

WHITEHORSE PLANNING SCHEME, AMENDMENT C175

STATEMENT OF TOWN PLANNING EVIDENCE OF BRENDAN ROGERS

13 JULY 2017
MA10762
PREPARED FOR VICINITY CENTRES

URBIS

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

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Project Code	Ma10762
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INTRODUCTION

1. My name is Brendan Rogers and I am a Director of Urbis Pty Ltd which conducts its business at Level 12, 120 Collins Street, Melbourne. My qualifications and experience are described at **Appendix A**.
2. I have been requested by Norton Rose Fulbright on behalf of Vicinity Centres to prepare a town planning assessment of exhibited Amendment C175 to the Whitehorse Planning Scheme, particularly with respect to the planning implications on the 5.5ha of land that forms the Box Hill Central Shopping Centre (the subject site or 'Box Hill Central').
3. Amendment C175 applies to the area identified as the Box Hill Activity Centre and seeks to:
 - Implement the *Box Hill Metropolitan Activity Centre Built Form Guidelines* by introducing Design and Development Overlay (DDO) Schedule 6 into the Whitehorse Planning Scheme
 - Make the Built Form Guidelines a Reference Document to the Scheme
 - Rezone various sites within the Structure Plan area from Residential Growth Zone to Mixed Use Zone (does not impact on the Box Hill Shopping Centre site)
 - Make minor changes to Clause 21.07 (Economic Development) – primarily to reference the Built Form Guidelines;
 - Make minor changes to Clause 22.07 (Box Hill Metropolitan Activity Centre) – primarily to reference the Built Form Guidelines.
4. I note the Box Hill Central Shopping Centre site is not proposed to be rezoned as part of Amendment C175.
5. In the course of preparing this evidence I have inspected the subject site and its environs and have reviewed the proposed Amendment. In addition, I have read, amongst a range of background documents including the *Box Hill Transit City Activity Centre Structure Plan, June 2007* (the Structure Plan), the relevant amendment documentation, the Council officer report supporting the request for a Panel hearing and the submissions lodged on behalf of the land owner.
6. More broadly, I note that I have been involved as part of the work Urbis has undertaken since earlier this year in preliminary investigations concerning the site and its transit oriented development opportunities on behalf of Vicinity Centres. Its principal purpose is to provide an understanding of the strategic context of the Box Hill Activity Centre and Vicinity's land within it and the nature of further analysis required to inform detailed master planning. This work is in its infancy and is being supplemented by detailed transport, demographic and customer research.
7. My review of the Built Form Guidelines, and the State and Local policy framework, my understanding of the work to date for Vicinity Centres leads me to the conclusion the Amendment is premature insofar as it impacts the Box Hill Central land.
8. A summary of my opinions with respect to the Amendment as it applies to the subject land is as follows:
 - I consider the Amendment is premature as it relates to the Box Hill Central land as it would pre-empt the detailed strategic analysis that is required to realise the optimum transport oriented development opportunities. Any built form controls should follow the more detailed strategic analysis required for this site, some of which has commenced.
 - The Amendment fails to appropriately respond to the strategic opportunity of Box Hill as a Metropolitan Activity Centre
 - The Amendment is lacking in sufficient analysis regarding the appropriate scale of development across the Major Development Precinct and in particular the Box Hill Central land to justify the proposed preferred heights.

- The Amendment has not adequately considered the transit oriented development opportunities that metropolitan policy seeks to promote, particularly in regard to maximising the potential of such sites.
- The preferred heights proposed for the Metropolitan Activity Centre set an inappropriately low expectation for the scale and nature of development that should be explored, particularly on Box Hill Central's strategically located land.

