

Government Land Standing Advisory Committee

Tranche 9 Report

1000 Whitehorse Road and 16-18

Spring Street, Box Hill

28 December 2017

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List of Abbreviations

BHI	Box Hill Institute
C1Z	Commercial 1 Zone
Council	Whitehorse City Council
DDO	Design and Development Overlay
DELWP	Department of Environment, Land, Water and Planning
DPO	Development Plan Overlay
GRZ	General Residential Zone
MAC	Metropolitan Activity Centre
MUZ	Mixed Use Zone
PUZ	Public Use Zone
RGZ	Residential Growth Zone
SUZ	Special Use Zone

About this report

On 7 August 2017, the Minister for Planning referred the following sites to the Government Land Standing Advisory Committee as Tranche 9:

- 1000 Whitehorse Road, Box Hill
- 16-18 Spring Street, Box Hill.

This is the report under Section 151 of the *Planning and Environment Act 1987* of the Government Land Standing Advisory Committee for 1000 Whitehorse Road and 16-18 Spring Street, Box Hill.



Brett Davis, Chair



Alan Chuck, Member

28 December 2017

1 Summary and recommendations

1.1 The sites

1000 Whitehorse Road, Box Hill is part of the Whitehorse Campus of the Box Hill Institute (BHI). The land is regular in shape with a site area of approximately 6,500 square metres. It is located on the southern side of Whitehorse Road, immediately to the west of the Box Hill Town Hall. The site currently contains several educational buildings and car parking.

16-18 Spring Street, Box Hill is a regular parcel of 2,360 square metres. The site contains part of the Nelson Campus of the Box Hill Institute. It is located on the western side of Spring Street and currently used as a car park.

1.2 Issues

Key issues raised in submissions included:

- overdevelopment of Box Hill
- whether the proposed heights are appropriate
- the impact of the development in terms of overshadowing, wind and overlooking
- whether the proposed Development Plan Overlay (DPO) schedule was adequate to ensure an appropriate outcome
- adverse traffic and parking impacts.

The Committee considered all written submissions as well as submissions presented to it during the Hearing. In addressing the issues raised in those submissions, the Committee has been assisted by the information provided to it as well as its observations from inspections of the site.

1.3 Committee conclusions and recommendations

1.3.1 Conclusions

The site owner proposes to rezone the land at 1000 Whitehorse Road, Box Hill from PUZ2 to the C1Z and retain existing overlays. The Committee concludes that this is an appropriate zone if the land is to be sold.

The site owner proposes to rezone the land at 16-18 Spring Street, Box Hill from PUZ2 and Residential Growth Zone 3 (RGZ3) to Mixed Use Zone (MUZ) and apply a DPO. The Committee concludes that this is an appropriate zone if the land (or air rights associated with the land) is to be sold. It is appropriate to apply the DPO and associated schedule subject to changes.

The proposed planning provisions make proper use of the Victoria Planning Provisions and are prepared and presented in accordance with the *Ministerial Direction on The Form and Content of Planning Schemes*. The sites are located within a designated Metropolitan Activity Centre (MAC) and have resounding state and local planning policy support.

Table 1: Existing and proposed controls

Currently planning scheme controls	Proposed planning scheme controls	Advisory Committee recommendation
1000 Whitehorse Road		
Public Use Zone Schedule 2 (Education)	Commercial 1 Zone	Commercial 1 Zone
Parking Overlay Schedule 1	Retain	Retain
Heritage Overlay Schedule 17	Retain	Retain
16-18 Spring Street		
Public Use Zone Schedule 2 (Education) Residential Growth Zone Schedule	Mixed Use Zone	Mixed Use Zone
Parking Overlay Schedule 1	Retain	Retain
	Development Plan Overlay	Development Plan Overlay

1.3.2 Recommendations

The Committee recommends that:

1. For 1000 Whitehorse Road, Box Hill:

A planning scheme amendment be prepared and approved to:

- **Rezone the subject site to the Commercial 1 Zone as proposed**
- **Retain the Parking Overlay Schedule 1 as proposed**
- **Retain the Heritage Overlay Schedule 17 as proposed.**

2. For 16-18 Spring Street, Box Hill:

A planning scheme amendment be prepared and approved to:

- **Rezone the subject site to the Mixed Use Zone as proposed**
- **Apply a Development Plan Overlay subject to the Committee’s preferred changes at Appendix C.**

1.4 Process summary

The following tables set out the details of the process for this matter.

Table 2: Proposal summary

Proposal summary	
Tranche and site reference	Tranche 9: site reference FT107
Site address	1000 Whitehorse Road and 16-18 Spring Street, Box Hill
Previous use	Box Hill TAFE and car park
Site owner	Box Hill Institute

Proposal summary

Council	Whitehorse City Council
Exhibition	25 September – 3 November 2017
Submissions	15

Table 3: Proposed planning scheme changes

Existing controls	Proposed changes
1000 Whitehorse Road	
Public Use Zone Schedule 2 (Education)	Commercial 1 Zone
Parking Overlay Schedule 1	Retain
Heritage Overlay Schedule 17	Retain
16-17 Spring Street	
Public Use Zone Schedule 2 (Education)	Mixed Use Zone
Residential Growth Zone Schedule 3	
Parking Overlay Schedule 1	Retain
	Development Plan Overlay

Table 4: Committee process

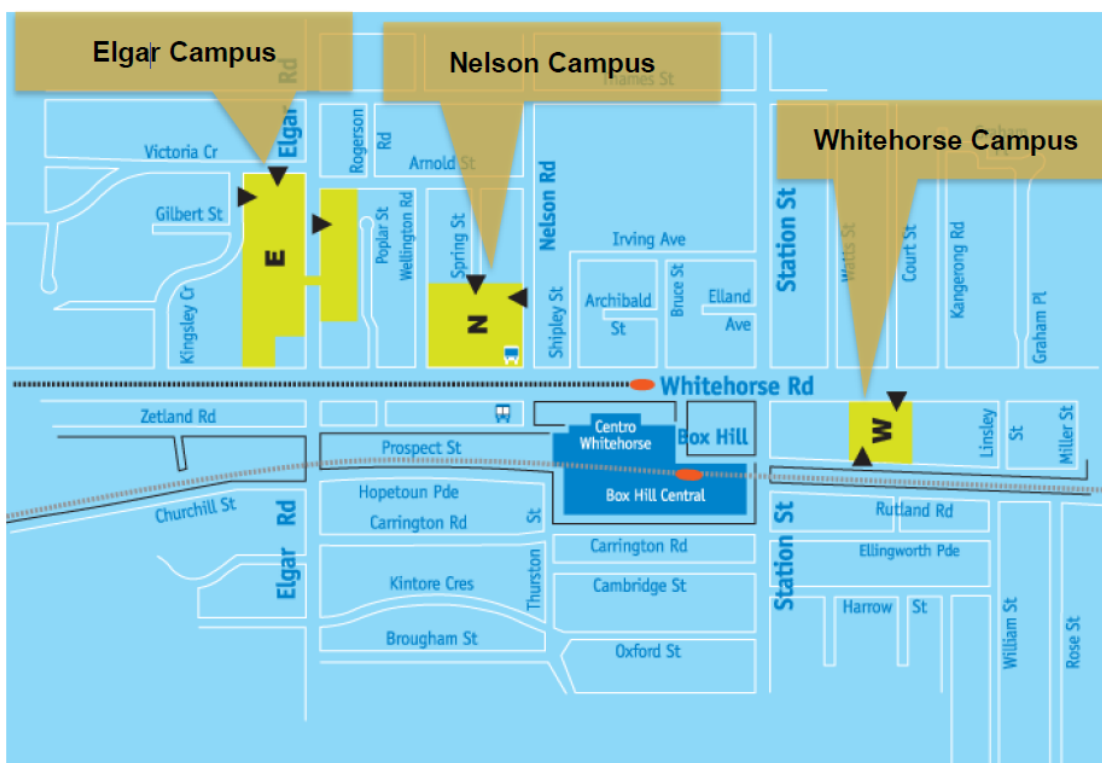
Committee process	
Members	Brett Davis (Chair) and Alan Chuck
Information session	11 October 2017
Hearing	28 November 2017
Site inspections	28 November 2017, accompanied
Appearances	Box Hill Institute represented by Paul Connor QC and Nicola Collingwood of Counsel, calling evidence from: - Amanda Roberts of SJB Urban in Urban Design Whitehorse City Council represented by Vanessa McLean Epworth Eastern represented by Michelle Quigley QC Eve Pakarinen Tanya Tescher
Date of this Report	28 December 2017

2 Introduction

2.1 The site owner

The site owner is the Box Hill Institute (BHI), which provides technical and further vocational education across three campuses in Box Hill (Figure 1). BHI submitted that it has a Campus Modernisation Program which aims to provide a vibrant and engaging campus experience, which fosters a social hub for students and the community. In order for BHI to deliver this program, its three campuses in Box Hill need be geographically consolidated to better utilise the sites and create a more centralised social and learning experience for students. The program also includes providing fit-for-purpose facilities and the delivery of better facilities to meet the growing demand for nursing, health and aged care courses.

