- Retaining a permit requirement to remove trees that might unduly constrain a development parcel is contrary to the vision and objectives of the draft Structure Plan.

- However, a decision guideline that supports the retention of existing vegetation, where feasible, is appropriate for the Built Form Overlay schedules except Schedule 5 where the greatest development intensity is proposed.
- The draft Structure Plan's focus on higher-density development in Box Hill conflicts with the Neighbourhood Character Overlay Schedule 2 objectives.

The Committee concludes:

- Removal of the Significant Landscape Overlay Schedule 9 the Neighbourhood Character Overlay Schedule 2 is appropriate.

19 Other matters – Brickworks PRZ5

19.1 Introduction

A joint summary of the agreed version of the PRZ5 was presented by the Proponent and Phileo to the Committee. They emphasised that significant weight should be given to their agreement, as it reflects consensus between the Proponent and the largest landowner in the precinct on key issues concerning the Brickworks site.

The agreed PRZ5 addresses and resolves Phileo's previous concerns raised at the General Issues Hearing regarding the draft Amendment and site controls. Key features of the agreed version include increased building heights, allowing for mid-rise development of three to ten storeys with taller structures centrally located, and application of the MUZ to areas generally subject to the Heritage Overlay.

Some matters previously in dispute were ultimately resolved through the Day 3 controls. These related to the Sustainable Management Plan (SMP), the Waste Management Plan (WMP) provisions, and requirements for floor-mounted bicycle parking. While they are not Box Hill specific Referred Matters, the Committee offers some commentary on these.

19.2 Evidence and submissions

Evidence

The planning and urban design experts all agreed with the revised building heights proposed in the PRZ5.

Mr Yelland, the development feasibility expert for Phileo, found significant environmental, financial and planning constraints, and concluded redevelopment is not financially viable under the exhibited controls.

Disputes remained only over the SMP, WMP, and floor-mounted bicycle parking.

Ms Jordan's written evidence was tabled for Phileo, but she was not ultimately called to give evidence. She prepared draft schedules on which Phileo's preferred SMP and WMP provisions were largely based.

Regarding bicycle parking, Mr Furness objected to the requirement for 50 per cent of spaces to be floor-mounted, noting that Australian Standards only mandate 20 per cent, floor-mounted racks occupy considerable space and the existing parking provision is already high. He did, however, acknowledge that some users may find vertical racks challenging, especially with heavier e-bikes. Both Ms Marshall and Mr Walsh supported the floor-mounted provision.

Submissions

Phileo considered the agreed PRZ5 represents an acceptable planning outcome for the following reasons:

- It gives weight to the site's designation as a strategic site by delivering a bespoke control that takes into account the unique constraints and

opportunities inherent in the site and which will guide the future redevelopment of the site in a considered manner.

- It will facilitate the delivery of mid-rise built form scale on the site without resulting in adverse amenity outcomes. This is due to the combination of building to greater heights toward the middle of the site and the prescribed setbacks for the site's southern and eastern interfaces.

Phileo submitted that the strong alignment between many of the recommendations made by the urban design and town planning experts called by the Proponent and Phileo lends further weight to its acceptability.

Phileo submitted bespoke SMP and WMP controls should apply to the Brickworks site due to the unique site obligations. It sought to replace strict, precinct-wide metrics with broader sustainability and waste-management principles. Robust ESD and waste outcomes would still be achieved but tailored to the site.

On bicycle parking, Phileo agreed with Mr Furness but did not advance an alternative provision.

Council indicated that the agreed PRZ5 did not align with Council's position, but its submissions focussed on the issue of public open space and overshadowing.

Other submitters raised a range of concerns. Box Hill Brickworks Parkland Inc was concerned about limited technical and environmental studies and increased building heights. It requested the protection of canopy trees and community-oriented reuse of the heritage site. The Box Hill Historical Society focussed on preserving the site's heritage buildings. The Combined Residents of Whitehorse Action Group Inc raised concerns about potential high-density housing under the agreed PRZ5.

The Proponent submitted that the agreed control is appropriate having regard to:

- the unique constraints and features of the Brickworks site which require a bespoke and workable control. The agreed position ensures that Phileo can deliver development under the control
- the evidence of Mr Yelland, which demonstrates the existing constraints on the feasibility of the Brickworks site
- the necessity of striking an appropriate balance between securing a good urban design and public benefit outcome while also ensuring that it is feasible to develop the site under the control.

The Proponent opposed relaxing SMP and WMP requirements, arguing that consistent, high sustainability standards should apply across all SRL precincts. It supported at least 50 per cent of resident bike spaces being floor-mounted for accessibility, supporting mode shift.

Further drafting comments

The Proponent's Day 3 changes to the PRZ5 ultimately accepted the changes sought by Phileo in relation to the SMP, WMP, and requirements for floor-mounted bicycle parking.

In response to the Day 3 changes to the agreed PRZ5 by the Proponent, Phileo identified some minor inconsistencies and inaccuracies which it considered ought to be corrected. These are as set out in Table 12 below.