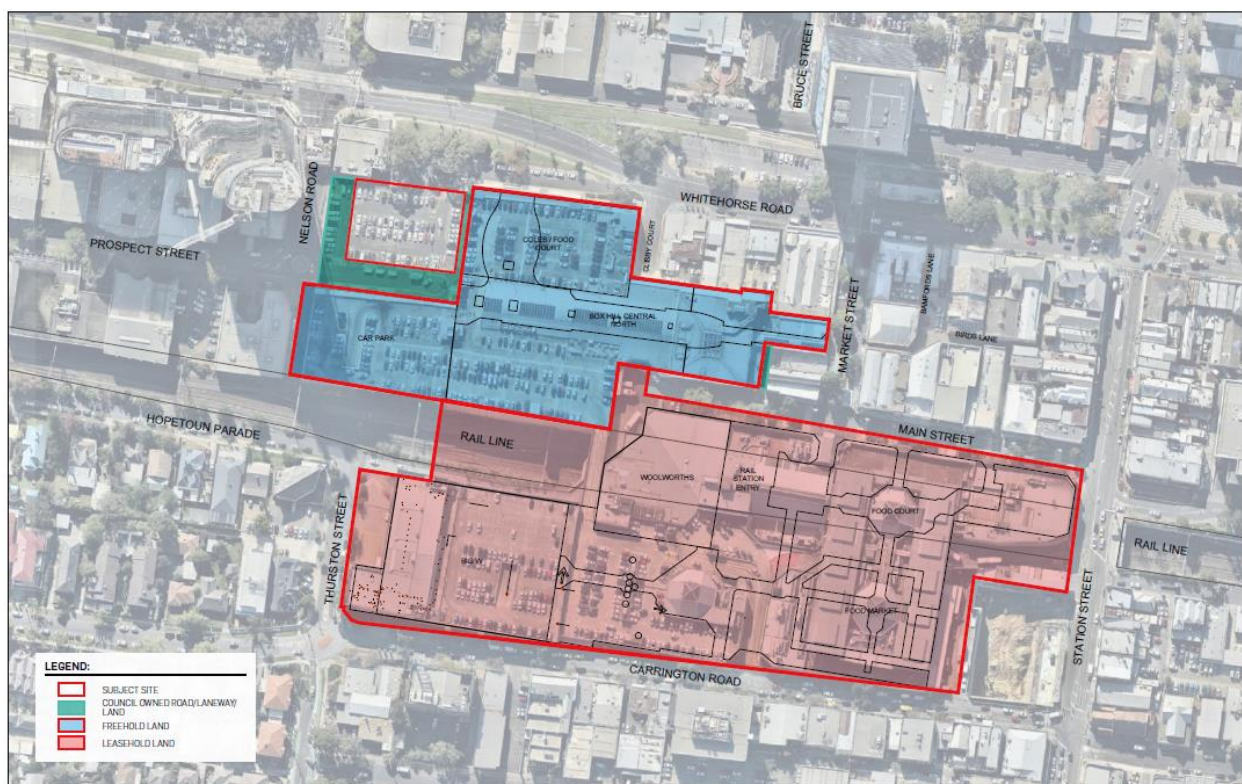
9. I declare that I have made all the enquiries that I believe are desirable and that no matters of significance which I regard as relevant have, to my knowledge, been withheld from the Panel.