Figure 1: Location of Box Hill Institute campuses



2.2 The proposals

(i) 1000 Whitehorse Road, Box Hill

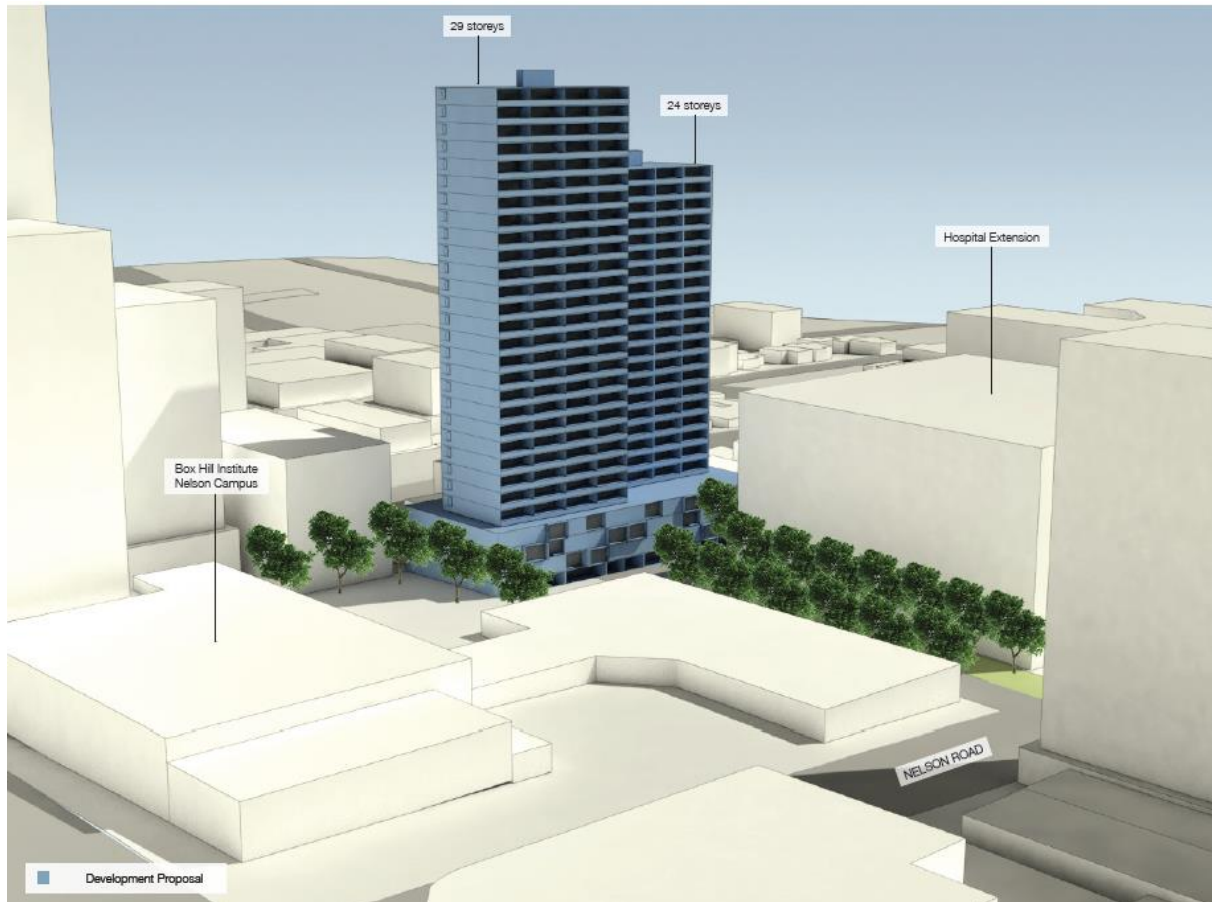
The proposal at Whitehorse Road includes subdivision of the site to facilitate the sale and construction of a new Salvation Army facility on the eastern portion, while the western portion would be retained by the site owner for educational purposes.

(ii) 16-18 Spring Street, Box Hill

The proposal at Spring Street comprises a 29 and 24 storey building for nurse training facilities and other complementary land uses, in association with Epworth Eastern. The two

buildings will include a four storey podium with ground floor retail and nurse training facilities. The remaining upper levels are envisaged for student accommodation, which together with associated basement carpark, are planned to be delivered in partnership with private developers.

Figure 2 Concept plan for 16-18 Spring Street¹



(iii) Site context

The sites are located in Box Hill, which is located 15 kilometres from the Melbourne CBD. Box Hill has undergone rapid change in recent years as high density buildings are being approved and constructed to accommodate for population growth and demand in the area. The map below shows the current and future development in Box Hill.

¹ Exhibited planning report September 2017 (Glossop Town Planning pg. 19)

demolished with half of the existing site to be sold to Epworth for the purposes of Epworth on-selling to the Salvation Army following the construction of new premises for the Salvation Army.

- *Once constructed, the Salvation Army will vacate its site that immediately abuts the current Epworth Eastern site to the south and a land swap will be arranged so that Epworth will become the owner of the current Salvation Army site and the Salvation Army will become the owner of the land and new facility at the Whitehorse Road site.*
- *When the Salvation Army vacates its site and Epworth is the registered proprietor, Epworth will demolish the existing Salvation Army site and construct 196 on grade car parks which are required to satisfy the planning permit issued for the proposed development at 25 Nelson Road.³*
- *In the longer term, the Salvation Army site will then be developed as an extension of Epworth Eastern that will include an upgrade of the hospital and an additional 260 beds over two stages:*
 - *Stage one: additional overnight acute beds possibly including rehabilitation and maternity services an extension to the proposed emergency department, theatres, radio therapy, café and retail precinct. An expansion of the car parking spaces; and*
 - *Stage two: will include more overnight acute beds and theatre to meet future demand at that point in time.*
- *BHI intends to construct premises in 16-18 Spring Street, Box Hill, to conduct (in part) the proposed co-located training and education programs to be delivered as part of the arrangement between BHI and Epworth and this proposal considers connecting via a physical connection between the two facilities.*
- *The redeveloped hospital will require an additional level of 400 full time equivalent staff. The majority of the additional staff will be in the fields of nursing, allied health and support services.*

2.3 Strategic context

(i) Plan Melbourne

Box Hill is identified as a Metropolitan Activity Centre (MAC) in Plan Melbourne. The purpose of a MAC is “*to provide a diverse range of jobs, activities and housing for regional catchments that are well served by public transport... these centres will play a major service delivery role, including government, health, justice and education services, as well as retail and commercial opportunities*”. Box Hill Hospital and Box Hill TAFE are specifically identified in a Health and Education Precinct.

Policy 1.1.4 discusses the need to support the significant employment and servicing role of health and education precincts across Melbourne. The direction under the policy includes

³ Epworth has a recently obtained a planning permit (WH2016/1183) for a hospital building at 25 Nelson Road.

planning for “co-location of facilities (for example, a university with a hospital) [to] make better use of existing infrastructure and support the growth of associated businesses and industries”.

(ii) Local Planning Policy Framework

The site owner submitted that the proposals support the following planning policies:

- Clause 11.06-1 (Metropolitan Melbourne – Jobs and Investment)
- Clause 17.02-4 (Innovation and Research) seeks to create opportunities for innovation and the knowledge economy within existing and emerging industries, research and education. Strategies encourage the provision of infrastructure that help people to be innovative and creative, learn new skills and start new businesses in activity centres and near public transport.
- Clause 18.02-3 (Principal Public Transport Network)
- Clause 19.02-2 (Education Facilities)
- Clause 21.01 (Municipal Strategic Statement), which states:

The future role and function of activity centres throughout the municipality will be influenced by Plan Melbourne which places considerable emphasis on activity centres as the focus of new development and as an essential element of policies regarding sustainability, reducing the dominance of car travel, and in building a sense of community and a sense of place. Together all of these activity centres will contribute to the creation of ‘20 minute neighbourhoods’ across Melbourne. The structure planning process, including the involvement of the community and other stakeholders, will be the means by which the opportunities available in centres are identified and realised.

- Clause 21.07 (Economic Development), which states:
It is essential that the Box Hill MAC develops as a major regional activity centre through the development of appropriate retail and office activities. It is also vital that the centre develops more residential and entertainment facilities to strengthen this role. Council will support new commercial, residential and retail development in this Activity Centre consistent with the role of the centre and the Box Hill Structure Plan which also seeks to guide the preferred location and urban form of the new investment in the centre.
- Clause 22.06 (Activity Centres)
- Clause 22.07 (Box Hill Metropolitan Activity Centre), sets out the vision for Box Hill:
Box Hill provides retail, education, office, civic, medical, community service, entertainment, dining and recreational opportunities for the regional population, as well as a hub for local community activities... Box Hill has the scope to accommodate substantial growth, as well as the potential for improved amenity to support this growth.
- Relevant objectives under this clause include:
 - *To ensure that future development within the Box Hill metropolitan Activity Centre seeks to maximise employment growth for Whitehorse*

- *To ensure that Box Hill accommodates a more intensive and diverse range of activities that increase choices and opportunities, support synergies between different uses, encouraging use of sustainable transport and complement surrounding areas.*

(iii) Relevant Planning Scheme Amendment

Whitehorse C175

Amendment C175 seeks to implement the objectives and strategies of both the *Structure Plan* and *Box Hill Metropolitan Activity Centre Built Form Guidelines* by:

- introducing Schedule 6 to the Design and Development Overlay (DDO) into Clause 43.02 of the Scheme and applying it to land identified within the Structure Plan area
- rezoning various sites identified within the Structure Plan to the MUZ and the Commercial 1 Zone (C1Z)
- making changes to Clause 21.07 (Economic Development) and Clause 22.07 (Box Hill Metropolitan Activity Centre) of the Scheme to reference the Guidelines and include them as a reference document in the Scheme.

