

Planning Panels Victoria

Suburban Rail Loop East Precincts Standing Advisory Committee

Volume 5: Burwood 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 5: Burwood Precinct

20 February 2026

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Glossary and abbreviations for Burwood precinct

BUR [number]	Burwood Precinct hearing document number
Whitehorse Council	Whitehorse City Council
draft Amendment	draft Amendment GC248 to the Monash and Whitehorse Planning Schemes
draft Implementation Plan	draft Burwood Precinct Implementation Plan
draft Parking Plan	draft Burwood Precinct Parking Plan
draft Structure Plan	draft Burwood Precinct Structure Plan
Fountain Court	Fountain Court Management Services Pty Ltd
Fountain Court site	100 Station Street, Burwood
FoGC	Friends of Gardiners Creek
Gardiners Creek/Gardiners Creek corridor	Gardiners Creek (Kooyongkoot) corridor
Greenwood	Greenwood Capital Pty Ltd
Greenwood site	301 Burwood Highway, Burwood
IMMRB	IMMRB Trust and MR Trust
IWM	integrated water management
KKA	Kooyongkoot Alliance
Monash Council	Monash City Council
Mount Scopus	Mount Scopus Memorial College
Mount Scopus site	245 Burwood Highway, Burwood
precinct	Burwood precinct
SDA	Station Development Area
SCC	Strategic Cycling Corridor
SRL station	Burwood Suburban Rail Loop East station
the University	Deakin University Burwood campus

Overview

Summary	
Referral	
Precinct	Burwood, see Figure 1
Draft Amendment	GC248
Municipalities	Whitehorse and Monash
Committee process	
Report	Volume 5: Burwood Precinct
Date	20 February 2026
Referred Matters	Burwood precinct specific issues, see Table 1
Committee members	Sarah Raso (Chair), Annabel Paul (Deputy Chair), Simon Shiel, Peter Elliott and Geoff Glynn
Supported by	Sarah Vojinovic and Georgia Brodrick
Directions Hearing	22 July 2025 at Stamford Hotel, Melbourne and online
Main Hearing	25 November to 5 December 2025 at Novotel Melbourne, Glen Waverley and online, and 8 December to 18 December Stamford Hotel, Melbourne and online
Parties to the Hearing	See Appendix A
Site inspections	Unaccompanied, 13 November 2025
Citation	Suburban Rail Loop East Precincts Volume 5 [2026] PPV

1 Introduction

This report is one volume of 9 volumes that have been prepared by 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 Burwood Precinct.

1.1 Scope

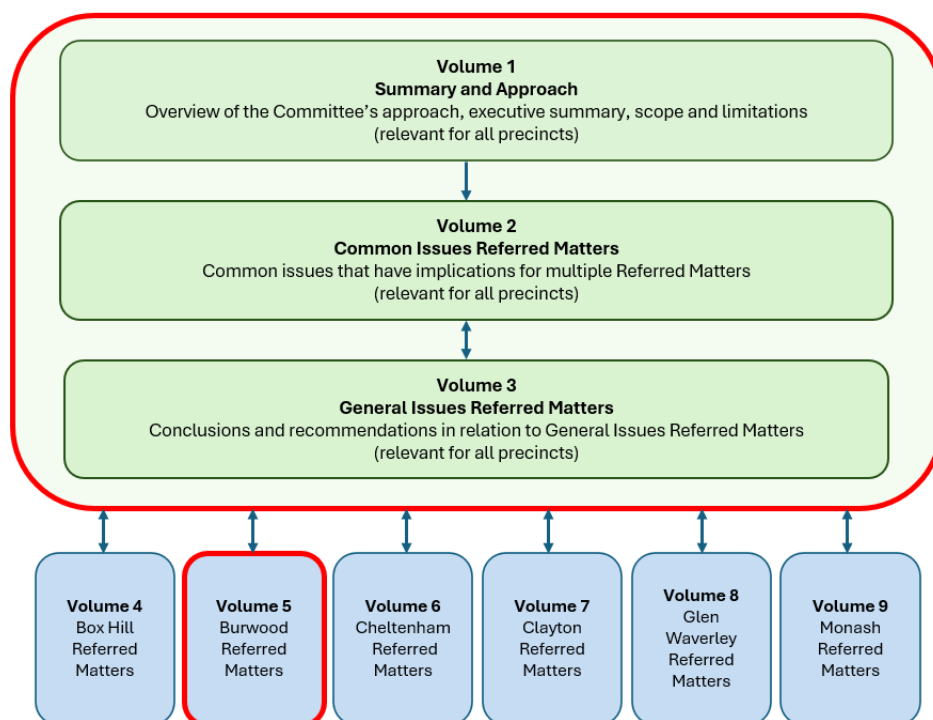
The Committee's advice and recommendations are confined to the Referred Matters. The Committee has not undertaken a general review of the draft Structure Plan, draft Implementation Plan and draft Amendment.

The Committee's Summary and Approach Report (Volume 1) 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 draft Burwood Structure Plan and draft Burwood Implementation Plan. References to the draft Amendment are to draft Amendment GC248whse (draft Amendment) to the Whitehorse and Monash Planning Schemes. References to Referred Matters are to the Referred Matters for the Burwood precinct unless stated otherwise.



2 Summary

Table 1 sets out the Referred Matters for the Burwood 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 Conclusions and recommendations

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: - SRL Station Development Area - McComas Grove and its intersection with Coppard Street - The building height transition along McComas Grove to adjoining residential areas to the east - The built form interface with Gardiners Creek (Kooyongkoot), including via building setbacks - Burwood Highway corridor - Education neighbourhood and at the Fountain Court Retirement Village site - Residential neighbourhoods around Barlyn Road, Chandler Grove, Roslyn Street - Wind effects on the public realm and private open space, particularly in relation to new development along Burwood Highway and the Gardiners Creek (Kooyongkoot) corridor
Findings	SDA and McComas Grove The maximum building heights in the SDA, including McComas Grove, as provided in the Day 3 controls, are generally appropriate subject to the following modifications: - the preferred maximum heights for Lots 1A, 1B and 1C should be 27 metres with a 17 metre street wall height - street wall heights for the station buildings should be:

- 23 metres for Lot S1
- 17 metres for Lot S2.

The building height transition along McComas Grove to adjoining residential areas to the east is appropriate.

Gardiners Creek corridor

The combination of mandatory overshadowing controls and discretionary height and setback controls are appropriate for sites that interface with the Gardiners Creek corridor.

The preferred maximum height for properties within Fletcher Parade and Cropley Court that have an interface with the Gardiners Creek corridor should be reduced to a discretionary maximum height of 21 metres.

Further calibration of building heights and setbacks may be required to ensure the overshadowing standard can be met.

Burwood Highway

The proposed height provisions which apply along the Burwood Highway corridor are generally appropriate and will facilitate the redevelopment of this land to form a relatively uniform mid-rise frame to the street corridor.

However, the combination of the proposed street wall heights and front setbacks mean that the traditional boulevard character will not be realised. While the street wall height is appropriate, the front setback should be increased from three to four metres along:

- the Area A section of Burwood Highway
- the Burwood Highway frontage of the land at 301 Burwood Highway, Burwood (the Greenwood site)
- the Burwood Highway frontage of the land at 100 Station Street, Burwood (the Fountain Court site).

Education neighbourhood and the Fountain Court site

For the Education Neighbourhoods, the proposed building height controls are appropriate.

For the Fountain Court site, the proposed building height controls as reflected in the Day 3 Whitehorse BFO3 are appropriate.

Interfaces with residential areas

The proposed building heights and transition to residential neighbourhoods in the Chandler Grove and Roslyn Street areas are acceptable.

In relation to Barlyn Road, the preferred maximum building height in the Monash BFO13 relating to the section of Highbury Road between Huntingdale Road to the eastern edge of the Structure Plan Area should be 21 metres (and not 27 metres).

	Wind effects The draft Structure Plan generally manages wind effects on the public and private realm, but the operation of Standard BFO8 should be made mandatory in relation to comfortable wind conditions in Whitehorse BFO1.
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 BUR R1: Amend Clause 3.0 of the Precinct Zone Schedule 2 (Map 1 and the Table 1) as follows: a) the preferred maximum heights for Lots 1A, 1B and 1C should be 27 metres with a 17 metre street wall height b) include a street wall height for Lot S1 (Station Building 1) of 23 metres c) include a street wall height for Lot S2 (Station building 2) of 17 metres. BUR R2: Amend Clause 6.2, Table 1, Standard BFO5 of Built Form Overlay Schedule 2 to increase the minimum front setback requirement to four metres for the Area A land along Burwood Highway. BUR R3: Amend Clause 6.2, Table 1, Standard BFO5 of Built Form Overlay Schedule 3 to increase the minimum front setback requirement to four metres for the Burwood Highway frontage of 100 Station Street, Burwood. BUR R4: Amend Clause 3.0, Map 1 of Precinct Zone Schedule X to increase the minimum front setback requirement to four metres for the Burwood Highway frontage of 301 Burwood Highway, Burwood. BUR R5: Amend Clause 6.2, Table 1, Standard BFO2 of Whitehorse Built Form Overlay Schedule 2 so that properties within Fletcher Parade and Cropley Court that have an interface with the Gardiners Creek (Kooyongkoot) corridor are subject to a discretionary maximum height of 21 metres. BUR R6: Amend Clause 6.2, Table 1, Standard BFO2 of Monash Built Form Overlay Schedule 13 to make the preferred maximum height for the section of Highbury Road between Huntingdale Road and the eastern edge of the Structure Plan Area 21 metres. BUR R7: Amend Clause 6.2, Table 2, Standard BFO8 of Whitehorse Built Form Overlay Schedule 1 to make the operation of the Standard mandatory in relation to comfortable wind conditions.

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 recommendation CI R01 and R02 in the Common Issues report.

Pedestrian and cycling access & links ***Referred Matter**

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

- Pedestrian and cycle crossing of Burwood Highway at Gardiners Creek (Kooyongkoot)
- Links through Mount Scopus strategic site and Fountain Court Retirement Village
- The strategic cycling corridor alongside Gardiners Creek (Kooyongkoot)

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 of the General Issues report.

The inclusion of a new crossing point on Burwood Highway at its intersection with Milford Avenue is appropriate.

The proposed new bridge over Burwood Highway, mid-block between the Sinnott Street extension and McComas Grove and nominated as Project SRL5 in the draft Implementation Plan, should be limited to pedestrians only.

The indicative location of pedestrian links through the Mount Scopus site should be altered as shown in Figure 13 of this report.

The indicative location of pedestrian links through the Greenwood and Fountain Court sites should be altered as shown in Figure 13 of this report.

The proposed link between Peacock Street and Bennett Street should be retained.

The extension of the east-west link between the Lundgren Chain and Sinnott Street is essential.

A PAO should be introduced to facilitate the:

- extension of the east-west link between the Lundgren Chain and Sinnott Street with the Proponent as the acquiring authority
- east-west link shown across the Gardiners Creek (Kooyongkoot) corridor to connect Hughes Street through to Cumming Street with the Proponent as the acquiring authority.

Planning for cycling links:

The planning for cycling along the Gardiners Creek corridor is appropriate.

The draft Implementation Plan should include a requirement for the preparation of a masterplan for Gardiners Creek having regard to future intentions for the creek corridor relating to active transport, biodiversity, flooding and public open space, and overshadowing.

Project G.1 (improved pedestrian and cycling infrastructure along Gardiners Creek between Burwood Student Village and Burwood Highway) should be delivered by the Proponent.

Conclusion

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

- pedestrian access and links is not appropriate for the reasons set out in the Common Issues report (Volume 3, Chapter 9.9) and this report in Chapter 7
- cycling infrastructure is generally appropriate, subject to modifications.

Recommendations

Refer to recommendations GI R32 to GI R34 of the General Issues report.

Draft Implementation Plan

BOX R8: In the context of Recommendation GI R32, amend the Day 2 draft Burwood Implementation Plan to:

- a) Confirm that the proposed bridge over Burwood Highway (Project SRL.5) should be a pedestrian bridge only.**
- b) Add a new project for a pedestrian crossing point across Burwood Highway at Milford Street and Bennett Street specifying timing of 'medium to long term', the lead agency as 'Department of Transport and Planning'.**
- c) Note the Proponent as the lead agency for Project G.1 (improved pedestrian and cycling infrastructure along Gardiners Creek between Burwood Student Village and Burwood Highway).**
- d) Add a new project which requires the preparation of a master plan for the Gardiners Creek (Kooyongkoot) corridor within the Structure Plan Area specifying timing of 'short term', the lead agency as 'SRLA' and the partner agency as 'Whitehorse and Monash City Councils'. The masterplan should have regard to the future intentions for the creek corridor relating to active transport, biodiversity, flooding and public open space (and overshadowing). The master plan should include:**
 - Detailed consideration and resolution of the role and function of the Gardiners Creek (Kooyongkoot) corridor throughout the Structure Plan Area, having regard to the aspirations of the draft Structure Plan.**
 - Extension of the proposed naturalisation of the Gardiners Creek (Kooyongkoot) corridor between Burwood Highway and Highbury Road.**

- **Identification of land required to expand the Gardiners Creek (Kooyongkoot) corridor for naturalisation, open space and active transport purposes, including at 127 Highbury Road, 12 Tudor Street and 19 Tudor Street, Burwood.**
- **Resolution of the role and function of the Strategic Cycling Corridor, including where the Strategic Cycling Corridor will be located and how it will be treated, having regard to biodiversity and flooding matters.**

Draft Structure Plan

BUR R9: In the context of Recommendation GI R32, amend the Day 2 draft Structure Plan as follows:

- a) The location of the links across 245 Burwood Highway, Burwood (the Mount Scopus site) should be updated in accordance with the indicative layout as shown in Figure 13 of this report.**
- b) The location of the links across 100 Station Street, Burwood (the Fountain Court site) and 301 Burwood Highway, Burwood (the Greenwood site) should be updated in accordance with the indicative layout as shown in Figure 13 of this report.**
- c) The proposed link between Peacock Street and Bennett Street should be retained.**
- d) The extension of the east-west link between the Lundgren Chain and Sinnott Street should remain.**

Draft Amendment:

BUR R10: Introduce a Public Acquisition Overlay to facilitate the:

- a) Extension of the east-west link between the Lundgren Chain and Sinnott Street with the Proponent as the acquiring authority.**
- b) East-west link shown across the Gardiners Creek (Kooyongkoot) corridor to connect Hughes Street through to Cumming Street with the Proponent as the acquiring authority.**

Public open space*

Referred Matter

Whether planning for open space in the Burwood 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:

- The size and type of the new open spaces proposed around McIntyre Street/Cromwell Street; and around Delaney Avenue/Milford Avenue
- The public open space investigation area near Burwood Highway/Station Street encompassing some of the Fountain Court Retirement Village

- Additional open space north of Burwood Highway, between Warragul Road and Parer Street; north of Burwood Highway, east of Station Street; south of Burwood Highway, east of Station Street; south of Highbury Road, west of Gardiners Creek
- Improvements to specific existing open spaces, including in Lundgren Reserve and Gardiners Creek Reserve at Fletcher Parade.

Findings

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 around McIntyre Street and Cromwell Street
- near Barry Road and Delany Avenue
- near Mount View Court and Central Avenue
- on the Greenwood and Fountain Court sites sited away from Station Street and providing links to existing open space to the north
- near Mount View Court and Central Avenue.

Several existing open space areas require improvements and upgrades, including:

- the Lundgren Reserve
- the Gardiners Creek corridor near Fletcher Parade.

Conclusion

The planning for open space in the Burwood 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 has identified opportunities to fill distribution gaps and improve open space which should form part of the further assessment.

Recommendations

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

Further work

BOX R11: In the context of Recommendation CI R06, the further assessment of open space needs in the Burwood 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 around McIntyre Street and Cromwell Street**
 - **near Barry Road and Delany Avenue**

- **near Mount View Court and Central Avenue**
- **on the Greenwood and Fountain Court sites sited away from Station Street and providing links to existing open space to the north**
- **near Mount View Court and Central Avenue.**

b) Several existing open space areas require improvements and upgrades, including:

- **the Lundgren Reserve**
- **the Gardiners Creek corridor near Fletcher Parade.**

Impacts on the Gardiners Creek (Kooyongkoot) corridor

Referred Matter	Whether the draft Structure Plan and draft Planning Scheme Amendment mitigate ecological impacts along the Gardiners Creek (Kooyongkoot) corridor.
Findings	The draft Implementation Plan should include a requirement for preparation of a master plan for the Gardiners Creek (Kooyongkoot) corridor, having regard to future intentions for the corridor relating to protecting and enhancing biodiversity, active transport, water management flooding, public open space and overshadowing.
Conclusion	The draft Structure Plan and draft Amendment (as updated through the Day 3 changes) appropriately mitigate ecological impacts along the Gardiners Creek (Kooyongkoot) corridor subject to the recommendations in this report.
Recommendations	The Committee has recommended a master plan be prepared for Gardiners Creek (see BUR R8d).

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, in the Burwood Structure Plan Area
Findings	Sinnott Street Reserve: Sinnott Street Reserve should be protected from overshadowing beyond that which would be produced by a 17-metre-high street wall at the winter solstice. This should be a mandatory control. Further work is required to determine whether the control should prevent any additional overshadowing beyond the street wall on the winter solstice between 10:00am and 1:00pm or 11:00am and 2:00pm, based on the need to achieve an appropriate balance between density expectations in the SDA and solar protection.

The building heights surrounding Sinnott Street Reserve should be calibrated to achieve the solar protection standard and should be discretionary to enable detailed siting and design work.

Map 1 of Whitehorse PRZ2 should be amended to show a maximum street wall/podium height of 17 metres for Lot S2 (see BUR R1c).

Gardiners Creek (Kooyongkoot) corridor:

The Day 3 controls appropriately minimises overshadowing and maintain solar access to the Gardiners Creek corridor, subject to:

- the PRZ2 overshadowing provisions being mandatory and the allowable shadow determined by a 17-metre street wall, not the overall building envelope
- the BFO2 overshadowing provisions being mandatory and the allowable shadow determined by an 11-metre street wall set back six metres from the boundary with the Creek corridor.

Parks and local public spaces:

The Day 3 controls appropriately minimise overshadowing and maintain solar access to the Apex Park Playground, the Lundgren Chain Reserve and playground, Roslyn Street Reserve and Poole Street (Muyan Reserve).

Streets:

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

Conclusion

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

BUR R12: Amend Clause 8.0 of Whitehorse Precinct Zone Schedule 2 to require mandatory winter overshadowing protection of Sinnott Street Reserve, preventing overshadowing beyond that which would be produced by a 17-metre-high street wall, between either 10:00am and 1:00pm or 11:00am and 2:00pm on the winter solstice depending on further work.

BUR R13: Amend Clause 8.0 of Whitehorse Precinct Zone 2 to require mandatory winter overshadowing protection of the Gardiners Creek (Kooyongkoot) corridor, with the allowable shadow being determined by the street wall, not the overall building envelope.

BUR R14: Amend Clause 6.2, Table 1 of the Whitehorse Built Form Overlay Schedule 2 to introduce a mandatory standard requiring that no additional shadow is cast over the Gardiners Creek (Kooyongkoot) corridor between 11.00am and 2.00pm on the winter solstice, beyond the shadow that would be cast by an 11-metre street wall set back 6 metres from the creek corridor boundary.

Public realm safety

Referred Matter

Whether the draft Structure Plan makes suitable provision for enhancing public safety in areas where higher density development is proposed.

Whether the controls proposed in the draft Planning Scheme Amendment for active frontages suitably address public safety issues.

Conclusion

The draft Structure Plan will enhance public safety in areas where higher density development is proposed.

The controls proposed in the draft Amendment in relation to active frontages suitably address public safety issues.

Land use mix & capacity

Referred Matter

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

- Encouraging delivery of employment floorspace, including suitable mixed-use and commercial development in the Burwood Central neighbourhood
- The extent to which residential uses should be encouraged / discouraged in employment and commercial areas

Findings

Application of the MUZ to all Key Movement Corridor place types will not lead to an inappropriate concentration of minor commercial uses along these thoroughfares.

There is adequate capacity for residential development in the Burwood Precinct.

'Office' as an as-of-right use in the INZ3 will assist in facilitating mixed employment precincts.

The employment precincts are unlikely to experience rapid or wholesale transition from industrial uses to office or commercial activities.

	The application of the IN3Z is appropriate to support the strategic intent of the draft Structure Plan for the southern portion of the Huntingdale Road Industrial Estate, including 1 to 3 Florence Street, Burwood. It is appropriate that residential uses be discouraged in the Huntingdale Road Industrial Estate.
Conclusion	The Land Use Plan in the draft Structure Plan and relevant planning provisions generally provide for an appropriate land use mix across the Burwood Structure Plan Area.

Car parking availability & rates*

Referred Matter	Whether the car parking rates as set out in the Precinct Parking Plan for Burwood are appropriate, including to encourage a shift towards more sustainable transport modes
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 Parking Overlay schedules should be implemented as part of the draft Amendment, as proposed.
Conclusion	The proposed car parking rates as set out in the Precinct Parking Plan for Burwood are generally appropriate subject to the modifications recommended in the General Issues report.
Recommendation	Refer to recommendation GI R15 in the General Issues report.

Community infrastructure*

Referred Matter	Whether the planning for community infrastructure in the Burwood 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 Burwood 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 Burwood is not adequate.
Conclusion	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.

Further work

BUR R15: In the context of Recommendation CI R11, the further assessment of community infrastructure in the Burwood Precinct should have regard to the following:

- a) It is not appropriate to locate the proposed community hub on land associated with Bennettswood Reserve.**

Draft Implementation Plan*

Referred Matter Whether the approach to implementing the actions and projects contained in the draft Implementation Plan for Burwood and the timing and pathways for their implementation are appropriate, for the purposes of the draft Structure Plan.

Conclusion 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.**

Precinct Zone – Application to specific sites in the Burwood Structure Plan area

Referred Matter Whether the PRZ should be applied to Greenwood Business Park.

Conclusion The PRZ should be applied to the Greenwood Business Park.

Strategic sites*

Referred Matter Whether the identification and treatment of strategic sites in the Burwood Structure Plan Area are appropriate, including Greenwood Business Park, Mount Scopus College and 127 Highbury 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 Burwood Referred Matter should be identified as Strategic Sites.

Conclusion	The identification and treatment of strategic sites in the Burwood 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.
Recommendation	Refer to recommendations GI R20 to GI R23 in the General Issues report.
Public acquisition overlay – Application to a specific site in the Burwood Structure Plan Area	
Referred Matter	Whether the Public Acquisition Overlay (PAO) should be applied to 141 Highbury Road, Burwood.
Conclusion	The Public Acquisition Overlay (PAO) should be applied to 141 Highbury Road, Burwood.
Road & street network*	
Referred Matter	Whether the road and street network shown in the draft Structure Plan and draft Planning Scheme Amendment is appropriate
Findings	The traffic modelling to date is generally satisfactory to draw broad conclusions about the road network upgrades that may be required in future. However, additional modelling is needed along Highbury Road west of the Gardiners Creek corridor to ensure the safe operation of the intersections at Evans Street and Ireland Street. This should be included in the Implementation Plan as an action.
Conclusion	Based on its findings in Chapter 8 of the General Issues report the Committee concludes the road and street network is generally appropriate subject to the modifications recommended in this report.
Recommendations	Draft Implementation Plan BUR R16: In the context of recommendation CI R17 amend the Day 2 draft Burwood Implementation Plan to: a) Include an action to undertake additional traffic modelling along Highbury Road west of the Gardiners Creek (Kooyongkoot) corridor is required. The traffic modelling should be designed to ensure the safe operation of the intersections at Evans Street and Ireland Street to accommodate the increased traffic arising from the expected intensification of the Structure Plan Area.

3 Approach

3.1 The Committee's approach for the Burwood Precinct

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.

(i) 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 Burwood Precinct were tabled documents (see Appendix B).

(ii) Main hearings

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 matters referred.

The Burwood Precinct Hearing took place from 25 November to 18 December 2025.

(iii) Resolved matters

The Committee has reported on 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. Several Referred Matters were resolved, as summarised in Table 2.

Table 2 Summary of resolved matters as between the Proponent and relevant landowner

Referred Matter	Issues resolved	Document No
Whether the planning for active transport in the Structure Plan Area is appropriate, including with respect to:	The draft Amendment shows pedestrian connections across Mount Scopus site at Clause 11.03-6L-02 and the draft Structure Plan. The Proponent sought to remove the pedestrian connections shown in BFO2 as they are outside of the BFO2 area.	BUR 26 – Stakeholder Discussion Sheet BUR 128a – Day 2 version draft Structure Plan

Links through Mount Scopus strategic site	It was agreed that to give effect to the intention of the pedestrian connections shown at Clause 11.03-6L-02, any reference to the pedestrian connections in the draft Amendment and the draft Structure Plan will be described as 'indicative pedestrian connections' (or words to similar effect) to support flexibility in the precise location and alignment of pedestrian connections in response to the detailed planning of the Mount Scopus site. Changes were presented in the Day 1 version of the draft Structure Plan to reflect this agreement and carried through to the Day 2 version.	
Whether the PRZ should be applied to Greenwood Business Park	Before the Hearing commenced the Proponent and Greenwood reached agreement on issues raised by Greenwood in its submission in relation to land at the Greenwood site. The agreement is reflected in the Greenwood Stakeholder Discussion Sheet. Application of the PRZ was not disputed. It was agreed that a bespoke PRZ schedule is appropriate for the Greenwood Site. It was also agreed to: a) remove the application of BFO2 from the Greenwood site b) introduce a new PRZ schedule to facilitate a master plan process for the Greenwood Site in accordance with the draft schedule provided at Annexure A to the Stakeholder Discussion Sheet. c) to the provision of a minimum of 4000 square metres of public open space shown indicatively in the north west corner of the Greenwood site	BUR 32 – Submission BUR 44 – Stakeholder Discussion Sheet D3 033 – Day 3 PRZX D3 045 – Day 3 Schedule to Clause 53.01
The suitability and distribution of the proposed building heights specified in the draft Structure Plan and draft Amendment, and transition to surrounding residential areas, including with respect to: d) ... the Fountain Court Retirement Village site	During the course of the Hearing, the Proponent and Fountain Court reached agreement on issues raised by Fountain Court in its submission. The agreement is reflected in the Stakeholder Discussion Sheet. It was agreed between the Proponent and Fountain Court that BFO3 be amended to introduce a new Area D which applies to the sections of the Fountain Court site fronting Station Street and Burwood Highway up to a depth of 50 metres from each respective frontage. Annexed to the Fountain Court Stakeholder Discussion sheet is a draft BFO3 which facilitates the agreed position.	BUR 77a – Submission BUR 101 – Stakeholder Discussion Sheet D3 039 – Day 3 BFO3

3.2 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	Whitehorse Council
Tim McBride-Burgess	Contour	Fountain Court
Sophie Jordan*	Contour	Greenwood Capital
Urban Design		
Mark Sheppard	Urbis	Proponent
Andrew Partos	Hansen	Whitehorse Council
Rob McGauran	MGS	Whitehorse Council
Mark O'Dwyer*	H2O Architects	Greenwood Capital
Traffic and transport		
Hillary Marshall	Ratio	Proponent
Jason Walsh	Traffix Group	Whitehorse Council
Community infrastructure		
Chris De Silva	Mesh	Proponent
Kate Kerkin	K2 Planning	Whitehorse Council
Open space, sport and recreation		
Kate Maddock	Otium	Whitehorse Council
Joanna Thompson	Thompson Berrill landscape Design Pty Ltd	Whitehorse Council

* Evidence filed but expert not called to give evidence.

(i) Joint Expert Meeting

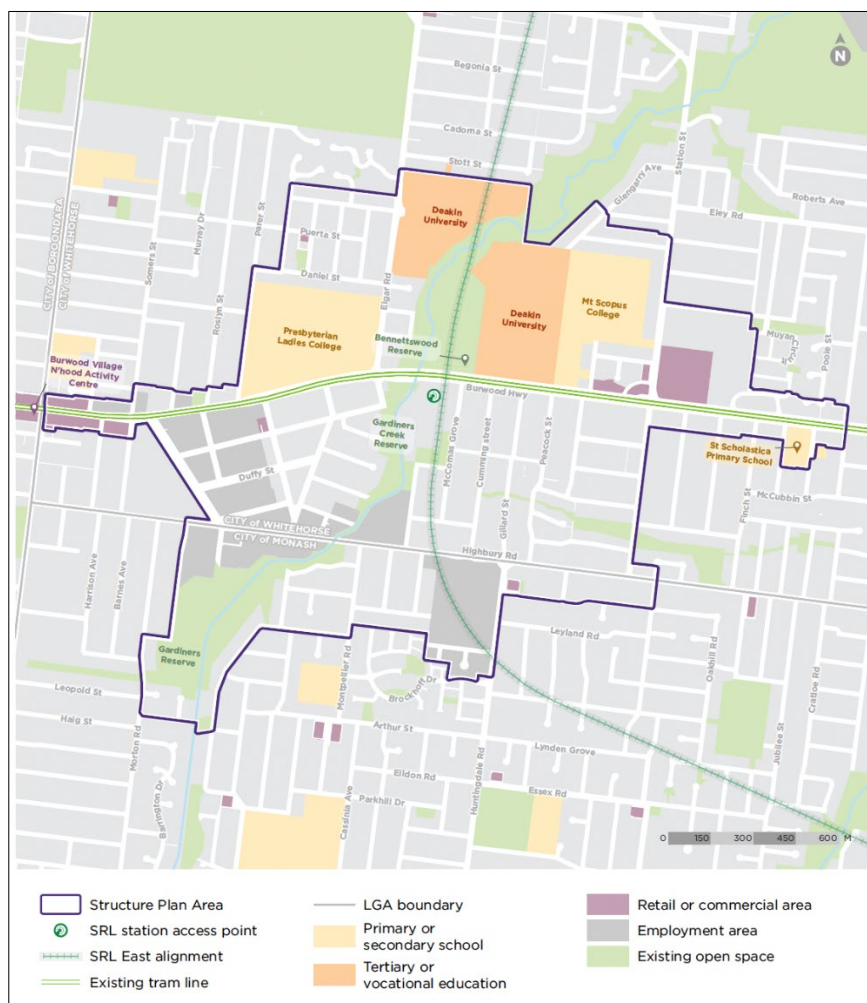
As directed by the Committee, an expert meeting was held before the Hearing for the field of traffic and a Joint Expert Statement was tabled (Document BUR 53) identifying the areas of agreement and disagreement.

4 The Proposal

4.1 The precinct

The Burwood Precinct includes the land shown in Figure 1.

Figure 1 Burwood Precinct Local Concept Plan with draft Structure Plan Boundaries



Source: draft Structure Plan

Burwood is a state-significant education precinct, including Deakin University Burwood campus and two large private schools: Presbyterian Ladies' College and Mount Scopus College. Deakin University is one of Australia's leading tertiary education providers, and a major regional employer and driver of economic activity in Burwood.

The Gardiners Creek corridor is a key public open space link that runs through the precinct, generally from the north-east to the south-west, with connected public open spaces, walking trails and an established vegetation and biodiversity corridor.

Burwood Highway runs east-west through the Structure Plan Area and is a major regional movement and economic corridor, connecting to Monash Freeway and Eastlink.

Burwood is also characterised by established residential areas and pockets of commercial and industrial land use.

Burwood has significantly more workers than residents, with approximately 9,000 workers in the Structure Plan Area compared with 5,300 residents. Education and training account for around 61 per cent of jobs and approximately one in five Burwood residents are undergoing tertiary education.

The resident population in Burwood is forecast to more than double by 2041 (from 5,300 in 2021 to 11,100 in 2041), requiring an additional 2,600 dwellings to accommodate the growth.

Strong growth in the education sector, along with improved access to Deakin University's Burwood campus, will generate jobs, define the economy and encourage new development along Burwood Highway. Jobs are forecast to almost double from 9,000 in 2021 to 16,900 by 2041. More employment floorspace is required to support business and jobs growth.

Associated with this population and jobs growth will be a need for new community facilities and enhanced open spaces.

The vision in the draft Structure Plan is:

A thriving urban centre growing responsibly in its natural environment to create a sustainable suburb. Burwood will be a lively urban centre where the high-quality design of new homes, civic buildings and public spaces create a distinctive identity.

The vision seeks to:

- create a lively urban centre around the SRL transport hub, with increased jobs, cafes, restaurants, and lifestyle and civic amenities
- build on Deakin University as a globally connected education and research centre
- increase residential density and diversity to cater for population growth and for people to live sustainably over time
- enhance the Gardiners Creek biodiversity and open space corridor as a focus of open space and wildlife habitat
- provide for a better-connected precinct, with walking and cycling routes connecting employment centres with Gardiners Creek and the rest of the suburb.

4.2 Draft Structure Plan

The draft Structure Plan outlines a vision for the transformational change anticipated around the Burwood SRL East Station. The Plan provides a 15-year framework for the Burwood Precinct, guiding how the area will accommodate significant growth in homes, jobs and community facilities to meet population projections for 2041. The draft Structure Plan establishes a vision for the Burwood Precinct and guides growth across five key themes: Enriching Community, Boosting the Economy, Enhancing Place, Better Connections, and Empowering Sustainability. It contains objectives, strategies and implementation steps designed to shape land use, housing, transport, public spaces and environmental outcomes.

The draft Structure Plan is proposed to be included as a background document at Clause 72.08 of the Monash and Whitehorse Planning Schemes.

4.3 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 agencies, partner organisations and delivery pathways, but does not propose funding mechanisms.

The draft Implementation Plan is proposed to be included as a background document at Clause 72.08 of the Planning Scheme.

4.4 Draft Parking Plan

The purpose of the draft Parking Plan is to set parking objectives for the Burwood Precinct. It provides a series of tools to achieve these objectives ranging from applying the Parking Overlay plus a series of statutory and non-statutory tools.

4.5 Draft Amendment

The draft Amendment proposes to introduce the parent provisions for the Precinct Zone (Clause 37.10) (PRZ) and the Built Form Overlay (Clause 43.06) (BFO) into the Whitehorse Planning Scheme and the PRZ into the Monash Planning Scheme.

It also seeks to revise the various local policies in the Planning Policy Framework at Clauses 02, 11, 15 and 16. The proposed revisions aim to recognise the strategic significance of the 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 Burwood SRL station, making it the focus of new jobs and housing.

(i) Whitehorse Planning Scheme

As exhibited, the draft Amendment proposes to apply:

- Precinct Zone Schedule 1 (PRZ1) to the majority of land within the northern part of the Structure Plan Area
- Precinct Zone Schedule 2 (PRZ2) to the SDA strategic site
- Built Form Overlay Schedule 1 (BFO1) to land in the Main Streets
- Built Form Overlay Schedule 2 (BFO2) to land in the Key Movement Corridors and Urban Neighbourhoods
- Built Form Overlay Schedule 3 (BFO3) to land in the Residential Neighbourhoods
- Built Form Overlay Schedule 4 (BFO4) to land in the Employment Neighbourhoods
- Parking Overlay Schedules 2 and 3 (PO2 and PAO3) to identify parking requirements for Area A and Area B of the Structure Plan Area, including car parking rates
- the Public Acquisition Overlay (PAO) to the property at 141 Highbury Road, Burwood
- the Environmental Audit Overlay (ESO) to selected sites listed in the Explanatory Report.

The draft Amendment proposes to delete:

- Significant Landscape Overlay Schedule 9 (SLO9)
- Design and Development Overlay Schedule 2 (DDO2)
- Design and Development Overlay Schedule 4 (DDO4)
- Specific Controls Overlay.

(ii) Monash Planning Scheme

As exhibited, the draft Amendment proposes to apply:

- Precinct Zone Schedule 7 (PRZ7) to the majority of land within the northern part of the Structure Plan Area
- Built Form Overlay Schedule 13 (BFO13) to land in the Key Movement Corridors and Urban Neighbourhoods
- Built Form Overlay Schedule 14 (BFO14) to land in the Residential Neighbourhoods
- Built Form Overlay Schedule 15 (BFO15) to land in the Employment Neighbourhoods
- Parking Overlay Schedule 7 (PO7) to Area B, being generally land within the Residential Neighbourhoods and Employment Growth and Enterprise Neighbourhoods
- the Environmental Audit Overlay (ESO) to selected sites.