Table 12 Phileo changes to agreed PRZ5

BFO	Error	Requested drafting
Clause 9.0	Under the subheading 'permit requirements', the first paragraph incorrectly refers to 'the requirements as specified at Clause 4.0 of this schedule'. The clause referenced is the definition clause. The correct clause is clause 5.0 - Master plan requirements.	The paragraph redrafted to state: '... or if no plan has been approved, the requirements as specified at Clause 5.0 of this schedule.'
Clause 7.0 and 15.0	There are two tables nominated as Table 1 in the ordinance: - 'Table 1 to Schedule 5 to Clause 37.10: Requirements - Preferred Minimum Setbacks' on page 2; and - 'Table 1 - Table of applied zones' on page 5. The 'table of applied zones' is incorrectly numbered. All subsequent tables are therefore incorrectly numbered.	The following three tables renamed as: - 'Table 2 - Table of applied zones' - 'Table 3 - Table of variation top applied Residential Growth Zone' - 'Table 4 - Bicycle spaces'
Clause 10.0	Under the sub-heading 'Public Benefit Uplift Framework', the first sentence incorrectly refers to clause 4.0 - definitions . The correct clause reference is clause 6.0 - Public Benefit Uplift Framework'.	The first sentence under the sub-heading 'Public Benefit Uplift Framework', redrafted to state: 'An application to construct a building or construct or carry out works to which Clause 6.0 of this schedule applies must: ...'

19.3 Discussion

The joint agreed statement details the rationale for the agreed PRZ5 developed by the Proponent and Phileo, although Council raised multiple concerns.

On the agreed matter of height, the Committee observes the increased building heights, focussed on the site's centre and tapering down to the edges and Surrey Park, align with the draft Structure Plan's vision for a mid-rise form near Surrey Park and the experts' shared view.

In relation to the SMP and WMP matters, the Committee endorses Phileo's tailored approach, finding that proposing controls strictly for consistency with other SRL Precincts is inappropriate. The site's unique characteristics warrant a bespoke management framework, preserving the intent of SMP and WMP while allowing flexibility for site-specific needs, and without setting a precedent for other SRL Precincts.

The Committee supports requiring at least 50 per cent of resident bicycle parking to be floor-mounted, as it improves accessibility for a wider range of users. Claims that this provision is burdensome or expensive were unconvincing, and Phileo did not object.

The Committee accepts the additional drafting changes identified by Phileo. They are minor and of a corrective nature.

While recognising community concerns about the site's current and future impacts, the Committee finds the proposed controls suitable for guiding future development, and preparation of the agreed version of the PRZ5 aligns with its Terms of Reference.

Appendix A Parties to the hearing and parties who provided submissions

Submitter	Represented by
Suburban Rail Loop Authority (Proponent)	Emily Porter SC, Jennifer Trehwella and Kate Lyle, instructed by Clayton Utz and White and Case, who called expert evidence on: - community infrastructure from Chris De Silva of Mesh - heritage from Kate Gray of Lovell Chen - planning from David Crowder of Ratio - traffic from Hilary Marshall of Ratio - urban design from Mark Sheppard of Urbis
Whitehorse City Council	Susan Brennane SC and Jordan Wright, instructed by Maddocks Lawyers, who called expert evidence on: - active recreation and sport from Kate Maddock of Otium - community infrastructure from Kate Kerkin of K2 Planning - open space from Joanna Thompson of Thompson Berrill Landscape Design - planning from David Barnes of Hansen - traffic from Jason Walsh of Traffix - urban design from Andrew Partos of Hansen and Professor Rob McGauran of MGS
Phileo Australia Pty Ltd	Peter O'Farrel and Marissa Chorn, instructed by Collin Biggers & Paisley, who called expert evidence on: - development realisation from Craig Yelland of Yelland Co - heritage from Bryce Raworth of Bryce Raworth - planning from Sophie Jordan of Contour - traffic from Leigh Furness of Traffix Group - urban design from Leanne Hodyl of Hodyl
Amanda McNeill	
Andrew McCulloch	
Anne Vranisan	
Antarctica Holdings Pty Ltd and K-Horse Pty Ltd	Andrew Lanarus of Human Habitats
Box Hill Baptist Church	Andrew McCulloch
Box Hill Brickworks Parkland Inc	Greg Buchanan and Benjamin Lau
Box Hill Historical Society	Helen O Harris AM

Submitter	Represented by
Box Hill Institute, Box Hill RSL and Cubick Development Pty Ltd	Dominic Scally of Best Hooper Lawyers, who called expert evidence on: - planning from Tim McBride-Burgess of Contour
Combined Residents of Whitehorse Action Group Inc	David Morrison
Domenico Lo Bianco	
Helen O Harris AM	
John Bennett	
Merilyn Voigt	Travis Brown
Michelle Mayur	
Minwen Wu	
Rod Rankin	
Shangyi Vision Pty Ltd	Mark Naughton of Planning & Property Partners
Surrey Hills and Mont Albert Progress Association	Mark Curry and Yvonne Boywer
Ward Council for Cootamundra Ward, Whitehorse	Keiran Simpson
William Orange	
Yvonne Bowyer	
702 Station Street Pty Ltd	Sean McArdle of Counsel, instructed by Andrea Harwood of Minter Ellison - planning from Jonathon Fetterplace of A Different City