The Panel report was submitted on 6 October 2017. The Panel identified significant concerns with the proposed DDO and did not support mandatory height limits. The Panel concluded that the Amendment lacked sufficient strategic justification and recommended that the built form component of the Amendment be abandoned.

At the time of the Hearing, Council had not formalised its response to the Panel's conclusions.

(iv) Planning Practice Notes

Planning Practice Note 3: Applying the Special Use Zone

PPN03 provides guidance about applying the Special Use Zone (SUZ) including what principles to consider and where it should be used:

A Special Use Zone can be considered when either:

- *an appropriate combination of the other available zones, overlays and local policies cannot give effect to the desired objectives or requirements*
- *the site adjoins more than one zone and the strategic intent of the site, if it was to be redeveloped, is not known and it is therefore not possible to determine which zone is appropriate.*

Application of the Special Use Zone is not appropriate when an alternative zone can achieve a similar outcome, with appropriate support from local policies and overlays.

Planning Practice Note 23: Applying the Incorporated Plan and Development Plan Overlays

PPN23 provides advice on how and when to use the Incorporated Plan and Development Plan Overlays. The purpose of using a Development Plan Overlay is:

- To identify areas that require the planning of future use or development to be shown on a plan before a permit can be granted.

- To exempt a planning permit application from notice and review if it is generally in accordance with an approved plan.
- A development plan is not incorporated into the Planning Scheme and can be amended by the responsible authority.

Planning Practice Note 78: Applying the Residential Zones

PPN78 provides guidance about the purposes and features of Victoria's residential zones, how to apply the residential zones and the schedules to the residential zones. The MUZ is likely to be applied in:

- *Areas encouraging a range of residential, commercial, industrial and other uses.*
- *Areas to provide for housing at higher densities and higher built form that responds to the existing or preferred neighbourhood character*

(v) The Box Hill Activity Centre Transit City Structure Plan (Structure Plan)

The Structure Plan was adopted in 2006 by Council and is a reference document within the Whitehorse Planning Scheme. The Structure Plan provides the strategic vision and land use and development framework for the Box Hill Activity Centre to the year 2030. The Structure Plan identifies a number of precincts within Box Hill to guide implementation.

The Structure Plan also provides the following aims for built form in the Box Hill Metropolitan Activity Centre:

- minimised front and side setbacks and increased heights to enable significantly increased densities in the Activity Centre
- maintenance of the traditional built form character of shops in the block between Whitehorse Road and Market, Main and Station Streets
- transitional heights around the core to protect amenity in surrounding residential neighbourhoods where existing or more modest heights will be maintained
- maintenance of the characteristic pattern of buildings set in landscaped grounds within the civic precinct near the Town Hall (Precinct E)
- protection of key open spaces from overshadowing
- design for better public transport access to nodes and stops.

The Spring Street site is nominated in the Structure Plan as being within *Built Form Precinct F, Major Development Precinct*, where higher density development and the continuation of education and healthcare uses is anticipated. It is also included in Land Use Precinct D, the Box Hospital and Western TAFE Precinct, which anticipates the growth and enhancement of educational and medical institutions, support for related business and services and high density residential (including student housing).

The Whitehorse Road site is nominated in the Structure Plan as being within Built Form Precinct E, the Town Hall Precinct, which requires that civic buildings are given visual emphasis and heritage buildings and related spaces are protected. It is also included within Land Use Activity Precinct C (Civic and Eastern TAFE precinct) which anticipates the consolidation of cultural, community and educational facilities such as the library, Box Hill Institute and the Town Hall.

Figure 4: Structure Plan – Built Form Precincts Plan



- A** Peripheral Residential Precincts: New development supporting higher densities but consistent with the areas' existing built form character.
- B** Low-rise Higher-density Residential Precincts: 3-storey height limit with reduced setback requirements enabling increased residential densities while maintaining a transitional building scale.
- C** Traditional Town Centre: The existing built form character and 2 to 3-storey scale of the precinct retained including listed heritage buildings as well as complementary buildings.
- D** Mid-rise Commercial and Mixed Use Precincts: 4 storey height limit supporting increased density, with no (or minimal) front and side setbacks to create active frontages onto streets.
- E** Town Hall Precinct: Civic buildings given visual emphasis and the significance of heritage buildings and related spaces protected. Heights to be determined on case-by-case basis and may vary across each site.
- F** Major Development Precinct: Taller buildings permitted, enabling increased density. Heights must not cause overshadowing of Key Open Spaces, Residential Precincts A or B or residential areas beyond the study area. Transitional heights to be provided at edges of the precinct to respect the scale of neighbouring precincts.
- Key Open Spaces: Protect and enhance existing public and major private open spaces' character and provide an effective increase in useable open space through removal of encumbrances and design improvements.

3 1000 Whitehorse Road, Box Hill

3.1 Site details

3.1.1 Site summary

The exhibited planning report provided a summary of the site:

The subject site comprises part of the land known as 1000 Whitehorse Road, Box Hill. The subject site forms the eastern portion of the broader site for the Whitehorse Campus of the Box Hill Institute. The land is a regular shaped allotment with a frontage to Whitehorse Road of approximately 65 metres and an overall site area of approximately 0.65 hectares. It is located on the southern side of Whitehorse Road, immediately to the west of the Box Hill Town Hall.

The subject site and the Whitehorse Campus more broadly currently contains several institutional buildings associated with the delivery of BHI's performing and creative arts programs. The scale and architectural styles of the buildings vary, and include a heritage listed two level brick building in the north-western corner of the campus¹.

The balance of the land is largely used for at-grade car parking, with vehicle access provided from both Whitehorse Road and Bank Street (to the rear).

Figure 5: Aerial view of 1000 Whitehorse Road



3.1.2 Site context and surrounds

The exhibited planning report⁴ provided a summary of the site’s context and surrounds:

The site is located within an established civic, community and institutional precinct within the Box Hill Activity Centre. It is also proximate to the Box Hill Railway Station and Transport Hub, as well as the Box Hill Central Shopping Centre.

The site’s immediate abutments can be described as follows:

- *North: Whitehorse Road abuts the northern boundary of the site. It is a dual carriageway, separated by a landscaped median strip. 997-1003 Whitehorse Road is located immediately to the north. The land is currently vacant and a planning permit application has been lodged with Council for a 12-storey mixed use development.*
- *East: The Box Hill Town Hall is located immediately to the east of the site. A row of mature trees is planted along the shared boundary.*
- *South: Bank Street abuts the site’s southern boundary. The Lilydale and Belgrave Railway Lines are located immediately south of Bank Street.*
- *West: 990 Whitehorse Road is located to the west of the Whitehorse Campus. The site was formerly occupied by the Australian Taxation Office and has been refurbished. The land contains a 6 storey office building.*

The site is also highly accessible due to its close proximity to Box Hill Train station, tram route 109 and bus routes 270, 271 and 279.

3.1.3 Zoning context

The site owner proposes to rezone the land from PUZ2 to C1Z. Figures 6 and 7 show the current and proposed zonings.