The draft Amendment proposes to delete Vegetation Protection Overlay Schedule 1 (VPO1).

4.6 Versions of the planning scheme ordinance

The Committee has based its recommendations for the Burwood precinct on the:

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

A full list of the ordinance considered by the Committee for the Burwood 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:

- SRL Station Development Area
- Gardiners Creek (Kooyongkoot) corridor
- Burwood Highway corridor
- Education neighbourhood and at the Fountain Court Retirement Village site
- McComas Grove and its intersection with Coppard Street
- Residential neighbourhoods around Barlyn Road, Chandler Grove, Roslyn Street
- The built form interface with Gardiners Creek (Kooyongkoot), including via building setbacks
- The building height transition along McComas Grove to adjoining residential areas to the east
- Wind effects on the public realm and private open space, particularly in relation to new development along Burwood Highway and the Gardiners Creek (Kooyongkoot) corridor

5.2 Key issues

The key issues are whether the:

- proposed building heights are suitable and appropriately distributed across the Structure Plan Area
- proposed building heights provide an appropriate transition to residential areas
- proposed building heights are suitable in relation to the sites specified in the Referred Matters
- controls support the practical application of the building heights and setbacks.

5.3 Background

(i) Draft Structure Plan

The draft Structure Plan sets out the preferred maximum building heights in Figure 2.

These heights include:

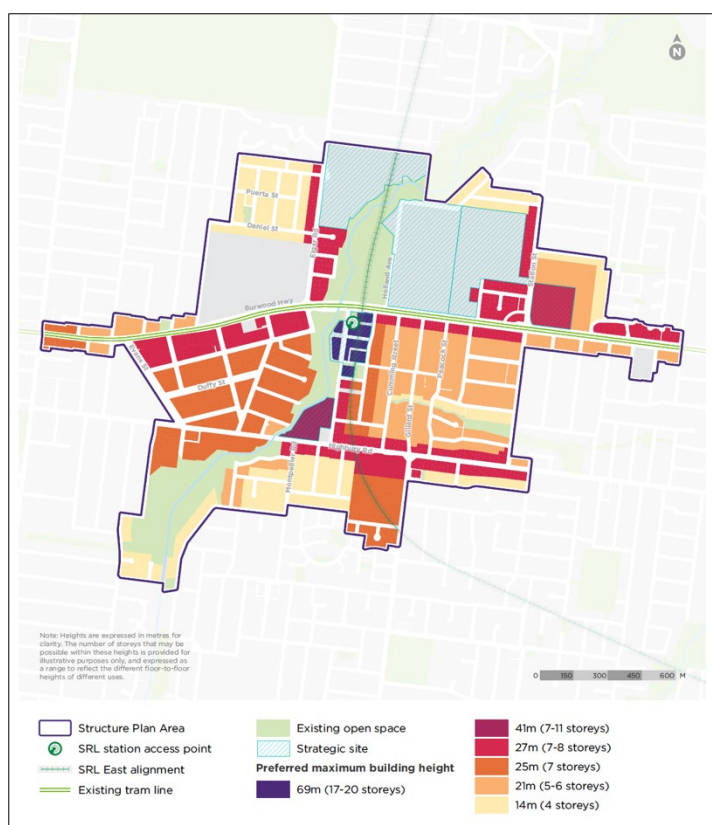
- 14 metres (4 storeys) in some of the residential areas
- 27 metres (7-8 storeys) along most of Burwood Highway and the eastern section of Highbury Road
- 69 metres (17-20 storeys) in the SDA.

Strategies aim to:

- promote the greatest level of built form and development scale in the Burwood Central neighbourhood around the SRL station

- facilitate continuous mid-rise buildings that can support a mix of uses along Burwood Highway, Highbury Road, Elgar Road and Station Street to frame these wide roads
- facilitate mid-rise urban neighbourhoods adjacent to Gardiners Creek and within close walking distance of Burwood Central and the SRL station
- provide low to mid-rise apartment buildings in garden settings in established residential areas
- ensure new built form complements the fine-grain, low rise character of the Warrigal Road shopping strip
- ensure new built form enhances Gardiners Creek and associated parklands and provides an appropriate interface with adjoining properties based on the level of change anticipated.

Figure 2 Preferred maximum building heights



Source: draft Structure Plan

(ii) Draft Implementation Plan

The draft Implementation Plan includes an action to amend the Planning Schemes 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 to introduce Clause 11.03-6L-02 – Burwood SRL East Structure Plan Area. Under ‘built environment strategies’ it includes:

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

Encourage continuous, mid-rise buildings along Burwood Highway, Highbury Road, Elgar Road and Station Street (within areas shown as accommodating high built form scale) to frame these wide roads.

Support a pair of mid-rise urban neighbourhoods (within areas shown as accommodating high built form scale) adjacent either side of Gardiners Creek (Kooyongkoot), and within walking distance of the Burwood Central Neighbourhood.

Encourage housing diversity through the development of mid-rise apartment buildings within landscaped settings in areas identified for medium built form scale housing.

Zoning

PRZ1 and PRZ7 relate to the Structure Plan Area in the Whitehorse and Monash municipalities respectively, excluding the SDA. These schedules have a use and development 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 growth.

Whitehorse PRZ2 relates to the SDA and includes the objectives:

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 an intensified built form and the creation of new high amenity public realm.

Map 1 of PRZ2 provides for a maximum building height of 69 metres across the SDA, excluding the SRL station buildings (which are subject to the Suburban Rail Link East Incorporated Document, August 2022 (Incorporated Document)).

The precinct is subject to master plan requirements, including the requirement to prepare an urban context and design response report that shows or makes provision for, amongst other matters:

Building envelopes including the height, siting, setbacks and street-wall heights of existing and proposed buildings, generally in accordance with the Use and development framework plan at Map 1.

Built Form Overlay

BFO schedules apply to all land in the Structure Plan Area, except the SDA.

Objectives relevant to the preferred maximum building heights for each BFO are summarised in the table below (Table 4).

Table 4 Summary of BFO schedules regarding preferred maximum building height

BFO	Relevant objectives	Preferred maximum height
BFO1 (Whitehorse) Main Streets	To support mid-rise development that references the fine grain character of the area and provides activated commercial uses along Burwood Highway and Warrigal Road with a low-scale street wall and recessive upper levels.	25 metres
BFO2 (Whitehorse) Key Movement Corridors and	To support high housing growth in the form of mid-rise development, with incrementally taller built forms fronting the Burwood Highway,	Areas A and D: 27 metres Area B: 25 metres

Urban Neighbourhoods	Elgar Road, Station Street, Sinnott Street and Highbury Road key movement corridors. To create a high-quality public realm with street wall heights that respond to street widths and provide a human scale, recessive upper levels, landscaped street setbacks, solar access to identified public open spaces and a safe and inviting interface to Gardiners Creek.	Area C: 21 metres Area E: 41 metres
BFO3 (Whitehorse) Residential Neighbourhoods	To support medium housing growth in the form of mid-rise development in a garden landscape character. To create a high-quality public realm with human scale through building heights, recessed upper levels, solar access to identified public open spaces, and a safe and inviting interface to Gardiners Creek.	On land with a frontage width of less than 24 metres: 11 metres On land with a frontage width of 24 metres or greater: e) Area A: 21 metres f) Areas B and C: 14 metres
BFO4 (Whitehorse) Employment Neighbourhoods	To support mid-rise development, which supports the ongoing local service function of the employment neighbourhood. To ensure that development responds to interfaces with residential areas and areas outside the Structure Plan Area, by transitioning with lower building heights and increased setbacks.	25 metres
BFO13 (Monash) Key Movement Corridors and Urban Neighbourhoods	To support high housing growth in the form of mid-rise development along Highbury Road. To create a high-quality public realm with street wall heights that respond to street widths, provide a human scale, recessive upper levels, landscaped street setbacks, solar access to identified public open spaces and a safe and inviting interface to Gardiners Creek.	27 metres
BFO14 (Monash) Residential Neighbourhoods	To support medium housing growth in the form of mid-rise development in a garden landscape character. To create a high-quality public realm with human scale through building heights, recessed upper levels, solar access to identified public open spaces, and a safe and inviting interface to Gardiners Creek.	On land with a frontage width of less than 24 metres: 11 metres On land with a frontage width of 24 metres or greater: g) Area A: 21 metres h) Area B: 14 metres
BFO15 (Monash) Employment Neighbourhoods	To support mid-rise development, which supports the ongoing local service function of the employment neighbourhood.	Area A: 25 metres Area B: 27 metres

To provide a sensitive built form interface with Gardiners Creek that enables accessibility, passive surveillance and solar access to the reserve.

To ensure that development responds to interfaces with Residential Neighbourhoods and areas outside the Structure Plan Area, by transitioning lower building heights and increased setbacks.

Source: BFO schedules, as exhibited

(iv) Burwood Urban Design Report

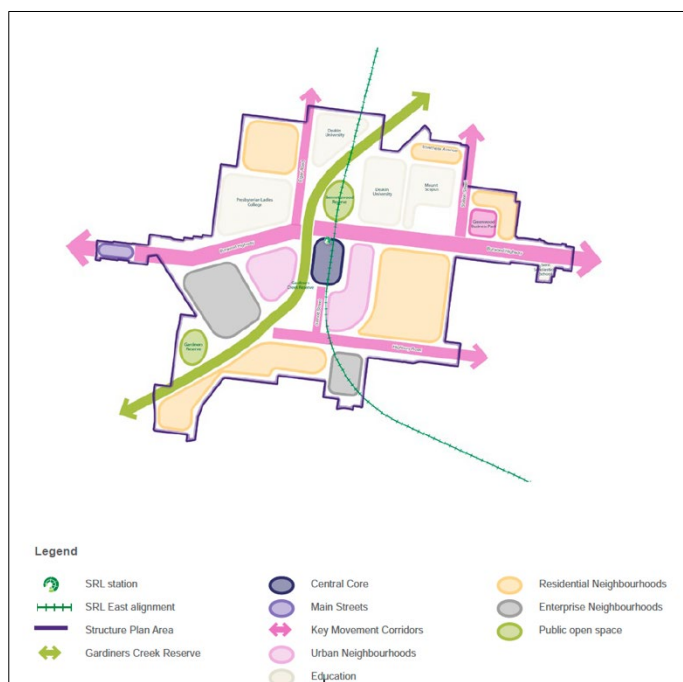
The UDR informed the draft Structure Plan's built form provisions. It noted that given the location of large education facilities north of Burwood Highway, most urban form change would occur along major roads and south of Burwood Highway. Development is directed to be more intense around the SRL station, transitioning in height and density towards lower scale residential and employment areas at the edges of the Structure Plan Area.

The Gardiners Creek corridor is a key natural feature running through the Structure Plan Area, being an important biodiversity corridor, open space corridor and focal point of the area.

Identified constraints to change included lot patterns, lot ownership, height or age of existing development, and character overlays. The three major education landholdings are identified as unlikely to change.

The UDR directs the promotion of mid-rise development throughout the Structure Plan Area, except immediately around the SDA where high rise buildings are preferred (Figure 3).

Figure 3 Urban Form Outcomes



Source: UDR

(v) General Issues conclusions

The Committee has made conclusions and recommendations in the General Issues report (Volume 3) that will influence built form outcomes. These include 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 heights

(i) Evidence and submissions

Parties and experts generally agreed that the overall approach to the distribution of preferred maximum building heights across the Structure Plan Area was appropriate and based on a sound methodology. Building heights in the draft Amendment generally corresponded with the preferred maximum building heights in the UDR with the exception of the SDA.

Whitehorse Council and some experts raised concerns about the proposed maximum building heights for certain places.

(ii) Discussion

The Committee accepts that, in general, 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, with the exception of some area where the Committee supports some of the changes to the Day 3 controls and has recommended further changes based on evidence. The proposed heights are supported by appropriate policy and objectives in the PRZ and BFO schedules.

The appropriateness of the proposed maximum building heights for specific sites is discussed in the following sections of this report.

(iii) Finding

The Committee finds:

- In general, the proposed maximum building heights in the Structure Plan Area are appropriate and translate the levels of housing growth into a coherent built form framework that balances opportunity, constraint and sensitivity.

5.5 Station Development Area and McComas Grove

(i) Background

The draft Structure Plan refers to the SDA as Neighbourhood A: Burwood Central and outlines its future role and objectives. Key attributes envisioned for the area include:

- Burwood Central will transform into a mixed-use urban centre around the SRL station and naturalised Gardiners Creek. New office, residential, retail and community spaces will create activity during the day and night.
- Sinnott Street will support high-frequency buses and safe pedestrian and cyclist access. Ground floor retail and hospitality will activate the area. Buildings will transition down in height away from the SRL station to protect the amenity of Gardiners Creek and open spaces.
- Gardiners Creek will be enhanced from a concrete drainage channel to a biodiverse community asset. This enhanced corridor will support amenity, biodiversity and active transport.

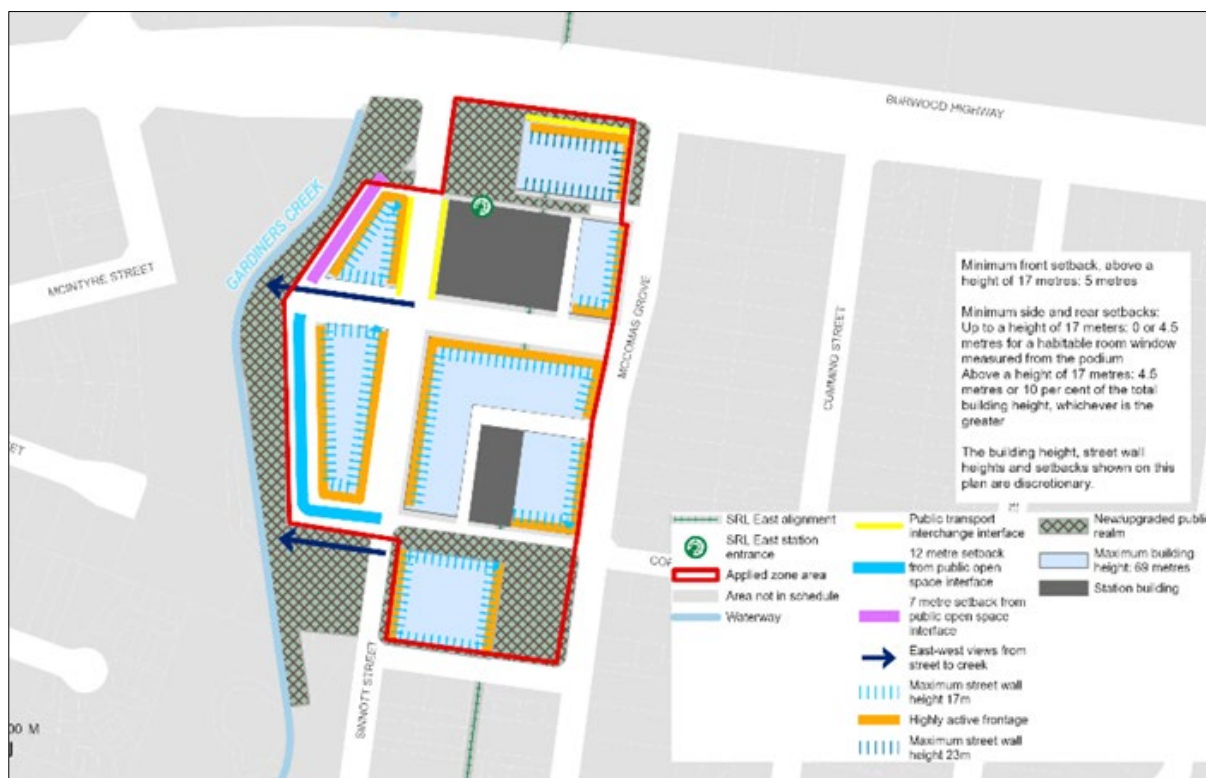
The Neighbourhood Framework Plan illustrates an indicative block and street layout that prioritises commercial uses and a preferred built form scale, surrounded by mixed-use development.

The plan also identifies proposed new areas of public open space, including a station plaza interfacing with Burwood Highway and an eastward expansion of the Gardiners Creek corridor. It also shows the relocation of Sinnott Street Reserve, although at a reduced size compared to its previous configuration.

The draft Amendment translates Neighbourhood A into PRZ2. Clause 3.0 of PRZ2, the Use and Development Framework Plan (Figure 4), shows an indicative block and street layout consistent with the Neighbourhood Framework Plan. The built form requirements are:

- maximum building height of 69 metres
- maximum street wall height of 17 metres, with the exception of the block interfacing Burwood Highway, to which a maximum street wall of 23 metres applies
- two trapezoid blocks which interface the Gardiners Creek corridor where a public open space setback is required: the northern block requires a seven-metre setback and the southern block requires a 12-metre setback
- five-metre front setback above the street wall or podium
- minimum side and rear setbacks:
 - up to a height of 17 metres, no setback is required unless a habitable room and window is provided, in which case a 4.5 metre setback applies
 - above a height of 17 metres, a setback of 4.5 metres is required or 10 per cent of the total building height, whichever is greater
- these requirements are discretionary
- the SRL station buildings are subject to the Incorporated Document.

Figure 4 Exhibition version of Map 1 to PRZ2: Use and Development Framework Plan



Source: BUR 10i

(ii) Evidence and submissions

Evidence

The SDA is located at the intersection of Burwood Highway and the Gardiners Creek corridor. It is intended to accommodate the most significant built form, taking advantage of the new SRL station and its proximity to employment and services.

The proposed layout and arrangement of heights within the SDA have been informed by a range of considerations, including:

- the proximity and relationship to Gardiners Creek, Burwood Highway and properties fronting McComas Grove
- a desire to provide an *"architecturally interesting skyline"*, and
- the need for reasonable solar access to key spaces and streets.

Having regard to the matters above, and as set out in the UDR, Mr Sheppard recommended that a reduction to some building heights and street wall heights within the SDA was necessary.

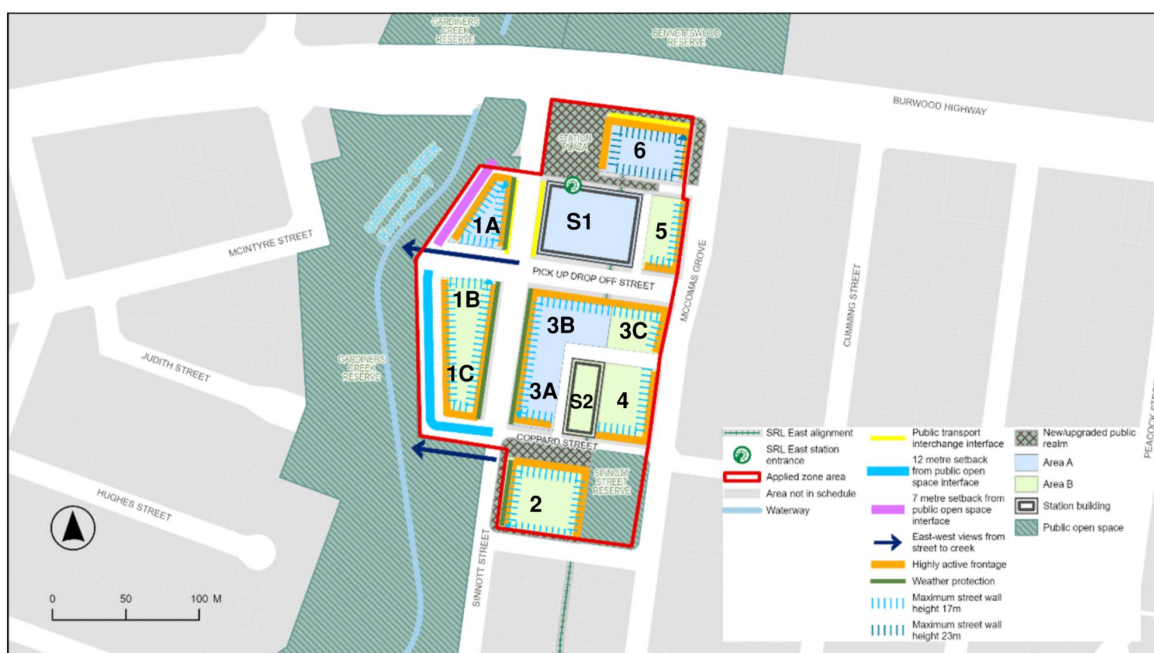
Specifically, he recommended changes to the PRZ2 so it more closely aligns with the UDR by reducing building heights from 69 metres to 41 metres (10–11 storeys) along the Gardiners Creek corridor, McComas Grove and Sinnott Street (shown as a new Area B, with the remaining areas identified as within Area A). He also identified the potential for two 'landmark' buildings with a preferred maximum height of 69 metres (20 storeys), one at the northern end of the Gardiners Creek corridor (Lot 1A) and another at the corner of Burwood Highway and McComas Grove (Lot 6).

Mr Sheppard did not consider any change to building heights in the central part of the SDA to be necessary, on the basis that development in this location would be less visually prominent. He said:

I regard those as appropriate landmark locations... and I think that along the Gardiner Creek Reserve edge it would be not just acceptable, but appropriate, to have the variation in built form scale that would be achieved by allowing the northern parcel (Lot 1A) which, as you can see, is quite a small parcel to remain at that 69 metre height.

The Proponent generally accepted Mr Sheppard's recommendations and these are reflected in the Proponent's Day 3 version of the PRZ2 (Figure 5). Area A is noted as having a maximum building height of 69 metres and Area B 41 metres.

Figure 5 Day 3 version of Map 1 to PRZ2: Use and Development Framework Plan (with Lot numbers added)



Source: BUR 32, with Committee mark-up of Lot numbers

Prof McGauran focused his attention on interfaces with Sinnott Street Reserve and the Gardiners Creek corridor. Generally, he had concerns around:

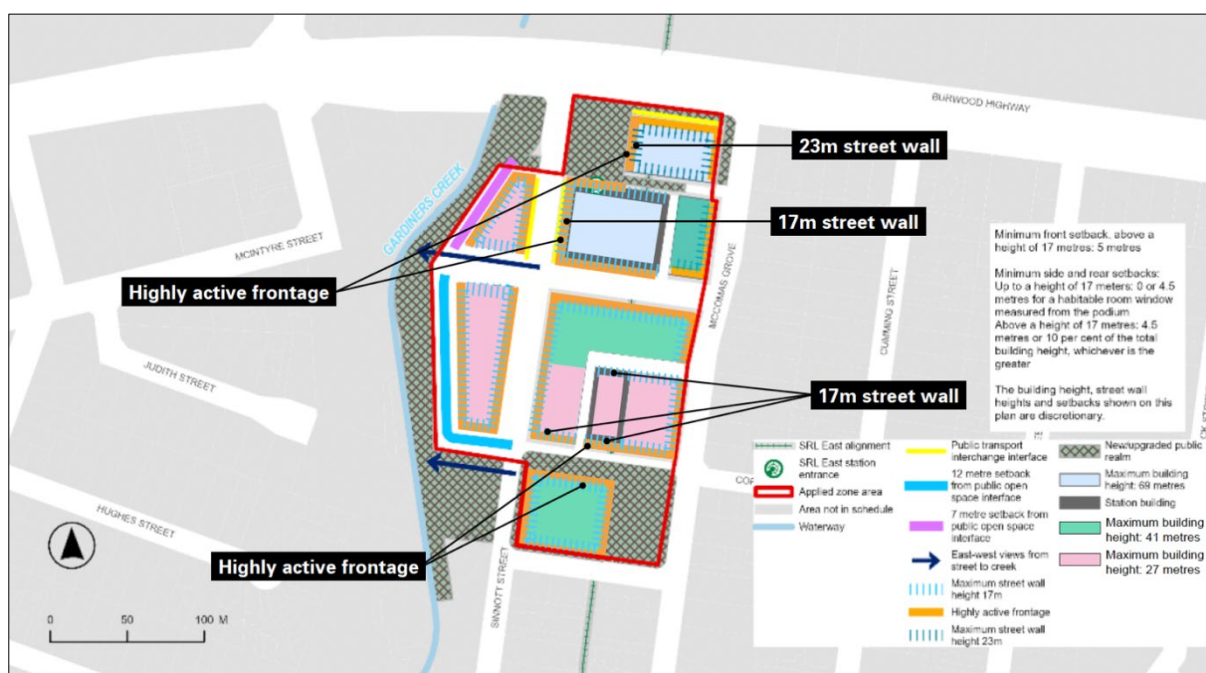
- shadow impacts of taller form on Sinnott Street Reserve and the creek reserve
- appropriate transition of height to the creek reserve to avoid overwhelming visual bulk.

Prof McGauran provided a detailed assessment of shadow impacts and indicated that the new Sinnott Street Reserve would be overshadowed by building envelopes to the north and west, beyond the level of overshadowing recommended in the UDR and beyond what he considered acceptable for a primary open space in the central core. Specific shadow impacts on open space and the public realm are discussed in detail in the Chapter 10 of this report.

Prof McGauran recommended building heights of 27 metres, 41 metres and 69 metres across the SDA. While he accepted that higher density is appropriate closest to the SRL station, he did not support the 69-metre blanket preferred height control on the basis that it risks undermining pedestrian amenity, human scale and public realm quality if applied too broadly. He said his modelling demonstrated that heights of around 41

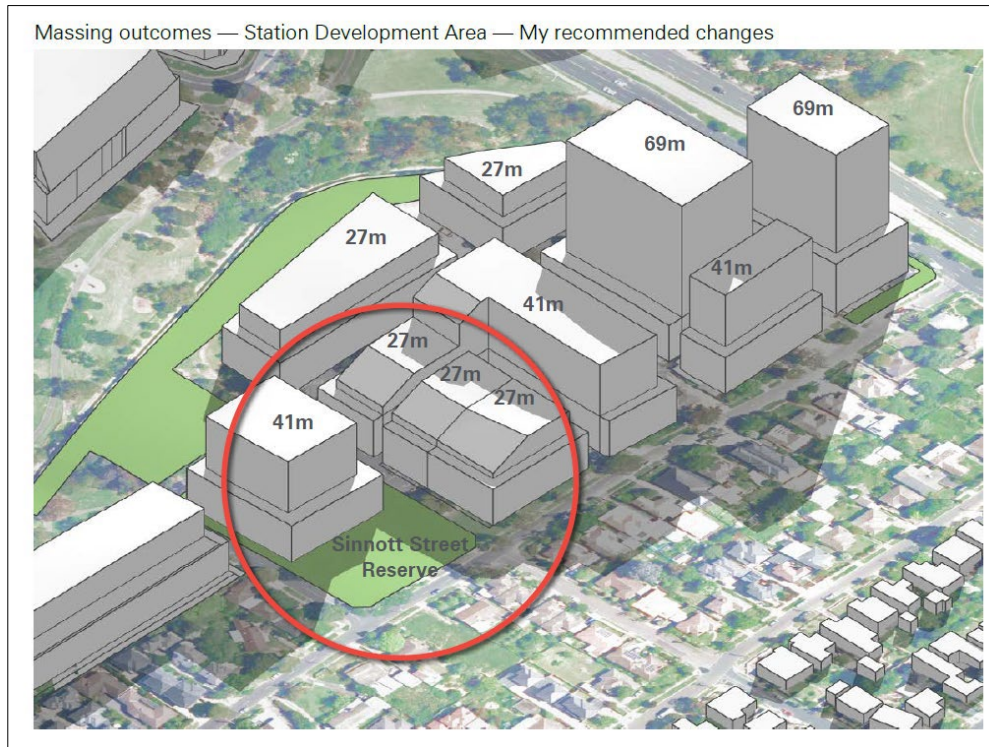
metres within the centre of the SDA would be appropriate and 41 metres could accommodate substantial density while still achieving acceptable solar access, transition and interface outcomes adjacent to key streets and open spaces. Where development directly interfaces with Sinnott Street Reserve, the Gardiners Creek corridor and primary pedestrian environments, he recommended lower heights of approximately 27 metres to protect winter solstice sunlight, support activation of streets and reserves, and deliver a more comfortable, human-scaled public realm. At the interface to Gardiners Creek, he considered built form needed to remain lower and then step up, to ensure the creek corridor is not overwhelmed or overshadowed. (Figure 6 and Figure 7).

Figure 6 McGauran proposed heights to Map 1 of PRZ2



Source: BUR 54

Figure 7 McGauran recommended changes to Station Development Area heights



Source: BUR 54

Mr Partos supported lower building heights based on detailed built-form and solar access testing, with a strong emphasis on protecting the amenity and function of the public realm. While he accepted higher densities in proximity to the SRL station, he did not support the uniformity of the maximum heights, particularly 69 metres, and considered this would result in unacceptable overshadowing of key public spaces, including Sinnott Street Reserve, the Gardiners Creek corridor and adjacent civic spaces, especially during the winter solstice. He stressed that these open spaces are intended to serve year-round recreational, ecological and civic roles, and therefore require reliable mid-winter solar access. Mr Partos also said that the proposed heights fail to deliver appropriate transitions to sensitive interfaces, particularly where development abuts the creek corridor and neighbourhood streets, contrary to the Structure Plan's stated objectives. He supported Prof McGauran's recommendation to reduce the height of lots on the western edge (Lots 1A, 1B and 1C) to 27 metres.

Submissions

Whitehorse Council relied on Prof McGauran's evidence and submitted that his suggested amendments to the proposed building heights were required to secure master planning outcomes that protected public realm quality and amenity.

Whitehorse Council adopted Prof McGauran's recommendations about Sinnott Street Reserve, which Mr Partos also broadly supported. In Whitehorse Council's submission, the new park, even in its smaller format, deserved better and stronger protection than currently proposed in the PRZ2. In addition to mandatory solar access protection (discussed in Chapter 10) Whitehorse Council sought the introduction of revised discretionary maximum heights for Lots 2, 3A and 4 in accordance with Prof McGauran's

recommendations. This broadly translates to a maximum height of 27 metres across Lots 3A and Lot 4, and a 41-metre maximum preferred height at Lot 2.

Whitehorse Council did not support a landmark building at the edge of the creek corridor but supported one at Lot 6 and for Station Building 1. It agreed with Mr Sheppard that these locations, at the eastern and southern edge of the proposed station plaza and adjacent to the widest road in the Structure Plan Area at Burwood Highway, are appropriate for strategic buildings that will potentially allow for higher capacity without significant consequences for amenity outcomes. Whitehorse Council submitted:

This is borne out in the axonometric views produced by Prof McGauran at his preferred heights across the Station Development Area. Taking into account the graduated increase in building heights he proposes extending northward from Sinnott Street Reserve, the two 69-metre buildings at the northern edge of the Station Development Area and at the station are given greater visibility and presence – over and above the more uniform outcome pursued by the SRLA and Mr Sheppard.

Finally, Whitehorse Council acknowledged the additional complexities arising from the interaction with the Incorporated Document governing development of the SRL station buildings (Lot S1 and S2) and whether this extended to the airspace above it. Whitehorse Council's understanding of the position adopted by the Proponent was that the Committee could not make direct recommendations regarding the street wall height of Lots S1 or S2, as these matters would be subject to a separate approval process through the Minister for Planning under the Incorporated Document.

In these circumstances, Whitehorse Council submitted that a five metre setback should be applied above the podium, in conjunction with mandatory solar controls (discussed in Chapter 10).

The Proponent submitted that Mr Sheppard's recommended reduced building heights, together with the relevant setbacks, provide an appropriate transition to the east and an appropriate built form adjacent to the creek corridor. In addition, it said these heights will improve solar access to the streets within the SDA and to the open spaces around the SDA (the creek corridor and Sinnott Street Reserve). It submitted that these heights provide an appropriate and measured built form response in the SDA, where the level of built form intensification is to be the highest.

The Proponent submitted that a reduction in height in accordance with Prof McGauran's recommendations would tip the scale too far in favour of amenity outcomes in the core of the Structure Plan Area, which is to accommodate the most intense built form.

With respect to the sites accommodating the SRL station buildings, the PRZ does not regulate the SRL station buildings themselves, rather they are regulated by a separate Incorporated Document. However, the Proponent accepted that built form in the airspace above the SRL station buildings should be regulated and should be set back from the face of the building below, with the same setbacks proposed elsewhere in the SDA.

In terms of McComas Grove and its interface with residential land to the east, the Proponent agreed to a reduction in height to 41 metres (Lots 3C and 4) with an interface to McComas Grove, and highlighted that building heights then transitioned down to the residential areas to the east as follows:

- land on the eastern side of McComas Grove is proposed to be included in BFO2 which has a maximum building height of 25 metres
- further east, land is proposed to be included within BFO3 which has a maximum building height of 21 metres and a minimum rear setback requirement of 6 metres (which increases by 0.7 metres per metre above a building height of 11 metres and is to be landscaped with canopy trees)
- adjacent land outside the PSA is in the General Residential Zone Schedule 3, which has a maximum height of 11 metres.

The Proponent submitted that, given the rear setback of 6 metres and the point of transition for the upper level setback at 11 metres for land in the BFO3 in the Structure Plan Area, this is an appropriate built form transition.

(iii) Discussion

The Committee is content with the building heights and setbacks in those locations where the experts agree.

Greater building heights are justified along Burwood Highway based on its greater access to public transport, education opportunities and services. Greater heights in the centre of the SDA are also accepted, however care is required at the edges to manage the impact of visual bulk, wind and overshadowing and to the interface with Sinnott Street Reserve and the Gardiners Creek corridor.

The Committee agrees with the experts that Lot 6 on Burwood Highway and Lot S1 can accommodate development up to a height of 69 metres with a 23 metre street wall (Building 6) and setback above the podium (Lot S1). These buildings will positively contribute to the definition of the SRL station forecourt, provide a 'critical mass' of people and activity, and have limited overshadowing or other amenity impacts. Development of this scale will also reflect the draft Structure Plan's outcomes which seek a "*landmark location*". Environmental wind effects in the public realm will need to be tested to verify building forms.

A key area where the experts disagree is Lot 1, in particular Lot 1A, and whether this should be a 'landmark' building of 69 metres or a lower-scale building of 41 metres or 27 metres given its interface with the creek. The Committee does not accept the justification for 69 metres as the preferred height for the Lot 1 sites in combination with Lots 6 and Lot S1. This would result in a continuous group of taller buildings across the north and west of the precinct at a location on the Gardiners Creek interface. This will not achieve the draft Structure Plan objectives which seek "*variation in built form scale*" and an "*architecturally interesting skyline*".

The Proponent considered a reduced height for Lot 1A "*tips the scale too far in favour of amenity outcomes*" against accommodating "*the most intense built form*". While clearly growth is important, given that this is one of the smallest overall sites within the SDA and the floor space in contention is the upper levels that would have reduced floor area, the Committee does not consider this an unacceptable loss of floor space.

Lot 1A has the potential to accommodate a well-designed landmark building, and if supported by an independent design review and master plan, a taller building could be appropriate. However, given the sensitive interface to the creek in this location including

overshadowing impacts (discussed in Chapter 9), the Committee agrees with Prof McGauran's recommended maximum height of 27 metres.

The Committee considers that the 41-metre envelopes on Lots 1B and 1C (as proposed in the Day 3 Whitehorse PRZ2) along this edge and close to the waterway will be visually overwhelming. Shadows cast onto the Creek reserve and the Sinnott Street footpaths by these taller forms are also a concern (discussed further in Chapter 10). The Committee agrees with Prof McGauran and Mr Partos and recommends a maximum height of 27 metres, or around 8 storeys, along this edge. The 17-metre podium or street wall height was uncontested by the experts and is appropriate.