Appendix B Document list

No.	Date	Description	Provided by
Referred documents			
BOX 1	1 Jun 2025	Terms of Reference	Minister for Planning
BOX 2	7 Jul 2025	Referral letter with attached: a) Specific matters for referral	Minister for Planning
General Issues tabled documents sourced by the Committee			
GI 3	7 Jul 2025	Background and technical reports: a) Aboriginal Cultural Heritage Technical Report b) Aviation and Airspace Technical Report c) Contaminated Land Memorandum and Technical Report d) Engagement Report e) Flooding Technical Report f) Flooding Technical Report – Appendices g) Historical Heritage Report h) Integrated Water Management Strategy i) Land Use Scenario and Capacity Assessment j) Noise and Vibration Technical Report k) Odour and Dust Technical Report l) Open Space Technical Report: Sections 1-7 m) Open Space Technical Report: Sections 8-10 n) Open Space Technical Report: Section 11 and Appendices A-G o) Open Space Technical Report: Appendix H p) Open Space Technical Report: Appendices I and J q) Utilities Servicing Technical Report and Appendix A r) Utilities Servicing Technical Report: Appendix B part 1 s) Utilities Servicing Technical Report: Appendix B part 2 t) Utilities Servicing Technical Report: Appendices C and D u) Wind Technical Report v) Urban Design Framework – August 2021	<u>Engage Victoria</u>

No.	Date	Description	Provided by
GI 4	7 Jul 2025	Architectural testing: a) Floor Area Ratio and Public Benefit Uplift - Architectural Testing Report: Part 1 Memorandum b) Floor Area Ratio and Public Benefit Uplift - Architectural Testing Report: Part 2 c) Floor Area Ratio and Public Benefit Uplift - Architectural Testing Report: Part 3 Appendix A d) Floor Area Ratio and Public Benefit Uplift - Architectural Testing Report: Part 3 Appendix B e) Floor Area Ratio and Public Benefit Uplift - Architectural Testing Report: Part 3 Appendix C f) Floor Area Ratio and Public Benefit Uplift - Architectural Testing Report: Part 3 Appendix D g) Floor Area Ratio and Public Benefit Uplift - Architectural Testing Report: Part 3 Appendix E h) Floor Area Ratio and Public Benefit Uplift - Architectural Testing Report: Part 3 Appendix F i) Floor Area Ratio and Public Benefit Uplift - Architectural Testing Report: Part 3 Appendix G j) Floor Area Ratio and Public Benefit Uplift - Architectural Testing Report: Part 3 Appendix H k) Floor Area Ratio and Public Benefit Uplift - Architectural Testing Report: Part 3 Appendix I l) Floor Area Ratio and Public Benefit Uplift - Architectural Testing Report: Part 3 Appendix J	<u>Engage Victoria</u>
GI 5	7 Jul 2025	Report: Planning Scheme Amendment approach	<u>Engage Victoria</u>
GI 6	7 Jul 2025	Public benefit uplift: a) Voluntary Public Benefit Uplift: Framework b) Voluntary Public Benefit Uplift: Technical Report	<u>Engage Victoria</u>
GI 170	27 Nov 2025	Direction to SRLA to provide Day 2 ordinance	PPV

No.	Date	Description	Provided by
GI 171	12 Dec 2025	Amended Direction to SRLA to provide final preferred ordinance	PPV
GI 172	19 Dec 2025	Letter to Parties regarding new car parking provisions	PPV
GI 173	5 Jan 2026	Letter to Parties regarding State waterways policy and Significant Landscape Overlays	PPV
GI 174	7 Jan 2026	Email to Parties regarding Amendment VC303 updated Clause 43.06 Built Form Overlay	PPV

The Day 3 documents and party responses to Amendment VC277 and Amendment VC278 are listed in General Issues document list. Please refer to Volume 1 for the full list of Day 3 documents and associated correspondence

Material sourced by the Committee			
BOX 3	7 Jul 2025	Box Hill: Your guide to the Draft Structure Plan and Draft Planning Scheme Amendment	Engage Victoria
BOX 4	7 Jul 2025	Box Hill Draft Structure Plan	Engage Victoria
BOX 5	7 Jul 2025	Box Hill Draft Implementation Plan	Engage Victoria
BOX 6	7 Jul 2025	Box Hill Draft Structure Plan background documents: a) Background Report b) Climate Response Plan c) Community Infrastructure Needs Assessment d) Ecology and Arboriculture Technical Report e) Economic Profile Technical Report f) Housing Needs Assessment g) Retail Assessment h) Transport Technical Report i) Transport Technical Report – Appendix A: Precinct Parking Plan j) Urban Design Report k) Urban Design Report - Appendices l) Urban Design Report - Attachment A: Urban Design Supporting Research m) Urban Design Report - Attachment B: Gehl Public Space and Life Study Part 1 n) Urban Design Report - Attachment B: Gehl Public Space and Life Study Part 2 o) Urban Design Report - Attachment B: Gehl Public Space and Life Study Part 3 p) Urban Design Report - Attachment B: Gehl Public Space and Life Study Part 4	Engage Victoria