Figure 6: Current zoning – 1000 Whitehorse Road

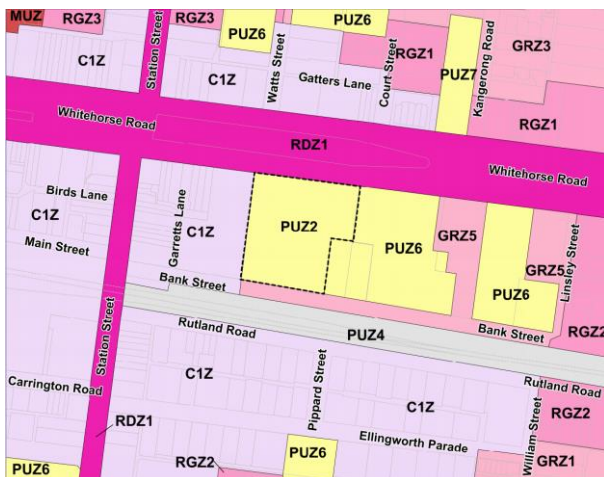
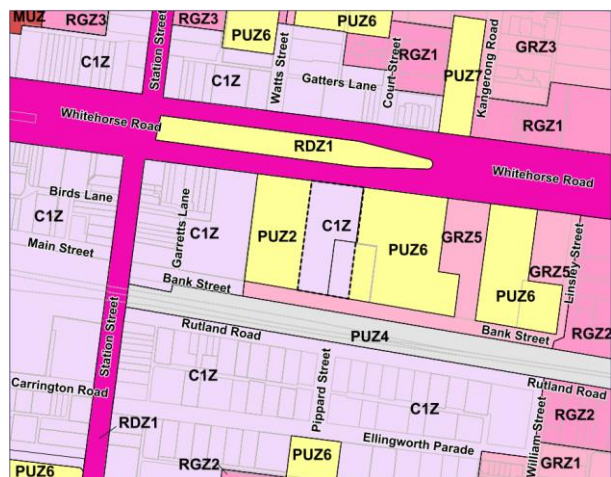


Figure 7: Proposed zoning – 1000 Whitehorse Road



⁴ Planning Scheme Amendment Request Planning Report, Part 1000 Whitehorse Road, Box Hill, Glossop Town Planning, September 2017

3.1.4 Interfaces

(i) Heritage

The site contains a number of buildings including a heritage listed two storey building located in north-western corner. The site itself is covered by a Heritage Overlay – Schedule 17 and there are a number of heritage overlays applied to land surrounding the site. This is further discussed in section 3.4.

(ii) Site and surrounds

The site is surrounded by a number of significant civic and heritage buildings including:

- Box Hill Town Hall
- Box Hill Library
- Box Hill High School
- Box Hill Police Station.

(iii) Development opportunities

This site has a number of opportunities due to it being:

- in a highly serviced and accessible location
- in an area identified for high density growth
- a large and regular shaped site
- located on a main road.

3.2 What zone is suitable?

(i) Evidence and submissions

There was agreement from Council, the site owner and Epworth Eastern that the site should be rezoned. There was disagreement about which zone it should be in – either the C1Z, SUZ or MUZ.

Commercial 1 Zone

The purpose of the C1Z is:

To the create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.

The site owner outlined various local policies which support the rezoning to C1Z to support its argument that there is strong strategic justification for increased densities, particularly along the Whitehorse Road spine. In particular, the site owner highlighted Clause 21.07 (Economic Development) which includes the following strategy and implementation:

Facilitate development within the Box Hill MAC in accordance with the Box Hill Transit City Activity Centre Structure Plan, June 2007.

Applying a Commercial 1 Zone to all shopping centres including the core of the Box Hill to facilitate the development of retailing and other complementary commercial, entertainment and community uses.

Council suggested that a more appropriate zone would be either the MUZ or SUZ, rather than the C1Z. It provided the following justification:

The C1Z will allow for a greater range of as-of-right uses than anticipated by the Structure Plan in this location, which could undermine the integrity and intent of the civic precinct and unnecessarily spread the commercial core into the civic precinct.

In addition, Council argued that because the C1Z has no mandatory height limits, it could diminish and impact negatively on the sensitivity of the precinct, in particular on the heritage and civic buildings.

The site owner submitted that Council's approach lacked merit because built form and land use as set out in the Structure Plan and clause 22.07 are matters that would be considered in any future permit application processes. Furthermore, the site owner considered it unlikely that the application of the C1Z would cause the retail core to spread because the area is already characterised by civic and community uses and associated built form.

Epworth supported the site owner's position that the site should be rezoned to C1Z and reinforced the relevance of Clause 22.07 in supporting this zone. Epworth submitted that the C1Z is a "logical extension of the existing zoning pattern along Whitehorse Road noting the extensive application of the C1Z in surrounding land" and that the purpose of the zone is entirely consistent with the anticipated uses envisaged by the Salvation Army church and community centre.

Mixed Use Zone

Council submitted that the MUZ would be more appropriate in this location.

The purpose of the MUZ includes:

- Provide for a range of residential, commercial, industrial and other uses which complement the mixed use function of the locality.
- Provide for housing at high densities.
- Encourage development that responds to the existing or preferred neighbourhood character of the area.
- Facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.

Council argued that the MUZ had been used as a 'transition' from the commercial areas to the residential precincts in the MAC.

The site owner considered the use of the MUZ and concluded that when compared to the C1Z, the MUZ's only real difference is that Retail Premises (other than shop or food and drink premises) is as-of-right in the C1Z and a section 2 use in the MUZ.

Epworth submitted that the MUZ was neither logical or orderly because the site:

- *sits within a civic and community focused precinct within the MAC*
- *the MUZ sits within the residential suite of zones*
- *the MUZ does not specifically identify the delivery of community uses as a purpose of the design zone*

- *the MUZ imposes greater significance on responsiveness to the existing neighbourhood character which is unnecessary in this non-residential context*
- *the use of the MUZ to create a transition between the commercial core of the Box Hill MAC and the residential areas is not required given the surrounding civic and community uses which separate the site from the residential land to the east of Linsley Street.*

Special Use Zone

Council submitted that the SUZ should also be considered for this site. The purpose of the SUZ is to recognise or provide for the use and development of land for specific purposes as identified in a schedule in this zone.

Council were of the view that the SUZ would be *“complementary to the present desired objectives for the site by the Salvation Army, as well as its potential development in the future”*.

Epworth argued that the SUZ was limiting as it prohibits office use greater than 500 square metres and requires a master plan approach. Epworth submitted that Council’s suggestion that *“the SUZ may be a better fit for the longer term development of the Salvation Army facility, may be arguable but not essential”*. Moreover, a map was provided to demonstrate that the SUZ has not been consistently applied to places of worship across the municipality (Document 5).

The site owner submitted that the future use and development of the site should not be unreasonably constrained by the application of the SUZ. The site owner opined that Council’s objection to the C1Z, founded on the basis of built form considerations, *“does not withstand scrutiny and ought not be accepted by the Committee”*.

(ii) Discussion

The need to rezone the site is not in question. As to the question of which zone is most appropriate, there appears to be substantial strategic support for the site to be located in the C1Z. The rezoning to C1Z is appropriate given the significant net community benefit that would be delivered by the proposed land swap. Council’s concern about the potential risk of a tall building on the site is not considered relevant. Many of the Council’s concerns regarding overdevelopment would be addressed by way of any formal planning permit applications that may be lodged in the future.

This was reinforced by Epworth showing preliminary plans for a planning permit to the Panel for the new Salvation Army headquarters being 2 storey (Document 6).

(iii) Conclusion

The Committee concludes that the C1Z is the most appropriate zone for this site.

3.3 What overlays are suitable

(i) Evidence and submissions

Council submitted that a DDO or DPO should be applied to the site in addition to the rezoning, as it would “reinforce the objectives, intent and expectations of the Structure Plan for this location” and “the MUZ has also been used as a ‘transition’ from the commercial areas to the residential precincts in the MAC”.

Council noted that Planning Practice Note 23 states that a DPO is used to provide certainty about the nature of the proposed uses and development on the site.

At the Hearing, Council provided a draft DPO for consideration by the Committee. The Committee did not consider the document, because it had not been circulated before the Hearing for proper consideration by all parties.

The site owner argued that including the DPO was not appropriate because:

- It would be a transformation of the Amendment as the proposed schedule has not been exhibited.
- Council had not provided the schedule for critical assessment.
- There is already strong guiding in the Planning Scheme regarding use and development for the civic precinct in which 1000 Whitehorse Road sits.

The site owner was against the use of the DPO or DDO as it would preclude future use and development:

In adopting this approach, Council seeks to fetter the discretion of the ultimate decision maker by pre-judging built form that might be reasonably accommodated on the site

Council’s objection to the application of the C1Z on the basis of a risk of tall buildings being approved does not withstand scrutiny and ought not be accepted by the Committee ...

Epworth did not support the inclusion of a DPO and called it an “unnecessary burden”. It was submitted that the purpose of the DPO is to provide certainty, however, the proposed development is clear enough in its purpose to facilitate a range of services provided by the three parties involved.

(ii) Discussion and conclusion

The inclusion of the DPO or DDO as put forth by Council in this process is considered unnecessary. The Committee agrees that there is sufficient policy in the planning scheme to guide a decision on the height and form of any development on the site. The Committee has not turned its mind to the draft schedule provided by Council as it had not been produced prior to the Hearing, and was not exhibited with this control.

The Committee notes that it would be possible for Council to include a DPO or DDO in a future Amendment process.

3.4 Built Form considerations

(i) Traffic and access

The site enjoys vehicular and pedestrian access to both Whitehorse Road (a State highway) and Bank Street (a Council street), and would continue to do so after the proposed subdivision.

Transport for Victoria submitted that the existing crossover and vehicular access in Whitehorse Road interferes with a nearby bus stop, and requested the conflict to be removed.

Council noted in its submission that the Structure Plan calls for mid-block pedestrian links between Whitehorse Road and Bank Street to be created or maintained. The site owner has offered to provide such a linkage in the western portion of the subdivided site, that is, the part remaining in BHI ownership.