In terms of the Incorporated Document, while it will control matters relating to the public transport function of the Station Buildings on Lots S1 and S2, the Whitehorse PRZ2 will control the air rights of over-station development. The Proponent's Day 3 PRZ2 does not show the street wall height applied to these lots. Whilst the above ground 'SRL station buildings' (public transport functions) are unknown, station buildings are typically no more than around six metres in height and are unlikely to occupy the whole lot. Given this, the Committee considers that the maximum podium or street wall height should be nominated as 23 metres for S1 and 17 metres for S2 to align with the adjacent buildings. This allows sufficient flexibility and ensures that:

- controls are in place for the portions of the lot where there is no 'station building'
- the upper level setback control has effect
- effect is given to Sinnott Street Reserve 'street wall' solar protection
- an uncapped street wall and a potentially undesirable outcome is avoided.

For the avoidance of doubt, this street wall applies to the over-station development not the 'station buildings'.

In terms of McComas Grove and its interface with residential land to the east, the Committee agrees with the Proponent that the proposed controls, as amended to 41 metres in the Day 3 controls and transition down further to the east, provide an appropriate built form transition.

(iv) Findings

The Committee finds:

- The maximum building heights in the SDA, including McComas Grove, as provided in the Day 3 controls, are generally appropriate subject to the following modifications:
 - the preferred maximum heights for Lots 1A, 1B and 1C should be 27 metres with a 17 metre street wall height.
 - street wall heights for the station buildings should be:
 - 23 metres for Lot S1
 - 17 metres for Lot S2.
- The building height transition along McComas Grove to adjoining residential areas to the east is appropriate.

5.6 Gardiners Creek corridor

(i) Evidence and submissions

Evidence

Mr Crowder noted that the width of the Gardiners Creek corridor varies, being wider in the north and south and narrower in the central section between Burwood Highway and Highbury Road including where it intersects with the SDA. He noted the creek corridor itself also varies, with parts in the north having a more natural appearance without fencing, while to the south the creek is contained within concrete drains and fenced off to prohibit public access, creating a more enclosed urban appearance.

Mr Crowder said that, given the creek is set in an urban context, it was not unreasonable that buildings and infrastructure would be visible from the creek and the corridor, and that public surveillance from buildings would be a positive outcome.

Mr Crowder also considered the standards for maximum building heights and side and rear setbacks to the Creek in the Key Movement Corridors and Urban Neighbourhoods to be appropriate (as set out in Whitehorse BFO2 and Monash BFO13). He was satisfied that the side and rear setbacks would provide an appropriate interface to the Creek but considered that there may be merit in requiring an additional setback above a nominated height where a side boundary directly abuts the Creek environs.

He made a similar recommendation in relation to Whitehorse BFO3 and Monash BFO14 (Residential Neighbourhoods) where the preferred maximum building height is 11 metres on sites with a frontage of less than 24 metres, and 14 metres on sites where the frontage is greater than 24 metres. Overall, Mr Crowder was satisfied that the proposed heights would achieve an appropriately balanced response to the creek interface.

Mr Sheppard considered the appropriateness of building heights adjacent to Gardiners Creek in the context of overshadowing. He was satisfied that his recommended heights (including reductions in some areas, such as reducing heights within the SDA immediately adjacent to the Creek from 69 metres to 42 metres as discussed above) would limit overshadowing of the reserve to a relatively modest area from 11:00am at the winter solstice, and almost eliminate overshadowing from 10:00am at the spring equinox.

Mr Barnes considered that the draft Structure Plan places key emphasis on the biodiversity, character, recreation values and amenity of the Gardiners Creek corridor, including providing for setbacks and minimising overshadowing. Despite this, he was critical of the lack of content relating to the protection of the Gardiners Creek corridor being translated into the draft Amendment.

He considered Gardiners Creek to be an extremely important natural, environmental and biodiversity feature that is unique among the SRL East station precincts, and considered the scale of development within the SDA (development up to 69 metres, set back 12 metres from the creek) to be at odds with the vision, objectives and neighbourhood guidelines in the draft Structure Plan. Compounding this issue are the associated overshadowing standards that allow overshadowing of the Creek corridor from the preferred building envelope (discussed in Chapter 10).

Overall, he did not consider that the draft Amendment adequately protects the Creek corridor from inappropriate built form interfaces, and recommended that it be revised to achieve the draft Structure Plan vision.

Mr Partos undertook shadow modelling for properties within Fletcher Parade and Copley Court where they abut the eastern edge of the Gardiners Creek corridor and found that, based on the exhibited controls, development would overshadow the Gardiners Creek corridor from 12:00pm at both the equinox and winter solstice, extending significantly into the reserve by 2:00pm in winter.

He therefore recommended:

- reducing the preferred maximum height in these areas from 27 metres to 21 metres
- requiring a minimum setback to any side or rear boundary facing the public open space of six metres, plus a further 0.7 metres for every metre above 11 metres.

Prof McGauran highlighted the following draft Structure Plan objective and strategy:

Enhance amenity and biodiversity along an improved Gardiners Creek (Kooyongkoot) corridor.

Ensure that built form at the interface with Gardiners Creek (Kooyongkoot) transitions appropriately in scale to minimise adverse overshadowing and amenity impacts.

Prof McGauran undertook shadow modelling to test whether the proposed height and setback controls would deliver the corridor vision. His shadow diagrams showed that at 2:00pm at the winter solstice, shadows from the nominated building envelopes at Fletcher Parade and Copley Court would extend approximately 100 metres south and overshadow the creek trail and waterway. He recommended the mandatory shadow control between 11:00am and 2:00pm at the winter solstice and recommended changes to building heights and setbacks at the following locations:

- 3 to 5 Copley Court and 6 and 8 Fletcher Parade:
 - height reductions to 14 metres at 3 to 5 Copley Court and 6 and 8 Fletcher Parade
 - a 12-metre, rather than six-metre, landscaped setback at 3 to 5 Copley Court
 - a six-metre landscaped setback at 6 and 8 Fletcher Parade
- 127 Highbury Road:
 - a 12-metre landscape setback to provide for a new pedestrian pathway and riverine planting, being a pinch point in the corridor
- 14 to 21 Spence Street, 17 to 22 Hughes Street, 13, 15 and 1 Tudor Street:
 - height reductions from 25 metres to 14 metres
- 115, 117, 119, 121 Highbury Road, 8, 12 Tudor Street and 2 Lytton Street:
 - height reductions to 14 metres with a 6-metre setback.

Submissions

Whitehorse Council submitted that the creek should determine the built form around it, not the reverse. It stated that even though the creek corridor varies, the built form controls do not distinguish between the interface conditions or topography, except in limited areas and with increased heights in the SDA and at 127 Highbury Road.

Whitehorse Council did not believe that issues of transition or visual impact were considered in the drafting of the controls in any meaningful way.

Whitehorse Council highlighted the State policy at Clause 12.03-1S relating to waterways that seeks to *"sensitively design and site development to maintain and enhancement the waterway system...."* and submitted there needed to be a more nuanced approach to built form along the Gardiners Creek corridor.

Whitehorse Council supported the approach of Prof McGauran and Mr Partos in seeking to avoid overshadowing of the waterway and reserve and to prioritise respectful design and siting. It recommended providing a combination of built form and overshadowing controls.

Monash Council was supportive of the draft Structure Plan objectives and strategies relating to the creek and its environs, including Neighbourhood D: Ashwood, south of Highbury Road within the Monash municipality. It however considered the translation into the controls unsatisfactory

Monash Council highlighted the existing planning controls have been adapted for interfaces to the creek, for example the existing NRZ3 – Creek Abuttal Areas. While acknowledging changing expectations to accommodate growth, it submitted the draft Amendment should have regard to these provisions including a requirement for a landscape plan which responds to the creek interface and decision guidelines.

It recommended:

- reducing the height at 1 Montpellier Road and increasing setbacks
- reviewing the NRZ3 requirements and guidelines for land next to the creek
- making height controls in Area A mandatory
- adding a landscaped setback between the Highbury Road employment area and the creek, and revisiting heights to avoid overshadowing the creek.

Proponent

The Proponent acknowledged the strategies in the draft Structure Plan which seek to ensure that the built form interface with Gardiners Creek transitions appropriately in scale to minimise overshadowing and amenity impacts. In response to a recommendation from Mr Sheppard, the Proponent agreed to implement a winter solstice control for the whole of the creek reserve however did not support height reductions on land abutting the creek and did not support mandatory solar controls.

Overall, the Proponent considered this response provided the right balance with respect to providing a high level of amenity in the creek corridor while allowing for the built form change sought by the draft Structure Plan.

(ii) Discussion

Protection and enhancement of waterways is an increasingly important objective of the planning system in Victoria. With the approval of Amendment VC278 (see Chapter 9.2 for a full description) that has introduced the SLO to various waterways including Gardiners Creek and updated state policy at Clause 12.03-1S (River and riparian corridors, waterways, lakes, wetland and billabongs), there is greater recognition of the need to

manage development at the interface with waterways, including managing height and visual bulk, providing for setbacks and avoiding overshadowing.

Within the introduced Whitehorse SLO1 and Monash SLO11, there is recognition that there will be increased development alongside Gardiners Creek, but also that the creek will play an *“increasingly important role as an open space habitat corridor, with higher scale buildings designed to complement the landscape setting of the waterway”*.

There are multiple and sometimes competing objectives to be achieved. On one hand, increased building heights and densities are accepted in these areas of transformation, including next to the Creek. These will offer benefits in terms of activation and passive surveillance and therefore safety. On the other hand, there must be appropriate protection and enhancement of the creek corridor through landscape setbacks, solar protection, and widening in places.

Issues of building height within the SDA is discussed in Chapter 5.6, where the Committee concluded a lower built form and more sensitive interface are warranted at the western edge. For the remainder of the Gardiners Creek corridor, the Committee agrees that greater protection of this key open space link is warranted.

The Committee accepts the evidence of Mr Partos that the preferred maximum building height should be reduced to 21 metres in the Fletcher Parade and Cropley Court area. While Whitehorse Council and Prof McGauran sought further reductions for various properties, the Committee does not consider mandatory built form controls are warranted and is satisfied that if the mandatory overshadowing standard can be met (see Chapter 10.6), the corresponding built form, whether it reaches the preferred maximum height or not, will be acceptable. However, this may require some re-calibration of height and setback controls, to ensure that the overshadowing standard can be reasonably met. The Committee also does not consider a mandatory minimum landscaped setback of 12 metres is required for 3 to 5 Cropley Court as the ultimate built form will be dependent on meeting the solar controls.

Overall, the Committee is content for the building height and setback controls to be discretionary, given varied interfaces will require varied responses, so long as the overshadowing standard is mandatory (see Chapter 10.6).

Buildings along the creek corridor will necessarily be more visible in order to deliver the proposed amount of housing, but with the recommended solar protections, improvements through widening and ecological restoration, landscaped setbacks and improved passive surveillance, the Committee considers that there will be an overall improvement to the creek corridor interface consistent with the draft Structure Plan Vision.

(iii) Findings

The Committee finds:

- The combination of mandatory overshadowing controls and discretionary height and setback controls are appropriate for sites that interface with the Gardiners Creek corridor.

- The preferred maximum height for properties within Fletcher Parade and Cropley Court that have an interface with the Gardiners Creek corridor should be reduced to a discretionary maximum height of 21 metres.
- Further calibration of building heights and setbacks may be required to ensure the overshadowing standard can be met.

5.7 Burwood Highway Corridor

(i) Evidence and submissions

Evidence

The draft Structure Plan and BFO2 describe Burwood Highway as a Key Movement Corridor/Boulevard, with preferred building heights of 27 metres (7–8 storeys) on both sides with some variations to 21 or 25 metres. The front setback is 3 metres up to 21 metres, and an additional 4 metres above 21 metres. The boulevard aspiration was framed as delivering strong landscape and pedestrian outcomes, including canopy trees.

Outside of the SDA, none of the witnesses identified specific concerns around the heights (or the built form more generally) proposed along Burwood Highway from an urban design perspective.

Prof McGauran considered the role of trees along this boulevard to be critical and recommended greater setbacks to built form (in Area A) at ground level to provide space for them. Specifically, he recommended:

- a 6-metre front setback up to 21 metres (an increase from 3 metres)
- with an additional 4 metre setback above 21 metres.

Mr Partos noted the importance of configuring Burwood Highway in a way that enhances pedestrian comfort, landscape quality, and multimodal function while maintaining its strategic role in supporting tram, bus, freight, and general traffic movement. He said:

Overall, Burwood Highway functions as a major multimodal corridor that effectively supports tram, bus, and freight movement. While it maintains a strong boulevard landscape presence, footpath widths and pedestrian amenity are constrained, limiting its ability to fully achieve the aspirations of a Strategic Walking Corridor.

Mr Partos suggested the road reserve could be reconfigured to enhance pedestrian comfort and landscape quality, as opposed to suggesting any further setbacks to the built form.

Mr Sheppard relied on Technical Note TN-G09 and stated that the proposed three-metre front setbacks up to a height of 21 metres, and four-metre setbacks above that height, could still accommodate a 'Type B' tree (8 metres) without undermining development feasibility. He also pointed to the rear interface controls (minimum rear setbacks that increase with height) as part of the transition response to sensitive interfaces behind the corridor.

Submissions

Whitehorse Council did not dispute the proposed corridor height and focused on whether the front setback or street wall was sufficient to realise the boulevard character.

Whitehorse Council submitted that the 'three-metre plus four-metre' upper setback

regime would be inadequate for the desired landscape outcome (including responding to existing constraints such as overhead power lines), and that deeper setbacks were preferable on typical lot depths without unacceptable consequences at the rear interface. Whitehorse Council recommended applying a 6-metre front setback and increased upper-level setback to frontages along Station Street (the Greenwood site and Fountain Court site) and Area A of BFO2 (along Burwood Highway, Elgar Road and Highbury Road).

The Proponent submitted that the space allocated to footpaths and landscaping was appropriate. It did not consider additional space was required and considered that Prof McGauran's recommendation could impact the developability of lots.

(ii) Discussion

The Committee considers that the proposed height provisions which apply along the Burwood Highway corridor will facilitate the redevelopment of land fronting Burwood Highway to form a relatively uniform mid-rise frame to the street corridor. This will contribute to the desired boulevard character.

With typical buildings of 27 metres in height with 21-metre-high podiums, the role of trees within the corridor will be critical. The traditional boulevard arrangement relies on canopy trees located in the road reserve between the carriageway and the footpath and allows for a full canopy uncompromised by overhead powerlines.

In terms of what is desirable and possible given the proposed front setbacks and street wall heights, the Committee notes:

- The proposed controls seek to ensure the provision of a tree canopy along front boundaries. While the controls require 'Type B' trees with an eight-metre canopy, they do not specify the location of the required canopy trees.
- Existing powerlines and required pruning clearances effectively occupy the full width of the narrow Burwood Highway verge. As a result, the tree canopy in this location is limited to growth within the space between pedestrian clearance and the powerlines, typically around five metres above ground level. This represents a constrained but common condition along Burwood Highway and many streets across Melbourne.
- Technical Note TN-G09 considers that front setbacks of three and four metres are sufficient to accommodate an eight-metre canopy and assumes that powerline pruning is not a constraint and that trees are located closer to the front boundary.
- On the question of a symmetrical canopy, TN-G09 advises:

A tree does not need to develop a perfectly symmetrical crown to contribute effectively to the urban forest. In urbanised environments such as Melbourne's CBD, large trees... are regularly planted within 3–4 metres of imposing building facades and make a significant contribution to Melbourne's urban forest.

The Committee agrees with the evidence of Prof McGauran that a greater ground level setback is required but does not consider this needs to be increased to six metres – rather, a four-metre front setback is appropriate. In coming to this conclusion, the Committee notes:

- overhead powerlines present a constraint to achieving the desired tree canopy outcomes for urban cooling and landscape character
- some degree of canopy asymmetry is acceptable in response to these constraints
- the upper-level setback commencing at 21 metres high exceeds the typical height of the tree canopy and therefore does not facilitate the development of a broader canopy
- it should not be assumed that trees will be planted hard against the front boundary and a further a setback of approximately one metre would improve the pedestrian amenity of the area and allow greater canopy development.

For these reasons a modest increase in the front ground level setback from three metres to four metres is warranted. This will allow for a larger, more symmetrical canopy and will better align with the draft Structure Plan objectives. Prof McGauran's recommended six-metre front setback, irrespective of the depth of the block, would remove a substantial amount of land from development with a diminishing return for increased tree canopy. His recommendation for the increased setback fundamentally relates to landscape and tree canopy rather than urban design or built form.

Whitehorse Council and Prof McGauran disagreed on the extent of the setback and where it should be applied. Prof McGauran identified that it should be applied to BFO2 Area A along Burwood Highway, Elgar Road and Highbury Road. Whitehorse Council sought the application of a six-metre corridor to also include the Burwood Highway and Station Street frontages of the Greenwood site and Fountain Court site and recommended a four-metre setback to Area C.

The Committee does not consider an increased setback along Elgar Road or Highbury Road is required. Burwood Highway is nominated in the draft Structure Plan as the 'Boulevard', while Elgar Road and Station Street are not. The Committee does, however, agree with Whitehorse Council that any increase in the setback should also apply to the Greenwood and Fountain Court site Burwood Highway frontages to ensure the Burwood Highway boulevard character is consistently applied.

(iii) Findings

The Committee finds:

- The proposed height provisions which apply along the Burwood Highway corridor are generally appropriate and will facilitate the redevelopment of this land to form a relatively uniform mid-rise frame to the street corridor.
- However, the combination of the proposed street wall heights and front setbacks mean that the traditional boulevard character will not be realised. While the street wall height is appropriate, the front setback should be increased from three to four metres along:
 - the Area A section of Burwood Highway
 - the Burwood Highway frontage of the land at 301 Burwood Highway, Burwood (the Greenwood site)
 - the Burwood Highway frontage of the land at 100 Station Street, Burwood (the Fountain Court site).

5.8 Education neighbourhood and the Fountain Court Retirement site

(i) Evidence and submissions

Education neighbourhood

There was little substantive dispute between the parties regarding building heights in the education neighbourhood.

Mr Sheppard supported the overall height pattern, explaining that a 14-metre maximum height in the surrounding residential neighbourhood would allow growth while limiting amenity impacts, with taller heights along Elgar Road. He considered the interface of rear setbacks and increased upper-level rear setbacks was appropriate.

The Proponent submitted that the Education neighbourhood outcomes delivered by BFO2 and BFO3 provided an appropriate transition from the movement corridor to the residential neighbourhoods. The Proponent also submitted that no urban design witness identified a built form concern with this area.

Whitehorse Council limited its submission to a call for caution in the operation of the uplift framework in the education neighbourhoods.

Fountain Court Retirement Village

The Fountain Court Retirement Village at 100 Station Street, Burwood (Fountain Court site) forms an 'L' shape, wrapping around Greenwood Business Park with frontages on both Station Street and Burwood Highway (see Figure 8).

Mr McBride-Burgess gave evidence in relation to the Fountain Court site, and with respect to height said:

- the land should be included in Area A on Map 1 with BFO2
- the nominated preferred building height across the site should be 27 metres (the exhibited height was 21 metres)
- front, side and rear interface setbacks and treatments for Area A within BFO2 are appropriate for the land.

Mr Sheppard agreed in principle with applying a 27-metre preferred height and a reduced 3-metre front setback at the Burwood Highway and Station Street frontages, but considered this should be limited to a depth of about 50 metres (typical main road lot depth) and should exclude the northern end of the Station Street frontage where it abuts neighbourhoods outside the Structure Plan Area.

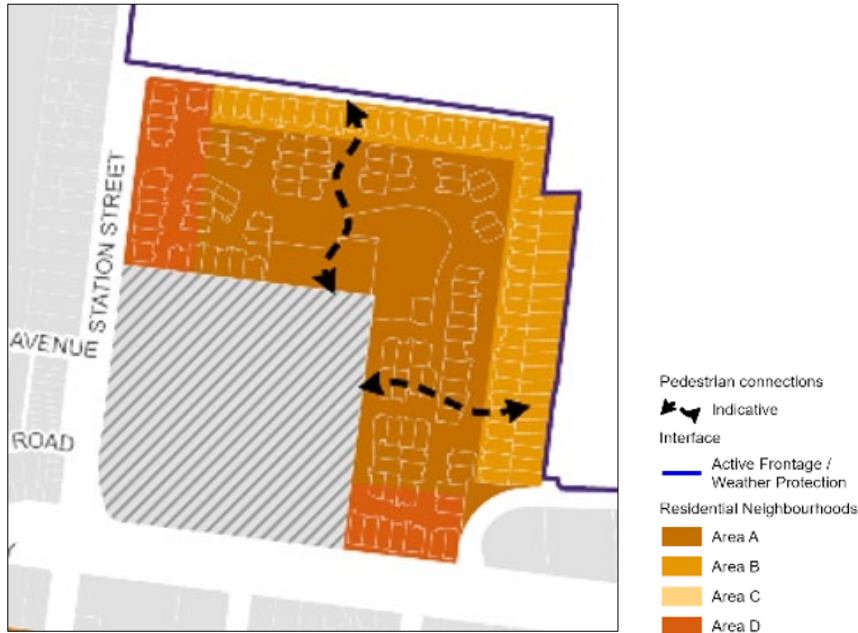
Ultimately, an agreement was reached between the Proponent and the owner of the Fountain Court site that BFO3 should apply to the land, with a new Area D introduced to apply up to a depth of 50 metres from each respective frontage. The Fountain Court site would therefore be affected by a combination of Areas A, B and D with the following maximum height limits:

- Area A: 21 metres
- Area B: 14 metres

- Area D: 27 metres, with the exception of 21 metres for a depth of 20 metres from Bronte Avenue.

This is reflective of Mr Sheppard's evidence and is depicted in the Day 3 BFO3 and Figure 8 below.

Figure 8 Fountain Court site



Source: Extract of Day 3 Version of BFO3, Map 1

Whitehorse Council generally agreed with the heights proposed in the agreement, but sought a six-metre front setback along the Station Road and Burwood Highway frontages in line with Prof McGauran's recommendation.

(ii) Discussion

Education neighbourhood

The Committee notes that there was little substantive dispute between the parties regarding building heights in the education neighbourhood and is content with the proposed controls.

Fountain Court site

The Committee notes there were no objections raised by the experts and little substantive dispute between the parties regarding building height transitions on the Fountain Court site and is content with the proposed controls.

This large site, when consolidated, presents a good opportunity for higher density housing development. It is expected that the variation in heights within the site will transition building heights from the existing condition to the east to the greater height proposed for Greenwood site to the west. Increased height will not create overshadowing to the open space to the north. At the major road frontages, the higher building form (Area D 27 metres) will contribute positively to a more urban definition.

(iii) Findings

The Committee finds:

- For the Education Neighbourhoods, the proposed building height controls are appropriate.
- For the Fountain Court site, the proposed building height controls as reflected in the Day 3 BFO3 are appropriate.

5.9 Interfaces with Residential Areas

(i) Evidence and submissions

The Proponent submitted that none of the experts identified particular issues with the proposed maximum building heights and transition around Barlyn Road, Chandler Grove and Roslyn Street.

Barlyn Road

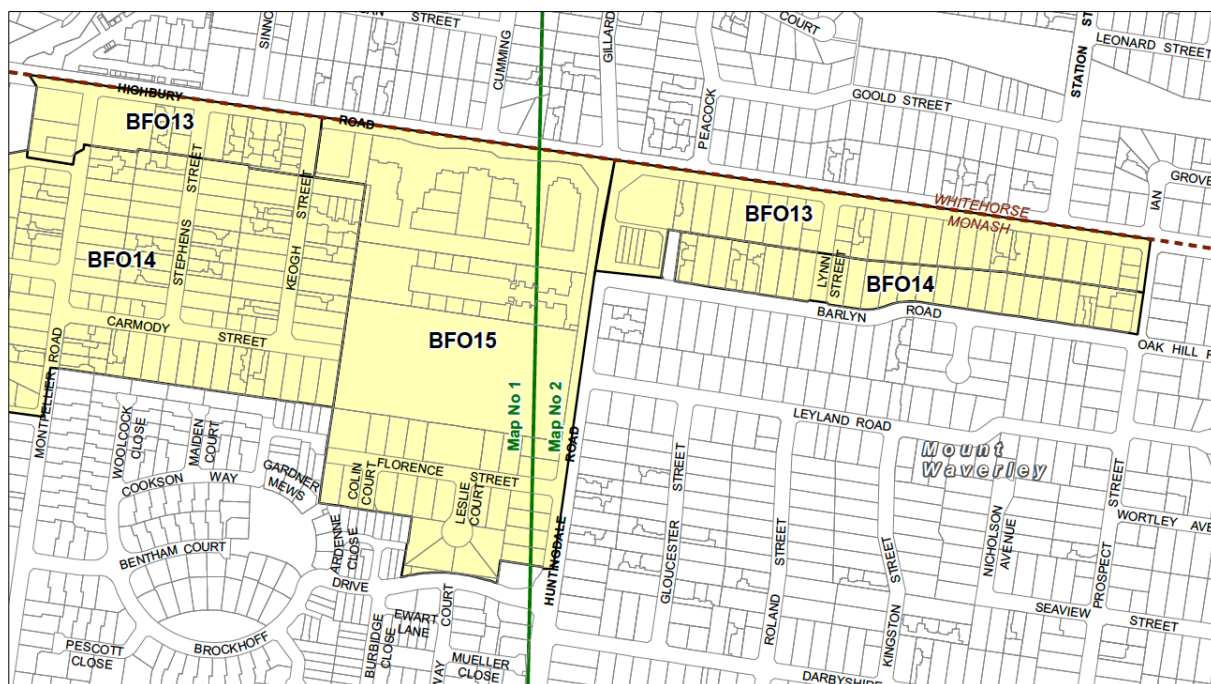
For Barlyn Road, the Proponent submitted that the Day 2 version of the controls (BFO14) will provide an appropriate transition (of one level) to land outside the Structure Plan Area.

Mr Crowder considered the proposed maximum heights for Barlyn Grove and its interfaces acceptable considering its proximity to the Highbury and Huntingdale Road employment areas and given the setbacks would reduce the perceived building scale.

Monash Council raised concerns about the interface between the BFO13 (Key Movement Corridors) and BFO14 (Residential Neighbourhoods) areas, such as along Highbury Road (BFO13), and the interface with the residential area to the south including Barlyn Grove (BFO14). It submitted that the BFO13 preferred maximum height of 27 metres is about 2.5 times the BFO14 preferred height of 11 metres.

Monash Council raised concerns about the interface condition and impacts on the amenity of the residential area. It considered overshadowing would appear to be acceptable, but was concerned about the built form relationship, noting that if land in the residential area was not developed the difference would be even more stark. It suggested providing a greater setback in the mid-rise tower element to avoid a 'wedding cake' appearance and make the built form appear more recessive.

Figure 9 BFO13 and BFO14 interface at Barlyn Road



Source: draft Amendment

A resident of Barlyn Grove also raised concerns with the proposed preferred maximum height of 27 metres to the north of properties in Barlyn Grove, citing potential loss of sunlight and amenity impacts. The resident submitted that this was a small precinct of Glen Waverley at the edge of the Structure Plan Area that was remote from the station and not well serviced by public transport. They considered that it was highly unsuitable for the density proposed and the height controls should be reduced at the edges of the Structure Plan Area.

Chandler Grove

Land within Chandler Grove is within the BFO14. The Proponent considered that the rear setbacks of six metres, which were to be landscaped with canopy trees, and increased to setbacks above 11 metres would provide an appropriate interface to properties abutting the Gardiners Creek corridor.

Mr Crowder considered the reduction in building heights in the Day 1 documents (from 21 metres to 14 metres) appropriate for the creek abuttal and that the setbacks should ensure an acceptable outcome. He considered the 'pitching point' – that is, the point where building height is required to be set back – could be reduced from 14 metres to 11 metres. However, as an interface to public open space rather than residential properties, he considered 11 metres to be acceptable.

Roslyn Street

For Roslyn Street, a single lot is proposed to be included in the BFO2 with a preferred maximum building height of 21 metres. This lot has a rear interface to land outside the Structure Plan Area in the GRZ1 (where a maximum height of 11 metres applies). Again, given the rear setback controls, the Proponent submitted that this was an appropriate interface.

In responding to submissions that heights should be limited to 2 storeys in this section of Burwood Highway between Roslyn Street and Parer Street given its remoteness from the station, Mr Crowder considered that Burwood Highway is a wide main road that can comfortably absorb additional building height. He was comfortable with the transition in scale provided by BFO2 to adjoining properties outside the Structure Plan Area. Further, he did not agree that controls should be mandatory (as suggested in submissions), preferring to make them discretionary to allow for design flexibility and response to site context.

Mr Sheppard's evidence noted that the land rose by approximately 3 metres (equivalent to 1 storey) from the properties along Burwood Highway within the BFO2 to the neighbouring GRZ properties in Roslyn Street at the Structure Plan Area boundary. Given this level change, together with the requirement for a 6-metre tree setback at the interface with the GRZ land to the north, he considered the interface to be acceptable.

Mr Barnes also considered the preferred maximum building height of 21 metres (5-6 storeys) was reasonable in context of the area and would provide an appropriate transition to land outside the Structure Plan Area. He noted it approximates the height of a recently constructed 5-storey development on the corner of Parer Street and Burwood Highway to the east.

Whitehorse Council did not raise any particular issue with the application of the Residential Neighbourhood place type across the Structure Plan Area, other than its broader key concerns which were raised as part of the General Issues hearing process, namely that:

- the residential neighbourhood place types rely too heavily on the 'applicable building envelope' to manage amenity impacts such as overshadowing and overlooking and there should instead be clear standards and decision guidelines
- the proposed BFO3 fails to give appropriate recognition to existing development within residential areas
- the deemed to comply provisions in the Residential Neighbourhood area types should not be accepted.

(ii) Discussion

The draft Amendment will result in changed height and density within and at the edges of the Structure Plan Area. The transitions between areas, such as from the proposed BFO13 controls on Highbury Road to the residential areas to the south, abutting Gardiners Creek or at the edge of the Structure Plan Area in Roslyn Street, need to be carefully managed.

All experts were generally comfortable that the nominated height provisions with setback requirements at ground level and further setbacks at the upper levels provide an acceptable transition to the Gardiners Creek corridor at Chandler Grove and to the Roslyn Street properties at the edge of the Structure Plan Area. The Committee acknowledges the changes to the Chandler Grove heights in the Day 3 controls and agrees that the transitions in both of these areas are acceptable.

For the Barlyn Road properties, however, the height difference at the interface with Highbury Road is more acute. As Monash Council noted, there is a preferred maximum

height difference of 16 metres (increasing from 11 metres to 27 metres), or five storeys, at this interface. Furthermore, Barlyn Road is to the south of Highbury Road with sensitive areas of private open space at the immediate interface with the Highbury Road sites.

In the UDR for Burwood, areas within the Key Movement Corridors such as Highbury Road are recognised as key areas for urban infill, with heights determined by street width and lot depth. The UDR outlines that heights of 27 metres (seven to eight storeys) can generally be achieved, but that in sensitive areas a maximum building height of 21 metres (five to six storeys) should apply. Barlyn Grove is recognised as a 'sensitive area' on Maps 6.1 and 4.6. While this lower height does not seem to be reflected in the height mapping within the UDR or the draft Structure Plan, the Committee considers that a preferred maximum height of 21 metres at this south/eastern edge of the Structure Plan Area along Highbury Road will provide for a more appropriate interface.

Issues raised by Whitehorse Council relating to overshadowing, overlooking, use of the applicable building envelope and deemed to comply standards have been addressed in the General Issues Report (Volume 3).

(iii) Findings

The Committee finds:

- The proposed building heights and transition to residential neighbourhoods in the Chandler Grove and Roslyn Street areas are acceptable.
- In relation to Barlyn Road, the preferred maximum building height in the Monash BFO13 relating to the section of Highbury Road between Huntingdale Road to the eastern edge of the Structure Plan Area should be 21 metres (and not 27 metres).

5.10 Wind effects

(i) Background

Wind Technical Report

The Wind Technical Report was prepared to inform the draft Amendment. The report found that overall comfort conditions would be improved by the higher density of buildings, with most potential development meeting the sitting criterion (that is, wind speeds are not so high as to make sitting outdoors uncomfortable). Wind speeds were found to exceed safe levels along Burwood Highway and south of Deakin University campus, between Milford Avenue and Station Street. The report proposed setbacks and podiums as the most effective measures to mitigate wind around tall buildings, and chamfered or rounded corners on north-facing facades on Burwood Highway and for the building above the SRL station. Awnings, canopies and screens were also identified as potential tools for mitigation.

Draft Amendment

To ensure wind impacts on the public realm are satisfactorily addressed by future development, the draft Amendment requires future permit applicants to consider possible wind impacts as part of the permit application process.

The potential wind effects of future development on the public realm are proposed to be managed through the application of PRZ2 in the SDA and the BFOs in the Structure Plan Area.

PRZ2 requires a masterplan provide:

A wind impact assessment report to consider the proposed massing and forms and the effect in publicly accessible areas having regard to the principal role of each portion of the publicly accessible areas for siting, standing or walking purposes.

PRZ2 requires that an application include a wind tunnel modelling study.

BFO1, BFO2, BFO4, BFO13 and BFO15 require wind effects to be assessed for developments equal to or greater than 20 metres in height. This is a variation to Standard BF08 'Wind effects on the public realm' of the parent Clause 43.06-7.8.

Clause 8 to BFO2, BFO4, BFO13 and BFO15 also requires the Urban Context and Design Report to explain how the development will provide high-quality public realm outcomes and ameliorate shadow and wind effects.

(ii) Evidence and submissions

Evidence on wind impacts was limited. Mr Barnes said the proposed Standards appeared 'reasonable' but deferred to other experts on matters of substance.

The Proponent submitted that, together, the proposed controls will provide a reasonable and appropriate mechanism to ensure that adverse wind effects on the public realm in the Structure Plan Area are minimised.

In relation to impacts of wind on private open space the Proponent submitted:

The SRLA notes that the proposed controls are not directed to wind impacts on private open space. No expert has sought to challenge the conclusions reached in the Wind Technical Report or the way in which those conclusions have been implemented into the proposed controls, and thus the approach contained in the controls is considered appropriate.

Whitehorse Council, through a series of recommended changes to the ordinance, proposed that the discretionary application of Standard BF08 in the BFO schedules, insofar as it relates to wind safety, be converted from a discretionary requirement to a mandatory requirement.

(iii) Discussion

In general, the Committee accepts that the PRZ2 and the BFOs have appropriate mechanisms to ensure that wind effects of taller buildings are considered and mitigated where required at the permit application stage.

The draft Structure Plan emphasises creating spaces in Burwood Central where people can connect and collaborate within a vibrant urban centre. New retail, hospitality and commercial spaces at the ground floor of mixed-use buildings are proposed to bring activity to the area, and the renewal of 127 Highbury Road is proposed to increase access to the Gardiners Creek corridor. To achieve this vision, the Committee considers that buildings around key streets within and around the SDA and open spaces should be designed to attract and retain pedestrians, including through comfortable wind conditions.

The PRZ2 requires a wind tunnel modelling study to be submitted with any permit application, and 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.

In terms of the BFO schedules and standard BF08, the Committee agrees with Whitehorse Council that the standard relating to unsafe wind conditions should be mandatory in BFO1 where the highest densities of activity are expected.

Despite being a referred matter, the Committee did not receive detailed submissions or evidence about the proposed controls in terms of wind impacts on private open space including from the Proponent. With no contrary evidence, the Committee considers the proposed planning controls to be appropriate insofar as they relate to considering wind impacts on private open space.

Master plan process

In terms of master plan requirements, the Committee is satisfied that requiring a wind impact assessment at the master plan stage provides an appropriate mechanism for considering wind impacts early in the development process and for informing decisions about building envelopes, siting and design.

The control will provide sufficient flexibility for wind impacts to be assessed in greater detail through the permit process. Overall, this approach appropriately balances the role of master plan in setting broad spatial frameworks with the need for detailed wind performance to be assessed once building design is sufficiently advanced to allow meaningful evaluation.

(iv) Finding

The Committee finds:

- The draft Structure Plan generally manages wind effects on the public and private realm, but the operation of Standard BF08 should be made mandatory in relation to unsafe wind conditions in BFO1.