1. SUBJECT SITES AND SURROUNDS

1.1. BOX HILL CENTRAL

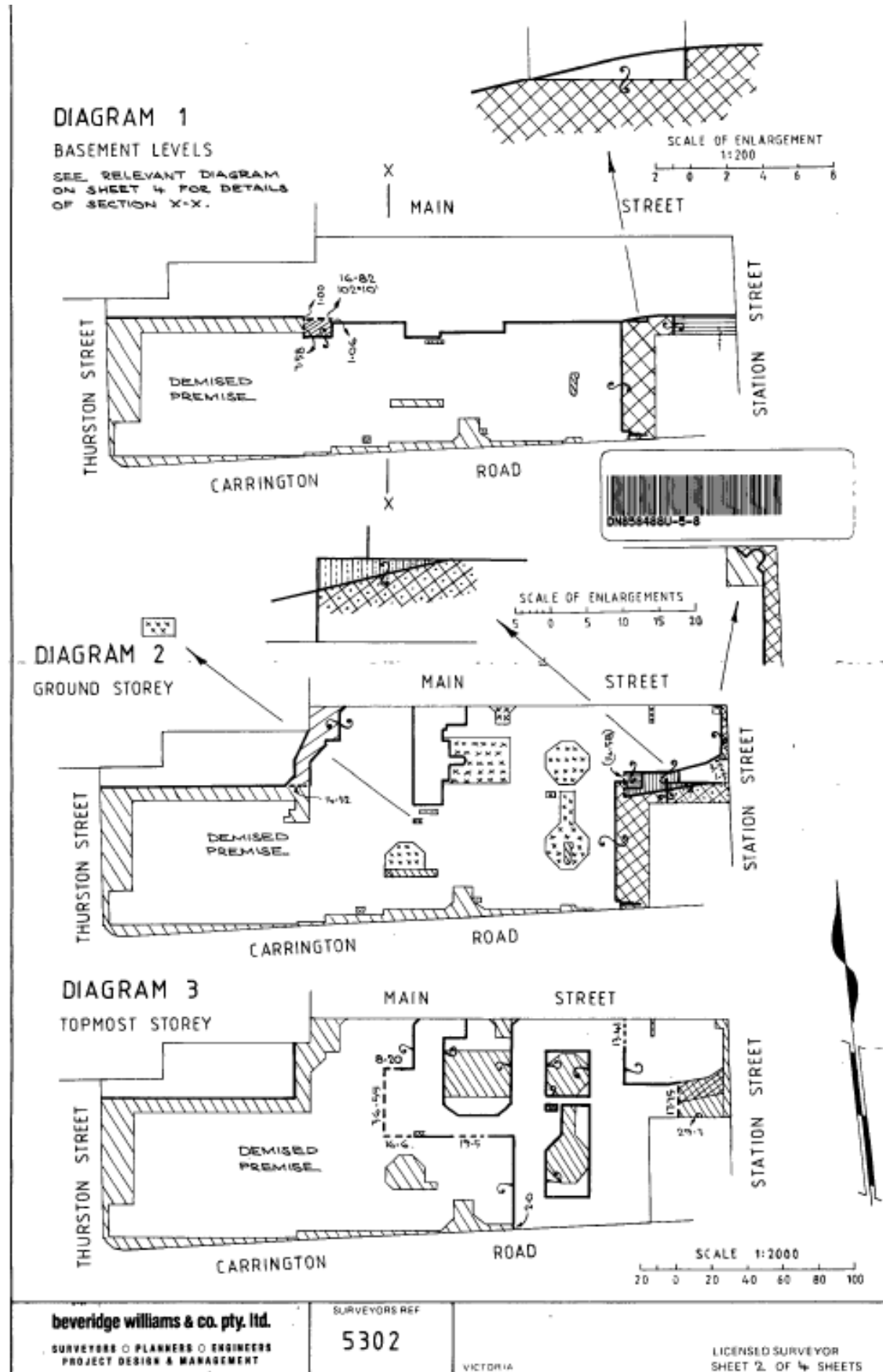
10. The Box Hill Central land includes two elements: Box Hill Central – North and Box Hill Central – South, which were originally developed as separate and competing retail centres. This land is central to the Activity Centre.
11. Taken together, the sites have an overall area of approximately 5.5 hectares, making it the largest potential development site within the Activity Centre.
12. As illustrated in Figure 1 the Box Hill Central Northern site is freehold land, owned by Vicinity Centres. The Box Hill Central Southern site is owned by VicTrack, with Vicinity Centres the leaseholder.

Figure 1 – Subject Sites



13. The Northern site opened in 1975 as Whitehorse Plaza. It was substantially redeveloped in early 2000s and reopened as Centro Box Hill. This site contains the smaller of the two centres and is anchored by a Coles supermarket and Harris Scarfe, supported by some 55+ specialty stores. This centre includes retail floorspace in the order of 14,600sq.m.
14. The northern site also includes at-grade and decked carparking. The centre has major customer pedestrian entries off Market Street and Prospect Street and secondary entries from Main Street and Whitehorse Road. The current presentation to Whitehorse Road is carparking and a 'blank wall' rather than an activated street edge. This Northern site is fully owned by Vicinity Centres.
15. The Southern site was developed as Box Hill Central and opened in 1987 (as part of a total redevelopment of the site including the transport interchange). It has evolved to be a single level sub-regional shopping centre anchored by a Big W Discount Department Store and Woolworths supermarket. It includes more than 100 specialty stores with a focus on fresh food. This centre includes retail floorspace in the order of 23,400sq.m.

Figure 2 – Extract from Title (showing nature of interchange /centre inter-relationship)