No.	Date	Description	Provided by
		q) Urban Design Report - Attachment C: Assessment of Solar Access to the Public Realm	
BOX 7	7 Jul 2025	Box Hill Explanatory Report and Instruction Sheet:	<u>Engage Victoria</u>
		a) Explanatory Report	
		b) Explanatory Report – Attachment 1: EAO properties BOX	
		c) Instruction Sheet	
BOX 8	7 Jul 2025	Box Hill C255whse	<u>Engage Victoria</u>
		Policy:	
		a) 02.01 Context	
		b) 02.03 Strategic Directions	
		c) 02.04 Strategic Framework Plans	
		d) 11.03 Planning for Places	
		e) 15.01 Built Environment	
		f) 16.01 Residential Development	
		Zone:	
		g) 37.10 Precinct Zone	
		h) Schedule 3 to Clause 37.10 Structure plan area	
		i) Schedule 4 to Clause 37.10 Station development area	
		j) Schedule 5 to Clause 37.10 Former Box Hill Brickworks	
		Overlays:	
		k) Schedule 4 to Clause 43.02 Design and Development Overlay	
		l) Schedule 2 to Clause 43.05 Neighbourhood Character Overlay	
		m) 43.06 Built Form Overlay	
		n) Schedule 5 to Clause 43.06 Central Core	
		o) Schedule 6 to Clause 43.06 Central Flanks	
		p) Schedule 7 to Clause 43.06 Key Movement Corridors and Urban Neighbourhoods	
		q) Schedule 8 to Clause 43.06 Residential Neighbourhoods	
		r) Schedule 1 to Clause 45.09 Parking Overlay	
		s) Schedule 4 to Clause 45.09 Parking Overlay	
		t) Schedule 5 to Clause 45.09 Parking Overlay	
		Operational provisions:	
		u) Schedule to Clause 72.03	
		v) Schedule to Clause 72.08	

No.	Date	Description	Provided by
		w) Schedule to Clause 74.01	
		Maps:	
		x) Precinct Zone – 009znMaps01_02_04	
		y) Built Form Overlay – 008bfoMaps01_02_04	
		z) Parking Overlay – 007poMaps01_02_04	
		aa) Environmental Audit Overlay – 001eaoMap01	
		bb) Removed Overlays (PO) – 006d-poMaps01_02	
		cc) Removed Overlays (DDO) – 002d-ddoMap01	
		dd) Removed Overlays (DDO) – 003d-ddoMap02	
		ee) Removed Overlays (DDO) – 004d-ddoMaps01_04	
		ff) Removed Overlays (NCO) – 005d-ncoMap01	
		gg) Removed Overlays (SLO) – 010d-sloMaps01_02_04	
Tabled documents			
BOX 9	7 Jul 2025	Directions Hearing notification letter	Planning Panels Victoria (PPV)
BOX 10	11 Jul 2025	Procedural matters – Request for separate Hearing for Box Hill Brickworks site	Phileo Australia Pty Ltd (Phileo Australia)
BOX 11	15 Jul 2025	Submission to SRLA, with attachment: a) Whitehorse Leader article	Individual submitter
BOX 12	21 Jul 2025	Directions Hearing agenda and request for Pre-briefing	PPV
BOX 13	22 Jul 2025	Letter – Directions Hearing agenda	Phileo Australia
BOX 14	23 Jul 2025	Whitehorse City Council submission to SRLA	Engage Victoria
BOX 15	24 Jul 2025	Directions for Pre-briefing, Declarations and confirmation of Members and Hearing dates	PPV
BOX 16	24 Jul 2025	Letter – Directions Hearing and Hearing dates availability	Phileo Australia
BOX 17	24 Jul 2025	Individual submission to SRLA	Engage Victoria
BOX 18	25 Jul 2025	Individual submission to SRLA	Engage Victoria
BOX 19	25 Jul 2025	Letter to Phileo Australia - Hearing dates and development realisation evidence	PPV
BOX 20	28 Jul 2025	Letter - Development realisation evidence	Phileo Australia
BOX 21	29 Jul 2025	Letter – Request for second Directions Hearing	Suburban Rail Loop Authority (SRLA)

No.	Date	Description	Provided by
BOX 22	30 Jul 2025	Letter – Hearing dates availability	Phileo Australia
BOX 23	30 Jul 2025	Second Directions Hearing notification letter	PPV
BOX 24	7 Aug 2025	Anticipated dates for Precinct Hearings	PPV
BOX 25	8 Aug 2025	List of published material	SRLA
BOX 26	8 Aug 2025	Background submission – Box Hill Precinct	SRLA
BOX 27	11 Aug 2025	Directions Hearing written submission	Phileo Australia Pty Ltd
BOX 28	11 Aug 2025	David Passarella Affidavit	Phileo Australia Pty Ltd
BOX 29	11 Aug 2025	Surrey Hills and Mont Albert Progress Association submission to SRLA	Engage Victoria
BOX 30	12 Aug 2025	Letter regarding outcome of the Box Hill Directions Hearing	PPV
BOX 31	14 Aug 2025	a) Pre-briefing Presentation Part 1 b) Pre-briefing Presentation Part 2	SRLA
BOX 32	14 Aug 2025	Combined Residents of Whitehorse Action Group submission to SRLA	Engage Victoria
BOX 33	18 Aug 2025	Phileo Australia Pty Ltd submission to SRLA	Engage Victoria
BOX 34	20 Aug 2025	Further Directions and procedural issues post Cheltenham Precinct Directions Hearing	PPV
BOX 34a	21 Aug 2025	Committee Directions, distribution list and timetable	PPV
BOX 35	5 Sep 2025	Timetable (version 2)	PPV
BOX 36	9 Sep 2025	Email to Committee requesting extension of time to file Day 1 documents	SRLA
BOX 37	9 Sep 2025	Email to Committee regarding extension of time request to file Day 1 document	Councils and University Group
BOX 38	9 Sep 2025	Committee response regarding extension of time request to file Day 1 documents	PPV
BOX 39	10 Sep 2025	Box Hill Day 1 version of the draft Amendment: a) Clause 11.03 Planning for Places Policy b) Schedule 3 to Clause 37.10 Precinct Zone c) Schedule 4 to Clause 37.10 Station Development Area d) Schedule 5 to Clause 37.10 Brickworks e) Schedule 5 to Clause 43.06 Central Core f) Schedule 6 to Clause 43.06 Central Flanks	SRLA