5.11 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.

The Committee recommends:

Draft Amendment

1. BUR R1: Amend Clause 3.0 of the Whitehorse Precinct Zone Schedule 2 (Map 1 and the Table 1) as follows:

- a. the preferred maximum heights for Lots 1A, 1B and 1C should be 27 metres with a 17 metre street wall height**

- b. include a street wall height for Lot S1 (Station Building 1) of 23 metres**
 - c. include a street wall height for Lot S2 (Station building 2) of 17 metres.**
- 2. BUR R2: Amend Clause 6.2, Table 1, Standard BF05 of Whitehorse Built Form Overlay Schedule 2 to increase the minimum front setback requirement to four metres for the Area A land along Burwood Highway.**
- 3. BUR R3: Amend Clause 6.2, Table 1, Standard BF05 of Whitehorse Built Form Overlay Schedule 3 to increase the minimum front setback requirement to four metres for the Burwood Highway frontage of 100 Station Street, Burwood (Area D).**
- 4. BUR R4: Amend Clause 3.0, Map 1 of Whitehorse Precinct Zone Schedule X to increase the minimum front setback requirement to four metres for the Burwood Highway frontage of 301 Burwood Highway, Burwood.**
- 5. BUR R5: Amend Clause 6.2, Table 1, Standard BF02 of Whitehorse Built Form Overlay Schedule 2 so that properties within Fletcher Parade and Cropley Court that have an interface with the Gardiners Creek (Kooyongkoot) corridor are subject to a discretionary maximum height of 21 metres.**
- 6. BUR R6: Amend Clause 6.2, Table 1, Standard BF02 of Monash Built Form Overlay Schedule 13 to make the preferred maximum height for the section of Highbury Road between Huntingdale Road and the eastern edge of the Structure Plan Area 21 metres.**
- 7. BUR R7: Amend Clause 6.2, Table 2, Standard BF08 of Whitehorse Built Form Overlay Schedule 1 to make the operation of the Standard mandatory in relation to unsafe wind conditions.**

6 Floor area ratio

6.1 Referred Matter

The Referred Matter is:

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

6.2 Key issue

The key issue is whether the FAR controls are appropriate.

6.3 Background

(i) Draft Amendment

Whitehorse PRZ2 that relates to the SDA states that the mandatory maximum FAR is 8.5:1 unless a public benefit is provided.

The FARs generally range from 3:1 for the Key Movement Corridors to 3.5:1 for the Urban Neighbourhoods and 4:1 for the Main Streets (Burwood Highway).

There are no FARs for land within the Residential and Employment Neighbourhoods.

(ii) General Issues conclusion

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).

6.4 Evidence and submissions

The Proponent relied on its submissions at the General Issues Hearing relating to the use of FARs and the uplift framework.

Mr Sheppard said the combination of density and building envelope provisions offers urban design benefits by enabling designers to choose how the built form should be shaped to respond to sensitive interfaces. He also considered that this can facilitate a more varied range of building typologies and housing.

Mr Sheppard was satisfied, based on the architectural testing undertaken by Hayball Architects as part of the UDR, that the 'headroom' above the FARs is sufficient to achieve the intended urban design outcomes. However, he noted that assessing whether the size of headroom has been set at an appropriate level to deliver the desired public benefits falls outside his area of expertise. Mr Sheppard also explained that the FARs set out in the UDR were developed to test development capacity and inform the Land Use Scenario and Capacity Assessment (the LUSCA), rather than to operate as a built-form control.

Mr Crowder also noted that it was beyond his expertise to comment on whether the FARs have been set appropriately or whether they will successfully deliver public benefits

through the uplift mechanism. He was, however, comfortable with the extent of application for the FARs in the Burwood precinct.

Mr Barnes questioned whether the limited extent to which the FARs have been applied in Burwood diminishes the potential to achieve public benefit, particularly affordable housing. He also raised concerns that areas without a FAR may be more attractive to development, particularly in those areas that only have a one storey height differential, over those sites that require the delivery of a public benefit to achieve an uplift (for example, sites with a preferred maximum height of six storeys have no FAR while sites with a preferred maximum height of seven storeys have a FAR applied). He maintained that a review of the approach to FARs is required across the SRLA East project.

Whitehorse Council submitted that, while the basis and use of the FARs were explored in the General Issues Hearing, there remains no explanation of how the FARs in the UDRs and LUSCA were adjusted to set a benchmark for the provision of public benefits. On this basis, they submitted the Committee cannot be reasonably satisfied that the FARs are appropriate.

6.5 Discussion

Mr Sheppard provided an overview of how the FARs were initially developed in the urban design background work to assess capacity, but this did not explain how they were set to deliver the desired public benefits. Given that the delivery of public benefits is the purpose of the FARs, rather than as a built form or capacity control, the Committee is unable to determine whether the FARs are appropriate.

In addition, no explanation was provided about why some FARs in the background reports differed so greatly to those in the draft Amendment. For example, a FAR of 8.5:1 was set for the SDA in the draft Amendment, while the urban design material gave a FAR of 5.6:1 for the same area. Again, with no explanation or justification, the Committee does not accept that this is appropriate. The Committee also notes that, during the Hearing, considerable building height reductions were agreed to or recommended by various experts across the SDA. A corresponding reduction would be expected in any FAR applicable to the area, but none were proposed. With no understanding of which FARs would incentivise the public benefits sought, no revised FAR can be determined.

6.6 Conclusion

The Committee concludes:

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

7 Pedestrian and cycling access and infrastructure

7.1 Referred Matter

The Referred Matter is:

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

- the strategic cycling corridor alongside Gardiners Creek (Kooyongkoot)
- pedestrian and cycle crossing of Burwood Highway at Gardiners Creek (Kooyongkoot)
- links through the Mount Scopus strategic site and Fountain Court Retirement Village.

7.2 Key issues

The key issues are whether the:

- planning for the SCC alongside the Gardiners Creek corridor is appropriate
- planning for pedestrian and cycle crossings is appropriate
- links through strategic sites are appropriate.

7.3 Background

(i) Draft Structure Plan

The draft Structure Plan includes a range of initiatives towards improving the public and active transport network in the Structure Plan Area to encourage more sustainable and active journeys, reduce car trips, and alleviate traffic congestion.

The initiatives focus on improving walking links to public transport, upgrading the bus interchange, creating a connected walking and cycling network, improving crossings and station-to-station routes, delivering new links through developments, ensuring accessibility for all users, and managing vehicle traffic so major roads carry the load while local streets remain safe and low-speed.

(ii) Draft Implementation Plan

The draft Implementation Plan nominates several initiatives and precinct upgrades to support active transport, including the expansion of walking and cycling routes, new pedestrian bridges over Burwood Highway and the Gardiners Creek corridor, and encouraging the delivery of key links throughout the Structure Plan Area.

(iii) Draft Amendment

The draft Amendment includes sustainable transport strategies to encourage new development to incorporate and support sustainable transport.

The BFOs identify specific and indicative links to increase permeability and connectivity for pedestrians, and objectives to ensure development enhances the pedestrian experience.

(iv) Technical Note TN-BUR01

Technical Note TN-BUR01 was tabled by the Proponent to provide further information to the SRLA Position Paper – Pedestrian Connections. It provides a review of pedestrian connections shown in the Development Framework Plans of the BFO schedules.

The outcome of the review was to remove the link between Peacock Street and Bennett Street from Map 1 of BFO3. It was removed because the pedestrian connection was identified in the UDR as a local link only, and its pedestrian connection alignment was in the vicinity of existing streets that provided a similar connectivity benefit.

(v) Joint Expert Meeting

Relevant to the Referred Matter, the experts agreed that:

- the existing shared path along the Gardiners Creek corridor could be relocated to either the east or west side of the Creek
- construction of a new path on the eastern side of Gardiners Creek is appropriate to provide direct access to the SRL station for pedestrians and cyclists to align with the existing path north of Burwood Highway
- Project SLR.5 (the new bridge over Burwood Highway, generally connecting the SRL station to the northern side of Burwood Highway) should be designated as a pedestrian-only overpass
- the link between Peacock Street to Bennett Street should be retained
- the Lundgren Chain link is an important active transport link that should be retained – there is less flexibility on the alignment of the link because the land at its western end is privately owned and a PAO may be required
- the Corrigan Street key link should be removed as it runs through strata-titled land and does not provide a connection to an existing walking path along the creek.

Points of disagreement were:

- Mr Walsh considered the key links through Mt Scopus College should be amended to maximise usage of existing roads and connectivity and avoid relying on links through private property beyond the Mt Scopus site. Ms Marshall agreed in principle, but noted that the links shown in the draft Structure Plan are indicative and do not need to be amended to achieve the outcomes described by Mr Walsh.
- Mr Walsh suggested the Hughes Street link should be removed, as it had a very limited catchment and east-west access is provided through Spence Street and Judith Street. Ms Marshall disagreed as the link is located opposite the Gardiners Creek bridge which directly links the SRL station and presents a long-term opportunity for better connectivity.
- Project G.1 – This project relates to upgrade of the SCC shared path north of Burwood Highway. Both experts agree that the project should include sealing of at least one side of the existing creek trail. Mr Walsh considered the Proponent should be the lead on the project, while Ms Marshall considered it should be Whitehorse Council given the trail already exists and is maintained by Council.
- Project A.5 – The existing Gardiners Creek corridor includes the upgrade of the existing shared path on the western side of the Gardiners Creek corridor. Mr

Walsh considered that Proponent should be the lead, while Ms Marshall disagreed.

(vi) 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 draft Structure Plan and draft Amendment to secure their delivery. Delivery and funding mechanisms also need to be confirmed.

7.4 Pedestrian and cycling crossings on Burwood Highway

(i) Evidence and submissions

Evidence

At the transport expert witness meeting, the experts agreed:

- the five new and updated crossing/intersection projects proposed across Burwood Highway in the vicinity of the SRL station are all within 500 metres of each other, and therefore the number of active transport crossings could be rationalised
- Project SLR.5, the new overpass of Burwood Highway generally connecting the SRL station to the northern side of Burwood Highway, should be designated as a pedestrian-only overpass.

Ms Marshall said the proposed crossings on Burwood Highway, together with the new eastern path extension, will be an improvement to existing crossing opportunities which require pedestrians and cyclists to detour through the McIntyre Street/Burwood Highway intersection. She did not support reducing the number of crossings.

Mr Walsh agreed that the proposed crossing projects on Burwood Highway would provide much-improved pedestrian crossing facilities to the extent that there would be five crossing opportunities (either grade-separated or signalised crossings) within 500 metres of each other between Elgar Road and Gillard Street. He believed that the number of crossings seemed excessive and the Proponent should investigate rationalisation of the crossings.

Under cross-examination, Mr Walsh explained that he thought the provision of five crossings in this part of Burwood Highway was excessive, but he also acknowledged that each crossing served a particular purpose.

Prof McGauran considered it necessary to explore the introduction of a further pedestrian crossing at the intersection of Burwood Highway and Milford Avenue. He explained that there was presently a 450-metre 'gap' between the Gillard Street underpass and the closest intersection to the east at Station Street, which exceeds the desired block length of 120 to 240 metres under the Urban Design Guidelines for Victoria.

Mr Walsh supported Prof McGauran's suggestion of a crossing project at the intersection of Burwood Highway and Milford Avenue, pending resolution of any upgrades contemplated for the Gillard Street underpass.

Ms Marshall did not support the addition of an extra crossing at Milford Avenue.

Submissions

Whitehorse Council generally supported the range of crossing projects contemplated for Burwood Highway in proximity to the proposed SRL station but agreed with Mr Walsh that they may be able to be rationalised.

Whitehorse Council considered that more work was needed to confirm the nature of the upgrade contemplated at Project G.2 – Upgrade crossing to improve pedestrian safety for pedestrians and cyclists at the tram stop near the intersection of Gillard Street and Burwood Highway. It explained that the current underpass is poorly designed and presents significant safety concerns for the numerous passengers who use the tram stop. It recommended that the underpass and the connections to the southern tram platform be upgraded to comply with the Crime Prevention Through Environmental Design principles as referred to in the evidence of Prof McGauran.

Whitehorse Council also supported Prof McGauran's recommendation to explore a further pedestrian crossing and submitted:

- the draft Amendment will facilitate a significant increase in density to the south of Burwood Highway, and intensification of the existing commercial strip on the corner of Burwood Highway and Station Street
- it is reasonable to anticipate that more pedestrians will seek to cross Burwood Highway to access these uses in addition to existing destinations at Deakin University and Mount Scopus College.

The Proponent acknowledged that the draft Structure Plan identified numerous crossing points across Burwood Highway, particularly close to the Gardiners Creek corridor, and submitted these were appropriate. The Proponent responded to Mr Walsh's comment that the number of projects to be delivered between Elgar Road and Gillard Street is excessive, submitting that:

- the projects shown in the SRL East EES Street Network Design for Burwood form part of the SRL Main Works and are not presently before the Committee for consideration
- Projects A.6 and E.3 are existing crossings that the Proponent has identified for improvement
- Project A.7, at the corner of Holland Avenue and Burwood Highway, has been proposed to improve the pedestrian and cyclist movement across Holland Avenue and no pedestrian or cyclist crossing of Burwood Highway is intended at this location.

(ii) Discussion

The Committee found in the General Issues Report (Volume 3) that a review of pedestrian links is necessary to clearly identify which links are required, specify them within planning

controls to secure their delivery, and confirm the mechanisms for delivery. No evidence or submissions presented at the Burwood Hearing support a different conclusion.

In this context the Committee does not draw conclusions about individual links, however, based on the evidence it provides guidance on what considerations should inform the review in the precinct.

The Committee is satisfied that, with the proposed redevelopment in the Structure Plan Area, the number of proposed crossing points across Burwood Highway in the vicinity of Gardiners Creek and the new SRL station is appropriate. While there was discussion of rationalising the five proposed crossing points, each has a purpose and the provision of safe crossing points across Burwood Highway is necessary.

The Committee agrees with the evidence and submissions that the new bridge over Burwood Highway, mid-block between the Sinnott Street extension and McComas Grove and nominated as Project SRL.5 in the Implementation Plan should be limited to pedestrians only.

The Committee acknowledges the concerns raised regarding the safety of the Burwood Highway underpass at Gillard Street and agrees it should be upgraded to comply with CPTED principles. The upgrade to this underpass has been included in Project G.2 (as exhibited) with the goal to improve safety for pedestrians and cyclists at the tram stop.

The Committee finds that the inclusion of a new crossing point on Burwood Highway at its intersection with Milford Avenue is appropriate. The distance between the underpass at Gillard Street and the intersection of Station Street exceeds the appropriate crossing distances outlined in the Urban Design Guidelines for Victoria, and the inclusion of this new crossing point at Milford Avenue would be consistent with these guidelines.

(iii) Finding

The Committee finds:

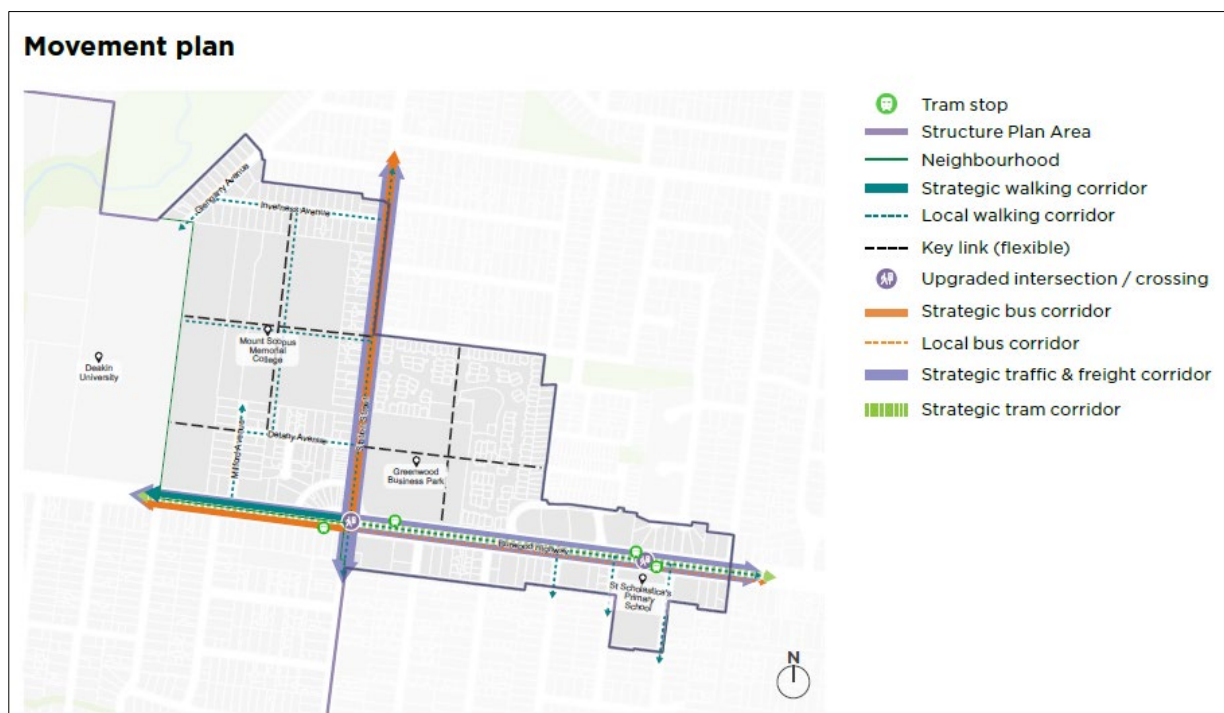
- Across all precincts, a review of pedestrian links is necessary to clearly identify which links are required. Required links should be identified within the draft Structure Plan and draft Amendment to secure their delivery. Delivery mechanisms need to be confirmed, and funding mechanisms should be confirmed as soon as possible (within 12 months). Refer to Chapter 9 of the General Issues Report.
- The inclusion of a new crossing point on Burwood Highway at its intersection with Milford Avenue is appropriate.
- The proposed new bridge over Burwood Highway, mid-block between the Sinnott Street extension and McComas Grove and nominated as Project SRL.5 in the Implementation Plan, should be limited to pedestrians only.

7.5 Pedestrian links through Mount Scopus

(i) Background

The draft Structure Plan identifies a number of key links across the Mount Scopus, Greenwood and Fountain Gate sites as highlighted in Figure 10 below:

Figure 10 Station Street Movement Plan



Source: Draft Structure Plan (Figure 50)

(ii) Evidence and submissions

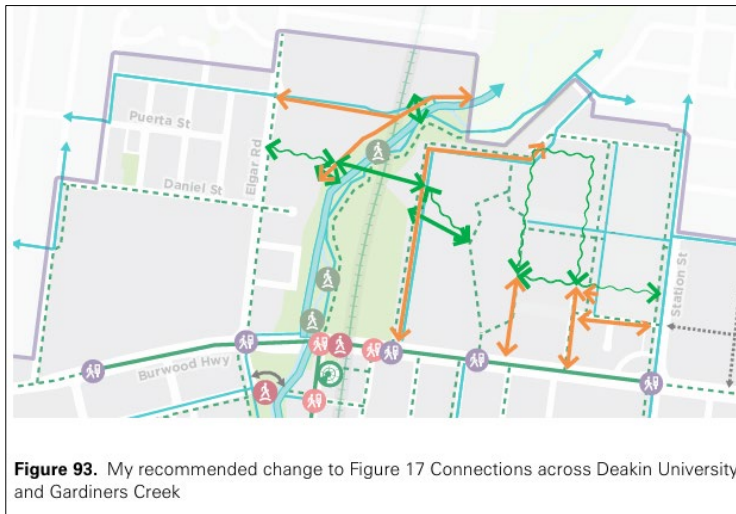
Evidence

Prof McGauran said the redevelopment of Mount Scopus provided a one-off opportunity to reshape the educational precinct and its engagement with surrounding residential neighbourhoods. He explained that:

- it would be logical to leverage and extend existing road networks to and through the site if it is to be developed for more than a single user and purpose, to enhance walkability and vehicle access and egress
- there is merit in interconnecting walking networks around and through the site to the neighbouring streets and networks, including:
 - Glengarry Avenue and the Gardiners Creek corridor to the north-west
 - Station Street to the east
 - Deakin University to the west and Milford Avenue.

Prof McGauran's suggested links are shown in Figure 11.

Figure 11 McGauran proposed links



Source: BUR 54

Prof McGauran also proposed the preparation of guiding development principles for the Mount Scopus site dealing with:

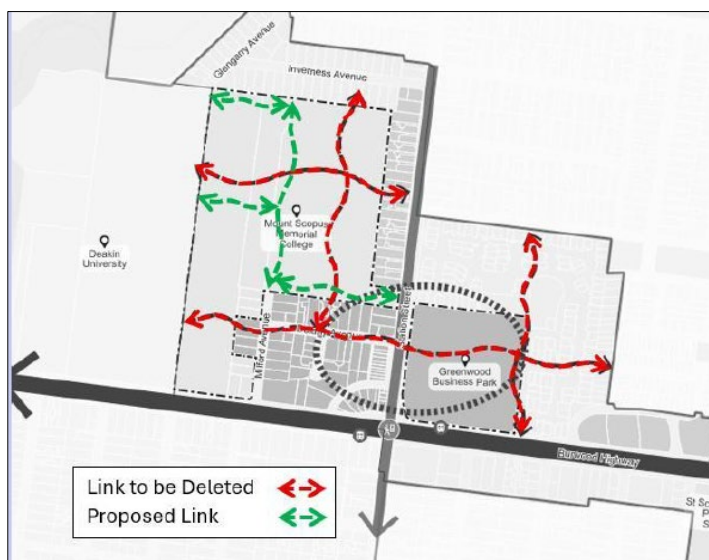
- site permeability and links to Deakin University, Gardiners Creek and surrounding streets, neighbourhoods and intersections
- interfaces to residential areas
- reverse amenity to address the campus interface and around-the-clock operation of the University.

Mr Walsh said the Mount Scopus links can be rationalised so that they do not rely on development of individual properties outside the strategic site. He recommended the following changes (see Figure 12):

- removing the link on Delany Avenue as this already exists
- translating the north-south link to the west to use Milford Avenue
- using the existing road and pedestrian access from Station Street and extending this to the Milford Avenue north-south connection.

He noted that the links through to Deakin University would need to be provided in consultation with the University. Ms Marshall agreed in principle but noted that the links shown in the draft Structure Plan were indicative and did not need to be amended to achieve the outcomes described by Mr Walsh.

Figure 12 Walsh proposed links



Source: BUR 48

Under cross-examination Mr Walsh was shown Prof McGauran's proposed link plan, and he indicated that he was reasonably comfortable with the layout. He is also indicated support for Prof McGauran's suggestion to prepare a set of guiding principles.

Under cross-examination, Ms Marshall confirmed:

- she was comfortable with the proposed pedestrian links suggested by Prof McGauran being included in the draft Structure Plan
- she agreed that the description in the agreement between the Proponent and Mount Scopus for pedestrian links should be expanded to ensure it covers cyclists.

Mr Shephard said:

- the Mount Scopus site is approximately 300 metres by 290 metres which is beyond the block dimensions generally considered acceptable for an urban area, let alone a higher-density area
- the Urban Design Guidelines for Victoria and Clause 56 of the VPPs seek maximum block lengths of 240 metres and maximum widths of 120 metres, so he considered that the connections are warranted
- he did not consider that they will hamper the envisaged development of the Mount Scopus site given that development will require internal connections for access purposes and the alignment is clearly indicative
- master planning of the site to ensure that the links align with surrounding connections.

Submissions

Whitehorse Council endorsed Prof McGauran's recommendations and proposed indicative layout of connections across the Mount Scopus site. It submitted that his layout took advantage of existing connections and facilitated permeability through to Station Street, proximate to the Fountain Court and Greenwood sites.

The Proponent submitted the pedestrian links across the Mount Scopus site should be indicative. This would support flexibility in the precise location and alignment of pedestrian connections in response to the detailed planning of the Mount Scopus site. This change is reflected in the Day 2 draft Structure Plan.

(iii) Discussion

Numerous suggestions were put forward in evidence to modify the locations of the links, many of which have merit. These suggestions were directed at improving connections to existing streets and destinations, thereby increasing the likelihood of delivery as they would not be reliant on the redevelopment of individual properties outside the strategic site.

The Committee has carefully assessed the suggestions put forward and considers that the indicative location of the links could be altered as shown in Figure 13 below. (which generally reflect the links put forward by Prof McGauran).

Figure 13 Committee preferred links



Source: Committee produced

The key changes from the exhibited layout (relevant to the Mount Scopus site) are:

- moving the proposed southern east-west link on the Mount Scopus site to align with the proposed link on the Greenwood site to provide a continuous link through both sites (link shown as **magenta**)
- discontinuing the eastern portion of the northern east-west link to avoid the need to go through an individual property to get to Station Street
- moving the proposed north-south link on the Mount Scopus site west to align with Milford Avenue, and realigning the northern component of this link to run west through to the existing street network at Glengarry Avenue and avoid the

need to go through an individual property to get to Inverness Avenue (link shown as **dark blue**)

- place a link down the western side of the property adjacent with Deakin University (link shown as **dark blue**).

(iv) Finding

The Committee finds:

- The indicative location of pedestrian links through the Mount Scopus site should be altered as shown in Figure 13 of this report.

7.6 Pedestrian links through Fountain Court Retirement Village and Greenwood Business Park

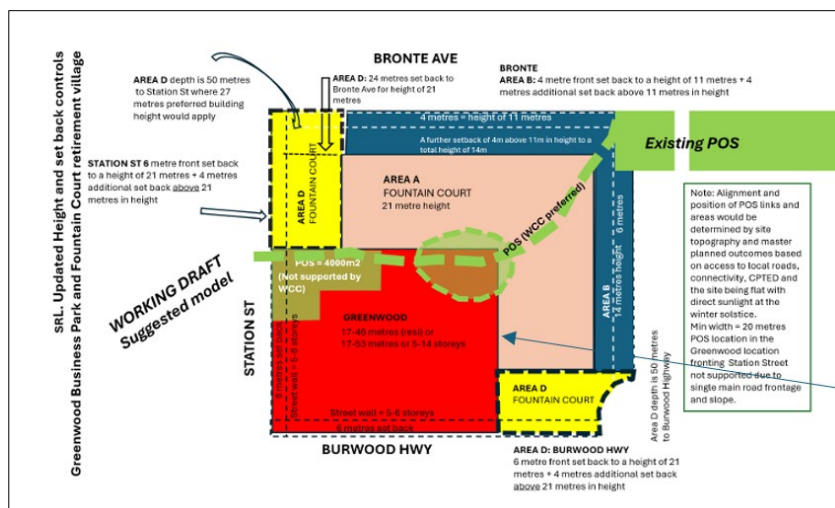
(i) Evidence and submissions

Evidence

Mr Walsh said the proposed links (both the north-south and east-west links) across the Fountain Court and Greenwood sites should both be removed. Both links end at residential properties with no mechanism to extend them.

Ms Thompson, in considering open space issues, suggested a link would be better located running east-west along the north side of the Greenwood site, then diagonally joining Muyan (Poole Street) Reserve (see Figure 14). In cross-examination, Mr Walsh and Ms Marshall considered this link to be acceptable.

Figure 14 Thompson proposed links



Source: BUR 60

Mr Shephard's evidence was that:

- it would be relatively easy for a redevelopment of the Fountain Court site to provide a connection to Muyan Reserve at its eastern boundary, facilitating this strategic east-west link

- the north-south link would provide a valuable link for residents to the north-east seeking to access the jobs and services in Greenwood Business Park, and a more direct link to the tram stop on Burwood Highway near Station Street.

Submissions

Whitehorse Council preferred Ms Thompson's indicative pedestrian link stating:

- Ms Thompson's link is vastly more deliverable than the prospect of obtaining a pedestrian connection through sites that are only 10 metres wide, and otherwise developed as an integrated residential 'village'
- Mr Walsh and Ms Marshall both endorsed Ms Thompson's proposed link as an appropriate rationalisation of the two links otherwise contemplated.

Following questions from the Committee, Whitehorse Council clarified that a north-south link was still? required along the eastern boundary of the Greenwood site.

The Proponent considered the Greenwood and Fountain Court sites to be an acceptable planning outcome with publicly accessible bicycle and pedestrian connections through the site in a north/south and east/west alignment.

(ii) Discussion

Numerous suggestions were put forward through the evidence to modify the locations of the links, many of which have merit. These suggestions were directed at improving connections to existing streets and destinations, thereby increasing the likelihood of delivery, as they would not be reliant on the redevelopment of individual properties outside the strategic site.

The Committee has carefully assessed the suggestions put forward and considers that the location of the links could be altered as shown in Figure 13 above.

The key changes (relevant to the Fountain Court and Greenwood sites) are (links shown as **dark green**):

- the proposed east-west and north-south link should be moved to the northern and eastern boundary of the Greenwood site adjacent to the Fountain Court site, providing an opportunity for the two developments to access the links
- a link should be provided from the north-east corner of the Greenwood site to the reserve at the corner of Bronte Avenue and Muyan Circuit to connect with this open space.

(iii) Finding

The Committee finds:

- The indicative location of pedestrian links through the Greenwood and Fountain Court sites should be altered as shown in Figure 13 of this report.

7.7 Other pedestrian links

(i) Evidence and submissions

Evidence

Mr Walsh suggested two links should be deleted:

- The Corrigan Street link: an east-west link between Sinnott Street and the Gardiners Creek corridor (through 127 Highbury Road), approximately 100 metres north of Highbury Road, and as an extension of Corrigan Road. This link goes through a strata-titled business park and would be difficult to deliver. He explained that there was already a bridge connection over Gardiners Creek approximately 150 metres to the north, which provides for east-west connectivity.
- The Hughes Street link: an east-west link across Gardiners Creek to connect Hughes Street through to Cumming Street utilising an existing pedestrian bridge. He saw no material benefit to the connection to Hughes Street, particularly considering it relies on development of an individual land parcel, and the connectivity is already provided by Judith Street to the north or Spence Street to the south. He believed that this component of the link should be removed.

Mr Walsh suggested two links should be retained:

- The Lundgren chain: the extension of the east-west link between the Lundgren Chain and Sinnott Street is an important project. There is limited, if any, flexibility as to where the link can be located given the cadastral pattern in the area. The link is nominated as a local link and provides for better permeability from Station Street and beyond through to the new station and the Gardiners Creek corridor. It is an important link in the context of the desired draft Structure Plan objective to increase active transport use and considered the Proponent should provide detail on how this link can be realised, and whether a PAO is necessary.
- The Peacock link: east-west link between Peacock Street and Bennett Street. TN-BUR01 recommends removal of this link. Mr Walsh explained that the link would improve accessibility to the SRL station for the eastern part of this neighbourhood and should be retained.

Ms Marshall agreed:

- the Peacock link should be retained because it improves the east-west connectivity to the SRL station
- the Lundgren chain link is necessary because it is an important active transport link and unlike other links has less flexibility in its alignment (agreeing with Mr Walsh that a PAO would likely be required to deliver the link).

In contrast with Mr Walsh, she considered the following links should be retained:

- the Hughes Street link, because it will facilitate a long-term opportunity to connect the Gardiners Creek bridge with the SRL station
- the Corrigan Street link, because it would provide a useful active transport link.

Mr Sheppard agreed that the Peacock and Bennett Street link should be retained, and that the extension to the Lundgren chain link was necessary.

Traffic experts agreed that if a local walking corridor is intended on the eastern side of the creek, the Corrigan Street link should be retained as it would provide a useful active transport link.

Submissions

Whitehorse Council accepted most of the changes documented in TN-BUR01, except for the deletion of the proposed link between Peacock Street and Bennett Street, which was supported by numerous witnesses.

Whitehorse Council supported the use of the Public Acquisition Overlay (PAO) where the links are considered to be essential to the improvement of active transport through the Structure Plan Area.

The Proponent maintained that the proposed link between Peacock Street and Bennett Street should remain.

(ii) Discussion

The Committee is satisfied with the majority of the changes set out in TN-BUR01. However, the Committee does not support the deletion of the link between Peacock Street and Bennett Street as it improves connectivity to the SRL station for active transport uses.

Equally, the Committee supports the extension of the Lundgren chain link. The aspiration to connect the Lundgren chain to the SDA is actively supported in both the draft Structure Plan and the draft Implementation Plan:

- the objectives for the Lundgren neighbourhood explicitly seek delivery of the link to 'improve the active transport capability of Lundgren Chain Reserve', and 'enhance [Lundgren Chain's] recreational, open space, ecological, transport and drainage function'¹
- it is nominated as a 'local/important' link, local cycling corridor and local walking corridor in the draft Structure Plan's mapping of active transport links²
- the draft Implementation Plan identifies delivery of the extension as a 'short-long term' priority for new open space, nominating Whitehorse Council for delivery in partnership with the Proponent.³

However, the Lundgren chain link and the Hughes link will be difficult to achieve without the introduction of a PAO due to private ownership of land and configuration of existing multi-lot sites. The Committee recommends the introduction of a PAO for these links to ensure they are delivered. The Committee also considers that the Proponent should be the acquiring authority for these links.

The Committee acknowledges that the Corrigan Street link through 127 Highbury Road may be difficult to achieve due to the strata-titled business park, but given there is a

¹ Draft Structure Plan, 118.

² *ibid.*, 78.

³ Draft Implementation Plan, 19.

bridge connection located approximately 150 metres to the north which provides an east-west connection, it does not believe that it is so critical to require a PAO to guarantee its delivery. It should, however, be retained on the mapping in the draft Structure Plan and BFO.

(iii) Findings

The Committee finds:

- The proposed link between Peacock Street and Bennett Street should be retained.
- The extension of the east-west link between the Lundgren Chain and Sinnott Street is essential.
- A PAO should be introduced to facilitate the:
 - extension of the east-west link between the Lundgren Chain and Sinnott Street with the Proponent as the acquiring authority
 - east-west link shown across the Gardiners Creek corridor to connect Hughes Street through to Cumming Street with the Proponent as the acquiring authority.

7.8 Cycling corridor

(i) Background

Cycling within the Structure Plan Area is proposed to be served by the centrally located SCC. It is proposed to run north-south adjacent to Gardiners Creek and be supported by a number of Local Cycling Corridors. Gardiners Creek is an existing designated SCC and is therefore a high order cycling route through the Structure Plan Area and more broadly through the eastern suburbs.

The draft Structure Plan proposes to construct a new section of the SCC on the eastern side of the creek to interface with the SRL station precinct (see Figure 15). Access to these paths will be facilitated by the existing bridge at Sinnott Street and improved crossing opportunities at Burwood Highway.

Figure 15 Proposed cycling corridor



Source BUR 128a, Figure 22

(ii) Evidence and submissions

Evidence

Ms Marshall and Mr Walsh agreed that the realignment of the SCC path (having it on one side of the creek rather than it traversing the creek corridor) was appropriate, would be more convenient for users and provided opportunities for the path to be located on either side of the creek north of Burwood Highway.

Ms Marshall said the planning for active transport along the Gardiners Creek Trail and its designation as a SCC is appropriate and consistent with its current classification. She said the proposed new section of SCC abutting the SRL station was desirable in providing direct access for commuters to the future SRL station (providing 600 new bicycle parking spaces) and the bus interchange.

Mr Walsh said the proposed new facilities through the SDA would provide a more direct route along Gardiners Creek and better facilities for pedestrian and cyclists.

Mr Walsh had a number of proposed changes to the draft Implementation Plan. His evidence was that:

- more direction was required from the Proponent on what is expected for Projects A.5 (improved pedestrian and cycling infrastructure on the west side of the Gardiners Creek corridor, between Highbury Road and Burwood Highway) and G.1 (improved pedestrian and cycling infrastructure along Gardiners Creek between Burwood Student Village and Burwood Highway)
- there would be a significant increase in bicycle use along the Gardiners Creek corridor due to the proposed 600 bicycle spaces to be provided at the new Station and, as such, Projects A.5 and G.1 that lead directly to the station should be led by the Proponent

- the proposed upgrade within the Gardiners Creek corridor between Highbury Road and Zodiac Street (Project D.1) sits outside of the municipality of Whitehorse and therefore should be the responsibility of Monash Council
- the delivery of wayfinding improvements between public transport uses (action 16.2) is the responsibility of DTP Transport and the Proponent and they should lead that action
- the development of bicycle and micro-mobility end of trip policy and guidelines (action 17.4) should be the responsibility of the Proponent or DTP Transport as it is likely to be consistent across all precincts.