16. The site includes basement and above ground multi-deck carparking. The centre has major pedestrian entries off Main Street and Carrington Road. Whilst the Main Street presentation includes activation both visually and from a land use perspective, the centre's presentation to Carrington Road is largely blank walls with two pedestrian entries.
17. Of significance, this southern site is subject to a long-term lease agreement with VicTrack.
18. Any proposed redevelopment of the southern site is complex given the lease agreement and the way in which the transport infrastructure has been previously delivered. It is likely that the lease would need to be renegotiated to facilitate further development.
19. The Box Hill Station and railway tracks sit under the shopping centre building with pedestrian access through the centre. The station is on the Belgrave and Lilydale train lines and provides express services to and from the CBD in peak hours (20 min travel time).
20. The bus interchange sits above the shopping centre with pedestrian access also provided through the centre, although noting access directly from the bus interchange to the train station is not presently provided. The bus interchange is some 30 years old and there are a number of functional deficiencies. Despite this, Box Hill represents the busiest bus-passenger interchange in metropolitan Melbourne, served by 16 bus routes.
21. Given the inter-relationship of the bus interchange and train station to the retail centre it is apparent that there will need to be negotiations with a range of state and local agencies and key stakeholders before a masterplan can be developed, ahead of any planning proposal.
22. Realisation of the full development potential of the Box Hill Central land is likely require a total redevelopment of the transport interchange given its age and integration considerations.
23. I understand that Vicinity Centres is in the preliminary stages of its analysis to develop a Master Plan to inform:
 - the improved integration with the transport interchange and the broader activity centre, noting the considerations underway for a redevelopment of the interchange
 - the development options and potential of the Box Hill Central land as an integrated element of the broader activity centre.
24. In addition to the potential for expansion of the retail provision (with a focus on fresh food, food catering, convenience retail and retail services), consideration will need to be given to options for a range of other land uses which may include commercial offices, high density residential towers, entertainment and mixed use.
25. The VicTrack submission confirmed that the Box Hill Central site is encumbered by transport infrastructure that will take significant levels of investment to improve. Further the VicTrack submission recognises the potential of a Transit Oriented Development (TOD) design solution for the site, and the need for a precinct wide master planning exercise, which VicTrack would be happy to participate in. The existing transport interchange is 30 years old and in my view, is clearly in need of significant investment, likely to involve a major redevelopment.
26. I also note that in response recent growth in commercial and residential land use and with this expected to continue, the Victorian Government has sought to explore options for improving and upgrading the Box Hill bus interchange.
27. A Ministerial Advisory Group (MAG) has been established to provide recommendations to the Minister for Public Transport on options for the interchange. The MAG has provided its recommendations to the Minister for Public Transport for consideration but these are not publicly available at this time. Until the Minister confirms the likely preferred options for the redevelopment of the interchange there is some uncertainty around the ability to masterplan with confidence.

28. Any future master plan for the interchange and the Box Hill Central land will require detailed input and engagement with multiple public and private stakeholders with numerous inter-related considerations and as such will be a complex process.

1.2. SURROUNDING AREA

29. The immediate surrounding area can be described as follows:
- To the north is Whitehorse Road (Maroondah Highway) which widens in this location to provide a central reservation that contains the No. 109 tram route, public open space, a cafe and car parking. On the opposite side of Whitehorse Road is a mix of predominantly commercial buildings that includes low rise office buildings, a motor repair premises and more recent high-rise office development. Of note are the following:
 - ATO building at 913 Whitehorse Road (20 storeys).
 - Department of Human Services office building at 883 Whitehorse Road (four storeys).
 - Immediately adjacent the northern site is Market Street. This pedestrianised street provides a north-south link between Whitehorse Road and the southern Box Hill Central Site.
 - To the east, between Market Street and Station Street is predominantly shops, restaurants and commercial uses (banks) of traditional low-rise character (1-2 storeys). The eastern side of Station Street, to the north and south side of the railway, is also largely 1-2 storeys in height and predominantly comprises restaurant uses.
 - To the west of the north portion of the site is predominantly office development of 2-4 storeys in height. To the north east, 'Whitehorse Towers' development is under construction for a part 36 and part 26 storey mixed use development.
 - The two Box Hill Central sites are physically separated with Main Street, a partially pedestrianised street running east-west from Station Street marking the alignment of the boundary between the two. Whilst a pedestrian space in the east, Main Street links to the loading and back of house areas servicing the shopping centres at its western end.
 - To the south-east of the broader site, at the corner of Station Street and Carrington Road is the 'Sky One' development under construction for a 36-storey mixed use development.
 - To the south, on the opposite side of Carrington Road, are largely restaurant uses in single and double storey buildings. A four-storey office building is located centrally along the Carrington Road interface.
 - To the south and west of the railway line is a residential area of predominantly single and double storey dwellings.
30. More broadly, the Box Hill Central site sits centrally to the Box Hill Metropolitan Activity Centre. Figure 3 indicates the location of Box Hill Central relative to the Activity Centre boundary as identified in the Structure Plan. This local context map illustrates the key land uses including the hospital precinct (Box Hill Public Hospital and Epworth Eastern) and the Box Hill Institute's numerous buildings (Whitehorse Road and Elgar Road). The activity centre also accommodates ancillary specialist consulting rooms and a range of health care related businesses, that continue to expand.
31. Other land uses in the precinct include commercial office floorspace, particularly centred around Prospect Street and Whitehorse Road.
32. The local context map also illustrates the proximity of the Vicinity site to major parklands in the Box Hill Gardens and Kingsley Gardens.
33. Figure 4 provides a summary of recent developments in Box Hill illustrating developments that have been recently constructed, approved or are under planning assessment. This figure illustrates significant new tower development (commercial and residential) of heights up to 37 storeys.