The Committee believes that traffic and transport issues can be adequately addressed at the planning permit stage of any future application. It suggests that pedestrian access continue to be available from both Whitehorse Road and Bank Street, and with a clearly delineated pedestrian link between the two. This would form part of the transport management plan for the site.

(ii) Heritage

As many parties have noted, the existing built form along the south side of Whitehorse Road forms a distinctive civic entrance to the Box Hill MAC when approaching from the East. Beginning at Linsley Street, the contributing buildings are:

- Former Fire Station (1935) (HO229)
- LePine funeral parlour (1960s)
- Box Hill Library, with its distinctive vertical sundial (1973)
- St Peter's Anglican Church (1953) and Hall
- Box Hill Town Hall (1935) (HO94)
- Former Girls' Technical School (1924) (HO117).

These are all early-to-mid-20th century buildings, of varying architectural merit, but forming a cohesive group of modest height (nominally two storey). Various submitters have expressed concern that this cohesion could be spoiled if a multi-storey building were to be erected on the site.

The Committee agrees that the streetscape is worthy of preservation, and notes any development of the eastern portion of the site will be undertaken in accordance with existing heritage overlays.

3.5 Recommendation

For 1000 Whitehorse Road, Box Hill:

A planning scheme amendment be prepared and approved to:

- **Rezone the subject site to the Commercial 1 Zone as proposed**
- **Retain the Parking Overlay Schedule 1 as proposed**
- **Retain the Heritage Overlay Schedule 17 as proposed.**

4 16-18 Spring Street, Box Hill

4.1 Site details

4.1.1 Site summary

The exhibited planning report provided a summary of the site:

The subject site is known as part 853 Whitehorse Road and 16-18 Spring Street, Box Hill. The site comprises an area of 2,630 square metres and is located immediately to the north and west of the Nelson campus of the Box Hill Institute. The land is an irregular shaped section of the Nelson campus with a frontage to Spring Street of approximately 60 metres. It is located on the western side of Spring Street, approximately 130 metres from its intersection with Arnold Street. The land currently contains an at-grade car park that provides vehicle parking for staff and students. Vehicle access is available via a crossover to Spring Street.

The Minister for Finance was granted a one-off exemption from the requirements of the First Right of Refusal process on 15 February 2017.

Figure 8: Aerial view of 16-18 Spring Street



4.1.2 Site context and surrounds

The exhibited planning report⁵ provided a summary of the site's context and surrounds:

The subject site is located within an established TAFE and medical precinct in the north-west quadrant of the Box Hill MAC. The area contains a broad mix of health and community land uses, including the Box Hill and Epworth Hospitals, Box Hill RSL and Salvation Army Box Hill Corps.

The site's immediate abutments can be described as follows:

- **North:** 14 Spring Street abuts the northern boundary of the subject site. The land contains a 3 storey building that comprises student accommodation.
- **East:** Spring Street abuts the eastern boundary of the subject site. The Salvation Army Box Hill Corps and Box Hill Institute's Nelson campus are located on the opposite side of Spring Street.
- **South:** The Nelson campus of BHI abuts the southern boundary of the site.
- **West:** A number of single storey detached dwellings abut the western boundary. These properties are within the Residential Growth Zone, where development has a discretionary height limit of 13.5 metres / 4 storeys

4.1.3 Zoning context

The site owner proposes to rezone the land from PUZ2 and RGZ3 to MUZ. Figures 9 and Figure 10 show the current and proposed zonings.

Figure 9: Current zoning – 16-18 Spring Street

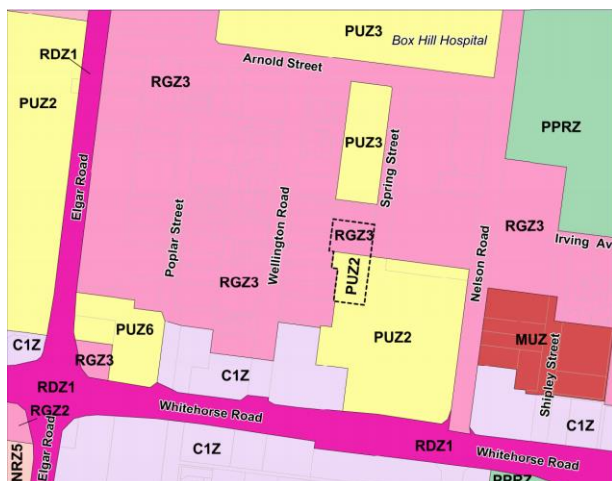
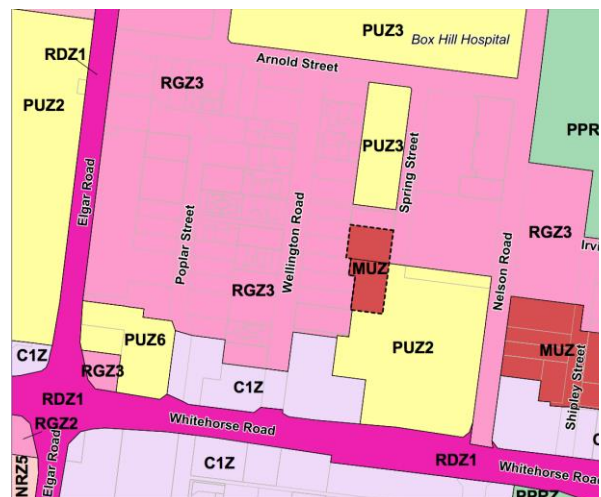


Figure 10: Proposed zoning – 16-18 Spring Street



4.1.4 Interfaces

(i) Current site conditions

The site currently serves as car parking for staff and students, accessed from Spring Street or Nelson Road.

⁵ Planning Scheme Amendment Request Planning Report, Part 1000 Whitehorse Road, Box Hill, Glossop Town Planning, September 2017

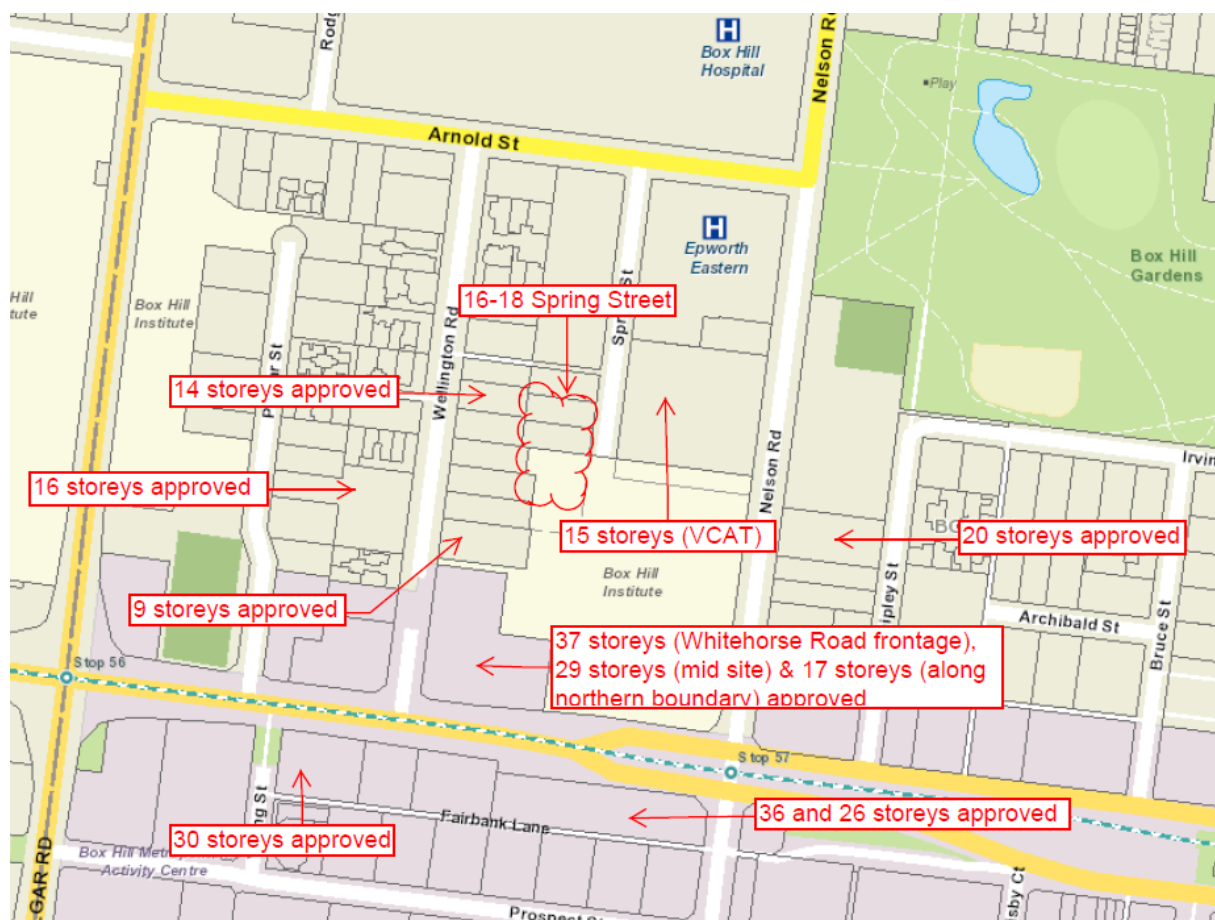
(ii) Traffic and access

The site can be accessed through Spring Street, which is not a through street. Spring Street is a north–south road with a width of approximately 7.5 to 15.3 metres. It contains a two-way vehicle carriageway with footpaths along both sides. There is also access to the site from Nelson Road.