Submissions

Whitehorse Council submitted that there were numerous complex issues to be resolved in relation to the creek corridor and that the active transport objectives would need to be balanced with the biodiversity, drainage and recreational expectations for this part of the creek corridor. It recommended that a short-term action be included in the draft Implementation Plan to develop a creek master plan so that the issues can be properly resolved before the Proponent's intended naturalisation works adjacent to the SDA, and its subsequent construction of the new SCC.

Whitehorse Council supported the proposed relocation of the SCC to interface directly with the SDA, and submitted that the Activity Street proposed at the western edge of the SDA should be nominated for pedestrian and cycling access only, with the exception of emergency vehicles and waste collection.

The Proponent submitted that planning for active transport along the Gardiners Creek corridor is appropriate. It highlighted that the new cycle path and footpath will improve pedestrian and cycle access between Burwood Highway and the existing Sinnott Street pedestrian bridge over Gardiners Creek.

The Proponent did not support a requirement for a master plan for this part of the creek corridor.

The Proponent agreed with Mr Walsh's recommendations in relation to Project D.1 (with minor changes), actions 16.2 and 17.4 and this is reflected in the Day 3 controls.

(iii) Discussion

The Committee is satisfied that the planning for active transport along the Gardiners Creek corridor and its designation as a SCC is appropriate and consistent with its current classification.

The Committee supports Whitehorse Council's suggestion of a creek master plan. This would ensure that the active transport objectives are met while balancing the other issues of biodiversity, drainage and recreational expectations. It would also clarify matters such as the location of the cycle paths and details of construction standards and methods given the sensitive creek interface. The Committee supports the inclusion of the development of the master plan as an action in the draft Implementation Plan and agrees it needs to occur in the short term as it will influence other projects. The Proponent should be the lead for this project (with both Whitehorse and Monash Councils as partners), as it is a key part of the transformation associated with the SRL station.

In terms of Mr Walsh's recommendations not accepted by the Proponent, the Committee agrees the Proponent should lead Project G.11 (improved pedestrian and cycling infrastructure along the Gardiners Creek corridor between Burwood Student Village and Burwood Highway). This link is currently a crushed rock path and should be sealed as it links directly related to the SRL station.

The lead for Project A.5 (improved pedestrian and cycling infrastructure on the west side of Gardiners Creek, between Highbury Road and Burwood Highway) should remain as Whitehorse Council. It is already constructed and is currently maintained by Whitehorse Council. For the same reasons, the lead for Project D.1 (proposed upgrades within Gardiners Creek between Highbury Road and Zodiac Street) should remain as Monash Council.

(iv) Findings

The Committee finds:

- The planning for cycling along the Gardiners Creek corridor is appropriate.
- The draft Implementation Plan should include a requirement for the preparation of a masterplan for Gardiners Creek having regard to future intentions for the creek corridor relating to active transport, biodiversity, flooding and public open space and overshadowing.
- Project G.1 (improved pedestrian and cycling infrastructure along Gardiners Creek between Burwood Student Village and Burwood Highway) should be delivered by the Proponent.

7.9 Conclusions and recommendations

The Committee concludes:

- The planning for active transport in the 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 7
 - cycling infrastructure is generally appropriate, subject to modifications.

The Committee recommends:

8. Refer to recommendation GI R32 to GI R34 in the General Issues Report (Volume 3, Chapter 10.9).

Draft Implementation Plan

9. BOX R8: In the context of Recommendation GI R32, amend the Day 2 draft Burwood Implementation Plan to:

- a. Confirm that the proposed bridge over Burwood Highway (Project SRL.5) should be a pedestrian bridge only.**
- b. Add a new project for a pedestrian crossing point across Burwood Highway at Milford Street and Bennett Street specifying timing of 'medium to long term', the lead agency as 'Department of Transport and Planning'.**

- c. Note the Proponent as the lead agency for Project G.1 (improved pedestrian and cycling infrastructure along Gardiners Creek between Burwood Student Village and Burwood Highway).**
- d. Add a new project which requires the preparation of a master plan for the Gardiners Creek (Kooyongkoot) corridor within the Structure Plan Area specifying timing of 'short term', the lead agency as 'SRLA' and the partner agency as 'Whitehorse and Monash City Councils'. The masterplan should have regard to the future intentions for the creek corridor relating to active transport, biodiversity, flooding and public open space (and overshadowing). The master plan should include:**
 - Detailed consideration and resolution of the role and function of the Gardiners Creek (Kooyongkoot) corridor throughout the Structure Plan Area, having regard to the aspirations of the draft Burwood Structure Plan.**
 - Extension of the proposed naturalisation of the Gardiners Creek (Kooyongkoot) corridor between Burwood Highway and Highbury Road.**
 - Identification of land required to expand the Gardiners Creek (Kooyongkoot) corridor for naturalisation, open space and active transport purposes, including at 127 Highbury Road, 12 Tudor Street and 19 Tudor Street, Burwood.**
 - Resolution of the role and function of the Strategic Cycling Corridor, including where the Strategic Cycling Corridor will be located and how it will be treated, having regard to biodiversity and flooding matters.**

Draft Structure Plan

- 10. BOX R9: In the context of Recommendation GI R32, amend the Day 2 draft Burwood Structure Plan to:**
 - a. The location of the links across 245 Burwood Highway, Burwood (the Mount Scopus site) should be updated in accordance with the indicative layout as shown in Figure 13 of this report.**
 - b. The location of the links across 100 Station Street, Burwood (the Fountain Court site) and 301 Burwood Highway, Burwood (the Greenwood site) should be updated in accordance with the indicative layout as shown in Figure 13 of this report.**
 - c. The proposed link between Peacock Street and Bennett Street should be retained.**
 - d. The extension of the east-west link between the Lundgren Chain and Sinnott Street should remain.**

Draft Amendment:

- 11. BUR R10: Introduce a Public Acquisition Overlay to facilitate the:**
 - a. Extension of the east-west link between the Lundgren Chain and Sinnott Street with the Proponent as the acquiring authority**
 - b. East-west link shown across the Gardiners Creek (Kooyongkoot) corridor to connect Hughes Street through to Cumming Street with the Proponent as the acquiring authority.**

8 Public open space

8.1 Referred Matter

The Referred Matter is:

Whether planning for open space in the Burwood 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:

- The size and type of the new open spaces proposed around McIntyre Street/Cromwell Street; and around Delaney Avenue/Milford Avenue
- The public open space investigation area near Burwood Highway/Station Street encompassing some of the Fountain Court Retirement Village
- Additional open space north of Burwood Highway, between Warragul Road and Parer Street; north of Burwood Highway, east of Station Street; south of Burwood Highway, east of Station Street; south of Highbury Road, west of Gardiners Creek
- Improvements to specific existing open spaces, including in Lundgren Reserve and Gardiners Creek Reserve at Fletcher Parade.

8.2 Key issues

The key issues are whether:

- the proposed open space provision (size, type and distribution) is adequate to meet the needs of future residents, visitors and employees in the Structure Plan Area and in particular around the nominated sites
- there should be improvements to existing open space areas.

8.3 Background

(i) Draft Structure Plan

The vision for Burwood includes the provision of open space and wildlife habitats which *"will bring people together to experience nature and encourage the active, outdoor lifestyle that people in Burwood enjoy"*.

objective 6 of the draft Structure Plan expands on this vision which is to *"create a connected and accessible open space network for those who live and work in Burwood"*.

The draft Structure Plan identified several existing public open space areas three new public open spaces, as well as areas for investigation and areas for enhancement.

(ii) Draft Implementation Plan

Actions identified in the draft Implementation Plan include the delivery of new open spaces, enhancement of existing open spaces, and amending the planning scheme to enable the delivery of pedestrian links and assess the suitability of temporary offset open space to be made permanent.

The actions in the draft Implementation Plan are generally consistent with the OSTR recommendations.

The draft Implementation Plan seeks to develop shared user agreements for access to restricted open space with Presbyterian Ladies' College, Mount Scopus College and Deakin University, among others.

(iii) Draft Amendment

Policy

The new Structure Plan Area local policies for open space are set out in the strategic sites strategy and infrastructure strategies at Clause 11.03-6l.

The strategic sites strategy is to:

- Encourage strategic sites to deliver public benefits, including public realm improvements, affordable housing, and new open space or public links.

The infrastructure strategy aims to:

- Locate new open space and new community facilities to support residential and worker population growth within the SRL East Structure Plan areas.

Precinct Zone

The Use and Development Framework Plan in the PZR1 includes 'New/upgraded public realm'.

The Use and Development Framework Plans for Whitehorse PZR2 and Monash PZR7 show existing public open spaces but do not show proposed public open spaces.

Built Form Overlays

The Development Framework Plans in the schedules to the BFO show existing public open space but do not show proposed public open spaces.

The BFO schedules provide various standards for overshadowing to manage shadowing impacts to existing public open space.

(iv) Open Space Technical Report

The OSTR informed the draft Structure Plan. In the Burwood Precinct, the OSTR found:

- the Precinct has 301,413 square metres of existing open space
- 86 per cent of the precinct is within 400 metres (walking) to existing public open space, in large part due to the Gardiners Creek corridor
- open space additions identified will add 19,420 square metres to the Burwood precinct:
 - 12,980 square metres from three new spaces planned on land owned by the Proponent
 - 4,800 square metres from proposed open spaces on privately owned land
 - 1,640 square metres from the temporary offset open space adjacent to Lundgren Chain Linear Reserve, if this is secured as permanent open space.
- once the changes have been implemented, the addition of new open space and pedestrian links would place 96 per cent of the Structure Plan Area within 400 metres walking distance to public open space.

The OSTR makes the following recommendations for three of the areas identified in the Referred Matter:

- McIntyre Street/Cromwell Street: the OSTR identified an open space gap in this area (OSTR Gap 2) and recommended the development of a new local pocket/neighbourhood park ranging in area from 2,000 square metres to 5,000 square metres to address this.
- An investigation area near Burwood Highway/Station Street encompassing some of the Fountain Court site, and additional open space north of Burwood Highway, east of Station Street: these areas are identified as poorly serviced by the existing open space provision (OSTR Gap 4).
- The OSTR recommended the development of a new local pocket/neighbourhood park around Delany Avenue, Burwood (between Milford Avenue and Station Street) ranging in area from 1,000 square metres to 3,000 square metres to address this.

(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.

8.4 Evidence and submissions

Evidence

Ms Thompson stated that open space within the Structure Plan Area is very important. It supports residents and workers by enabling physical activity, promoting mental wellbeing, and provides opportunities for social interaction and activities that would otherwise need to occur within private open space. She emphasised that access to open space should be safe and convenient, with good access to sunlight, and that open space plays an important role in achieving urban cooling targets and supporting flora and fauna habitat.

Ms Thompson presented a gap assessment of existing open space based on a catchment analysis of a 'safe and easy walk' to public open space. This approach prioritises accessibility from the perspective of people who are least able to utilise the movement network and excludes routes that require negotiating barriers such as major road crossings. The walking distances adopted in her assessment varied according to the type of open space:

- 200 metres for pocket and small open space
- 300 metres for neighbourhood open space
- 400 metres for community, district and regional open space.

To address the identified gaps, Ms Thompson recommended the provision of additional new public open space within the Structure Plan Area. In particular, she recommended providing the following:

- McIntyre Street/Cromwell Street: a new neighbourhood park of approximately 10,000 square metres

- Delaney Avenue/Milford Avenue: a new pocket park in the Barry Road/Delaney Avenue area with an area of approximately 1,000 square metres
- Burwood Highway/Station Street:
 - a new neighbourhood open space encompassing part of the Fountain Court site
 - land north of Burwood Highway and east of Station Street, straddling both the Greenwood site and Fountain Court site, with an area of approximately 7,500 square metres
- Burwood Highway (between Warragul Road and Parer Street): a new pocket open space near Mount View Court/Central Avenue of approximately 1,000 square metres
- South of Burwood Highway, east of Station Street: two new pocket open spaces on the northern side of the Lundgren Chain Reserve with a combined area of approximately 2,000 square metres
- Lundgren Reserve: improvements including new open space to the north and south to increase accessibility, totalling approximately 5,500 square metres.

Ms Thompson's assessment of worker demand for open space was based on anticipated built form density and the relative size of the worker population. Her evidence was that workers value access to open space near their workplaces and use these spaces to support their health and wellbeing, often at different times to residents. She noted that the OSTR does not account for worker demand, as it is based solely on population-based demand.

Ms Thompson also noted that determining visitor demand for open space is difficult and, as a result, it was not included in her assessment.

Submissions

Whitehorse Council submitted the OSTR underestimated the amount of open space required by the future resident and worker population in the Structure Plan Area. It submitted that Ms Thompson's open space assessment should form the basis of further work before the gazettal of the draft Amendment and that open space should be set aside under a PAO for future acquisition by the Proponent or by Whitehorse Council if external funding is received.

Alternatively, Whitehorse Council submitted that:

- the draft Implementation Plan should be updated to include the additional open spaces identified by Ms Thompson on the relevant maps and actions
- mapping within the draft Amendments should be updated to designate the location of open space to an increased level of specificity.

The Proponent submitted that the approach to public open space was consistent with the recommendations of the OSTR.

The Proponent did not challenge Ms Thompson's evidence about the location, size and types of open spaces. It considered this an example of future work to be done in accordance with the Implementation Plan. In relation to identified gaps, it deferred to the considerations at the General Issues Hearing and maintained support for 400-metre

walkable access for 95 per cent of the Structure Plan Area and 200-metre walkable access in higher density areas, where possible and as appropriate.

The Proponent highlighted that Ms Thompson's approach for accounting for employee numbers assumes that no people will both live and work in the Structure Plan Area and that demand will coincide rather than vary across the course of the days and weeks. Overall, it did not consider that Ms Thompson's evidence should form the basis for how much space should be provided and its distribution. It said that no additional areas of open space should be recommended, but rather Ms Thompson's work may provide valuable input into future planning and decision making.

8.5 Discussion

Planning for public open space in the Burwood 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.

There is insufficient evidence before the Committee to pinpoint additional open space size and locations. 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.

Specific areas

McIntyre Street/Cromwell Street

The OSTR recommended new open space of between 2,000 to 5,000 square metres, while Ms Thompson recommended 10,000 square metres (to provide different types of open space adjacent to the Gardiners Creek corridor).

The Gardiners Creek corridor already provides generous open space opportunities and those living in proximity to it do not require further open space options. Additionally, the investigation area suggested by Ms Thompson is industrial zoned land. Industrial land is relatively scarce in the eastern region and Ms Thompson's proposal would remove approximately 1 hectare from this supply. On this basis the Committee is satisfied the establishment of new open space with an area of 2,000 square metres to 5,000 square metres as recommended by the OSTR is appropriate for this area. The Committee also considers that industrial land should be excluded from site selection for this open space.

Delaney Avenue/Milford Avenue

Ms Thompson recommended a new pocket park in the Barry Road/Delany Avenue area of approximately 1,000 square metres. The Committee agrees the community would benefit from new open space in this area as it would provide residents with safe access to open space without the need to cross Station Street.

Burwood Highway/Station Street

Ms Thompson recommended a new neighbourhood open space of 7,500 square metres on the Greenwood and Fountain Court sites. The agreement reached between

Greenwood and the Proponent commits to 4,000 square metres of open space on the Greenwood site (in the north-west corner of the site facing Station Street).

Ms Thompson did not support the small open space directly adjoining a major arterial road due to the impact that vehicle noise and movement would have on the function, use and safety. The Committee agrees that open space facing a major road is not an optimal location and consideration should be given to locating it at the north-eastern corner where it could be supplemented by open space on the Fountain Court site and linked to existing open space to the north (Muyan Reserve which sits outside the Structure Plan Area). This is discussed further in Chapter 7.6.

Burwood Highway, between Warragul Road and Parer Street

Ms Thompson recommended a new pocket park near Mount View Court/Central Avenue with an area of 1,000 square metres. The Committee agrees that the community would benefit from the establishment of new open space in this area, given it sits outside the OSTR's 400-metre walkable open space catchment.

Burwood Highway, east of Station Street

Ms Thompson recommended two new pocket parks with a combined area of 2,000 square metres in this location. These new open spaces are proposed to be located outside of the Structure Plan Area and therefore outside the scope of the Committee's considerations, but could form part of broader open space planning for the municipality.

Improvements to Lundgren Reserve

The improvement of Lundgren Reserve is uncontroversial, being identified in the draft Amendment and recommendation by Ms Thompson. The Committee agrees that the community would benefit from the improvement of Lundgren Reserve.

Improvements to the Gardiners Creek corridor at Fletcher Parade

Ms Thompson recommended upgrading the reserve with additional unstructured and social facilities in this location to support the surrounding community, and that this should be balanced with protecting and improving the nature conservation values of the Gardiners Creek corridor. The Committee considers that these further investigations are appropriate and should be coordinated with the master plan for the Gardiners Creek corridor recommended in Chapters 7.8 and 9.

8.6 Findings, conclusion and recommendations

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 around McIntyre Street and Cromwell Street
 - near Barry Road and Delany Avenue
 - near Mount View Court and Central Avenue
 - on the Greenwood and Fountain Court sites sited away from Station Street and providing links to existing open space to the north
 - near Mount View Court and Central Avenue.

- Several existing open space areas require improvements and upgrades, including:
 - the Lundgren Reserve
 - the Gardiners Creek corridor near Fletcher Parade.

The Committee concludes:

- The planning for open space in the Burwood 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 has identified opportunities to fill distribution gaps and improve open space which should form part of the further assessment.

The Committee recommends:

12. Refer to Recommendations CI R06 to CI R010 in the Common Issues Report (Volume 2, Chapter 5).

Further work

13. BOX R11: In the context of Recommendation CI R06, the further assessment of open space needs in the Burwood 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 around McIntyre Street and Cromwell Street
 - near Barry Road and Delany Avenue
 - near Mount View Court and Central Avenue
 - on the Greenwood and Fountain Court sites sited away from Station Street and providing links to existing open space to the north
 - near Mount View Court and Central Avenue.
- b. Several existing open space areas require improvements and upgrades, including:**
 - the Lundgren Reserve
 - the Gardiners Creek corridor near Fletcher Parade.

9 Impacts on the Gardiners Creek corridor

9.1 Referred Matter

The Referred Matter is:

Whether the draft Structure Plan and draft Planning Scheme Amendment mitigate ecological impacts along the Gardiners Creek (Kooyongkoot) corridor.

9.2 Key issues

The key issue is whether the draft Structure Plan and draft Amendment mitigate ecological impacts on the Gardiners Creek corridor.

9.3 Background

(i) Draft Structure Plan

The draft Structure Plan seeks to (objective 11):

Enhance amenity and biodiversity along an improved Gardiners Creek (Kooyongkoot).

Strategies include to:

Support improved biodiversity and ecological enhancement by establishing habitat corridors along Green Streets and within landscape setbacks, and undertaking rewilding along Gardiners Creek (Kooyongkoot).

In Burwood Central (Area A), the draft Structure Plan states that Gardiners Creek will be enhanced from a concrete channel to a biodiverse, ecological and accessible community asset and in Ashwood (Area D) an objective is to naturalise the creek and improve the ecological and recreational function.

(ii) Draft Implementation Plan

The draft Implementation Plan includes the following actions:

Work with Melbourne Water, Whitehorse City Council, Monash City Council, and other Gardiners Creek (Kooyongkoot) Regional Collaboration stakeholders to naturalise sections of the creek.

Enhance Gardiners Creek with the naturalisation of its concrete-lined channel to create a blue-green spine supporting biodiversity, enhance recreation value adjacent to the Station Development Area.

Upgrade open space ... with waterway naturalisation along Gardiners creek reserve between Highbury Road and Zodiac Street.

(iii) Draft Amendment

The draft Amendment proposes to introduce local policy at Clause 11.03-6L-05 (Monash) and Clause 11.03-6L-02 (Whitehorse) with the following strategies:

- Enhance the Gardiners Creek (Kooyongkoot) corridor and associated parklands to support environmental, recreational and active transport outcomes, and ensure built form and public realm responds positively to the creek.

- Encourage landscaping that incorporates native vegetation including canopy trees and flowering plants in areas surrounding Gardiners Creek (Kooyongkoot) to improve biodiversity.

The objectives in the PRZ and BFO schedules seek to support biodiversity in the Gardiners Creek corridor, support native habitat, provide for landscaped setbacks and interfaces to the reserve, and manage overshadowing to the Gardiners Creek Reserve through standards.

The master plan requirements of the Whitehorse PRZ2 include extending the landscape character and biodiversity values of the creek into the SDA and enhancing urban ecology. It also requires a public realm plan which shows how development will respond to the biodiversity values of the Gardiners Creek corridor within the SDA.

(iv) Ecological and Arboriculture Technical Report

The Ecological and Arboriculture Technical Report states that the Structure Plan Area is intersected by Gardiners Creek:

‘... a revegetated rock-lined drainage channel that provides a significant local corridor for foraging, resting and dispersal opportunities for biodiversity’.

Identified challenges include increased impervious surfaces, increased population pressures and development, and the loss of urban tree canopy from the removal of overlays and more intense development. The report recommends habitat corridors to link with new and existing open spaces and planting of native species.

(v) Amendment VC278 – Key Urban Waterways

Amendment VC278 was gazetted on 16 December 2025 and came into operation on 20 January 2026.

The Amendment applies the Significant Landscape Overlay (SLO) to 17 waterways within the Yarra (Birraring) and waterways of catchments to the west, including Gardiners Creek. Amendment VC278 also strengthens state policy for waterways at Clause 12.03-1S (River and riparian corridors, waterways, lakes, wetlands and billabongs), and Clause 14.02-1S (Catchment planning and management).

Clause 12.03-1S has been amended to provide a new policy application, being:

This policy applies to land in proximity to a waterway, including all land within 200 metres from the centreline of a waterway.

Other key changes proposed are:

- the introduction of the strategy under *“enhance a sense of place and landscapes identity”* by ‘recognising the cultural values, aesthetic qualities and identity of waterway systems’
- including the words *“and avoiding overshadowing”* under the sub-heading *“ensuring development is visually subordinate to the local landscape setting, including through the use of vegetation to filter views of development”*.

Relevant amendments to the policy guidelines include:

- locating development a minimum of 50 metres from the banks of waterway systems, rather than 30 metres as previously stated

- recognising Aboriginal cultural heritage sensitivity and impacts of development within 200 metres of the centreline of a waterway system.

Clause 14.02-1S seeks to assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater and the marine environment.

The key change is the strategy to retain natural drainage corridors with vegetated buffer zones ranging from 30 metres to 50 metres wide along each side of the waterway.

Schedules 11 and 1 to the SLO in the Whitehorse and Monash Planning Schemes respectively are to be applied to the Gardiners Creek corridor. These overlays affect land within the Structure Plan Area including the SDA (Whitehorse).

The statement of nature and key elements of landscape includes the following with reference to the SRL project:

The creek passes through the Burwood Suburban Rail Loop Precinct which is identified as a place for transformational change. Similarly, activity centres at Tooronga, Gardiner and Darling will also see increased development alongside the creek. In these locations, Gardiners Creek will play an increasingly important role as an open space and habitat corridor, with higher scale buildings designed to complement the landscape setting of the waterway.

Gardiners Creek has been channelised in several locations and, at its western end, diverted around the Monash Freeway. Despite these modifications, Gardiners Creek remains a significant and valued landscape corridor. There are opportunities to further repair and enhance the creek as a landscape system, including naturalisation of the waterway adjacent to the Suburban Rail Loop Station at Burwood.

Landscape character objectives to be achieved are:

To enhance the role of the waterway as an integrated and continuous landscape corridor, protecting the environmental, cultural and landscape values of the waterway system.

To retain indigenous riparian vegetation and canopy trees or existing grasslands as the dominant landscape feature and enhance the revegetation and ecological improvement of the waterway corridor while managing the introduction of potential bushfire hazards.

To ensure the visual impact of buildings and works, including the storage of goods, is minimised when viewed from the waterway corridor.

To ensure that earthworks are minimised and do not affect the natural drainage function and landscape character of the waterway.

To ensure that fencing interfacing the waterway corridor is designed and located to be visually transparent and recessive in the landscape.

As relevant to the Structure Plan Area land, a permit is not required to:

- Construct a building or construct or carry out works in a Housing Choice and Transport Zone, Activity Centre Zone and Precinct Zone or on land subject to the Built Form Overlay if the following requirements are met:
 - the building is constructed using muted, natural and low-reflective colours and materials;
 - the ground level does not change by more than 600mm, as reinstated; and
 - the buildings and works are sited more than 50 metres from the top of bank of the waterway.
- Construct a building or construct or carry out works in a Precinct Zone if a masterplan has been approved under Clause 37.10-4.

Decision guidelines include:

- Whether the scale, form, siting and design of buildings and works:
 - Present new buildings that are sensitively integrated with the natural landscape setting of the waterway corridor, including vegetation.

- Provide a variety of heights, avoid visual bulk, are stepped back from the frontage of the waterway corridor and adjacent public open space and use materials, colours and finishes that are sensitively integrated with the natural landscape setting of the waterway corridor.
- Manage and limit new light spill and overshadowing on the waterway, adjacent public open space, and pedestrian and bicycle paths.
- Result in soil disturbance that impacts the banks of the waterway or water quality.
- Whether the buildings or works will create an adverse visual impact:
 - From prominent locations such as ridgelines, hill faces, escarpments and landscape features.
 - Within waterway corridors.
 - From parks and reserves along the waterway corridor.
 - Within the vegetation canopy along the waterway corridor.
- Whether the spacing between buildings allows for:
 - the planting of appropriate vegetation and canopy trees to filter views of the development; and
 - the maintenance of views to the waterway corridor.

9.4 Evidence and submissions

The Proponent highlighted the extensive draft Structure Plan and draft Amendment provisions that seek to support biodiversity and manage impacts on the Gardiners Creek corridor in addition to existing policies in the Whitehorse and Monash Planning Schemes.

The Proponent also relied on the Gardiners Creek (Kooyongkoot) Ecology Technical Memorandum (AJM) prepared by Mr Rigg. Mr Rigg was not called as an expert and was not cross examined. Mr Rigg made several recommendations relating to prioritising biodiversity and habitat protection, appropriate plant selection and management of acoustic and lighting impacts on fauna.

The Proponent supported some of Mr Riggs's recommendations and made the following changes to the documents:

- including a reference to principles of light spill having regard to the National Light Pollution Guidelines as a decision guideline in the draft Amendment
- rewording the guidelines relating to 127 Highbury Road in the draft Structure Plan as follows:

New development should provide a generous landscaped public realm setback at the interface of Gardiners Creek (Kooyongkoot), which contributes to the widening and regeneration of the creek corridor; [and supports biodiversity and native habitat](#).

- amending action 11.2 in the draft Implementation Plan to refer to biodiversity as follows:

Work with Melbourne Water, Whitehorse City Council, Monash City Council, and other Gardiners Creek (Kooyongkoot) Regional Collaboration stakeholders to naturalise sections of the creek [and manage biodiversity](#).

The Proponent did not support the requirement for an acoustic report on the basis that it was not reasonable or practical. It said that it would be necessary to identify an appropriate level of noise exposure and mitigation that was not considered in the Noise and Vibration Technical Report.

Whitehorse Council submitted that it wanted to ensure that the ecological assets of Gardiners Creek corridor would be maintained and enhanced in line with the biodiversity

programs run by Whitehorse Council and community groups including FoGC and the KKA.

It considered that there was no basis for the Committee to be comfortable that the draft Amendment will mitigate ecological impacts. It highlighted that the draft Structure Plan seeks to enhance and improve biodiversity values of the creek corridor rather than just mitigate impact.

Whitehorse Council highlighted that the ecological restoration of the Gardiners Creek corridor, particularly between Sinnott Street and Highbury Road, was supported in the UDR and the draft Structure Plan, and the Implementation Plan includes a project for SRL works to restore the creek adjacent to the SDA. Whitehorse Council submitted that this should be extended from the SDA to Highbury Road.

Whitehorse Council considered further work was required and recommended a Gardiners Creek/Kooyongkoot master plan be prepared. It stated that this master plan should include investigations of water management and flooding and investigations of ecological restoration through the Structure Plan Area.

The Friends of Gardiners Creek submitted that the Gardiners Creek corridor is an important biodiversity corridor that is under pressure from urbanisation. The Friends of Gardiners Creek were concerned about potential impacts of higher and denser buildings adjacent to the creek in terms of wind patterns, rainfall and sunlight as well as light spill and noise impacts on wildlife. It also had concerns about increased stormwater runoff from increased development and associated with any cycling corridor along the creek.

The KKA, comprising over 20 community groups from the Gardiners Creek catchment, submitted that the Gardiners Creek corridor is a critical biodiversity corridor providing an almost continuous biodiversity link from Yarra River to Blackburn Lake and beyond. It submitted that the extent and scale of proposed development would have devastating results for the creek and its biodiversity values. It was concerned about the heights of new buildings and associated overshadowing and canyoning effects. It was also concerned about impacts on water flows, urban heat island temperatures and increased wind velocity. It submitted the corridor should not be used as a transport corridor and that green open space should be enhanced, not lost.

The KKA supported many of the strategies for the corridor in terms of planting of native canopy trees and restoration of the creek but considered that land should be acquired at pinch points for an expanded corridor, a wetland should be created to cater for increased runoff, and cyclists should not use the shared paths along the creek but rather have road-separated paths.

9.5 Discussion

The ecological health of the Gardiners Creek corridor is important, and the draft Structure Plan seeks to mitigate impacts and also provide for improvements, particularly in areas where the creek is to be rehabilitated. The draft Structure Plan objectives and strategies to convert sections of the corridor that are currently a concrete channel to a biodiverse, ecological and accessible community asset is positive and provision for

widening in areas and landscaped setbacks will assist in achieving biodiversity outcomes.

However, in terms of the draft Amendment provisions, mitigation of ecological impacts is less clear. The draft Amendment seeks to remove existing vegetation protection overlays which, together with increased density controls, is likely to result in the removal of existing vegetation on private land. Extension of active transport routes into the creek corridor, together with the impacts of noise and lighting from development, may impact the creek's ecosystem health.

The inclusion of light spill considerations in the controls is appropriate. However, the Committee agrees with the Proponent that without a measurable acoustic standard, there is no basis for requiring an acoustic assessment.

The Committee supports the proposed and additional changes made to the draft Amendment objectives and decision guidelines (reflected in the Day 3 controls) to support biodiversity and native habitat, but notes that these provisions will generally only relate to development on private land and not within the reserve itself. It therefore also accepts Whitehorse Council's recommendation for the draft Implementation Plan to include a requirement for a Gardiners Creek Kooyongkoot master plan to be prepared and considers that this should include investigations and strategies to address the matters raised in the Gardiners Creek (Kooyongkoot) Ecology Technical Memorandum and by Whitehorse Council, FoGC and KKA. It should also include whether the restoration of the creek be extended and address the biodiversity policy and strategies. This has also been discussed in Chapter 7.

9.6 Finding, conclusion and recommendations

The Committee finds:

- The draft Implementation Plan should include a requirement for preparation of a master plan for the Gardiners Creek corridor, having regard to future intentions for the corridor relating to protecting and enhancing biodiversity, active transport, water management flooding, public open space and overshadowing.

The Committee concludes:

- The draft Structure Plan and draft Amendment (as updated through the Day 3 changes) appropriately mitigate ecological impacts along the Gardiners Creek corridor subject to the recommendations in this report.

The Committee recommends:

14. The Committee has recommended a master plan be prepared for Gardiners Creek (see BUR R8d).

10 Overshadowing and shading

10.1 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 in the Burwood Structure Plan Area.

10.2 Key issues

The key issues are whether the proposed controls are appropriate to minimise overshadowing impacts and maintain solar access to the public realm including parks, streets, plazas and pedestrian links.

There is some overlap in this chapter with Chapter 5 and some content is repeated for ease of reference. Both chapters should be read together as required.

10.3 Background

(i) Draft Structure Plan

The draft Structure Plan requires overshadowing to be actively managed and balanced against growth. As building heights increase, it emphasises the importance of protecting key spaces from excessive overshadowing and ensuring that development maintains reasonable solar access to key streets and public open spaces.

New development must ensure adequate sunlight to public open spaces in accordance with their significance and use. Gardiners Creek and associated parklands are to be protected at the winter solstice, and other public open spaces such as Sinnott Street Reserve, Lungren Chain Reserve and Apex Park to be protected at the spring equinox.

For Activity Streets around the SRL station, the design of buildings needs to balance solar access while providing for growth.

(ii) Burwood Urban Design Report

The UDR provides a set of solar standards to balance sunlight to the public realm and allow for growth in each type of street and open space. The standards were informed by recently solar access planning provisions in Victoria, related studies, Planning Panel reports and site-specific testing.

The UDR provides for the following levels of solar access to different open spaces in Burwood as follows:

- New open space within the SDA on Burwood highway: 50 per cent of the open space for three hours at the winter solstice and 75 per cent at the spring equinox.
- Sinnott Street Reserve: 30 per cent of the open space for a minimum of three hours at the winter solstice.
- Gardiners Creek: 70 per cent of the Gardiners Creek parklands for a minimum of three hours at the winter solstice.

- Activity Streets: generally 50 per cent to the southern, eastern or western footpaths for a minimum of three hours at the spring equinox, with an exception to the east-west Activity Street north of the SRL station and west of Sinnott Street, where no solar access standard is recommended given the availability of sunny streets and public open space nearby.
- Burwood Highway: 100 per cent of the southern footpath for a minimum of three hours at the spring equinox.
- Roslyn Street Reserve: 50 per cent of the open space for a minimum of 3 hours at the winter solstice and 75 per cent at the spring equinox.
- Lundgren Chain Reserve between Cumming Street: no solar access is recommended given the narrow width and primarily transitory function of the reserve, and the location of sunny open spaces nearby including the wider area of the Lungren Chain Reserve to the east.
- Lundgren Chain Reserve between Station Street and 15 Collier Court: 50 per cent of the open space for a minimum of three hours at the winter solstice.
- Barlyn Road Reserve: no solar access is recommended given the configuration of the reserve and surrounding lots and associated development.
- Apex Park Playground, Ashwood Drive Reserve and Octavia Court Playground: 50 per cent for a minimum of three hours on winter solstice.

(iii) Draft Amendment

The proposed controls protect solar access to the public realm, including both public open spaces and streets, through a combination of street walls, upper-level setbacks, and side and rear setbacks applied to nominated open spaces and streets. Standards are generally set using an 'allowable building envelope' approach.

The controls are set for different times of the year and day and are as proposed in the Day 3 ordinance as outlined in Table 5. The provisions generally seek no additional shadow beyond that cast by the applicable building envelope (as set by the height and setback controls). The exception is to the Sinnott Street Reserve, where the allowable shadow is from the 'street wall', and not the building envelope, between 10.00am and 1.00pm at the equinox.

Table 5 Summary of PRZ and BFO overshadowing standards in Day 3 controls

BFO	Date	Time
BFO1 Main Streets	Equinox	11:00 am to 2:00 pm
Southern footpath of Burwood Highway		
BFO2 Key Movement Corridors and Urban Neighbourhoods	Winter solstice	11:00 am to 2:00 pm
Gardiners Creek corridor		
BFO3 Residential Neighbourhoods		
Lundgren Chain Reserve	Winter solstice	11:00 am to 2:00 pm
Apex Park Playground	Winter solstice	11:00 am to 2:00 pm
BFO4 Employment Neighbourhoods		
Gardiners Creek corridor	Winter solstice	11:00 am to 2:00 pm

PRZ2 SDA		
Gardiners Creek corridor	Winter solstice	11:00 am to 2:00 pm
Sinnott Street (western footpath)	Equinox	11:00 am to 2:00 pm
McComas Grove (western footpath)		
Coppard Street (southern footpath)		
Pick Up Drop Off Street (southern footpath, east of Sinnott Street)		
Sinnott Street (eastern footpath)	Equinox	11:00 am to 2:00 pm
McComas Grove (eastern footpath)		
Footpath adjacent to SDA (interface with Gardiners Creek)		

(iv) General issues conclusion

The Committee 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 Burwood context, except where a tailored response is necessary for specific places discussed below.