No.	Date	Description	Provided by
		g) Schedule 7 to Clause 43.06 Key Movement Corridors and Urban Neighbourhoods h) Schedule 8 to Clause 43.06 Residential Neighbourhoods i) Schedule 4 to Clause 45.09 Parking Overlay j) Schedule 5 To Clause 45.09 Parking Overlay	
BOX 40	10 Sep 2025	Box Hill Day 1 version – Maps: a) Box Hill C255whse – Precinct Zone map – mock up b) Box Hill C255whse – Built Form Overlay map – mock up	SRLA
BOX 41	10 Sep 2025	Box Hill Day 1 version Structure Plan and Implementation Plan: a) Draft Structure Plan b) Draft Implementation Plan	SRLA
BOX 42	10 Sep 2025	Consolidate tables: a) Consolidated table of PSA changes b) Consolidated table of Structure Plan / Implementation Plan changes	SRLA
BOX 43	10 Sep 2025	Email to Committee regarding intention to call expert witness and time allocated to present evidence and submissions	Box Hill Institute and Box Hill SRL
BOX 44	10 Sep 2025	Committee response to Box Hill Institute and Box Hill RSL's regarding intention to call expert witness and time allocated to present evidence and submissions	PPV
BOX 45	11 Sep 2025	Technical Note TN-BOX01 – Box Hill Pedestrian Connections	SRLA
BOX 46	11 Sep 2025	Timetable (version 3)	PPV
BOX 47	12 Sep 2025	Expert report of Hilary Marshall (traffic)	SRLA
BOX 48	12 Sep 2025	Expert report of Kate Gray (heritage)	SRLA
BOX 49	12 Sep 2025	Expert report of Mark Sheppard (urban design)	SRLA
BOX 50	12 Sep 2025	Expert report of David Crowder (planning)	SRLA
BOX 51	15 Sep 2025	Site inspection Itinerary and Map (provided to the Committee only)	SRLA
BOX 52	15 Sep 2025	Expert report of Chris De Silva (community infrastructure)	SRLA
BOX 53	16 Sep 2025	702 Station Pty Ltd submission to SRLA	<u>Engage Victoria</u>
BOX 54	16 Sep 2025	Whitehorse City Council submission to SRLA	<u>Engage Victoria</u>

No.	Date	Description	Provided by
BOX 55	16 Sep 2025	Box Hill RSL submission to SRLA	Engage Victoria
BOX 56	16 Sep 2025	Box Hill Institute submission to SRLA	Engage Victoria
BOX 57	16 Sep 2025	Cubick Development Pty Ltd submission to SRLA	Engage Victoria
BOX 58	16 Sep 2025	Phileo Australia Ltd submission to SRLA	Engage Victoria
BOX 59	16 Sep 2025	Shangyi Vision Pty Ltd submission to SRLA	Engage Victoria
BOX 60	16 Sep 2025	K-Horse Pty Ltd submission to SRLA	Engage Victoria
BOX 61	16 Sep 2025	Antartica Holdings Pty Ltd submission to SRLA	Engage Victoria
BOX 62	17 Sep 2025	Urban Design Supplementary information prepared by Mark Sheppard	SRLA
BOX 63	17 Sep 2025	Letter to Committee regarding further material requests from SRLA, with attachments: a) SRL Solar Access Testing – Summary table b) SRL Solar Access Additional Testing c) Letter to SRLA - Request for material 19 August 2025 d) Response to Maddocks RFI - 22 August 2025 e) Email to SRLA – Document request – 12 September 2025	Councils and University Group
BOX 64	17 Sep 2025	Email to Committee requesting extension of time to file expert evidence	SRLA
BOX 65	18 Sep 2025	Committee response to extension request	PPV
BOX 66	19 Sep 2025	Expert report of Tim McBride – Burgess (planning)	Box Hill RSL and Cubick Developments Pty Ltd
BOX 67	19 Sep 2025	Expert report of Sophie Jordan (planning)	Phileo Australia Pty Ltd
BOX 68	19 Sep 2025	Expert report of Leanne Hodyl (urban design)	Phileo Australia Pty Ltd
BOX 69	19 Sep 2025	Expert report of Craig Yelland (development feasibility)	Phileo Australia Pty Ltd
BOX 70	19 Sep 2025	Expert report of Leigh Furness (traffic engineering)	Phileo Australia Pty Ltd