(iii) Interface with surrounds

The site is surrounded by a number of approved and constructed buildings ranging from 9-37 storeys. Council provided the following illustration to show the heights of buildings recently approved near the subject site (Document 3).

Figure 11: Approved heights near subject site⁶



(iv) Development Opportunities

This site has a number of opportunities due to it being:

- in a highly serviced and accessible location
- in an area identified for high density growth
- in the Hospital and TAFE precinct.

⁶ Document 3

4.2 What zone is suitable

The site owner proposes to rezone the land to the MUZ and apply a Development Plan Overlay to facilitate the development of 29 and 24 storey buildings.

(i) Evidence and submissions

The purpose of the MUZ includes:

- Provide for a range of residential, commercial, industrial and other uses which complement the mixed use function of the locality.
- Provide for housing at high densities.
- Encourage development that responds to the existing or preferred neighbourhood character of the area.
- Facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.

As part of its ‘Campus Modernisation Program’, the site owner identified two key issues that are affecting the service delivery of the Box Hill campus. These issues are:

- lack of fit-for-purpose buildings
- lack of space to meet demand, particularly for nurse training.

As such, it was submitted by the site owner that rezoning the site to MUZ would facilitate the delivery of the Campus Modernisation Program through additional nurse training facilities that are co-located with Epworth. The rezoning would enable *“a valuable opportunity to grow and enhance the synergies between these major health and education service providers”*.

The site owner *“comprehensively support the optimisation of opportunity provided by this site”* and thus propose the application of the MUZ to facilitate the development of a 29 and 24 storey building.

Council pointed out that the MUZ was not envisaged by policy such as the Structure Plan, however, given that the Priority Development Zone is no longer supported by DELWP, they submitted that the MUZ is consistent with the zone that is proposed in Amendment C175. Moreover the proposed development responded to the intent of Precinct D by including training facilities for health professionals and providing student accommodation close to the existing educational facilities.

Council was concerned that the site owner was not considering additional community uses or alternative public service needs. Without such additional community uses, Council argued that it was *“somewhat of a missed opportunity”*. They added:

Council is satisfied that the proposed uses complement the land uses in the precinct, however, Council seeks further community outcomes from both sites such as the provision of housing for local employees (e.g. health sector employees) and consideration of new schools to support the increased apartment density in Box Hill and to promote a 20 minute neighbourhood.⁷

⁷. Whitehorse City Council, closing written submission

Submitter 3 held similar concerns and submitted that the land should be developed for community use or for alternative public services rather than being rezoned and on-sold.

In response to Council, the site owner said that they are already providing a dedicated nurse training facility and consider that *“the prospect of providing a school or other community uses within the residential tower is unrealistic”*. They submitted that it cannot be construed as a missed opportunity because there was *“no prospect of the tower component ever being developed in circumstances where it would be given over to community uses”*.

(ii) Discussion

The use of the MUZ is consistent with both the Structure Plan and Clause 22.07. There is strategic support for the application of the MUZ due to the site’s location and it is also consistent with the zones applied to other developments in the vicinity. The requirement to provide further community uses in addition to the nurse training facility was not considered by the Committee as necessary.

(iii) Conclusion

The rezoning of the site to the MUZ is supported.

4.3 What overlays are suitable

The site owner proposes to apply a Development Plan Overlay and associated schedule to the site. The exhibited draft schedule contains requirements to be included in the development plan and other requirements before a permit can be issued.

(i) Evidence and submissions

The site owner submitted that the DPO is appropriate because it would provide certainty about the site’s future use and development. The DPO would allow the site owner to achieve its vision in relation to a new nurse training facility through the land swap agreement. In justifying the proposed schedule, the site owner stated the following:

- *The DPO Schedule constrains the potential development by nominating a discretionary height with graduation requirements.*
- *The proposed height of 29 storeys is consistent with State and Local policy*
- *Residential use is appropriate above the podium to preserve the discrete land use aspects of the building.*
- *A substantial amount of educational land use is ‘locked in’.*
- *Traffic and car parking requires will ensure associated impacts will be effectively mitigated.*

Council agreed that the DPO is an appropriate tool for this site, and provided a revised schedule to the DPO based on Council officer comments (Appendix D). They submitted suggested changes including:

- The broad range of uses envisaged in Built Form Precinct D include educational and medical institutions and should be reflected in the schedule.
- Specific reference to residential development should be removed.
- Suggested changes to the wording of the schedule should be made.

- Notice requirements to display the development plan for 14 days should be included.

Council submitted that additional direction could be contained within the DPO, as it sits within Precinct D. Council's view was that Precinct D envisages not only high density residential, but anticipates the growth and enhancement of educational, medical institutions and related service businesses and offices.

The site owner argued that the Structure Plan provides the necessary guidance for uses on the site and submitted:

The site is not located in a predominately low-rise residential neighbourhood. It sits within a well-established health and education precinct earmarked for residential density.

Council queried the podium and tower setback provisions in the exhibited DPO and were concerned with proposed upper level setbacks and the interface with the public realm. The site owner proffered:

Insofar as the Council's case relies on the Built Form Guidelines that formed the basis of Amendment C175, they ought to be given no weight ... The podium and tower setbacks contemplated by the exhibited DPO are appropriate for this location.

(ii) Discussion

The application of the DPO allows for the future uses of the site to be considered at an early stage, to ensure the proposal integrates with its surrounds in land use terms. The Committee finds that the use of the DPO on this site is consistent with PPN23 and provides certainty for the site if it is to be sold.

The Committee does not support notice requirements embedded in the schedule to the DPO. It goes against the intent of the notice and requirement exemptions contained in the head clause to the DPO. The Council may choose to inform itself and the community with future applications, but this should not form part of a requirement contained in the Schedule, and is against the intent of PPN23 which states:

Responsible Authorities should not use non-statutory consultation processes to assist in deciding planning applications. Where notice is being served without a basis in the planning scheme or the Planning and Environment Act 1987, it is possible that the notice processes can be judicially reviewed in the Supreme Court.⁸

Council comments on the drafting of the DPO are contained at Appendix D. The Committee's preferred DPO Schedule at Appendix C is a tracked changes version from the exhibited DPO.

⁸ PPN 23 Applying the Incorporated Plan and Development Plan Overlays (August 2015) pg.2

(iii) Conclusion

The Council and the site owner agree that the application of the DPO is desirable in planning terms. The Committee concludes that the DPO should be applied on the site subject to changes shown in Appendix C.

4.4 Built Form considerations

A number of issues were raised by submitters in relation to whether the Schedule to the DPO appropriately deals with built form issues such as height, setbacks and traffic. The proposed DPO Schedule provides Design Guidelines as follows:

- *The building heights should not exceed 29 storeys in height and provide an appropriate graduation in height.*
- *A mixed use podium of 4 storeys, incorporating commercial and retail uses at ground floor level and three levels of education facilities.*
- *All levels above the podium to provide for residential development.*
- *Car parking should be obscured from the public realm.*
- *Building services, including roof top services/elements should be screened from the public realm.*
- *Sustainable design principles to address water management, solar access and energy conservation.*

4.4.1 Height

A significant point of disagreement among submitters was the appropriate height for this site.

(i) Evidence and submissions

Submitters raised concerns about the height of the proposed development at the Spring Street site, and more broadly in Box Hill.

The site owner submitted that the proposed heights of 29 and 24 storeys were appropriate given the strong strategic support for increased densities in Box Hill and existing precedents of buildings up to 37 storeys being approved in the surrounding vicinity. They submitted that the Structure Plan expressly supports high density residential (plus student housing), as well as the growth of educational and medical institutions (and related businesses).

Where the site owner proposes heights of 29 and 24 storeys, Council argued that the more appropriate height of 15 storeys be included.

Council submitted that the proposed heights are too high based on its draft Built Form Guidelines that were put forward by Amendment C175. These guidelines identified the Spring Street site as being within an area where a preferred height of up to 15 storeys. Council submitted that recent developments constructed in the precinct did not exceed 9 storeys and developments approved do not exceed 14 storeys.

There was also concern from Council and several submitters that exceeding the preferred height would lead to negative impacts on the surrounding area and may cause

overshadowing of public spaces. Council acknowledged that the subject site is located in Precinct F, which enables increased densities and anticipates taller building forms.

Although the proposed heights of 29 and 24 storeys were considered too high for the subject site, Council acknowledged that support for heights above the preferred 15 storeys would be possible where the proposed development does not result in significant impacts on amenity or public realm, or delivers a net community benefit. The development of health, education and civic uses was supported generally however Council had concerns about how amenity in the surrounding area will be protected, and recommended 15 storeys as the preferred maximum height.