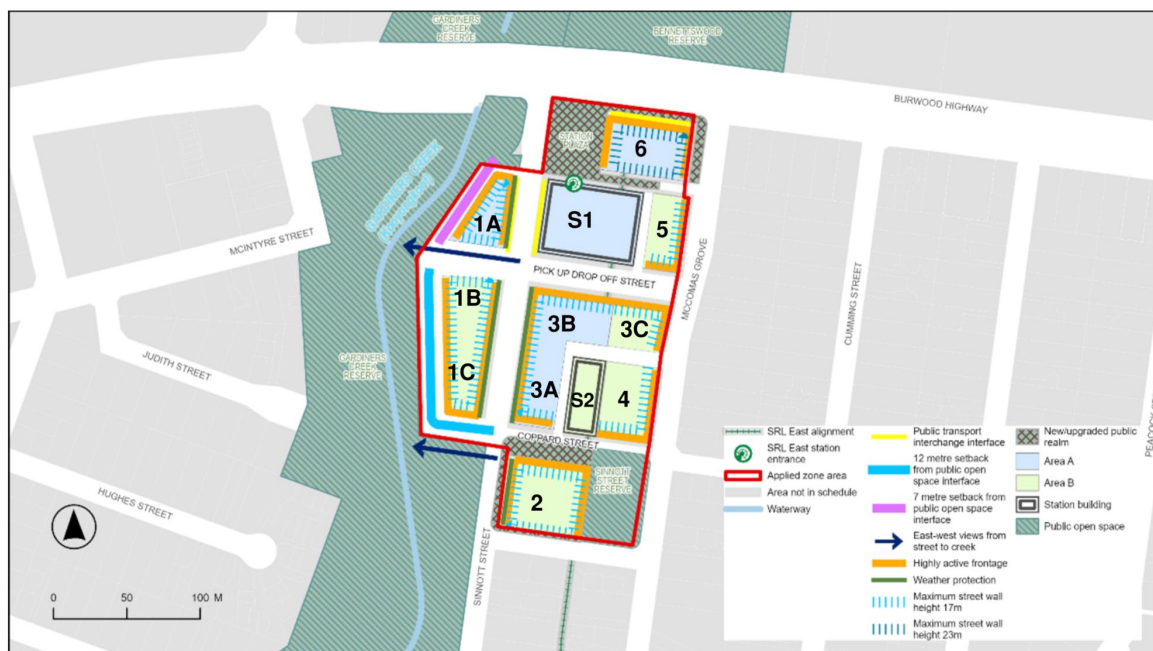
10.4 Overview

The Proponent submitted that discretionary solar access protection was appropriate in the context of the transformational change envisaged, and that mandatory controls were not warranted except in exceptional circumstances.

A number of solar controls and built form controls, particularly in the SDA, were changed throughout the Hearing process, with the Day 3 version of the PRZ and BFO schedules generally providing for a greater level of solar access protection to the public realm than the exhibited controls.

Figure 16 below details the lot numbers within the SDA for reference.

Figure 16 Day 3 version of Map 1 to PRZ2: Use and Development Framework Plan with Lot numbers



Source: D3 32, with Committee mark-up of Lot numbers

10.5 Sinnott Street Reserve

(i) Evidence and submissions

Evidence

Mr Sheppard's assessment of the reconfigured Sinnott Street Reserve in the south-east corner of the SDA was that at least 50 per cent of the reserve would receive sunlight before 1:00pm at the winter solstice and considerably more at the equinox. This was based on his recommendation to reduce the height of buildings opposite the reserve to 41 metres (Lots S2, 4 and 2) with a 17-metre street wall height (other than Lot S2), and with overshadowing measured beyond the street wall. He considered this extent of overshadowing in the context of the growth expectation for the SDA to be appropriate.

Prof McGauran's modelling showed that the UDR recommendation of achieving sunlight for three hours at the winter solstice would not be achieved for Sinnott Street Reserve. His assessment showed that, at the winter solstice, the proposed buildings would almost fully shade the reserve from 12:00 pm onwards. He recommended instead that the park be protected between 10:00 am and 2:00 pm at the winter solstice beyond the street wall. To achieve this, the building heights to the north would need to be reduced to 27 metres (Lots 3A, S2 and 4) and the buildings further north to 41 metres (Lots 3B and 3C). Refer to Figure 6 and Figure 7 in Chapter 5.5.

Mr Partos' recommended that there should be no overshadowing beyond the street wall of 17 metres between 11:00 am and 2:00pm at the winter solstice, and for this control to be mandatory. He noted that building heights and setbacks would need to be amended to achieve this outcome.

Submissions

Whitehorse Council's submissions highlighted that the former Sinnott Street Reserve was a well-used 0.82-hectare park that has now been occupied by the Proponent for project works. As part of the proposed SDA a reinstated Sinnott Street Reserve is proposed in the same location, but reduced in size to 0.2 hectares, with additional land provided at the edge of the Gardiners Creek corridor south of proposed Lot 1C and west of Lot 2.

Whitehorse Council submitted that, as the 'one formal urban space' in the SDA, Sinnott Street Reserve will require reasonable year-round amenity. While accepting there is to be an additional open space on Burwood Highway in the SDA (the station plaza), Whitehorse Council considered that this would function as a forecourt to the station, facilitating thousands of movements across Burwood Highway towards Deakin University, PLC, Bennettswood reserve and beyond, and would therefore play a different role to Sinnott Street Reserve.

Whitehorse Council was critical of Mr Shepard's assessment for the following key reasons:

- he relied on the Hayball modelling at the equinox to satisfy himself that solstice outcomes would be acceptable
- no shadow plans were produced to reflect Mr Sheppard's height recommendations (reflected in the Day 1 PRZ2)
- the modelling relied on by Mr Sheppard included height and setback requirements that differed from the controls, such as assuming a height of 41 metres on site 3A and 20 metres on Lot S2, and an additional level setback to 40 metres on Lot 4
- other assumptions were made about the building envelopes including a 'cut out' from Sites 2 and 4, reportedly to meet the equinox standard between 10:00 am and 1:00 pm.

Whitehorse Council submitted that Sinnott Street Reserve should have mandatory winter solar protection with an allowable shadow from a 17-metre-high street wall. It also recommended discretionary preferred maximum building heights of 27 metres for Lots 3A, S2 and Site 4, immediately to the north of the reserve, and 41 metres for Lot 2, reflecting Prof McGauran's evidence.

For Station Building 2 (S2), accepting that the Incorporated Document controls the built form of the station building but the PRZ2 would apply to the 'air rights' above, Whitehorse Council submitted that it would be appropriate for the Committee to recommend a five-metre setback above the street wall to Lot S2.

The Proponent submitted that equinox protection above the street wall between 10:00am to 1:00pm was appropriate for Sinnott Street Reserve. It did not support a winter control on the basis of the built form expectations in the SDA.

(ii) Discussion

The Proponent, Whitehorse Council and their experts disagreed on how much solar protection Sinnott Street Reserve should receive. The Proponent and Mr Sheppard

supported discretionary equinox controls, while Whitehorse Council, Prof McGauran and Mr Partos maintained that mandatory winter protection is necessary.

The reconfigured and reduced Sinnott Street Reserve is located at the south-east corner of the SDA. The original reserve was about 2.4 times larger and enjoyed year-round sunlight. Given the high density planned for the SDA and given it is the key central civic space, it is anticipated that there will be significant demand for Sinnott Street Reserve, year-round.

As Prof McGauran's shadow studies indicate, the reserve will enjoy good solar access at the spring equinox but would have extensive winter overshadowing, with between 50 per cent and 100 per cent in shadow from 11:00am based on the exhibited controls (with 69 metre building heights across the SDA).

Further changes were made to the PRZ2 throughout the Hearing process which materially improved the solar access to Sinnott Street Reserve. These included:

- reduced building heights from 69 metres to 41 metres for Lots 3C, Lot S2, Lot 4 and Lot 2, to the north and west of the reserve
- the extension of a 17-metre street wall to include Lot 3A.

However, the Day 3 PRZ2 still sets the allowable shadow outcome to a three-hour period between 10:00am and 1:00pm on the equinox, and not the winter solstice.

The Committee agrees with Whitehorse Council and its experts that Sinnott Street Reserve should be provided with better solar access at winter, given it is a key area of open space within the SDA and given the projected increase in residents and workers.

The Committee therefore agrees that a winter solar protection beyond an allowable shadow from the street wall is preferred over an equinox control. This also reflects the UDR assessment that winter solar access is important for key parks, including Sinnott Street Reserve. While the UDR recommended that a percentage of the park should be protected, as outlined in the General Issues Report (Volume 3), the Committee does not support this approach based on the inequity of the 'first mover' approach and how parks are used, which may change over time.

The General Issues Report (Volume 3) also supported a mandatory approach to overshadowing for key parks, given that sunlight is a finite resource that makes a significant contribution to people's enjoyment, comfort and useability of spaces and ability to sustain vegetation. Incremental encroachments to solar protection from individual buildings can produce unacceptable cumulative outcomes.

However, the Committee has not been provided with clear evidence about the impacts to building floor area and building heights from Whitehorse Council's recommended mandatory winter solar control beyond an allowable shadow from a 17-metre-high street wall between 11:00am and 2:00pm.

There were numerous versions of shadow plans presented by the Proponent during the Hearing, but these had errors, omissions and modelling assumptions that were not reflected by the controls and therefore could not be relied upon. Prof McGauran's modelling of 27-metre-high buildings to the north of the reserve and 41-metre-high buildings further north did show that with these heights, and based on a 17 metre street

wall, there would be no additional shadow between 11:00am and 2:00pm at the winter solstice. However, whether additional heights in areas beyond this could be accommodated is unclear and what the impact on building heights would be if the period was 10:00am to 1:00pm is also unclear.

Ultimately, the Committee supports a mandatory winter overshadowing control for Sinnott Street Reserve and discretionary building heights to enable detailed design and siting. However, the Committee recommends that further work be undertaken to determine the ultimate preferred maximum heights for this section of the SDA around the reserve and whether solar protection should be from 10:00am to 1:00pm or 11am to 2:00pm to achieve an appropriate balance between density expectations in the SDA and solar protection.

Finally, as outlined in Chapter 5.5, the Committee concludes that there is a need for a maximum street wall height for Station Building 2 (Lot S2) to give effect to the 'allowable shadow' and to the upper level setback of five metres beyond the 'podium'. While the Incorporated Document, and not the PRZ2, will control the development of the station buildings themselves, the Proponent has agreed the PRZ2 will control the 'air rights' and has supported the five metre upper level setback above the podium. The Committee considers that the podium should in effect be set as a street wall of 17 metres.

(iii) Findings

The Committee finds:

- Sinnott Street Reserve should be protected from overshadowing beyond that which would be produced by a 17-metre-high street wall at the winter solstice. This should be a mandatory control.
- Further work is required to determine whether the control should prevent any additional overshadowing beyond the street wall on the winter solstice between 10:00am and 1:00pm or 11:00am and 2:00pm, based on the need to achieve an appropriate balance between density expectations in the SDA and solar protection.
- The building heights surrounding Sinnott Street Reserve should be calibrated to achieve the solar protection standard and should be discretionary to enable detailed siting and design work.
- Map 1 should be amended to show a maximum street wall/podium height of 17 metres to S2 (see BUR R1).

10.6 Gardiners Creek corridor

(i) Background

As exhibited, the PRZ2 and BFO (Schedules 2, 13, 14 and 15) provide a discretionary control that requires no additional shadow cast beyond the applicable building envelope:

- across the banks and waterway of the Gardiners Creek corridor between 11:00am and 2:00pm on the winter solstice
- on the Gardiners Creek corridor (other than the banks and waterway) between 11:00am and 2:00pm on the equinox.

The Day 3 controls amended this to include protection of the whole reserve beyond the applicable building envelope between 11:00am and 2:00pm on the winter solstice. Importantly, the amended controls no longer differentiated the banks and waterway from the remainder of the reserve. The control remained discretionary.

(ii) Evidence and submissions

Mr Sheppard relied on architectural modelling prepared by Hayball Architects. The modelling showed that, based on his recommended building heights within the SDA, overshadowing of the reserve would be limited to a relatively modest area from 11:00 am at the winter solstice. It also demonstrated that there would be almost no shadow from 10:00 am at the equinox. Mr Sheppard acknowledged that some buildings in the modelling were shown at 12 storeys rather than 69 metres (20 storeys) as permitted under the proposed controls. However, he considered that taller buildings would have only a limited impact on the reserve from 11:00am. On this basis, he concluded that the proposed controls for the Gardiners Creek corridor would provide adequate solar access protection.

Prof McGauran said that the Gardiners Creek corridor is a high-amenity open space that is critical to serving a growing population and support enhanced ecological values. On that basis, he considered that overshadowing controls for the waterway, banks and shared trails should be mandatory. He recommended that these controls be measured between 11:00am and 2:00pm on winter solstice.

Prof McGauran was critical of the concept of a *“building envelope allowable shadow”*, stating that it is inconsistent with the way overshadowing controls typically operate. He also recommended a preferred maximum building height of 27 metres across Lots 1A, 1B and 1C to better manage solar access, built form transition and visual impact as discussed in Chapter 5.

Mr Partos considered that maintaining solar access at the winter solstice was essential to achieve the draft Structure Plan’s vision of a high-quality open space. In relation to the SDA, he supported Prof McGauran’s recommended preferred building heights across Lots 1A, 1B and 1C. He considered that the extent of overshadowing from the SDA buildings should be limited to that which would be produced by the 17 metre street walls, with no further overshadowing between 11:00am to 2:00pm at the winter solstice.

As discussed in Chapter 5.6, Mr Partos undertook shadow modelling for properties within Fletcher Parade and Cropley Court where they abut the eastern edge of the Gardiners Creek corridor. He recommended providing an overshadowing control that states buildings must not overshadow public open space beyond a hypothetical 11-metre-high wall, set back six metres from the boundary to the public open space, between 11:00 am and 2:00 pm on the winter solstice.

Whitehorse Council submitted that the balance between growth and amenity along the creek corridor should be ‘re-cut’ and relied on the work of Prof McGauran and his prioritisation of a ‘creek-centric’ approach. Whitehorse Council supported Prof McGauran’s and Mr Partos’ recommendations for a mandatory solar standard requiring no additional shadow between 11:00am to 2:00pm on the winter solstice. Whitehorse

Council submitted this was entirely reasonable and appropriate having regard to the significance of the Gardiners Creek corridor.

Whitehorse Council's recommendations were:

Buildings and works must not cast any additional shadow over:

- Gardiners Creek (Kooyongkoot) waterway and banks between 11am – 2pm on the winter solstice
- Gardiners Creek (Kooyongkoot) Trail between 11am – 2pm on the winter solstice
- Gardiners Creek (Kooyongkoot) Reserve, beyond the existing street wall height specified in the Use and Development framework plan and existing buildings between 11am – 2pm on the winter solstice.

(iii) Discussion

The Day 3 changes provide an improved solar outcome for the Gardiners Creek corridor at the western edge of the SDA. This was achieved by both lowering some heights along its interface and extending the winter solar protection to between 11:00am and 2:00pm to the whole of the reserve (rather than the waterway and banks only). There is therefore much closer agreement between the parties about the shadow impacts to the reserve in this location, although still with some differences in opinion.

Throughout the process and through various versions of the controls, the Proponent also provided additional development objectives that seek explicit consideration of solar access to the Gardiners Creek corridor and decision guidelines have been expanded to require consideration of *"how the interface with Gardiners Creek is enhanced, where relevant"*. The Committee supports these additions which are reflected in the Day 3 controls.

The Committee maintains the recommendations from the General Issues Report (Volume 3) that a mandatory solar control is necessary to achieve the outcomes for overshadowing to key open spaces as sought by the draft Structure Plans but accepts that there should be discretion in the built form controls. The Committee rejects the need for the 'building envelope' to be the allowable shadow in most instances and instead agrees with Mr Partos that the street wall is the appropriate limit for the allowable shadow for buildings within the SDA.

In terms of the Cropley Court/Fletcher Parade area, the Committee also accepts the evidence of Mr Partos that the allowable shadow should be informed by an 11-metre wall set back six metres from the boundary with the Creek corridor.

While Whitehorse Council differentiated between controls for the waterways and banks and those for the broader reserve, the Committee considers the one control to be simpler and more appropriate to meet the required solar access protection. This is reflected in the Proponent's Day 3 controls.

The preferred heights for the buildings along the interface of the Creek (for Lots 1A, 1B and 1C) are discussed in Chapter 5.6, noting that the Committee supports Prof McGauran's, Mr Partos' and Whitehorse Council's preferred maximum height of 27 metres for these buildings, rather than 41 metres. These reduced heights will support the mandatory overshadowing provisions in protecting the creek environment.

(iv) Finding

The Committee finds:

- The Day 3 controls appropriately minimises overshadowing and maintain solar access to the Gardiners Creek corridor, subject to:
 - the PRZ2 overshadowing provisions being mandatory and the allowable shadow determined by a 17-metre street wall, not the overall building envelope
 - the BFO2 overshadowing provisions being mandatory and the allowable shadow determined by an 11-metre street wall set back six metres from the boundary with the Creek corridor.

10.7 Parks and other local public spaces

(i) Evidence and submissions

Evidence

In relation to the Lungren Chain Reserve and Apex Park playground, Mr Sheppard supported the BFO3 provisions which include a standard that there be no further overshadowing beyond the building envelope between 10:00am and 2:00pm at the equinox on a discretionary basis. He said the shadow assessments showed that solar access to these parks would be maintained for around four hours in winter, exceeding the recommended three hours for 50 per cent of the park in the UDR.

Mr Partos's evidence was that the temporary Lundgren Chain Reserve playground should be retained as a permanent public open space for future residents. He provided a shadow analysis that showed that the proposed building envelopes as set out in BFO3 Area B would result in overshadowing into this park by approximately 10 metres at the equinox, extending to almost the whole width of the reserve at the solstice. He considered this extent of shadow unacceptable and made the following recommendations:

- extend BFO3 Area B north by one site to include sites at 33 Cumming Street and 32 Gillard Street
- amend the building standards to prevent additional overshadowing beyond that which would be produced by a 2.4 metre fence on the boundary between 11:00 am and 2:00 pm on the winter solstice, and for this to be mandatory
- increase the landscaped side setback fronting public open space in BFO3 to a minimum of six metres.

Mr Partos recognised that the Lundgren Chain Linear Reserve was to be an active transport corridor with a cycle and pedestrian path located between the playground to the west and the wider reserve to the east, and therefore not a destination for recreation. However, he still considered it needed to be an enjoyable and safe environment in which planting and habitat are supported and therefore recommended that year-round solar protection should be provided. On this basis he recommended the same changes for the playground be applied to the linear reserve.

Apex Park is located in the Education Neighbourhood and serves local residents in the north of the Structure Plan Area. It contains a significant slope with a playground sited at

the top. From Mr Partos's solar testing he noted that the park would have some overshadowing from 11:00 am to 2:00 pm at the winter solstice and this would be primarily to the playground area. He concluded that relocating the playground was unlikely due to topography and reiterated his view of the importance of year-round solar protection as an important asset to the community, particularly as density increases. He therefore recommended the same shadow controls that he recommended for the Lundgren Chain Reserve, being any allowable shadow be limited to that cast by a hypothetical 2.4 metre fence rather than by a full building envelope.

Whitehorse Council submitted that local parks should generally be protected from unreasonable additional overshadowing by a combination of:

- mandatory overshadowing controls for the winter solstice to provide year-round solar protection
- appropriately nuanced built form controls to create building envelopes that broadly align with what is required to achieve solar protection and to limit the extent of 'allowable shadow' to that created by a theoretical 2.4 metre high fence rather than the full envelope, as recommended by Mr Partos.

Whitehorse Council therefore supported Mr Partos's recommendations for a mandatory overshadowing control between 11:00am to 2:00pm on the winter solstice beyond the shadow of a 2.4-metre-high fence for Apex Park, Lundgreen Chain Reserve Playground and Lundgren Chain Linear Reserve. It also recommended this control be applied to Roslyn Street Reserve and Poole Street (Muyan Reserve).

The Proponent submitted that, following its open space shadow analysis, it would shift the smaller public open spaces from equinox to solstice protection and tailor time windows according to adjacent built form ambitions.

In response to Whitehorse Council's specific recommendations, the Proponent supported solstice-based envelope-referenced protections for the Lundgren Chain Reserve and Apex Park within a 10:00am to 2:00pm window but did not adopt Whitehorse Council's broader approach of mandatory 11:00am to 2:00pm controls with the 2.4-metre fence allowable shadow benchmark. Likewise, it did not accept solstice controls for Barlyn Road Reserve, maintaining a 10:00 am to 2:00pm control at the equinox was appropriate.

(ii) Discussion

The Committee supports the changes to controls that occurred during the course of the Hearing as these have made material improvements to the solar protection to local parks, namely by moving to winter solstice protection. This approach better aligns with the background urban design work and the expert evidence.

The Committee does not consider the controls need to be further amended to introduce a theoretical allowable shadow by a 2.4-metre fence or further setbacks, as recommended by Whitehorse Council and Mr Partos. While accepting this would further reduce shadow impacts on these local parks, as an area of increasing change and need for increased housing, the Committee does not consider the extra controls are warranted for the following reasons:

- Apex Park Playground:

- Whilst transitory shadows are cast on the playground equipment, the reserve remains largely in sun. The proposed winter solstice standard will allow for good year-round solar access to this park.
- Lundgren Chain Reserve:
 - The playground on Cummings Street has excellent equinox sunlight. In winter the playground could be heavily overshadowed until about 2:00 pm if the site to the north was redeveloped. However, the southern half of the reserve, including the walking path, enjoys year-round sun. It is also noted that with the playground located close to the street, it is more likely that the shadow impacts will occur deeper into the reserve.
 - For the narrow sections, being the link west of Gillard Street, there is generally good sun at the equinox, and while fairly heavily overshadowed in winter this is considered acceptable given it is primarily a movement space.
 - Wider recreation spaces (between Collier Court and Station Street) have good solar access with sun to the southern half from 10:00 am to 3:00 pm at the equinox.
- Roslyn Street Reserve:
 - No evidence was presented in relation to this park and no shadow modelling was undertaken to demonstrate an unacceptable impact.
- Poole Street (Muyan Reserve):
 - This is located outside and to the north of the Structure Plan Area. Development within the Structure Plan Area would therefore not overshadow this open space.

(iii) Finding

The Committee concludes:

- The Day 3 controls appropriately minimise overshadowing and maintain solar access to the Apex Park Playground, the Lundgren Chain Reserve and playground, Roslyn Street Reserve and Poole Street (Muyan Reserve).

10.8 Streets

(i) Evidence and submissions

Evidence

Mr Sheppard gave evidence that other urban renewal precincts in Melbourne generally do not include specific controls to protect solar access to streets. He noted, however, that central Melbourne includes controls which seek to prevent any additional shadow being cast on nominated streets within the Central Business District between 12:00 pm and 2:00 pm from 22 April to the equinox. He observed that, at the equinox, the proportion of these streets in shadow ranges from approximately 25 to 75 per cent.

This analysis informed the UDR recommendation to require solar access to at least 50 per cent of the southern, eastern or western footpaths for a minimum of three hours at the equinox. An exception was proposed for the east–west Activity Street located north of the SRL station building and west of Sinnott Street, where no solar access protection is recommended due to the availability of nearby sunny streets and public open spaces.

Mr Sheppard also noted that the exhibited PRZ2 did not include any solar access controls to streets and recommended that provisions be introduced to prevent additional shadow being cast on Activity Street footpaths beyond that permitted by the applicable building envelope.

For areas outside the SDA, Mr Sheppard considered the proposed upper-level setbacks would protect solar access to the opposite footpath at the equinox for streets within the Main Streets, Key Movement Corridors, Urban Neighbourhoods, Residential Neighbourhoods and Enterprise Neighbourhoods. He considered this acceptable in most areas, but given that setbacks are discretionary, he recommended a design objective and a standard be included in relation to Main Streets to limit additional shadow beyond the building envelope, as follows:

- Design objective:
 - To ensure development protects solar access to the southern footpath of Burwood Highway and facilitates comfortable wind conditions, to deliver a high-quality public realm.
- Overshadowing requirement – Clause 43.06-7.5 (BF04)
Buildings should not cast any additional shadow beyond that cast by the applicable building envelope specified in BF02, BF05 and BF06 of this schedule and existing buildings over any nominated streets: Southern footpath of Burwood Highway: between 10am and 2pm on the equinox.

Prof McGauran's modelling of the exhibited controls demonstrated that the eastern footpath of Sinnott Street would be in shade from 1:00pm onwards at the equinox. He considered this to be a poor outcome for an activated, people-oriented street. He advised that amending building heights to the east to 27 metres, together with the incorporation of his amended setback requirement (discussed in Chapter 5.5), would achieve solar access to the eastern footpath between 11:00am and 2:00pm on the equinox, which he considered to be an appropriate outcome.

Submissions

Whitehorse Council highlighted that Activity Streets are to support public life and provide an attractive and comfortable pedestrian experience. Given the importance of their role, Whitehorse Council considered that they should be shown on the Use and Development Framework Plan of PRZ2 to inform a master plan or permit application.

Whitehorse Council did not support Mr Sheppard's 50 per cent solar access standard for three hours beyond an applicable building envelope given:

- the difficulty of measuring 50 per cent and whether it is to be applied to the applicable street block or along the entire length
- it would inequitably reward the 'first mover'
- it would deliver sunshine in gaps between buildings, requiring users to move to follow the sun.

Whitehorse Council also submitted that there had been no testing to demonstrate that this could be achieved, with the modelling testing lower heights of some buildings than permissible under the proposed controls and at times providing for sun to the footpath for one hour only, rather than his recommended three-hour period.

On this basis Whitehorse Council sought mandatory solar protection for the eastern footpath of Sinnott Street between 11:00am and 2:00pm on the equinox.

For Green Streets, Whitehorse Council sought solar protection given they are active transport corridors where high amenity, biodiversity and water sensitive design outcomes are sought. Whitehorse Council recommended:

- Green Streets be identified on Map 1 to the applicable PRZ and BFOs
- the inclusion of objectives to ensure high levels of solar access to the public realm
- the inclusion of application requirements to demonstrate high levels of solar access to the public realm
- a new decision guideline as follows:

In relation to green streets identified in Map 1, but not nominated in Standard BF04, whether allowing additional shadowing is reasonable having regard to:

- the orientation of the street
- the extent of existing overshadowing
- the objective to achieve at least 3 hours of solar access at the equinox and at least 1 hour of solar access at the solstice
- the impact of the additional overshadowing on pedestrian amenity, public seating, footpath dining locations or other similar points of activity.

The Proponent agreed that solar protection for activity streets is an important part of the amenity within the SDA and submitted that the Day 2 controls would provide for solar protection beyond the applicable building envelope as follows:

- eastern footpath of Sinnott Street, measured from the property boundary to the kerb between 11:00am and 2:00pm at the equinox
- western footpath of Sinnott Street, measured from the property boundary to the kerb between 10:00am and 1:00pm at the equinox
- eastern footpath of McComas Grove, measured from the property boundary to the kerb between 11:00am and 2:00pm at the equinox
- western footpath of McComas Grove, measured from the property boundary to the kerb between 10:00am and 1:00pm at the equinox
- southern footpath of Coppard Street, measured from the property boundary to the kerb between 10:00am and 1:00pm at the equinox
- southern footpath of the pickup/drop off street, east of Sinnott Street, measured from the property boundary to the kerb between 10:00am and 1:00pm at the equinox
- footpath adjacent to the SDA interfacing with Gardiners Creek between 11:00am and 2:00pm on the equinox.

It submitted this would provide for the right balance between built form intensity in the SDA and amenity.

In response to Whitehorse Council's recommendations, the Proponent did not support nominating Green Streets in the controls. It also considered that the objectives would have limited benefit, the application requirements already require shadow assessment, and the BFO parent Clause and schedules already provide appropriate decision guidelines.

(ii) Discussion

With the changes provided throughout the Hearing and reflected in the Day 3 version of the controls, there was agreement that the eastern footpath of Sinnott Street should be protected from overshadowing between 11:00am and 2:00pm on the equinox.

Whitehorse Council, however, considered these controls should be mandatory rather than discretionary.

While recommending a mandatory control for key parks, the Committee considers that a discretionary control for streets is acceptable. Sinnott Street will become the primary activity street through the SDA and therefore should seek to achieve good levels of amenity for outdoor dining and other stationary activities. However, given the street will be more of a transient space, the Committee considers a more flexible standard is appropriate.

In relation to other key streets within the SDA, in the absence of evidence that the controls were inappropriate, the Committee accepts the controls as drafted in the Day 3 versions. However, the Committee notes the recommendations in the General Issues Report (Volume 3) that generally southern footpaths should be protected from overshadowing at the equinox on key streets and that the eastern or western footpaths of north-south streets should be protected between 11.00am to 2.00pm at the equinox. Many of the proposed controls for Burwood are for 10.00am to 1.00pm and the Committee considers that in conjunction with a review of building heights and through the master planning process, that increasing solar access to key activity streets would be a desirable outcome.

Finally, in relation to Whitehorse BFO1, Mr Sheppard's recommendations for an addition to the objective and the inclusion of a solar standard in relation to Burwood Highway have been included in the Day 3 controls, and the Committee is supportive of these changes.

Finally, in relation to Whitehorse BFO1, the Committee supports Mr Sheppard's recommendation for a design objective and a standard to be included in relation to Main Streets to limit additional shadow beyond the building envelope.

(iii) Finding

The Committee concludes:

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

10.9 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:

- 15. 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

- 16. BUR R12: Amend Clause 8.0 of Whitehorse Precinct Zone Schedule 2 to require mandatory winter overshadowing protection of Sinnott Street Reserve, preventing overshadowing beyond that which would be produced by a 17-metre high street wall, between either 10:00am and 1:00pm or 11:00am and 2:00pm on the winter solstice depending on further work.**
- 17. BUR R13: Amend Clause 8.0 of Whitehorse Precinct Zone 2 to require mandatory winter overshadowing protection of the Gardiners Creek (Kooyongkoot) corridor, with the allowable shadow being determined by the street wall, not the overall building envelope.**
- 18. BUR R14: Amend Clause 6.2, Table 1 of the Whitehorse Built Form Overlay Schedule 2 to introduce a mandatory standard requiring that no additional shadow is cast over the Gardiners Creek (Kooyongkoot) corridor between 11.00am and 2.00pm on the winter solstice, beyond the shadow that would be cast by an 11-metre street wall set back 6 metres from the creek corridor boundary.**

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.

Whether the controls proposed in the draft Planning Scheme Amendment for active frontages suitably address public safety issues.

11.2 Key issues

The key issues are whether:

- public safety will be enhanced in higher-density areas
- the provisions for active frontages adequately address public safety issues.

11.3 Background

(i) Draft Structure Plan

The draft Structure Plan has numerous objectives that relate to public safety:

- Create a network of streets and public spaces that are vibrant, inviting and support growth (Objective 13)
- Ensure new development contributes positively to the public realm (Objective 14)
- Create a legible and safe active transport network (Objective 17)
- Minimise the impacts of private vehicles and freight on local streets (Objective 18)

The related strategies can be summarised as:

- Shape the street network so it is walkable, people-focused and organised around a clear hierarchy, with major streets like Burwood Highway becoming pedestrian-friendly boulevards.
- Make local and activity streets lively, safe and attractive places by prioritising walking, cycling and public life.
- Ensure new buildings contribute positively to the street by facing public spaces, activating ground floors and managing wind and amenity impacts.
- Upgrade key walking and cycling routes with better surfaces, access points and universal design.
- Manage vehicle movement by directing cars and freight to major roads while keeping local streets slow, safe and protected for people.

(ii) Draft Implementation Plan

The draft Implementation Plan includes actions to improve public safety generally relating to improvements to the street network.

(iii) Draft Amendment

There are numerous draft Amendment objectives relating to public safety that include the following themes:

- street-level activation and a lively station precinct (day and night economy)
- safe, pedestrian- and cyclist-oriented urban environment
- strong interface with Gardiners Creek / Reserve (access, passive surveillance, inviting edges)
- built form and dwelling orientation that supports safety and amenity
- improved permeability and connectivity (fine-grain streets, laneways, through-block links)
- high-quality public realm around the SRL station (Station Plaza, Sinnott Street Reserve, surrounding streets).

11.4 Evidence and submissions

Evidence

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

Mr Barnes noted the draft Structure Plan and draft Amendment contain general guidance on building design and street interfaces, including surveillance of the public realm, activation of streetscapes, and improved pedestrian accessibility. He considered these matters integral to enhancing public safety in higher-density areas. He also said that design responses addressing public safety and active frontages are more appropriately considered in detail through site-specific development proposals.

Mr Crowder supported provisions encouraging active frontages and public surveillance of streets and public open spaces. He noted that upgrades to the road network, including signals and pedestrian crossings proposed as part of the draft Implementation Plan, would contribute to improved public safety.

Submissions

Whitehorse Council referred to the Urban Context and Design Response Report required by Clause 4.0 of the PRZ2, which requires active frontages that:

- contribute to the use, activity, safety and interest of the public realm
- provide continuity of ground floor activity along streets and laneways
- allow for clear identification of building entries and unobstructed views through openings into the ground floor of buildings.

While broadly supportive of these provisions, Whitehorse Council submitted they should be more specific in describing the expected outcomes. In particular, Whitehorse Council proposed that a 60 per cent glazing requirement be directly incorporated into Clause 4.0 of the PRZ2, consistent with the level of detail contained in the 'Neighbourhood Guidelines' for the Burwood Central neighbourhood.

Whitehorse Council expressed concern that the layout of the SDA does not adequately address CPTED principles, particularly in relation to the small L-shaped laneway between Sites 3A and 3C and the Station Building (S2)/Site 4. Whitehorse Council noted that, while the laneway is likely to be used for servicing, it nonetheless forms part of the SDA and would be accessed by pedestrians at all hours. Whitehorse Council submitted that a single north-south laneway would be a more appropriate design outcome, providing

clearer sightlines and more effective back-of-house and delivery access to adjoining buildings.

The Proponent highlighted the numerous objectives within the draft Structure Plan that relate to public safety and submitted that the proposed urban design and infrastructure responses would improve public safety outcomes in higher-density areas. The Proponent relied on expert evidence that the draft Structure Pla appropriately translated into the draft Amendment.

(i) Discussion

The Committee is satisfied that the draft Structure Plan makes appropriate provision for enhancing public safety in areas where higher density development is proposed. It is also satisfied that the controls proposed in the PRZ and BFO schedules which deal with active frontages suitably address public safety.

The PRZ and BFO schedules include commonly used planning scheme provisions to encourage passive surveillance from upper levels of buildings onto key streets, Gardiners Creek corridor and other public spaces to enhance safety. As noted in Chapter 5.6, increase in building heights and densities may provide activation and passive surveillance benefits. The requirement for active frontages along key streets where there will be high levels of pedestrian activity is also a common urban design technique to activate the public realm and contribute to a sense of safety.

The Committee agrees with Whitehorse Council that the detailed design of rear laneways within the SDA should consider CPTED principles. This matter is best addressed during the master planning process required for the SDA.

The Committee also notes that the draft Structure Plan demonstrates an intent to develop a safe street network through managing vehicle movements. This is an important component of the Plan's public safety strategies and reflects a coordinated effort to balance vehicular flow with pedestrian and cyclist needs to ensure that the public realm remains accessible and secure for all users.