No.	Date	Description	Provided by
BOX 71	19 Sep 2025	Expert report of Bryce Raworth (heritage)	Phileo Australia Pty Ltd
BOX 72	19 Sep 2025	Expert report of Tim McBride – Burgess (planning)	Box Hill Institute
BOX 73	19 Sep 2025	Expert report of Jonathon Fetterplace (planning)	702 Station St Pty Ltd
BOX 74	19 Sep 2025	Email to Parties regarding timing of urban design evidence	PPV
BOX 75	22 Sep 2025	Individual Submission to SRLA	Engage Victoria
BOX 76	22 Sep 2025	Expert report of Jason Walsh (Traffic)	Whitehorse City Council (Whitehorse)
BOX 77	22 Sep 2025	Expert report of David Barnes (Planning)	Whitehorse
BOX 78	22 Sep 2025	Expert report of Kate Kerkin (Community infrastructure)	Whitehorse
BOX 79	22 Sep 2025	Expert report of Kate Maddock (Sport and recreation)	Whitehorse
BOX 80	22 Sep 2025	Expert report of Professor McGauran (Urban design)	Whitehorse
BOX 81	23 Sep 2025	Expert report of Andrew Partos (Urban design)	Whitehorse
BOX 82	23 Sep 2025	Expert report of Jo Thompson (Open space)	Whitehorse
BOX 83	25 Sep 2025	Response to recommendations in precinct specific evidence	SRLA
BOX 84	25 Sep 2025	Combined Day 1 and Day 2 consolidated table of PSA changes	SRLA
BOX 85	25 Sep 2025	Combined Day 1 and Day 2 consolidated table of SP and IP changes	SRLA
BOX 86	25 Sep 2025	Transport expert conclave minutes	SRLA
BOX 87	25 Sep 2025	Email to Committee requesting extension of time to file reply evidence	SRLA
BOX 88	25 Sep 2025	Committee response regarding extension of time request to file reply evidence	PPV
BOX 89	25 Sep 2025	Reply evidence of Kate Gray (Heritage)	SRLA

No.	Date	Description	Provided by
BOX 90	25 Sep 2025	Reply evidence of Mark Sheppard (urban design)	SRLA
BOX 91	25 Sep 2025	Reply evidence of Sophie Jordan (planning)	Phileo Australia Pty Ltd
BOX 92	25 Sep 2025	Supplementary material requested by Committee – prepared by Mark Sheppard (Urban design)	SRLA
BOX 93	25 Sep 2025	Reply evidence of David Barnes (Planning)	Whitehorse
BOX 94	25 Sep 2025	Reply evidence of Chris De Silva (Community infrastructure)	SRLA
BOX 95	26 Sep 2025	Reply evidence of David Crowder (Planning)	SRLA
BOX 96	26 Sep 2025	Reply evidence and presentation of Leanne Hodyl	Phileo Australia Pty Ltd
BOX 97	28 Sep 2025	Hearing submission	Phileo Australia Pty Ltd
BOX 98	24 Sep 2025	Timetable (version 4)	PPV
BOX 99	29 Sep 2025	Position paper PP-BOX01 – Community infrastructure	SRLA
BOX 100	29 Sep 2025	Whitehorse Easy Ride Route Evaluation (July 2024)	Whitehorse
BOX 101	30 Sep 2025	Hearing submissions (Urban Design)	SRLA
BOX 102	30 Sep 2025	Presentation of Mark Sheppard (Urban Design)	SRLA
BOX 103	30 Sep 2025	SRLA and Phileo agreed version of Schedule 5 to Clause 37.10 Precinct Zone	Phileo Australia Pty Ltd
BOX 104	1 Oct 2025	Track changed version of SRLA and Phileo agreed version of Schedule 5 to Clause 37.10 Precinct Zone	Phileo Australia Pty Ltd
BOX 105	1 Oct 2025	Presentation of Andrew Partos (Urban Design)	Whitehorse
BOX 106	1 Oct 2025	Presentation of Professor McGauran (Urban Design)	Whitehorse
BOX 107	2 Oct 2025	Response to Mr Sheppard prepared by Professor McGauran	Whitehorse
BOX 107a	2 Oct 2025	Timetable (version 5)	PPV
BOX 108	3 Oct 2025	Presentation of Kate Maddock (Sport and recreation)	Whitehorse
BOX 109	3 Oct 2025	Hearing submissions (Heritage)	SRLA
BOX 110	3 Oct 2025	Presentation of Kate Gray (Heritage)	SRLA

No.	Date	Description	Provided by
BOX 111	3 Oct 2025	Hearing submissions (Community infrastructure and public open space)	SRLA
BOX 112	3 Oct 2025	Urban design supplementary information – Shadow analysis – North-South Streets prepared by Mr Sheppard	SRLA
BOX 113	3 Oct 2025	Shadow comparison referred to during cross examination of Mr Sheppard	Whitehorse
BOX 114	6 Oct 2025	Hearing submissions (Planning)	SRLA
BOX 115	6 Oct 2025	Presentation of David Crowder (Planning)	SRLA
BOX 116	8 Oct 2025	Presentation of Tim McBride-Burgess (Planning)	Box Hill Institute
BOX 117	8 Oct 2025	Presentation of Tim McBride-Burgess (Planning)	Box Hill RSL and Cubick Developments
BOX 118	8 Oct 2025	Presentation of Jonathon Fetterplace (Planning)	702 Station Street Pty Ltd
BOX 119	8 Oct 2025	Supplementary information prepared by Mark Sheppard (Urban Design) – Whitehorse Linear Open Space	SRLA
BOX 120	8 Oct 2025	Letter from Chris DeSilva – additional recommendation (Community infrastructure)	SRLA
BOX 121	8 Oct 2025	Hearing Submission (updated 9 Oct)	Individual submitter
BOX 122	8 Oct 2025	Presentation of Joanna Thompson (Open Space)	Whitehorse
BOX 123	9 Oct 2025	SketchUp model of 702-706 Station Street, Box Hill	702 Station Street Pty Ltd
BOX 124	9 Oct 2025	Shadow Study	702 Station Street Pty Ltd
BOX 125	9 Oct 2025	Mark up of existing and proposed POS (Whitehorse Rd Linear Reserve)	SRLA
BOX 125a	9 Oct 2025	Timetable (version 6)	PPV
BOX 126	10 Oct 2025	Hearing submissions (Transport)	SRLA
BOX 127	10 Oct 2025	Professor McGauran's response to Document GI 152	Whitehorse
BOX 128	10 Oct 2025	Adopted Whitehorse Open Space Strategy Summary Report	Whitehorse
BOX 129	10 Oct 2025	Adopted Whitehorse Open Space Strategy Technical Report	Whitehorse
BOX 130	10 Oct 2025	Endorsed Brickworks Development Plan	Whitehorse