Council discussed an urban design referral to Mr Rob McGauran, who reviewed the proposed planning controls and considered the potential future development on the site. Mr McGauran provided comments relating to access, landscaping, amenity and public realm.

The site owner submitted that Mr McGauran in this instance and “*internal referral*” to Council and was not an independent expert called to give evidence on the matter, and the Committee should not afford the same weight to his comments.

The site owner called Ms Amanda Roberts to give urban design evidence. Ms Roberts considered that the proposed 29 storey height was acceptable given it did not overshadow key public open spaces and did not unacceptably overshadow the private open space of approved, existing and proposed residential developments to the west. This analysis was supported by overshadowing modelling provided in the appendix to her witness statement. Commenting on the discrepancy between low and high rise buildings in the area, Ms Roberts stated that:

... the preferred neighbourhood character should not be influenced by single storey dwellings, but more by the opportunities afforded by larger sites associated with Health and Education uses. If there is, in the future, a clearly expressed rationale and desire to ‘transition down’ to the fine grain interface at the edge of the Activity Centre boundary (presumed by me to be the boundary of Precinct F in the north), this internal site is not, in my opinion, the correct location for this transition.

In summary, it was considered by Ms Roberts that “*a 29 storey building in this location is an appropriate response to both the existing Structure Plan and the desired future for Box Hill and causes no detrimental impacts on the current or future amenity of this mixed use precinct*”.

Ms Roberts referred to the existing and future approved buildings (Figure 3) to reinforce Box Hill’s role as a MAC and its emerging character that encouraged high density outcomes.

Submissions from the general public were mostly objecting to the proposal. Submitters 1, 2, 3, 6, 7, 8, 10, 11 and 12 did not support the proposed development and regarded the proposed 29 storey development as excessively high. They raised issues relating to high density development such as traffic congestion, insufficient parking, lack of open space, overshadowing, loss of privacy, wind tunnels and inadequate public transport.

Submitter 11 contended that the 29 storey development is “*totally inappropriate*” and said that it would be “*an eyesore and will loom into the backyards of many properties in the area, intruding into their privacy and amenity*”.

Conversely, Submitter 4 was generally in favour of the development but cautioned against “*building just another example of a 'Lego brick' tower*” and suggested a more “*sympathetic*” design to the existing tall buildings in the area.

(ii) Discussion

The proposed DPO provides for a building envelope with heights up to 29 storeys. The site is located in a precinct clearly earmarked for growth and development, particularly in relation to educational and medical institutions with high density residential (including student housing).

Council prefers a height limit of 15 storeys for this site, however, the Committee finds it has not provided a compelling case to explicitly say that 29 storeys is too high based on the built form impacts. The negative impacts on overshadowing, private and public amenity can be dealt with through the permit application and development plan approval processes.

Mr McGauran’s comments were not able to be tested as he did not appear as an independent expert.

If Council’s justification for 15 storeys is based on Amendment C175, then the Committee is cognisant that this has been tested and recommended for abandonment. The strategic policy context of the site must substantially inform the height and scale that can be reasonably accommodated on site. The Committee concludes there is compelling policy support for increased densities and high density development in this precinct.

The Committee agrees with the strong urban design evidence presented that preserving neighbourhood character while important, is not the sole dictating influence on this proposal. As long as built form and amenity impacts are mitigated in future planning processes, the Committee cannot see sufficient reason why 29 storeys is considered detrimental to an area so clearly earmarked for growth and high density development.

It was stated by Ms Roberts during the Hearing that taller built forms will always have an impact on wind. Her recommendation to Councils when considering taller built forms is to require wind tunnelling analysis. While beyond its remit in this matter, the Committee suggests that Council consider a precinct-wide wind study for approved and future developments in the Box Hill MAC.

(iii) Conclusion

Based on built form impacts being negated or managed, the Committee concludes that 29 storeys is appropriate for the Spring Street site when taking into account the net community benefit to be delivered through the land swap arrangement, strong state and local policy support, the heights are considered appropriate height.

4.4.2 Traffic and access

(i) Submissions and evidence

Submitters expressed concern regarding the likely traffic generation and demand for parking arising from the proposed development. For example, Submitter 4 raised concerns that *“the transport (both public and private) infrastructure is not keeping up with the extra population which will undoubtedly come over time”*. Similarly, Submitter 7 and 8 said that roads in the area are becoming increasingly congested due to insufficient parking for residents living in existing high rise towers.

(ii) Discussion

If this proposal were for 16-18 Spring Street alone, there would be difficulty in supporting the concept of two multi-storey towers at the dead end of a small back street. However, the inclusion of part of 853 Whitehorse Road, with its vehicular access to Nelson Road and pedestrian access to both Nelson and Whitehorse Roads, changes the setting significantly.

The Committee agrees that traffic and parking generation must be estimated and designed for as part of the development process. The Committee also notes that the site will continue to be covered by the Parking Overlay, and that uses which seek to minimise private car ownership and usage will be encouraged.

Having heard the submitters and visited the site and surrounding streets, the Committee would not be satisfied that the proposed development would be appropriate, if its only vehicular access were to be from Spring Street. Its width is only approximately 15 metres, with no space for a turning circle for goods vehicles at its southern termination. Spring Street leads in turn to Arnold Street, which is a little wider, but which is required to accommodate buses, ambulances and goods vehicles in addition to car traffic and parking. Arnold Street connects to Elgar Road at its western end and Nelson Road at its eastern end.

(iii) Conclusion

The Committee concludes it essential that the proposed DPO for the site provides for the creation of a new road⁹ along the northern boundary of 853 Whitehorse Road, connecting Spring Street (as extended) to Nelson Road. Whether this should be a private or public road is a detail for negotiation between the owner and the Council in its capacity as road authority. Whether this road, and Spring Street, should then become one-way or two-way is also a matter for detailed design. The Committee has added this requirement to its preferred DPO at Appendix C.

The Committee regards at-grade car parking in an MAC as a wasteful use of valuable land, and recommends that such parking as is necessary be provided in the basement or lower levels of the podium as far as possible.

⁹ Shown as ‘NEW LANE’ in SJB Urban’s Development Plan Rev 04, June 2017

4.4.3 Setbacks

(i) Submissions and evidence

The Development Plan establishes a built form envelope that includes no setback from the street for levels 1-4, and setbacks ranging from 3-12 metres for the levels above the podium.

The proposed podium and tower setbacks in the exhibited DPO are considered appropriate by the site owner because:

- The built form guidelines for Major Development Precinct F include to avoid front and side setbacks.
- The Structure Plan supports zero setbacks at ground level.

It was submitted by the site owner that in the absence of specific numerical guidance in either the Structure Plan or clause 22.07, the Development Plan incorporates a range of setbacks that allow for the equitable development of adjoining sites and for sufficient tower separation should those sites be similarly developed.

In relation to setbacks and the street wall, Ms Roberts suggested the inclusion of the following in the DPO:

- *A street wall of 4 storeys should be established with upper levels setback a minimum of 3 metres from Spring Street.*
- *Provide a setback of a minimum of 6 metres from the northern boundary to incorporate vehicle access to the site off Spring Street.*

Council was concerned with the upper level setbacks, site coverage and the interface with the public realm of the proposed development. Council submitted that the Structure Plan states that the amenity (including access to sunlight) of streetscapes are to be protected in this precinct. With no setback and a “*hard urban edge to the ground level*”, Council believed that heights over 4 storeys should be setback above the podium with ample spacing between upper levels of high rise to preserve access to sunlight and outlook.

Ms Roberts did not comment directly on whether the zero metre setback on the ground level was appropriate or not. Rather, she suggested the inclusion of requirements that refer to architectural quality and variety in the podium facade that ensure a fine grain and engaging street experience is achieved. She also suggested that the requirement for a 4 storey street wall to be established with a 3 metre setback for upper levels from Spring Street, be included in the DPO.

(ii) Discussion and conclusion

The Committee does not see an issue with the setbacks provided for in the DPO. In terms of addressing the ‘hard edge’, the Committee sees merit in the suggestions put forward by Ms Roberts that there are techniques that can be used to ensure a high quality street wall and street experience. The Committee concludes that these measures are included in its preferred DPO Schedule contained at Appendix C.

4.5 Recommendation

The Committee recommends:

For 16-18 Spring Street, Box Hill

A planning scheme amendment be prepared and approved to:

- **Rezone the subject site to the Mixed Use Zone as proposed**
- **Apply a Development Plan Overlay subject to the Committee's preferred changes at Appendix C.**

Appendix A: About the Government Land Standing Advisory Committee

The Fast Track Government Land Service is a 2015 initiative to deliver changes to planning provisions or correct planning scheme anomalies for land owned by the Victorian Government. The Government Land Standing Advisory Committee (the Committee) is appointed under Part 7, section 151 of the *Planning and Environment Act 1987* in July 2015.

The Minister for Planning approved revised Terms of Reference for the Committee in July 2017.