Overall, the draft Structure Plan's objectives and proposed actions provide a comprehensive framework for the provision of public safety in high density and high traffic areas.

11.5 Conclusion

The Committee concludes:

- The draft Structure Plan will enhance public safety in areas where higher density development is proposed.
- The controls proposed in the draft Amendment in relation to active frontages suitably address public safety issues.

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 Burwood Structure Plan Area, including with respect to:

- Encouraging delivery of employment floorspace, including suitable mixed-use and commercial development in the Burwood Central neighbourhood
- The extent to which residential uses should be encouraged/discouraged in employment and commercial areas.

12.2 Key issues

The key issues are whether the draft Structure Plan and draft Amendment:

- provide for an appropriate land use mix
- encourage the delivery of employment floorspace
- encourage or discourage residential uses in employment and commercial areas.

12.3 Background

(i) Draft Structure Plan

The vision for Burwood is for the precinct to become a lively urban centre. The social centre of Burwood will emerge around the SRL transport hub and offer opportunities for work and entertainment to the growing community. Growth will build off Deakin University, where innovation opportunities are anticipated to redevelop Burwood's industrial land.

The draft Structure Plan includes a Land Use Plan that shows the 'land use priority' for land in the precinct. These land uses are identified as commercial, mixed Use, employment, education, civic, community and cultural, housing and public open space.

(ii) Draft Amendment

Whitehorse PRZ1 and Monash PRZ7 include a variety of applied zones to manage land use in the precinct, including the C1Z, MUZ, RGZ, and IN3Z. Whitehorse PRZ2, which is the SDA, uses the applied zone C1Z.

(iii) Technical reports

Land Use Scenario and Capacity Assessment

The 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:

- supporting high-density residential uses and some employment growth in the Burwood Central neighbourhood, and along Burwood Highway
- investigating the expansion of Deakin University and the schools

- supporting employment growth through the regeneration of industrial areas
- maintaining residential capacity in residential areas
- maximising the development outcome on key strategic sites.

The LUSCA identified that 48 per cent of the theoretical capacity in the Burwood precinct would be developed by 2041 (with the draft Amendment).

12.4 Land Use Mix

(i) Evidence and submissions

Evidence

Mr Quick prepared a memorandum that was appended to the expert witness statement of Mr Crowder. He considered that the Land Use Plan in the draft Structure Plan, together with the relevant planning provisions, generally provided for an appropriate mix of land uses across the Structure Plan Area. Mr Quick identified that the draft Amendment could more clearly reference housing to meet diverse community needs, particularly student accommodation. The Proponent addressed this matter through changes to the Day 1 documentation.

In relation the built form controls and capacity to accommodate projected population and employment growth, Mr Quick considered the controls would provide sufficient capacity to accommodate both population growth and employment demand.

With respect to whether residential uses should be encouraged or limited within the proposed commercial and industrial areas, Mr Quick considered that sufficient residential capacity is already provided. As a result, he did not support encouraging additional residential uses within employment areas to accommodate population growth. This is particularly the case given that existing industrial areas (along Burwood Road and Highbury Road and around Sinnott Street) are proposed to be converted to mixed use areas that support high housing growth.

However, Mr Quick was clear that the existing industrial land within the Highbury Road industrial area should be protected and prioritised for employment purposes. This land is intended to accommodate a broader mix of light industrial, commercial, office and complementary uses at a higher built form scale. Mr Quick said this outcome was consistent with the Burwood Housing Needs Assessment and the Burwood Economic Profile and therefore did not support amendments to the controls to permit residential uses within the applied IN3Z. This issue is addressed in more detail in relation to 1–3 Florence Street below.

Mr Barnes said the MUZ was applied too liberally to all Key Movement Corridor place types. Given the relatively relaxed approach to commercial development facilitated by the MUZ, this could lead to unacceptable ribbon development of minor commercial uses along these thoroughfares.

He recommended these locations be zoned RGZ to limit the use of the land for commercial uses while enabling high-density residential growth.

Mr Barnes identified no specific policy guidance on the extent to which residential uses should be encouraged or discouraged in commercial areas. To enable Whitehorse Council to control the level of residential development in commercial areas, Mr Barnes recommended:

Amend PRZ1 via additional use and development guidelines and decision guidelines to address the extent to which residential uses should be encouraged / discouraged in commercial areas to inform the exercise of discretion on this issue.

Mr Crowder's evidence was that:

- in respect of the extent of properties zoned for MUZ, he had a 'preference... for greater discretion' and supported retention of the MUZ as proposed
- notwithstanding that view, he was 'not strongly opposed' to the proposal from Mr Barnes to alter the applied zone of the relevant areas and did not consider that a change from the MUZ to RGZ would be 'particularly material'.

Whitehorse Council generally supported the application of the applied zones. Notwithstanding this, it agreed with Mr Barnes that additional text in the PRZ1 would assist in its assessment of residential land use applications in commercial areas. It said this guidance should be geared towards allowing Whitehorse Council to control the amount of residential use proposed in an otherwise commercial area, so that commercial uses are not unacceptably crowded out in favour of residential uses.

Whitehorse Council agreed with the position of Mr Barnes in terms of the MUZ and its application. It said the sheer extent of the MUZ proposed along each significant road corridor is not aligned with the aspirations of the draft Structure Plan which sets strategies and actions deliberately focused on:

- encouraging retail and commercial uses at lower levels of sites fronting Burwood Highway and Highbury Road within the Burwood Central neighbourhood
- limiting the spread of ground floor retail and commercial activity by focusing these uses around existing commercial nodes, such as at Barry Road and the western end of Burwood Highway.

The Proponent submitted that the areas identified in the draft Structure Plan and draft Amendment have sufficient capacity to accommodate the proposed land use intensification. It noted that the question is whether there is sufficient capacity to accommodate growth, not whether there is excess capacity.

(ii) Discussion

The challenge for the Burwood Precinct is the development of a new mixed use commercial area from a location where the dominant form is relatively low-density, single-storey detached housing. One measure of success for this precinct will be the redevelopment of this area to attract a range of employment uses. These employment uses will be predominately located in the areas designated commercial, employment and mixed use.

Concentration of commercial development

The Committee considers that the risk of ribbon development occurring in the precinct is low. Employment growth to 2041 will be relatively modest with an additional 7,900 jobs projected. The Committee accepts Mr Quick's evidence that most of the future office

development will occur near the SRL station, concentrating this type of employment within a small area.

Mr Quick, in his evidence at the General Issues Hearing, observed that having too little capacity and limiting development choice will impact development more than having excess capacity which enables a wide choice of locations for development. Given the importance of providing capacity for growth, the Committee accepts the evidence of Mr Quick.

Equally, the risk of scattering commercial development across the precinct is low. The precinct currently has no existing activity centre near the station area. It is logical to assume that once the station is built, it will act as a clear catalyst for the location of retail employment.

Control of residential development

The housing projections for the Burwood precinct anticipate an increase of 5,800 people and 2,600 dwellings to 2041. Compared to many of the other SRL precincts, this is a relatively modest level of growth. The Committee accepts Mr Quick's evidence that there is ample capacity for residential development. The planning for the precinct provides opportunities for a range of different forms of housing, from high rise buildings to townhouse developments. Given the diversity of housing opportunities the Committee is of the opinion that the risk of residential uses crowding out employment uses in commercial areas is low.

The Committee is satisfied that the proposed built form controls provide sufficient capacity for the anticipated growth in the Structure Plan Area. The LUSCA and supplementary material prepared by Mr Quick clearly explains this, and it is supported by other economic evidence presented at the General Issues Hearing.

(iii) Findings

The Committee finds:

- Application of the MUZ to all Key Movement Corridor place types will not lead to an inappropriate concentration of minor commercial uses along these thoroughfares.
- There is adequate capacity for residential development in the Burwood Precinct.

12.5 Commercial floor space displacing industrial land uses

(i) Evidence and submissions

Monash Council raised the issue of commercial floorspace squeezing out industrial land uses because office uses are to be 'as of right', particularly in the employment precinct to the south of Highbury Road. Monash Council also considered that office land is more valuable than industrial land and would displace industrial uses. It submitted:

... these areas should remain in the Industrial 1 underlying zone. In the alternative, if the areas are zoned to the applied Industrial 3 zone, Council does not support the as of right status of office within these areas.

Mr Quick did not consider that this would occur, stating:

- appropriate provision is already made within the Structure Plan Area for both office space and industrial land use, and both can be accommodated without one displacing the other
- the large majority of office-type employment will occur in areas close to the station and along Burwood Road and Highbury Road to take advantage of the increased rail accessibility
- the employment precincts south of Highbury Road are more remote from the station and less attractive for significant office development, so allowing office land use will not materially change land values
- the office use is a complementary use to industrial use, and including office within permit not required reflects current land use trends and supports the change that is already happening in industrial areas.

Mr Crowder supported application of the IN3Z as the applied zone and said it would provide employment and services to the growing population within the Structure Plan Area. He also considered the IN3Z was consistent with the uses currently located in the employment precincts and would encourage the types of uses envisaged for Burwood's employment precincts.

The Proponent adopted the evidence of Mr Quick and Mr Crowder. It submitted:

Finally, while Neighbourhood C includes an area that has an applied IN3Z, that applied zone only applies with respect to the Table of uses. The Use and development objectives of PRZ1 apply, not those contained in the IN3Z, which include:

To enhance employment in Area 4 of the Use and development framework plan (Map 1) with a broader mix of light industrial, commercial and office and complementary uses at higher built form scale.

On the basis of the matters above, the SRLA does not consider that Monash City Council's concern will be realised and thus does not propose to make any change to the Draft Amendment in response to this matter.

(ii) Discussion

The Committee supports the applied zone being IN3Z rather than IN1Z. The Committee appreciates the importance of local access for the community to a range of services that are located on industrial land. However, it is also important to recognise the changing nature of uses on industrial land as the economy continues to evolve. The draft Structure Plan recognises change will occur in these areas, stating:

Burwood's existing industrial areas will be retained for local employment. Over time, they will transition to high amenity employment areas by supporting higher density, knowledge-intensive uses and some local retail for workers.

While not directly applicable, Clause 17.03-3R indicates support for these types of industrial areas:

Support the transition from manufacturing land uses to other employment uses in strategically identified areas well connected to transport networks, especially in Suburban Rail Loop Precincts.

The existing industrial areas in the Highbury Road industrial area should be protected and prioritised for employment purposes. This land is intended to provide a broader mix of light industrial, commercial, office and complementary uses at a higher built form scale.

Finally, the Committee notes that Whitehorse Council is currently reviewing its industrial policy and does not have current strategic work to support the retention of the applied IN1Z.

In relation to whether it is appropriate to include 'office' as permit not required for these industrial areas, changing the planning controls will not in itself create the conditions necessary to see the wholesale change of this area to office/commercial. The Committee accepts Mr Quick's position that most of the office development is likely to occur near the station, with little office development likely in the employment precincts. The increase in land value for office uses in the employment precincts is anticipated to be minimal and will therefore not lead to wholesale or rapid land use change from industrial uses to office uses. In any event, additional office space in these areas is appropriate.

(iii) Findings

The Committee finds:

- 'Office' as an as-of-right use in the IN3Z will assist in facilitating mixed employment precincts.
- The employment precincts are unlikely to experience rapid or wholesale transition from industrial uses to office or commercial activities.

12.6 1 to 3 Florence Street, Burwood

(i) Evidence and submissions

IMMRB own land at 1-3 Florence Street, Burwood. IMMRB requested that the draft Amendment apply the C3Z through the PRZ to its land, as opposed to IN3Z as is proposed.

Specifically IMMRB submitted:

- the area is physically and contextually unsuitable for traditional industrial zoning given the small, fragmented land holdings, interface with residential areas and mix of contemporary, non-traditional industrial uses
- the IN3Z is inappropriate as its purposes include to provide a buffer between industrial and residential uses, which is not relevant as there is no heavy industry to protect
- the C3Z provides for a modern mix of employment uses while still accommodating light industrial and service-based uses and allows for limited retail and residential uses.

In response to this submission, Mr Quick said:

- the LUSCA shows significant remaining floorspace capacity across the Structure Plan Area (48 per cent) and Burwood Central (41 per cent), so additional residential uses in employment areas are not needed
- the proposed IN3Z (with variations) is expected to support the intensification of the Huntingdale Road industrial area without undermining its intent or creating land use conflicts
- IN3Z appears to better reflect the existing land use mix than the current IN1Z

- while the C3Z may achieve some outcomes, it would generally allow residential development
- overall, no change to the proposed applied zones in the industrial areas is considered necessary.

Mr Crowder agreed with Mr Quick. He said the IN3Z is consistent with the uses currently located in the employment precincts and would encourage the types of uses envisaged for Burwood's employment precincts.

(ii) Discussion

The Land Use Plan in the draft Structure Plan describes the future role of the employment precincts as:

Burwood's existing industrial areas will be retained for local employment. Over time, they will transition to high amenity employment areas by supporting higher density, knowledge-intensive uses and some local retail for workers and visitors.

Objective 10 of the draft Structure Plan (diversify and strengthen Burwood's employment neighbourhoods) provides more detailed guidance:

Greenwood Business Park, the McIntyre and Ireland Industrial Precincts and the Huntingdale Road Industrial Estate will continue their important roles in providing local jobs and access to goods and services.

The clear strategic intent for the employment precincts is that they will be focused on the provision of employment uses, not areas of mixed employment and residential uses. With reference to the evidence of Mr Quick as discussed above, there is no need to introduce residential uses in the employment areas.

The Committee also notes that the use of an applied zone means that only the land use tables apply, and not the objectives of the applied zone.

The Committee is satisfied that the applied IN3Z, with office made an 'as of right' use (discussed at Chapter 12.5 above), is an appropriate outcome to meet the strategic intent of the employment precinct. It will still allow for a diverse range of employment uses, including education, office and innovation-driven enterprises.

(iii) Findings

The Committee finds:

- The application of the IN3Z is appropriate to support the strategic intent of the draft Structure Plan for the southern portion of the Huntingdale Road Industrial Estate, including 1 to 3 Florence Street, Burwood.
- It is appropriate that residential uses be discouraged in the Huntingdale Road Industrial Estate.

12.7 Conclusion

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 Structure Plan Area.

13 Car parking rates

13.1 Referred Matter

The Referred Matter is:

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

13.2 Key issue

The key issue is whether the car parking rates are appropriate and encourage a shift towards more sustainable transport modes.

13.3 Background

(i) Draft Structure Plan

The draft Structure Plan includes objectives and strategies around limiting the supply of car parking in new development, facilitating cycling and improving on-street parking management to optimise streets for walking and cycling.

(ii) Draft Implementation Plan

The draft Implementation Plan includes three key objectives relating to car parking which seek to encourage a shift towards more sustainable transport modes, including:

- Prepare a Precinct Parking Plan to develop an integrated, strategic approach to parking across the Structure Plan Area (Action 19.1)
- Amend the planning scheme to: (Action 19.2)
 - Specify appropriate maximum car parking rates for new use and development within the SPA
 - Require a Green Travel Plan for residential and non-residential development of a certain scale
 - Require the preparation of a car parking re-use plan, which explores adaptability and alternative uses of parking spaces, for suitably scaled developments
- Develop an on-street parking management policy that supports the SPA's significant changes in land use density, diversity and accessibility levels over time (Action 19.3).

A fourth objective was added in the Day 2 version of the draft Implementation Plan:

- Undertake a review of the relevant Parking Overlay schedules every 5 years.

(iii) Draft Amendment

Draft Parking Plan

The draft Parking Plan is proposed to be listed as a background document at Clause 72.08. It informed the application and drafting of the Parking Overlay schedules and future actions around car parking.

Parking Overlay schedules

The use of Parking Overlay schedules and associated draft Parking Plan are the primary tools proposed to regulate parking.

Parking Overlay schedules will be applied to the majority of land within the Structure Plan Area to support a shift to sustainable travel modes, minimise the impacts of car parking and vehicle traffic, and encourage alternative forms of parking.

Specifically, three Parking Overlay schedules are proposed:

- Whitehorse PO2 (Burwood Structure Plan Area – Area A) and PO3 (Burwood Structure Plan Area – Area B) which apply to the PRZ, land and:
 - set maximum car parking space requirements and minimum and maximum car parking space requirements,
 - specify design standards and decision guidelines to ensure car parking areas are designed and associated car parking plans are prepared appropriately
- Monash PO7 (Burwood Structure Plan Area – Area B) which sets minimum and maximum car parking space requirements and introduces specific design standards and decision guidelines for car parking plans.

The Parking Overlay schedules do not apply to land zoned PUZ, SUZ and PPRZ.

Two decision guidelines were added to the Day 1 Version of PO2, PO3 and PO7 addressing the:

- extent to which the car parking is to be allocated for a subsequent stage of a development on the site or for public use as a consolidated car park
- availability of alternative car parking in the vicinity of the land.

(iv) Joint Expert Meeting

Points of disagreement were:

- the timing of when the Parking Overlay schedules should come into effect, being immediately (Ms Marshall) or deferred until two years before the SRL station is opened (Mr Walsh).

(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 conclusions

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 Evidence and submissions

Evidence

Mr Walsh considered the rates would be acceptable once the SRL station had been delivered. He considered that the Parking Overlay schedules were premised on the introduction of the SRL station and the improved public transport offering, and therefore they should not be introduced until closer to the station being delivered. He considered that if the overlays were introduced now there was a risk of under supply, leaving residents with no parking spaces and no appropriate public transport offering before the SRL station is operational.

Submissions

Whitehorse Council supported Mr Walsh's recommendation that introduction of the Parking Overlay should be deferred until two years before the opening of the SRL station.

Whitehorse Council submitted:

- the limitations proposed on car parking were inappropriate in the Burwood context, where the station, being the most meaningful catalyst for active transport adaptation, was ten years away
- most of the Structure Plan Area is already subject to robust parking restrictions in response to parking demand generated by Deakin, PLC and Mount Scopus, and that Whitehorse Council already has parking management tools in place to prevent the issuing of car parking permits to apartment developments of 15 units or more.

The Proponent considered the Parking Overlay schedules should be introduced alongside the draft Structure Plan and draft Amendment.

13.5 Discussion

The Committee is satisfied that the proposed Parking Overlay schedules and rates are appropriate. The establishment of five-yearly reviews to monitor their effectiveness in contributing to mode shift to active transport modes is supported (see Chapter 8.7 of the General Issues Report).

The Committee acknowledges the concerns raised by Whitehorse Council and Mr Walsh regarding the timing of the implementation of the Parking Overlay in advance of the public transport improvements in the Structure Plan Area. The Committee is satisfied that the Parking Overlay schedules should be implemented alongside the draft Structure Plan as part of the draft Amendment. As acknowledged by the Committee in Chapter 9 of the General Issues Report (Volume 3) the proposed parking rates are not aggressive, which should minimise any parking issues arising before the SRL station opening. With

mode shift now a key plank of planning policy in highly accessible areas, the Committee supports tools to assist in achieving this goal immediately.

13.6 Findings and Conclusion

The Committee finds:

- 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 Parking Overlay schedules should be implemented as part of the draft Amendment, as proposed.

The Committee concludes:

- The proposed car parking rates as set out in the Precinct Parking Plan for Burwood are generally appropriate subject to the modifications recommended in the General Issues Report.

14 Community infrastructure

14.1 Referred Matter

The Referred Matter is:

Whether the planning for community infrastructure in the Burwood 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 proposed provision of community infrastructure is adequate
- the planning provision adequately considers future worker and visitor population.

14.3 Background

(i) Draft Structure Plan

The vision for Burwood recognises the importance of community infrastructure provision by seeking a vibrant social centre that will emerge around the SRL transport hub, providing new places to work as well as lifestyle and civic amenities to meet the needs of the growing community.

Objective 5 of the draft Structure Plan expands on this vision:

Provide an enhanced and accessible network of local community infrastructure that meets the needs of the future community.

The project actions focus on delivering new and upgraded community facilities and services to support a growing and diverse population. They emphasise accessible, co-located and shared-use spaces that strengthen participation, wellbeing and community connection.

(ii) Draft Implementation Plan

Several project actions focus on planning and delivering new and improved community infrastructure, including shared-use arrangements to expand public access to facilities. They also involve monitoring and responding to future demand for key services such as schools and early years facilities.

(iii) Background assessments

The CINA recommends a range of new and upgraded community, cultural, health, and sports facilities to meet the projected needs of the Structure Plan Area population to 2041, emphasising co-location and shared-use to maximise accessibility and efficiency.

(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

Mr De Silva supported the recommendations of the CINA for meeting the local community infrastructure needs of the projected population growth in the Structure Plan Area and the wider 1.6 kilometre catchment to 2041. He identified three principal recommendations:

- delivery of a new centralised, large multi-purpose community hub that includes a neighbourhood house, maternal and child health space and a larger creative space comprising five rooms integrated with a new library
- delivery of a new district indoor sports facility of five or more courts located in the Burwood Structure Plan Area to serve Burwood
- no additional outdoor playing fields are required, noting that opportunities at Bennettswood Reserve would continue to be explored.

Mr De Silva supported the CINA's focus on local infrastructure needs and its exclusion of district and regional infrastructure, which he considered was more appropriately planned at a municipal or regional level. He based this view on the relatively small contribution of housing growth in the Structure Plan Area to broader municipal targets, observing that it would account for less than three per cent of Whitehorse Council's state housing target and less than one per cent of Monash Council's target to 2051. Given this limited share of growth, he concluded that district and regional infrastructure planning should not be driven by the Structure Plan Area alone.

Whitehorse Council questioned Mr De Silva's reliance on municipal housing targets, suggesting to him that it understated growth within the Structure Plan Area and undermined his conclusions. Mr De Silva responded that his analysis was intended to identify the relative share of growth and noted the temporal uncertainty associated with employment projections. Under cross-examination, he accepted that the Burwood Precinct would generate demand for services but maintained that this demand must be considered in the broader municipal growth context.

In relation to the exclusion of worker population demand, Mr De Silva accepted that its inclusion would have been preferable but noted the difficulty in quantifying it, given the variation in need across precincts. He acknowledged that Whitehorse Council's experts had included worker demand in their assessments but observed that their approach relied on local assumptions and methodologies. He considered that worker demand could be incorporated at a later stage of planning.

In response to questions from the Committee, Mr De Silva confirmed that visitor demand was not explicitly addressed in the CINA. He noted that the Burwood and Monash precincts are likely to attract visitors due to the presence of Deakin and Monash Universities and considered that future community infrastructure planning should include visitor demand and involve the universities.

Ms Maddock gave evidence on sport and recreation, and said existing sporting infrastructure in the Burwood Precinct is at capacity and would not support the projected population growth. Her assessment incorporated a network-based approach to address facility shortfalls and promote equitable access.

Ms Maddock developed a set of alternative recommendations to support the sporting needs of the resident population and workers within the Structure Plan Area. These recommendations were informed by population projections, an internal demand model, and an allowance for worker demand, estimated at 10 per cent of the worker population.

Within the Structure Plan Area, she recommended the development of:

- a new district-level six-court stacked indoor facility
- negotiation of shared-access arrangements for the proposed indoor sports facility at Presbyterian Ladies' College
- incentives to encourage private provision of gymnastics and martial arts facilities
- increased capacity at Bennettswood Reserve and the Bennettswood Bowling Club through upgrades to field surfaces, greens and lighting.

In relation to Bennettswood reserve, Ms Maddock opposed action G5 of the draft Implementation Plan which seeks the development of a new multi-purpose community hub within the reserve. She did not think it was appropriate for the hub to be located on an existing sporting field. In cross-examination, Mr Silva agreed with Ms Maddock that the action should be deleted.

Dr Kerkin gave evidence in relation to community infrastructure. She considered the CINA's planed provision of community infrastructure would not meet future community needs as it excluded worker demand and early years facilities. She recommended additional space be provided within the proposed new community hub identified in the CINA. She considered the community hub should incorporate a library, neighbourhood house, arts and culture space and function space. She also recommended the delivery of one Council-owned integrated early years hub which she said should incorporate the maternal and child health facility (identified in the CINA) with a three- and four-year-old kindergarten, play group space, occasional childcare, consulting space and toy library.

In response to questions from the Committee, Dr Kerkin advised that visitor demand was not explicitly considered in her assessment, as it is typically linked to specific local attractions. However, she agreed with Mr De Silva that the university would act as a visitor attractor, while noting that further work would be required to determine the scale and type of services needed. She also observed that Deakin University may itself provide some services for visitors.

Submissions

Whitehorse Council submitted that the planning for community infrastructure is inadequate. It said the CINA's approach underestimates the demand by excluding workers. Whitehorse Council supported Ms Maddock and Dr Kerkin's estimates which included worker demand and comprehensive recommendations to address this gap.

Whitehorse Council acknowledged that Deakin University would attract some level of visitors. It submitted that developing estimates of visitor demand for community

infrastructure in a suburban context was difficult. It said the presence of Deakin University led to further complexity around the treatment of students and that the only way students are accounted for in the draft Structure Plan is if they also work in the precinct and are identified as workers.

The Proponent submitted that the planning for community infrastructure is appropriate and supported the evidence of Mr De Silva. It said the evidence and recommendations of Dr Kerkin and Ms Maddock provide examples of work that could be undertaken later in the planning process. It submitted it was not the Committee's role to make recommendations about the form, size or location of community infrastructure.

14.5 Discussion

The Burwood precinct, unlike Box Hill, Cheltenham, Glen Waverley and Clayton, is not based on an existing activity centre, rather, it is characterised as a low-density residential area with some large institutional users, particularly Deakin University. To support the projected growth in both residents and workers, new community infrastructure will be required.

The key issue for the Committee is to determine whether the needs of future residents, visitors and employees have been adequately planned for. Ultimately, the Committee considers the current planning for community infrastructure in Burwood inadequate, echoing the findings set out in the Common Issues Report. The lack of clear detail on locations, sizes and types of community infrastructure undermines the precinct's vision, especially as evidence shows the current population is at capacity, and anticipated growth from the draft Amendment will only increase pressure.

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 Burwood. Further analysis is needed that addresses the methodological shortcomings identified in Chapter 6 of the Common Issues report.

In terms of identifying Bennettswood Reserve as a potential location for the community hub, the Committee agrees with the evidence that this location is not appropriate.

14.6 Findings, conclusion and recommendations

The Committee finds:

- The timing proposed for the detailed planning of community infrastructure in Burwood 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 Burwood 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.

The Committee recommends:

19. Refer to recommendations CI R11 to CI R14 in the Common Issues report.

Further work

20. BUR R15: In the context of Recommendation CI R11, the further assessment of community infrastructure in the Burwood Precinct should have regard to the following:

- a. It is not appropriate to locate the proposed community hub on land associated with Bennettswood Reserve.**

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 Burwood 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 draft Implementation Plan is appropriate in terms of actions, project, timing and pathways for implementation.

15.3 Background

(i) Draft Implementation Plan

The draft Implementation Plan sets out all actions contained within the draft Structure Plan and outlines the pathways, timing and responsibilities for delivering the actions. The draft Implementation Plan identifies key projects in each neighbourhood and outlines the timing, pathway and lead agency or agencies responsible for each project.

Some of the actions are statutory actions (that is, require a planning scheme amendment) and others are non-statutory actions delivered through a range of mechanisms and partnerships.

There is no overarching monitoring and review requirement in the draft Implementation Plan. Instead, the plan states that (page 4):

The lead agency for each action and key project will monitor and evaluate their timing, considering strategic resource plans and development within and beyond the Structure Plan Area.

(ii) Draft Amendment

The draft Amendment proposes the inclusion of the Implementation Plan as a background document at the Schedule to Clause 72.08.

The Amendment is also recognised as the implementation pathway for a number of projects such as:

- support significant, high and medium housing growth
- encourage a diversity of housing
- encourage provision of affordable housing on strategic sites and areas identified for significant and high housing growth
- enable the delivery of key links
- establish a mix of retail and commercial ground floor uses in the Burwood Central neighbourhood
- require the planting of native and indigenous plants as part of development adjacent to the creek
- ensure new development contributes positively to the public realm

- ensure new development offer adequate internal amenity for occupants
- encourage a shift towards more sustainable transport modes including specifying appropriate maximum car parking rates
- encourage greening and cooling initiatives

(iii) 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

Whitehorse Council submitted:

the draft Burwood Implementation Plan is a poor and entirely unsatisfactory proxy for the work that should have been done over the past four years and that ought to be done before the draft Amendment is approved.

Notwithstanding this view and submissions made in the General Issues Hearing, Whitehorse Council provided a list of tracked changes to the Implementation Plan and submitted that these should be supported by other changes to the Whitehorse Planning Scheme, namely:

- Schedule 74.02 of each Planning Scheme should be amended to identify that the Proponent is to prepare and implement a development contributions strategy in respect of the SRL East projects
- the PRZ and BFO Schedules should be amended to add infrastructure delivery as an objective, with a supporting decision guideline
- the PRZ schedules for master planned sites should be amended to include a requirement for a precinct infrastructure plan.

Whitehorse Council also recommended:

- the detailed recommendations of the various experts should be included in the Implementation Plans
- there should be a mandatory condition for a section 173 agreement for interim contributions from permit applicants before the introduction of funding mechanisms.

Mr Barnes' evidence was:

I consider it is appropriate for the SRLA to take the lead in relation to most actions, provided that it works in close collaboration with Council. The SRLA is the Planning Authority. It is SRLA's Structure Plan and the responsibility rests with the Authority to continue to play a lead role in implementing the Structure Plans into the future. It would not be appropriate for the SRLA to prepare the Structure Plans and then delegate the responsibility for funding and providing community and other infrastructure to local government.

Mr Barnes also noted that a major concern for Whitehorse Council is that the Implementation Plan is silent on the mechanisms for funding the required infrastructure and public realm works. He therefore recommended including a section in the

introduction to the Implementation Plan that clearly outlines the legislated roles and responsibilities of the Proponent in resolving and implementing funding mechanisms, and in working with Whitehorse Council to deliver the identified actions.

Mr Crowder's evidence was that coordinating the statutory and non-statutory actions is necessary to implement the draft Structure Plan vision but noted funding and management of infrastructure projects was outside his area of expertise. He considered the projects identified in the plan would form the basis for works to be delivered and would be confirmed through additional work and non-statutory actions to adjust to new information or methods for delivering the outcomes.

15.5 Discussion

This Referred Matter is discussed in detail in Volume 3 and is not repeated here. The Committee made a number of recommendations that are relevant to Burwood.

Further work is required to inform a more meaningful Implementation Plan that is grounded in a proper reflection of statutory roles, responsibilities and funding arrangements and dovetails with existing planning and delivery arrangements already in place (for example, future school planning).

15.6 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 Precinct Zone

16.1 Referred Matter

The Referred Matter is:

Whether the PRZ should be applied to Greenwood Business Park.

16.2 Key issue

The key issue is whether the PRZ should be applied to the Greenwood site.

16.3 Background

The Greenwood site is developed as a commercial business park with associated car parking. The draft Amendment designated the Greenwood site as a strategic site and proposed to apply the PRZ1 and BFO2.

16.4 Evidence and submissions

The Proponent reached an agreement with Greenwood to respond to matters raised in its submission, to:

- remove the Greenwood site from the PRZ1
- remove the BFO2 from the site
- introduce a new bespoke PRZ schedule to facilitate a master plan process (referred to as PRZX).

Whitehorse Council agreed that the Greenwood site should be subject to a bespoke PRZ schedule but did not agree with the terms of the agreement and the detailed provisions proposed.

16.5 Discussion

All parties agreed that the Greenwood site should be subject to the PRZ. They also agreed that a bespoke schedule should apply and that it should be subject to master planning requirements. The Committee agrees with this outcome. The PRZ exempts any future planning application from third party notification and review, which is not provided under the proposed controls, and there are no attributes of the land that justify its exclusion from the PRZ.

The Committee also agrees that a bespoke schedule and requirement to master plan the site provides for appropriate identification and treatment of the Greenwood site as a strategic site. Provision of public open space and pedestrian/cycle links through the site, together with opportunities for increased height and density particularly in the central parts of the site, also generally appear to be consistent with the strategic aims of providing for future housing and public realm benefits.

The Committee has been asked to report on agreed outcomes between parties, but not specifically whether the forms of these agreements are appropriate. Therefore, the Committee has not provided a detailed assessment of the bespoke PRZ schedule (apart

from open space issues discussed in Chapter 8 and pedestrian links discussed in Chapter 7).

16.6 Conclusion

The Committee concludes:

- The PRZ should be applied to the Greenwood site.

17 Strategic sites

17.1 Referred Matter

The Referred Matter is:

Whether the identification and treatment of strategic sites in the Burwood Structure Plan Area are appropriate, including Greenwood Business Park, Mount Scopus College and 127 Highbury Road.

17.2 Key issues

The key issues are whether:

- the identification and treatment of strategic sites in Burwood is justified
- additional sites should be identified as strategic sites, including referred sites.

17.3 Background

(i) Draft Structure Plan

The draft Structure Plan describes the intent and location of strategic sites in Burwood:

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 outcomes.

The draft Structure Plan notes that, to capture these opportunities, strategic sites may be subject to detailed master planning in the future.

The strategic sites identified in the Structure Plan Area are nominated as:

- SRL Station Development Area
- 127 Highbury Road, Burwood
- Deakin University, Burwood campus
- Mount Scopus College
- Greenwood Business Park.

(ii) Draft Amendment

Clause 11.03-6L-034 (Burwood 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 Burwood Central Neighbourhood and on strategic sites; high housing growth along Burwood Highway, Highbury Road and Elgar Road, and the McIntyre Neighbourhood; and medium housing growth in residential areas, including within the Lungren Neighbourhood and Station Street Neighbourhoods.

Strategic sites are identified on the Burwood SRL East Structure Plan Area Map in Clause 11.03-6L-03.

Schedule 1 (Whitehorse) and Schedule 7 (Monash) to the PRZ relating to the Structure Plan Area show strategic sites on the associated maps. This includes the Greenwood Business Park, Mount Scopus College and 127 Highbury Road.

The decision guidelines for strategic sites state:

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.

Schedule 2 to the PRZ relating to the SDA does not reference strategic sites. It does, however, 'switch on' the master plan requirements of the Precinct Zone parent Clause.

There is no reference to strategic sites within the exhibited BFOs. However, the Day 1 versions of BFO1 (Main Streets) and BFO2 (Key Movement Corridors) 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 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).

17.4 Evidence and submissions

Following the General Issues Hearing, the Proponent supported the recommendation of various Councils that all land within a public use zone be removed from the strategic site designation. Accordingly, Deakin University has been removed from the designation at Clause 11.03-61-02 but has been retained as a designated strategic site in the draft Structure Plan.

In addition, in the Day 1 version of the controls, additional decision guidelines and an application requirement (BFO2) relating to strategic sites were included in BFO1 and BFO2.

Mr Barnes agreed with the strategic site designation for 127 Highbury Road and the Greenwood Business Park. However, while accepting that Deakin University and Mount Scopus are 'strategic land uses', given that neither site is to be rezoned, he stated that the amendment had limited influence. He also considered the strategic directions within the local policy of accommodating increased housing (including affordable housing) and employment growth projections were at cross purposes with the key education role of these sites. He therefore recommended removing the strategic site nomination for Deakin University and Mount Scopus from both the draft Structure Plan and Clause 11.03-6L-01.

Whitehorse Council agreed with the removal of Deakin University as a strategic site.

(i) Discussion

Issues around the approach to strategic sites, including the nomination and role of sites and how the draft Amendment will assist in managing outcomes for development, are discussed in the General Issues Report (Volume 3).

The Day 3 policy at Clause 11.03-6L-01 nominated Deakin University, Presbyterian Ladies' College and Mount Scopus as 'education' sites and removed the strategic site nomination from Deakin University. All parties supported this, and the Committee agrees that Deakin University and the other key education uses play important roles in Burwood as catalysts for growth and employment. These sites require different treatment to development sites that can accommodate, for example, higher density housing.