No.	Date	Description	Provided by
BOX 131	10 Oct 2025	Technical Note TN-BOX02 – Box Hill Architectural Testing	SRLA
BOX 132	10 Oct 2025	Hayball Memorandum – Topography and Box Hill SDA Clarifications Memorandum, with appendices: a) Appendix A – Sun studies (Whitehorse Road) b) Appendix B – 8. Box Hill SDA Option 1 Uplift Scheme 20251010 c) Appendix C – 8a. Box Hill Station Option 2 Uplift Scheme 202051010	SRLA
BOX 133	13 Oct 2025	SRL East Minister’s Assessment under <i>Environment Effects Act 1978</i> dated July 2022	Whitehorse
BOX 134	13 Oct 2025	Whitehorse Integrated Transport Strategy 2011	Whitehorse
BOX 135	13 Oct 2025	Addendum information of Kate Kerkin	Whitehorse
BOX 136	13 Oct 2025	Presentation Chris De Silva (Community Infrastructure)	SRLA
BOX 137	13 Oct 2025	Whitehorse Integrated Transport Strategy 2020	Whitehorse
BOX 138	13 Oct 2025	Presentation of Kate Kerkin (Community Infrastructure)	Whitehorse
BOX 139	13 Oct 2025	Shadow Percentage Table – Hodyl Concept Design	Phileo Australia Pty Ltd
BOX 140	14 Oct 2025	Fishermans Bend Framework	Whitehorse
BOX 141	14 Oct 2025	Fishermans Bend – Community Infrastructure Plan (DELWP, Sep 2017)	Whitehorse
BOX 142	14 Oct 2025	Shadow Percentage Table (BOX 139) – MGS Comparison	Whitehorse
BOX 143	15 Oct 2025	Main Submission	SRLA
BOX 144	17 Oct 2025	Written submission	Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation
BOX 145	17 Oct 2025	Timetable (version 7)	PPV
BOX 146	20 Oct 2025	Hearing submission	Whitehorse
BOX 147	20 Oct 2025	SRL East Urban Design Strategy September 2024 (extracted pages)	SRLA

No.	Date	Description	Provided by
BOX 148	20 Oct 2025	Hearing submission	Surrey Hills and Mont Albert Progress Association
BOX 149	20 Oct 2025	Hearing presentation	Surrey Hills and Mont Albert Progress Association
BOX 150	20 Oct 2025	Hearing submission	Box Hill Brickworks Parkland Inc
BOX 151	20 Oct 2025	Hearing submission	The Combined Residents of Whitehorse Action Group (CROWAG)
BOX 152	20 Oct 2025	Hearing submission, with attachments: a) Attachment 1 b) Attachment 2	Box Hill Institute, Box Hill RSL and Cubick Development Pty Ltd
BOX 153	20 Oct 2025	Shadow analysis for 702-706 Station Street, Box Hill with: a) Model data	702 Station Street Pty Ltd
BOX 154	20 Oct 2025	Hearing presentation	Individual submitter
BOX 155	20 Oct 2025	Marked up recommendations	Whitehorse
BOX 156	21 Oct 2025	Endorsed Development Plan for the land at 16-18 Spring Street, Box Hill	Whitehorse
BOX 157	21 Oct 2025	Hearing submission	Ward Councillor for Cootamundra Ward
BOX 158	21 Oct 2025	Hearing presentation	Box Hill Brickworks Parkland Inc
BOX 159	21 Oct 2025	Hearing submission	702 Station Street Pty Ltd
BOX 160	21 Oct 2025	Hearing submission	Box Hill Baptist Church

No.	Date	Description	Provided by
BOX 161	21 Oct 2025	Hearing submission	Individual submitter
BOX 162	21 Oct 2025	Hearing submission	Antarctica Holdings Pty Ltd and K-Horse Pty Ltd
BOX 163	21 Oct 2025	Hearing presentation	Individual submitter
BOX 164	21 Oct 2025	Hearing presentation	Individual submitter
BOX 165	22 Oct 2025	Chronology for 16-18 Spring Street, Box Hill, with attachments: a) Attachment 1: DPO8 b) Attachment 2 - WH 2018 1009 - Planning Permit 16 Mar 2020 c) Attachment 3 - WH 2018 1009 - Further Information - Plans 25 Jan 2019 d) Attachment 4 - WH 2018 1009 A - Permit 29 May 2020 e) Attachment 5 - WH 2018 1009 B - Permit - 23 Apr 2021 f) Attachment 6 - WH 2018 1009 B - Condition 1 - Plans - 17 Sep 2021	Whitehorse
BOX 166	22 Oct 2025	BFO Schedule 6 with proposed amendments in mark up	702 Station Street Pty Ltd
BOX 167	22 Oct 2025	Shadow diagram images displayed in hearing	702 Station Street Pty Ltd
BOX 168	22 Oct 2025	Closing submission, with attachment: a) Attachment 1 – Whitehorse City Council Agenda, dated 13 October 2025	Phileo Australia
BOX 169	22 Oct 2025	Hearing submission	Individual submitter
BOX 170	22 Oct 2025	Hearing submission	Box Hill Historical Society
BOX 171	22 Oct 2025	Hearing submission	Individual submitter
BOX 172	22 Oct 2025	Hearing submission, with support images: a) Newspaper article showing high rise b) Cadastral map of north-central Box Hill	Individual submitter