The purpose of the Committee is:

... to advise the Minister for Planning on the suitability of changes to planning provisions for land owned, proposed to be owned in the future, or to facilitate the delivery of priority projects by the Victorian Government.

The Committee consists of:

- Chair: Lester Townsend
- Deputy Chairs: Brett Davis and Mandy Elliott
- Members: Gordon Anderson, Alan Chuck, Jenny Fraser, Rachael O’Neill, John Ostroff, Tania Quick, Cazz Redding and Lynn Sweeney.

The Committee is assisted by Ms Emily To, Project Officer with Planning Panels Victoria.

The Committee’s Terms of Reference state:

25. *The Standing Advisory Committee must produce a written report for the Minister for Planning providing:*
 - *An assessment of the appropriateness of any changes of planning provisions, in light of the relevant planning scheme and State and Local Planning Policy Frameworks.*
 - *An assessment of whether the proposed planning provisions make proper use of the Victoria Planning Provisions and are prepared and presented in accordance with the Ministerial Direction on The Form and Content of Planning Schemes.*
 - *An assessment of whether planning scheme amendments could be prepared and adopted in relation to each of the proposals.*
 - *An assessment of submissions to the Standing Advisory Committee.*
 - *Any other relevant matters raised in the course of the Standing Advisory Committee Hearing.*
 - *A list of persons who made submissions considered by the Standing Advisory Committee.*
 - *A list of persons consulted or heard.*

Appendix B: List of Submitters

No.	Submitter
1	Wendy Thomas
2	Barbara Helen Vandersluys
3	Jocelyn McCallum
4	Philip Ennis Thomson
5	Epworth Eastern
6	Wendy Thomas
7	Elizabeth Anne Matheson
8	Eve Pakarinen
9	Philip Ennis Thomson
10	Colin McKenzie
11	Tanya Tescher
12	Margaret Chappell
13	Whitehorse City Council
14	Box Hill Institute (site owner)
15	Transport for Victoria

Appendix C: Committee preferred schedule to the DPO

SCHEDULE X TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

--/--
/20--

Shown on the planning scheme map as **DPOX**

C--

16-18 SPRING STREET, BOX HILL

1.0 Requirement before a permit is granted

--/--/20--
C--

A permit may be granted before a development plan has been approved for the following:

- Subdivision
- Minor buildings and works
- Removal or creation of easements or restrictions.

Before granting a permit, the responsible authority must be satisfied that the permit will not prejudice the preparation of a Development Plan and the future use and development of the land in an integrated manner.

2.0 Conditions and requirements for permits

--/--/20--
C--

None specified.

3.0 Requirements for development plan

--/--/20--
C--

The development plan must include the following ~~requirements~~:

- A site analysis that identifies ~~E~~existing conditions plan, showing surrounding land uses and development, adjoining roads and pedestrian links, public transport routes and social infrastructure.
- Concept plans for the layout and development of the site, which show:
 - 1.1 The siting and orientation of built form.
 - 1.2 The proposed uses of each building.
 - 1.3 Three dimensional building envelopes for new buildings, including indicative building heights, the separation distances between buildings and the setback from street frontages and adjoining properties.
 - 1.4 Shadow diagrams for the equinox (22 September / 22 March) based on the building envelopes and arrangements.
- Design Guidelines for the site, which reflect the following requirements:
 - 1.5 The building heights should not exceed 29 storeys in height and provide an appropriate graduation in height.
 - 1.6 [A street wall of 4 storeys should be established with upper levels setback a minimum of 3 metres from Spring Street.](#)
 - 1.7 [A setback of at least 6 metres from the northern boundary should be provided to incorporate vehicle access to the site off Spring Street.](#)
 - 1.8 [The development should include](#) a mixed use podium of 4 storeys, incorporating commercial and retail [and other active](#) uses at ground floor level and three levels of education facilities.
 - 1.9 All levels above the podium [should](#) ~~to~~ provide for residential development.
 - 1.10 Car parking should be obscured from the public realm.

- 1.11 Building services, including roof top services/elements should be screened [or relocated away](#) from the public realm.
- 1.12 Sustainable design principles [should be applied to](#) address water management, solar access and energy conservation.
- An indicative development schedule including the number, type and density of dwellings and the floor area of any proposed non-residential uses.
- A ~~traffic~~-transport plan and car parking plan, which provides:
 - 1.13 The existing capacity of the surrounding road network.
 - 1.14 An indication of roads, pedestrian, cyclist and vehicle access locations, including parking areas both internal and external to the site.
 - 1.15 An assessment of the impact of traffic and car parking generated by the use and development upon the surround road network.
 - 1.16 Car parking rates for all uses, including visitor car parking.
 - 1.17 The layout of accessways, car parking and loading areas.
 - 1.18 Separated areas for pedestrian movement throughout the site and linkages to the pedestrian network.
 - 1.19 The provision of convenient bicycle storage facilities.
- 1.20 [For the creation of a new road along the northern boundary of 853 Whitehorse Road, connecting Spring Street \(as extended\) to Nelson Road.](#)
- A landscape [and public realm](#) concept plan for the site.
- [A community infrastructure assessment to determine the impact of development on the demand for such facilities.](#)

Appendix D: Council preferred schedule to the DPO

Revised schedule to the DPO for 16-18 Spring Street based on Council officer comments

SCHEDULE X TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

--/--/20--
C--
Shown on the planning scheme map as **DPOX**

16-18 SPRING STREET BOX HILL

1.0 Requirement before a permit is granted

--/--/20--
C--
A permit may be granted, ~~for the following,~~ before a development plan has been approved ~~for:~~ ~~for the following:~~

- Subdivision
- Minor buildings and works
- Removal or creation of easements or restrictions.

Before granting a permit, the responsible authority must be satisfied that the permit will not prejudice the preparation of a Development Plan and the future use and development of the land in an integrated manner.

2.0 Conditions and requirements for permits

--/--/20--
C--
None specified.

3.0 Requirements for development plan

--/--/20--
C--
~~The A~~ development plan ~~must should include the following~~ show or provide for the following, to the satisfaction of the responsible authority: ~~requirements:~~

- A site analysis that identifies ~~E~~existing conditions plan, showing surrounding land uses and development, adjoining roads and pedestrian links, public transport routes and social infrastructure.
- Concept plans for the layout and development of the site, which show:
 - 1.1 The siting and orientation of built form.
 - 1.2 The proposed uses of each building.
 - 1.3 Three dimensional building envelopes for new buildings, including indicative building heights, the separation distances between buildings and the setback from street frontages and adjoining properties.
 - 1.4 Shadow diagrams for the equinox (22 September / 22 March) and for the winter solstice (22 June) based on the building envelopes and arrangements.
 - 1.5 A mix of uses above the podium, such as associated health and educational services, community facilities and services, offices, higher density residential including student housings and private recreation facilities that complement those available in public spaces.
- Design Guidelines for the site, which reflect the following requirements:
 - 1.6 The building heights should not exceed 15 storeys in height and provide an appropriate ~~graduation~~ transition in height to respect the scale of nearby properties.
 - 1.7 The building heights should not result in unreasonable overshadowing of key public spaces.
 - 1.8 A mixed use podium of 4 storeys, incorporating ~~commercial and~~ retail and other active uses at ground floor level and three levels of education facilities.

- 1.9 ~~All levels above the podium to provide for residential development.~~
- 1.10 Car parking should be obscured from the public realm.
- 1.11 Building services, including roof top services/elements should be screened or relocated away from the public realm.
- 1.12 Sustainable design principles to address water management, solar access and energy conservation.
- An indicative development schedule including the number, type, size and density of dwellings and the floor area of any proposed non-residential uses.
 - A ~~traffic transport~~ management plan and car parking plan, which provides:
 - 1.13 The existing capacity of the surrounding road network.
 - 1.14 An indication of roads, pedestrian, cyclist and vehicle access locations, including parking areas both internal and external to the site.
 - 1.15 An assessment of the impact of traffic and car parking generated by the use and development upon the surround road network.
 - 1.16 Car parking rates for all uses, including visitor car parking.
 - 1.17 The layout of accessways, car parking and loading areas.
 - 1.18 Separated areas for pedestrian movement throughout the site and linkages to the pedestrian network.
 - 1.19 The provision of convenient bicycle storage facilities.
 - A landscape and public realm concept plan for the site.
 - A community infrastructure assessment to determine the impact of development on the demand for such facilities.

Display of development plan

Before deciding whether to approve a development plan or a substantial amendment to an approved development plan, the responsible authority must first display the plan for public comment for a period of at least 14 days and must consider any comments received in response to display of the plan.

The responsible authority may approve a minor amendment to the Development Plan without the further requirement for a display period.

Appendix E: Document list

Documents Presented to Hearing (No.)	Description	Presented By
1	Submission folder	Box Hill Institute
2	Appendices of Amanda Roberts	Amanda Roberts
3	Submission of Council	Vanessa Mclean
4	Epworth Eastern submission	Epworth Eastern
5	Salvation Army Box Hill	Epworth Eastern
6	Special Use Zone and maps	Epworth Eastern
7	Submission	Eve Pakarinen