The strategic site nomination remains for the other strategic sites identified in the draft Structure Plan. 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 Burwood 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 Burwood Referred Matter should be identified as Strategic Sites.

17.5 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 Burwood Referred Matter should be identified as strategic sites.

The Committee concludes:

- The identification and treatment of strategic sites in the Burwood 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.

18 Public Acquisition Overlay

18.1 Referred Matter

The Referred Matter is:

- Whether the Public Acquisition Overlay (PAO) should be applied to 141 Highbury Road, Burwood.

18.2 Key issue

The key issue is whether the PAO should be applied to 141 Highbury Road, Burwood.

18.3 Background

(i) Draft Structure Plan

The draft Structure Plan includes a vision and provides a framework to facilitate mode share, including enhancing strategic bus routes and access to the SRL station. Key drivers are:

- improved public transport connections, making it easier to move around Burwood and reach other destinations across Melbourne
- better bus connections and transfer between bus and train services, generally utilising multi-modal hubs
- low traffic neighbourhoods.

The draft Structure Plan provides further detail in the Better Connections chapter, with objective 16 being to 'create an integrated public transport network connecting the new SRL station with key destinations.' Key strategies include:

- Prioritise buses and support the delivery of improved service frequency along strategic bus corridors
- Provide an enhanced bus service along the Sinnott Street extension to complement the new public transport interchange associated with the SRL station.

(ii) Implementation Plan

The draft Implementation Plan nominates several active transport initiatives and precinct upgrades. These prioritise projects and actions are to be delivered in the short, medium and long term.

Under the objective, *"Create an integrated public transport network connecting the new SRL station with key destinations"* (objective 16), the draft Implementation Plan includes a short-term action to:

Amend the planning scheme to deliver land for a new signalised intersection supporting bus and pedestrian movements at the intersection of Sinnott Street and Highbury Road. (Action 16.5)

Nominated works that the Proponent will deliver over the medium to long term include:

A new crossing at the intersection of Highbury Road and Sinnott Street to accommodate new bus services to and from the new SRL station bus interchange. (Item SRL.9)

(iii) Draft Amendment

The draft Amendment proposes to apply PAO5 to the entire lot at 141 Highbury Road, Burwood to facilitate the Sinnott Street South connection intersection upgrade at the intersection of Sinnott Street and Highbury Road.

(iv) Joint Expert Meeting

Points of agreement between the experts were:

- the traffic analysis prepared on behalf of the Proponent, which identifies the need for land on both the north-east and north-west corners of the Highbury Road/Sinnott Street intersection, was reasonable, and land will be required from 141 Highbury Road
- the land on the north-west corner will be provided by the Proponent as part of its works on this site
- widening and signalisation of the intersection would not require the entire land parcel at 141 Highbury Road
- the remainder of the land not required for road widening may be required for purposes other than traffic and transport.

There were no points of disagreement.

18.4 Evidence and submissions

Ms Marshall:

- considered road upgrades were necessary, including widening of the Highbury Road/Sinnott Street intersection to a signalised T-intersection to support the aspirations of the draft Structure Plan
- agreed that a PAO was a reasonable mechanism to obtain the land at 141 Highbury Road, as the land will be required in conjunction with the delivery of the SRL station
- the existing geometry at the Highbury Road/Sinnott Street intersection does not currently support safe and efficient turning movements in and out of Sinnott Street by buses
- therefore, the land from both the northern corners of this intersection will be required to increase the radii and lane widths to accommodate frequent bus movements as proposed by the draft Structure Plan.

Mr Walsh agreed.

The owner of 141 Highbury Road submitted that if the land is required for road widening, their preference was that the PAO be applied to the whole site.

The Proponent noted that the north-west corner of the intersection of Highbury Road and Sinnott Street was already under the control of the Proponent and so the application of the PAO was only required to the north-east corner of the intersection, affecting the property at 141 Highbury Road.

The Proponent acknowledged that the entire 141 Highbury Road property was not required for the Sinnott Street South connection works, however the PAO was proposed to apply to the entire lot. This was on the basis that the concept design for the

intersection upgrade included the western part of the property, including directly impacting the western edge of the existing house.

18.5 Discussion

The Committee is satisfied that the PAO proposed to be applied to 141 Highbury Road is appropriate and should be applied to the entire property.

It was agreed by all parties and transport experts that part of the land at 141 Highbury Road was required for road widening to provide the necessary space to undertake signal works at the Highbury Road/Sinnott Street intersection. The Committee considers it fairer to the landowner for the entire property be acquired and that the PAO is the appropriate mechanism.

Once the intersection has been completed, any land surplus to road widening needs can be resolved by the Proponent.

18.6 Conclusion

The Committee concludes:

- The PAO should be applied to 141 Highbury Road, Burwood.

19 Road and street network

19.1 Referred Matter

The Referred Matter is:

Whether the road and street network shown in the draft Structure Plan and draft Planning Scheme Amendment is appropriate.

19.2 Key issues

The key issue was whether additional modelling is needed in the broader Structure Plan Area to assess whether further road or intersection improvements should be identified in the draft Structure Plan.

19.3 Background

(i) Draft Structure Plan

The draft Structure Plan includes a vision for mode share with objectives and strategies that are centred around integrated transport networks to accommodate growth including more sustainable transport modes such as walking, cycling and public transport.

(ii) Draft Implementation Plan

The draft Implementation Plan nominates several active transport initiatives and precinct upgrades to be delivered in the short, medium and longer term. Two key actions under objective 13 include the preparation of streetscape master plans and the subsequent delivery of these upgrades.

(iii) Joint Expert Meeting

Mr Walsh considered additional traffic modelling should be undertaken along Burwood Highway and Highbury Road in Neighbourhoods B and C to assess whether there is a need for additional intersection projects to facilitate traffic movements in and out of these neighbourhoods. Ms Marshall considered localised traffic modelling could occur at the time of delivery.

(iv) 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.

Matters relating to the general road and street network are not repeated here.

19.4 Evidence and submissions

Mr Walsh identified Burwood Highway and Highbury Road in Neighbourhoods B and C as requiring further traffic modelling to determine whether controlled intersections are required to ensure reasonable vehicular access and egress. He highlighted the following intersections for further modelling:

- Burwood Highway and Evans Street
- Burwood Highway and Millicent Street
- Burwood Highway and Cromwell Street
- Highbury Road and Evans Street
- Highbury Road and Ireland Street.

Mr Walsh said the modelling could be included as an action in the draft Implementation Plan.

Ms Marshall supported the proposed road and street network given it will be within an established metropolitan area with significant existing transport infrastructure, and opportunities to improve the road and street network have been identified in the draft Structure Plan and draft Implementation Plan.

Ms Marshall confirmed that localised modelling would occur as part of the upgrades of various intersections proposed along Burwood Highway and she accepted it was important to confirm that traffic movements out of Neighbourhoods B and C could occur safely.

19.5 Discussion

The issue of whether additional traffic modelling is required across the precincts was considered at the General Issues Hearing. The Committee concluded that any further traffic modelling should be undertaken on a precinct-by-precinct basis as required, and that any identified works should be incorporated into the relevant Implementation Plan.

The key issue is whether further modelling should be undertaken in the Burwood Precinct before the implementation of the draft Amendment to be confident that the street network is appropriate, or whether it should be undertaken as projects are implemented through the Structure Plan Area if required.

On the basis that there are several projects along Burwood Highway identified in the draft Implementation Plan that involve upgrades to cycling and pedestrian crossings, the Committee is satisfied that the detailed design work for these projects will include further traffic modelling, and therefore further modelling at this time is not warranted.

On Highbury Road, traffic signals are proposed at the intersection of Sinnott Street and improvements are planned for the existing crossing point at the Gardiners Creek corridor. However, as there are no projects planned west of Gardiners Creek, it is unlikely that any further traffic modelling would occur for this section of Highbury Road. Further modelling along Highbury Road west of Gardiners Creek should be undertaken to ensure the safe operation of the intersections at Evans Street and Ireland Street to

accommodate the increased traffic arising from the expected intensification of the Structure Plan Area.

Mr Walsh's preference is for the additional modelling to be completed before the approval of the Amendment to confirm the need for any transport infrastructure improvements. However, he accepted this work could be included as an additional action in the Implementation Plan. The Committee supports the suggestion that the Implementation Plan acknowledge and record the need for this work. This can be included in the Implementation Plan as an action.

19.6 Findings

The Committee finds:

- The traffic modelling to date is generally satisfactory to draw broad conclusions about the road network upgrades that may be required in future.
- However, additional modelling is needed along Highbury Road west of the Gardiners Creek corridor to ensure the safe operation of the intersections at Evans Street and Ireland Street. This should be included in the Implementation Plan as an action.

19.7 Conclusion and recommendation

Based on its findings in Chapter 8 of the General Issues Report the Committee concludes:

- The road and street network is generally appropriate subject to the modifications recommended in this report.

The Committee recommends:

Draft Implementation Plan

21. BUR R16: In the context of recommendation CI R17 amend the Day 2 draft Burwood Implementation Plan to:

- a. Include an action to undertake additional traffic modelling along Highbury Road west of the Gardiners Creek (Kooyongkoot) corridor is required. The traffic modelling should be designed to ensure the safe operation of the intersections at Evans Street and Ireland Street to accommodate the increased traffic arising from the expected intensification of the Structure Plan Area.**

20 Other site specific matters

20.1 127 Highbury Road

(i) Background

The land at 127 Highbury Road, Burwood (see Figure 17) is strata titled into more than 30 individual lots and is used and developed for industrial and warehouse purposes. It is a triangular parcel of land with interfaces to:

- Gardiners Creek to the north
- Highbury Road to the south
- Sinnott Street to the east.

The draft Amendment nominates a preferred maximum height of 41 metres (7 to 11 storeys) for the site, and it is designated as a strategic site.

Figure 17 127 Highbury Road



Source: BUR 119

(ii) Evidence and submission

Given the internal subdivision pattern, multiple ownerships and physical context including the sensitive creek corridor, Whitehorse Council submitted that the site should be master planned through the implementation of a bespoke PRZ schedule in a similar manner as proposed for the Greenwood and Fountain Court sites. It recommended the schedule should include:

- the guidelines in the draft Structure Plan
- provisions to deal with the environmental restoration of the creek corridor

- a landscape setback of 12 metres to provide a 'pedestrian pathway, riverine planting and biodiversity engagement' as recommended by Prof McGauran

Mr Barnes said a master plan is warranted for the site to coordinate an appropriate interface to Gardiners Creek (which may involve land along the creek becoming publicly owned) and to resolve land assembly issues. He noted that the land was currently significantly underdeveloped given the preferred height of 41 metres (7 and 11 storeys). He recommended both the draft Structure Plan and draft Amendment be amended to require a master plan for 127 Highbury Road.

(iii) Discussion

The site at 127 Highbury Road is unique with considerable redevelopment opportunity and accordingly the Committee supports its strategic site nomination.

Given the site context with extensive frontage to Gardiners Creek and existing conditions with low scale strata-titled industrial and warehouse uses, the Committee agrees that a master plan would be appropriate to set the framework for future redevelopment of the site. On this basis, the Committee supports a bespoke PRZ schedule.

The Committee generally agrees with Whitehorse Council on the matters that should be included in the schedule, namely the guidelines within the draft Structure Plan relating to the site and consideration of the following:

- the interface to the Gardiners Creek corridor including potential widening of the corridor
- generous landscape setbacks to the creek interface
- a stepping down of built form height towards the creek and consideration of overshadowing
- investigation and management of flood risk
- creation of a local walking corridor and potential active transport link
- a 'key link' between Corrigan Street and the creek
- high quality development outcomes at a preferred maximum height of 41 metres (7 to 11 storeys)
- mixed land use outcomes, including employment floorspace and higher density housing.

Appendix A Parties to the Hearing and parties who provided submissions

Submitter	Represented by
Suburban Rail Loop Authority (Proponent)	Emily Porter SC, Jennifer Trewhella and Kate Lyle of Counsel instructed by Clayton Utz and White and Case, who called expert evidence on: - community infrastructure from Chris De Silva of Mesh - planning from David Crowder of Ratio - traffic from Hilary Marshall of Ratio
Whitehorse City Council	Susan Brennan SC and Stephanie Mann of Counsel instructed by Maddocks Lawyers, who called expert evidence on: - community infrastructure from Kate Kerkin of K2 Planning - open space from Joanna Thompson of Thompson Verrill Landscape Design Pty Ltd - planning from David Barnes of Hansen - sport and recreation from Kate Maddock of Otium - traffic from Jason Walsh of Traffix - urban design from Rob McGauran of MGS Architects and Andrew Partos of Hansen
Monash City Council	Terry Montebello of Maddocks Lawyers
Ann Eblen	
Arasi Spratling	
Carmela Nankervis	
David Johnston	
Fountain Court Management Services Pty Ltd	Jess Kaczmarek of S&K Planning Lawyers
Friends of Gardiners Creek Reserve	Graham Scott
Greenwood Capital Pty Ltd	John Cicero of Best Hooper, who filed (but did not call) expert evidence on: - planning from Sophie Jordan of Contour - urban design from Mark O'Wyer of H2O Architects
Heeps Management	Roger Heeps
IMMRB trust and MR trust	
KooyongKoot Alliance	

Lee Canavan

Mount Scopus Memorial College

Tania Cincotta of Best Hooper

Richard Liu*

Wurundjeri Woi-wurrung Cultural
Heritage Aboriginal Corporation*

Lauren Modra and Zara Lasky-Davison

*Did not appear

Appendix B Document list

No.	Date	Description	Provided by
Referred documents			
BUR 1	1 Jun 2025	Terms of Reference	Minister for Planning
BUR 2	7 Jul 2025	Referral letter, with attached: a) Specific matters for referral	Minister for Planning
General Issues – Material 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</u> <u>Victoria</u>
GI 5	7 Jul 2025	Report: Planning Scheme Amendment approach	<u>Engage</u> <u>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</u> <u>Victoria</u>

No.	Date	Description	Provided by
General Issues – Tabled Documents			
GI 7	7 Jul 2025	Directions Hearing notification letter	Planning Panels Victoria (PPV)
GI 10	21 Jul 2025	Directions Hearing agenda and request for Pre-briefing	PPV
GI 20	24 Jul 2025	Directions for Pre-briefing, Declarations and confirmation of Members and Hearing dates	PPV
GI 35	7 Aug 2025	Anticipated dates for Precinct Hearings	PPV
GI 40	8 Aug 2025	List of published material	Suburban Rail Loop Authority (SRLA)
GI 61	14 Aug 2025	a) Pre-Briefing presentation – Part 1 b) Pre-Briefing presentation – Part 2	SRLA
GI 83	20 Aug 2025	Further Directions and procedural issues post Cheltenham Precinct Directions Hearing	PPV
GI 152	17 Sep 2025	Urban Design Supplementary information prepared by Mark Sheppard (urban design)	SRLA
GI 154	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	Monash City Council and Monash University
GI 170	27 Nov 2025	Direction to SRLA to provide Day 2 ordinance	PPV
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
<i>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</i>			

No.	Date	Description	Provided by
Burwood - Material sourced by the Committee			
BUR 3	7 Jul 2025	Burwood: Your guide to the Draft Structure Plan and Draft Planning Scheme Amendment	<u>Engage Victoria</u>
BUR 4	7 Jul 2025	Burwood Draft Structure Plan	<u>Engage Victoria</u>
BUR 5	7 Jul 2025	Burwood Draft Implementation Plan	<u>Engage Victoria</u>
BUR 6	7 Jul 2025	Burwood 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 q) Urban Design Report - Attachment C: Assessment of Solar Access to the Public Realm	<u>Engage Victoria</u>
BUR 7	7 Jul 2025	Burwood Explanatory Report, with attachment: a) EAO properties	<u>Engage Victoria</u>
BUR 8	7 Jul 2025	Burwood Instruction Sheet	<u>Engage Victoria</u>
BUR 9	7 Jul 2025	Monash GC248 Policy:	<u>Engage Victoria</u>

No.	Date	Description	Provided by
		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 Zones: g) 33.03 Industrial 3 Zone h) 37.10 Precinct Zone i) Schedule 7 to Clause 37.10 Structure plan area Overlays: j) 43.06 Built Form Overlay k) Schedule 13 to Clause 43.06 Key Movement Corridors and Urban Neighbourhoods l) Schedule 14 to Clause 43.06 Residential Neighbourhoods m) Schedule 15 to Clause 43.06 Employment Neighbourhoods n) 45.09 Parking Overlay o) Schedule 7 to Clause 45.09 Parking Overlay Operational provisions: p) Schedule to Clause 72.03 q) Schedule to Clause 72.08 r) Schedule to Clause 74.01 Maps: s) Precinct Zone - 005znMaps01_02 t) Built Form Overlay - 004bfoMaps01_02 u) Parking Overlay - 003poMaps01_02 v) Removed Overlays (DDO) - 001d-ddoMaps01_02 w) Removed Overlays (VPO) - 002d-vpoMaps01_02	
BUR 10	7 Jul 2025	Whitehorse GC248 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	<u>Engage Victoria</u>

No.	Date	Description	Provided by
		Zones:	
		g) 37.10 Precinct Zone	
		h) Schedule 1 to Clause 37.10 Structure plan area	
		i) Schedule 2 to Clause 37.10 Station development area	
		Overlays:	
		j) Schedule 4 to Clause 43.02 Design and Development Overlay	
		k) Schedule 7 to Clause 43.02 Design and Development Overlay	
		l) 43.06 Built Form Overlay	
		m) Schedule 1 to Clause 43.06 Main Streets	
		n) Schedule 2 to Clause 43.06 Key Movement Corridors and Urban Neighbourhoods	
		o) Schedule 3 to Clause 43.06 Residential Neighbourhoods	
		p) Schedule 4 to Clause 43.06 Employment Neighbourhoods	
		q) Schedule to Clause 45.01 Public Acquisition Overlay	
		r) Schedule 2 to Clause 45.09 Parking Overlay	
		s) Schedule 3 to Clause 45.09 Parking Overlay	
		t) Schedule to Clause 45.12 Specific Controls	
		Operational provisions:	
		u) Schedule to Clause 72.03	
		v) Schedule to Clause 72.04	
		w) Schedule to Clause 72.08	
		x) Schedule to Clause 74.01	
		Maps:	
		y) Precinct Zone 008znmaps04_05	
		z) Built Form Overlay 007bfomaps04_05	
		aa) Parking Overlay 006pomaps04_05	
		bb) Environmental Audit Overlay 001eaomap04	
		cc) Public Acquisition Overlay 005paomap04	
		dd) Removed Overlays (DDO) 002d-ddomaps04_05	
		ee) Removed Overlays (SCO) 003d-scomap04	
		ff) Removed Overlays (SLO) slomaps04_05	

Burwood - Tabled documents

BUR 11	23 Jul 2025	Whitehorse City Council submission to SRLA	Engage Victoria
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No.	Date	Description	Provided by
BUR 12	8 Aug 2025	IMMRB Trust and MR Trust submission to SRLA	<u>Engage Victoria</u>
BUR 13	8 Aug 2025	Background submission – Burwood Precinct	SRLA
BUR 14	10 Aug 2025	Individual submission to SRLA	<u>Engage Victoria</u>
BUR 15	14 Aug 2025	Friends of Gardiners Creek Reserve submission to SRLA	<u>Engage Victoria</u>
BUR 16	3 Oct 2025	Committee Directions, distribution list and timetable	PPV
BUR 17	10 Oct 2025	Timetable (version 2)	PPV
BUR 18	17 Oct 2025	Submission	Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation (WWCHAC)
BUR 19	27 Oct 2025	Site inspection itinerary and map CONFIDENTIAL	SRLA
BUR 20	6 Nov 2025	Covering letter to Committee regarding Day 1 documents, with attachment: a) Index of Day 1 documents filed	SRLA
BUR 21	6 Nov 2025	Day 1 version – Draft Planning Scheme Amendment Monash GC248: a) Clause 11.03 Planning for Places Policy b) Schedule 7 to Clause 37.10 Precinct Zone c) Schedule 13 to Clause 43.06 Key Movement Corridors and Urban Neighbourhoods d) Schedule 14 to Clause 43.06 Residential Neighbourhoods e) Schedule 15 to Clause 43.06 Employment Neighbourhoods f) Schedule 7 to Clause 45.09 Parking Overlay	SRLA
BUR 22	6 Nov 2025	Day 1 version – Draft Planning Scheme Amendment Whitehorse GC248: a) Clause 11.03 Planning for Places b) Schedule 1 to Clause 37.10 Precinct Zone c) Schedule 2 to Clause 37.10 Precinct Zone 2 Station Development Area d) Schedule 1 to Clause 43.06 Main Streets e) Schedule 2 to Clause 43.06 Key Movement Corridors and Urban Neighbourhoods	SRLA

No.	Date	Description	Provided by
		f) Schedule 3 to Clause 43.06 Residential Neighbourhoods g) Schedule 4 to Clause 43.06 Employment Neighbourhoods h) Schedule 2 to Clause 45.09 Parking Overlay i) Schedule 3 to Clause 45.09 Parking Overlay	
BUR 23	6 Nov 2025	Day 1 version – Maps: a) Burwood – Precinct Zone map – Monash GC248 – mock up b) Burwood – Built Form Overlay map – Monash GC248 – mock up	SRLA
BUR 24	6 Nov 2025	Day 1 version – Structure Plan and Implementation Plan: a) Burwood – SRL East Draft Structure Plan b) Burwood – SRL East Draft Implementation Plan	SRLA
BUR 25	6 Nov 2025	a) Consolidated table of Planning Scheme Amendment changes b) Consolidated table of Structure Plan / Implementation Plan changes	SRLA
BUR 26	6 Nov 2025	Stakeholder Discussion Sheet – Mount Scopus Memorial College	SRLA
BUR 27	11 Nov 2025	Monash City Council submission to SRLA	Engage Victoria
BUR 28	11 Nov 2025	Expert report of David Crowder (planning)	SRLA
BUR 29	11 Nov 2025	Expert report of Chris De Silva (community infrastructure)	SRLA
BUR 30	11 Nov 2025	Expert report of Hilary Marshall (traffic)	SRLA
BUR 31	11 Nov 2025	Timetable (version 3)	PPV
BUR 32	11 Nov 2025	Greenwood Capital Pty Ltd submission to SRLA	Engage Victoria
BUR 33	12 Nov 2025	Heeps Management Pty Ltd submission to SRLA	Engage Victoria
BUR 34	12 Nov 2025	Expert report of Mark Sheppard (urban design)	SRLA
BUR 35	13 Nov 2025	Review of Gardiners Creek (Kooyongkoot) Ecology Technical Memorandum	SRLA
BUR 36	13 Nov 2025	Addendum Planning Evidence of David Crowder: Gardiners Creek (Kooyongkoot) Ecology Technical Memorandum	SRLA

No.	Date	Description	Provided by
BUR 37	13 Nov 2025	Individual submission to SRLA	<u>Engage Victoria</u>
BUR 38	17 Nov 2025	Technical Note TN-BUR01 (Burwood) - Burwood Pedestrian Connections	SRLA
BUR 39	17 Nov 2025	Email to Committee requesting extension of time to file expert witness reports	Whitehorse City Council (Whitehorse CC)
BUR 40	18 Nov 2025	Committee response regarding Whitehorse City Council extension of time request to file expert witness reports	PPV
BUR 41	18 Nov 2025	UPDATED Committee response regarding Whitehorse City Council extension of time request to file expert witness reports	PPV
BUR 42	18 Nov 2025	Email to Committee requesting extension of time to file joint expert statement in traffic	SRLA
BUR 43	18 Nov 2025	Committee response to SRLA regarding extension of time request to file joint expert statement in traffic	PPV
BUR 44	18 Nov 2025	Stakeholder Discussion Sheet – Greenwood Capital Pty Ltd	SRLA
BUR 45	18 Nov 2025	Email to Committee regarding discussions with SRLA	Greenwood Capital Pty Ltd (Greenwood Capital)
BUR 46	18 Nov 2025	Expert report of Tim McBride-Burgess (planning)	Fountain Court Management Services Pty Ltd (Fountain Court)
BUR 47	18 Nov 2025	Email from Committee – Greenwood Capital outcome with SRLA	PPV
BUR 48	19 Nov 2025	Expert report of Jason Walsh (traffic)	Whitehorse CC
BUR 49	19 Nov 2025	Expert report of David Barnes (planning)	Whitehorse CC
BUR 50	19 Nov 2025	Expert report of Kate Maddock (sport and recreation)	Whitehorse CC
BUR 51	19 Nov 2025	Email to PPV - response to outcome with SRLA	Greenwood Capital

No.	Date	Description	Provided by
BUR 52	19 Nov 2025	Expert report of Kate Kerkin (community infrastructure)	Whitehorse CC
BUR 53	20 Nov 2025	Joint Expert Statement - Traffic	SRLA
BUR 54	20 Nov 2025	Expert report of Rob McGauran (urban design)	Whitehorse CC
BUR 55	20 Nov 2025	Position Paper PP-BUR01 (Community Infrastructure)	SRLA
BUR 56	20 Nov 2025	Urban Design Supplementary Information prepared by Mark Sheppard (<i>same as tabled document GI 152</i>)	SRLA
BUR 57	20 Nov 2025	Urban Design Supplementary Information prepared by Mark Sheppard (Public Realm Shadow Analysis - North-South Streets) (<i>same as tabled document MON 090</i>)	SRLA
BUR 58	20 Nov 2025	Open Space Shadow Analysis Study	SRLA
BUR 59	20 Nov 2025	Open Space Shadow Analysis Study - Statement of Changes	SRLA
BUR 60	21 Nov 2025	Email to Committee requesting extension of time to file addendum evidence from Mark Sheppard (urban design)	SRLA
BUR 61	21 Nov 2025	Email to Committee requesting extension of time to file addendum evidence from David Crowder (planning)	SRLA
BUR 62	21 Nov 2025	Addendum evidence from Chris De Silva (community infrastructure)	SRLA
BUR 63	21 Nov 2025	Committee response to SRLA regarding extension of time request to file addendum evidence from Mark Sheppard (urban design)	PPV
BUR 64	21 Nov 2025	Email to Committee requesting extension of time to file response to Gardiners Creek (Kooyongkoot) Ecology Technical Memorandum	Whitehorse CC
BUR 65	21 Nov 2025	Committee response to SRLA regarding extension of time request to file addendum evidence from David Crowder (planning)	PPV
BUR 66	21 Nov 2025	Timetable (version 4)	PPV
BUR 67	21 Nov 2025	Email to Committee requesting extension further of time to file addendum evidence from David Crowder (planning)	SRLA
BUR 68	21 Nov 2025	Addendum evidence from David Barnes (planning)	Whitehorse CC

No.	Date	Description	Provided by
BUR 69	21 Nov 2025	Addendum evidence from Tim McBride-Burgess (planning)	Fountain Court
BUR 70	24 Nov 2025	Expert report of Joanna Thompson (open space)	Whitehorse CC
BUR 71	24 Nov 2025	Addendum evidence from Rob McGauran (urban design)	Whitehorse CC
BUR 72	24 Nov 2025	Covering email to Committee regarding Tree Canopy material, with attachments: a) Draft Amended Tree Canopy Control - Whitehorse 43.06-3 (Residential Neighbourhoods) b) Deep Soil and Tree Canopy Provisions Memorandum	SRLA
BUR 73	24 Nov 2025	Committee response to: - SRLA regarding further extension of time request to file addendum evidence from David Crowder (planning) - Whitehorse City Council regarding extension of time request to file response to Gardiners Creek (Kooyongkoot) Ecology Technical Memorandum	PPV
BUR 74	24 Nov 2025	Introductory submissions in relation to traffic	SRLA
BUR 75	24 Nov 2025	Memorandum from Simon Howe: Response to plant growth matters raised in expert evidence (<i>same as tabled document CLA 092</i>)	SRLA
BUR 76	24 Nov 2025	Addendum evidence from David Crowder (planning)	SRLA
BUR 77	24 Nov 2025	Letter to Committee regarding submission position, with attachment: a) Fountain Court submission to SRLA	Fountain Court
BUR 78	24 Nov 2025	Material due to be filed	PPV
BUR 79	24 Nov 2025	Addendum evidence from David Barnes (planning) in response to David Crowder's Gardiners Creek (Kooyongkoot) Ecology Technical Memorandum	Whitehorse CC
BUR 80	24 Nov 2025	Response to recommendations in expert evidence	SRLA
BUR 81	24 Nov 2025	Combined Day 1 and Day 2 Consolidated table of Planning Scheme Amendment changes	SRLA
BUR 82	24 Nov 2025	Combined Day 1 and Day 2 Consolidated table of Structure Plan and Implementation Plan changes	SRLA

No.	Date	Description	Provided by
BUR 83	25 Nov 2025	Annotated PRZ2 Map from the Day 1 controls	Whitehorse CC
BUR 84	25 Nov 2025	SDA height and street wall height comparison	Whitehorse CC
BUR 85	26 Nov 2025	PPN57 – the Parking Overlay	Whitehorse CC
BUR 86	26 Nov 2025	EES Traffic and Transport Impact Assessment Extract	Whitehorse CC
BUR 87	26 Nov 2025	Hearing presentation	Individual Submitter
BUR 88	26 Nov 2025	KooyongKoot Alliance submission to SRLA	<u>Engage Victoria</u>
BUR 89	26 Nov 2025	Hearing presentation (<i>updated 27 November 2025</i>), with attachments: a) Statutory Declaration	Individual Submitter
BUR 90	26 Nov 2025	Hearing submission	Individual Submitter
BUR 91	26 Nov 2025	Addendum evidence of Mark Sheppard (urban design)	SRLA
BUR 92	26 Nov 2025	Hearing presentation from Kate Maddock (sport and recreation)	Whitehorse CC
BUR 93	27 Nov 2025	Hearing presentation (<i>updated 27 November 2025</i>)	IMMRB Trust and MR Trust
BUR 94	27 Nov 2025	Introductory submissions in relation to community infrastructure	SRLA
BUR 95	28 Nov 2025	Email to Committee requesting extension further of time to file evidence from Andrew Partos (urban design)	Whitehorse CC
BUR 96	28 Nov 2025	Committee response to Whitehorse City Council regarding further extension of time request to file evidence from Andrew Partos (urban design)	PPV
BUR 97	28 Nov 2025	Introductory submissions in relation to planning	SRLA
BUR 98	28 Nov 2025	Hearing presentation from David Barnes (planning)	Whitehorse CC
BUR 99	28 Nov 2025	Hearing submission speaking notes	Friends of Gardiners Creek Reserve
BUR 100	1 Dec 2025	Expert report of Andrew Partos (urban design)	Whitehorse CC

No.	Date	Description	Provided by
BUR 101	1 Dec 2025	Stakeholder Discussion Sheet – Fountain Court Management Services Pty Ltd	SRLA
BUR 102	1 Dec 2025	Addendum evidence of Joanna Thompson (open space) in response to Stakeholder Discussion Sheet – Greenwood Capital Pty Ltd (BUR 44)	Whitehorse CC
BUR 103	1 Dec 2025	Request to SRLA to provide scaled drawing of the Station Development Area	PPV
BUR 104	1 Dec 2025	Timetable (version 5)	PPV
BUR 105	3 Dec 2025	Hearing presentation from Chris De Silva (community infrastructure)	SRLA
BUR 106	3 Dec 2025	Hearing presentation from Kate Kerkin (community infrastructure)	Whitehorse CC
BUR 107	4 Dec 2025	Station Development Area building heights and street walls table	SRLA
BUR 108	5 Dec 2025	Hearing presentation from Andrew Partos (urban design)	Whitehorse CC
BUR 109	5 Dec 2025	Surface and Tunnel Alignment Plans – Burwood	SRLA
BUR 110	5 Dec 2025	Introductory submissions in relation to Urban Design (<i>updated 5 December 2025</i>)	SRLA
BUR 111	5 Dec 2025	Letter regarding Rob McGauran Corrected Shadow Diagrams	Whitehorse CC
BUR 112	5 Dec 2025	Version 2 Shadow Diagrams	Whitehorse CC
BUR 113	5 Dec 2025	Hearing presentation from Rob McGauran (urban design)	Whitehorse CC
BUR 114	5 Dec 2025	Hearing presentation from Joanna Thompson (open space)	Whitehorse CC
BUR 115	5 Dec 2025	Addendum evidence from Mark Sheppard (urban design)	SRLA
BUR 116	8 Dec 2025	Hearing presentation from Mark Sheppard (urban design)	SRLA
BUR 117	9 Dec 2025	Hearing submission	Monash CC
BUR 118	11 Dec 2025	Response to Committee question	Monash CC
BUR 119	12 Dec 2025	Hearing submission, with attachments: a) Attachment A: Rhys Quick response to Monash City Council submission b) Attachment B: David Crowder response to Monash City Council submission	SRLA

No.	Date	Description	Provided by
BUR 120	12 Dec 2025	Submission in response to Joanna Thompson evidence	Greenwood Capital
BUR 121	15 Dec 2025	Hearing submission, with attachment: a) Consolidated recommendations and appendices	Whitehorse CC
BUR 122	15 Dec 2025	SRL East Incorporated Document and Surface and Tunnel Plans	SRLA
BUR 123	17 Dec 2025	Covering email regarding closing submission, with attachment: a) Response to Whitehorse City Council recommendations	SRLA
BUR 124	18 Dec 2025	Letter to Committee regarding filing of Day 2 documents, with attachment: a) Attachment A: Index of documents	SRLA
BUR 125	18 Dec 2025	Day 2 version – Draft Planning Scheme Amendment Monash GC248: a) Clause 11.03 Planning for Places Policy b) Schedule 7 to Clause 37.10 Precinct Zone c) Schedule 13 to Clause 43.06 Key Movement Corridors and Urban Neighbourhoods d) Schedule 14 to Clause 43.06 Residential Neighbourhoods e) Schedule 15 to Clause 43.06 Employment Neighbourhoods	SRLA
BUR 126	18 Dec 2025	Day 2 version – Draft Planning Scheme Amendment Whitehorse GC248: a) Clause 11.03 Planning for Places b) Schedule 1 to Clause 37.10 Precinct Zone c) Schedule 2 to Clause 37.10 Precinct Zone Station Development Area d) Schedule X to Clause 37.10 Precinct Zone Greenwood Business Park e) Schedule 1 to Clause 43.06 Main Streets f) Schedule 2 to Clause 43.06 Key Movement Corridors and Urban Neighbourhoods g) Schedule 3 to Clause 43.06 Residential Neighbourhoods h) Schedule 4 to Clause 43.06 Employment Neighbourhoods i) Schedule X to Clause 43.06 Residential Neighbourhoods (Fountain Court Stakeholder Discussion Sheet version)	SRLA

No.	Date	Description	Provided by
BUR 127	18 Dec 2025	Day 2 version – Maps: a) Precinct Zone map – Whitehorse GC248 – mock up b) Built Form Overlay map – Whitehorse GC248 – mock up	SRLA
BUR 128	18 Dec 2025	Day 2 version – Structure Plan and Implementation Plan: a) Burwood – SRL East Draft Structure Plan b) Burwood – Draft Implementation Plan	SRLA
BUR 129	18 Dec 2025	Burwood consolidated tables: a) Consolidated table of Planning Scheme Amendment changes b) Consolidated table of Structure Plan / Implementation Plan changes c) Updated response to recommendations in expert evidence	SRLA
BUR 130	19 Dec 2025	Amendments to Burwood Implementation Plan	Whitehorse CC
BUR 131	23 Dec 2025	Comments on Proponents Day 2 version – Draft Planning Scheme Amendment Whitehorse GC248: a) Schedule 1 to Clause 37.10 Precinct Zone b) Schedule 2 to Clause 37.10 Precinct Zone c) Schedule 1 to Clause 43.06 Main Streets d) Schedule 2 to Clause 43.06 Key Movement Corridors and Urban Neighbourhoods e) Schedule 3 to Clause 43.06 Residential Neighbourhoods f) Schedule 4 to Clause 43.06 Employment Neighbourhoods	Whitehorse CC
BUR 132	24 Dec 2025	Response to Day 2 documents	Individual submitter