No.	Date	Description	Provided by
		c) Contributory vegetation examples regarding VPO – Image 1	
		d) Contributory vegetation examples regarding VPO – Image 2	
BOX 173	22 Oct 2025	Joint summary of agreed version of PRZ5	SRLA and Phileo Australia
BOX 174	23 Oct 2025	Closing Submission (with Attachment A – SRLA response to Whitehorse City Council marked-up recommendations: Box Hill Precinct)	SRLA
BOX 175	23 Oct 2025	Day 2 version – Draft Planning Scheme Amendment Monash C176mona: a) Clause 11.03 Planning for Places Policy b) Schedule 3 to Clause 37.10 Precinct Zone c) Schedule 4 to Clause 37.10 Station Development Area d) Schedule 5 to Clause 37.10 Brickworks e) Schedule 5 to Clause 43.06 Central Core f) Schedule 6 to Clause 43.06 Central Flanks g) Schedule 7 to Clause 43.06 Key Movement Corridors and Urban Neighbourhoods h) Schedule 8 to Clause 43.06 Residential Neighbourhoods i) Schedule 4 to Clause 45.09 Parking Overlay j) Schedule 5 to Clause 45.09 Parking Overlay	SRLA
BOX 176	23 Oct 2025	Day 2 version – Structure Plan and Implementation Plan: a) Draft Structure Plan b) Draft Implementation Plan	SRLA
BOX 177	23 Oct 2025	Consolidated tables: a) Consolidated table of PSA changes b) Consolidate table of Structure Plan / Implementation Plan changes	SRLA
BOX 178	23 Oct 2025	Hayball memorandum regarding Whitehorse Road Linear Reserve	SRLA
BOX 179	23 Oct 2025	Draft Implementation Plan (marked up)	Whitehorse
BOX 180	31 Oct 2025	Letter to Committee regarding filing of final version documents	SRLA
BOX 181	31 Oct 2025	Post Day 2 version of those parts of the Draft Amendment identified to be changed in BOX 143 and BOX 174): a) Clause 11.03 Planning for Places	SRLA

No.	Date	Description	Provided by
		b) Schedule 3 to Clause 37.10 Structure Plan area c) Schedule 4 to Clause 37.10 Station Development Area d) Schedule 5 to Clause 43.06 Central Core e) Schedule 6 to Clause 43.06 Central Flanks f) Schedule 7 to Clause 43.06 Key Movement Corridors and Urban Neighbourhoods g) Schedule 8 to Clause 43.06 Residential Neighbourhoods	
BOX 182	31 Oct 2025	Post Day 2 version – Structure Plan and Implementation Plan: a) Draft Structure Plan b) Draft Implementation Plan	SRLA
BOX 183	31 Oct 2025	Drafting of proposed amendments to the Voluntary Public Benefit Uplift Framework	SRLA
BOX 184	20 Nov 2025	Letter response to SRLA Post Day 2 drafting changes	702 Station Street Pty Ltd
BOX 185	21 Nov 2025	Response to SRLA's Post Day 2 documents, enclosing attachments: a) Clause 11.03 Planning for Places b) Schedule 3 to Clause 37.10 Precinct Zone c) Schedule 4 to Clause 37.10 Precinct Zone d) Schedule 5 to Clause 37.10 Precinct Zone e) Schedule 5 to Clause 43.06 Built Form Overlay f) Schedule 6 to Clause 43.06 Built Form Overlay g) Schedule 7 to Clause 43.06 Built Form Overlay h) Schedule 8 to Clause 43.06 Built Form Overlay	Bayside
BOX 186	10 Jan 2026	Letter to Committee re filing of materials (updated ## Jan 2026)	SRLA
BOX 187	10 Jan 2026	Final preferred versions – Box Hill Planning Scheme Amendment C255whse: Policy: a) 02.01 Context b) 02.03 Strategic Directions	SRLA

No.	Date	Description	Provided by
		c) 02.04 Strategic Framework Plans	
		d) 11.03 Planning for Places	
		e) 15.01 Built Environment	
		f) 16.01 Residential Development	
		Zone:	
		g) Schedule 3 to Clause 37.10 Structure plan area	
		h) Schedule 4 to Clause 37.10 Station development area	
		i) Schedule 5 to Clause 37.10 Former Box Hill Brickworks	
		Overlays:	
		j) Schedule 4 to Clause 43.02 Design and Development Overlay	
		k) Schedule 5 to Clause 43.06 Central Core	
		l) Schedule 6 to Clause 43.06 Central Flanks	
		m) Schedule 7 to Clause 43.06 Key Movement Corridors and Urban Neighbourhoods	
		n) Schedule 8 to Clause 43.06 Residential Neighbourhoods	
		o) Schedule 4 to Clause 45.09 Parking Overlay	
		p) Schedule 5 to Clause 45.09 Parking Overlay	
		Operational provisions:	
		q) Schedule to Clause 72.03	
		r) Schedule to Clause 72.08	
		s) Schedule to Clause 74.01	