- 34. The substantive change that has commenced in both built form and land use within the Activity Centre, is a clear response to current market demand, with developers identifying larger sites accessible from the existing road network within the Activity Centre. None of these sites are anywhere near the scale or complexity of the Box Hill Central land.

Figure 3 – Local Context Map

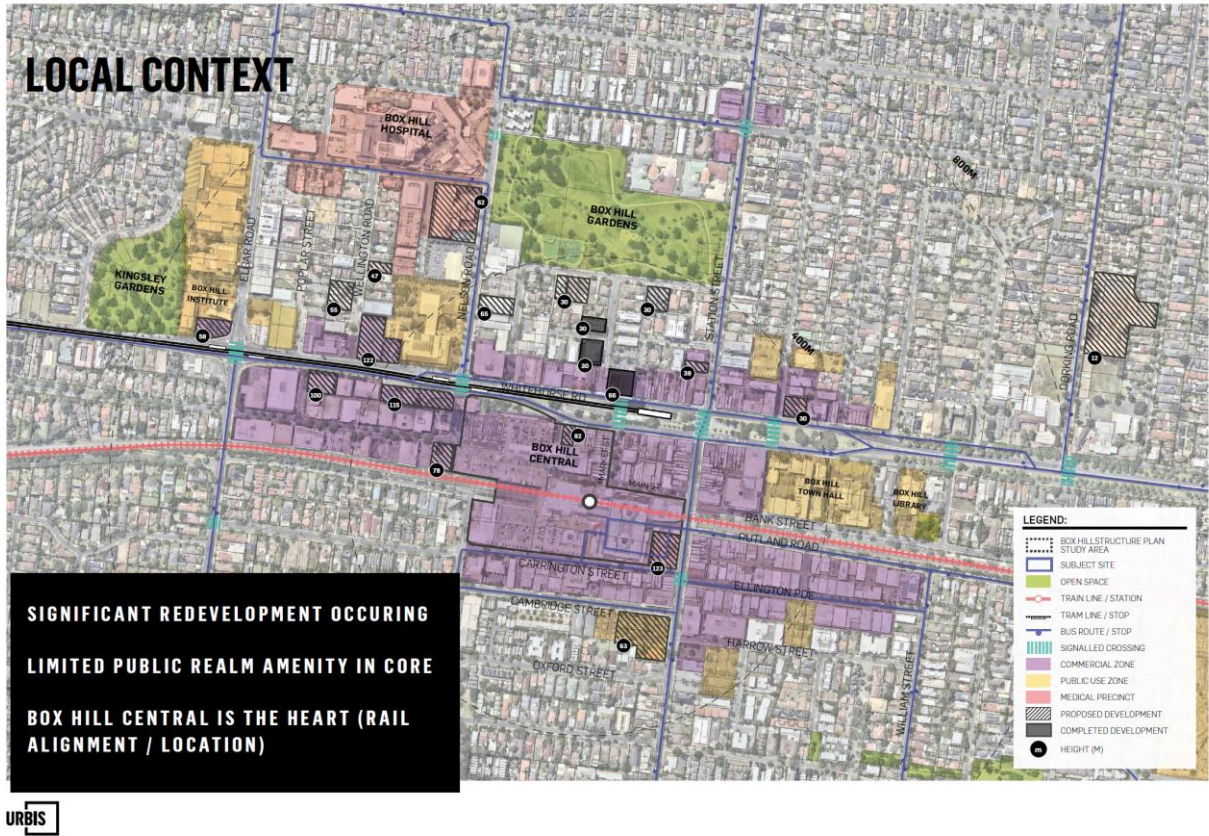


Figure 4 – Local Redevelopment (Plan showing approvals and heights)



2. BOX HILL STRATEGIC POLICY CONTEXT

2.1. METROPOLITAN STRATEGY

35. Box Hill has consistently been identified in planning policy as a key activity centre that is envisaged to undergo significant change, given its excellent public transport accessibility, existing public infrastructure, wide range of services and facilities and retail and commercial uses. It is strategically located on the Melbourne to Lilydale/Belgrave rail lines and has a multi-modal interchange with the 109 tram route, which services a spine of economic activity extending through the eastern suburbs, and a bus interchange is located above the train station.
36. In the early 1980s, the 'Metropolitan Strategy Implementation' document (1981) encouraged metropolitan containment and sought to concentrate housing, transport, employment and community facilities at highly accessible points (adjacent to train stations), through concentrating new growth into 14 suburban (district) activity centres, including Box Hill. This District Centre Policy was implemented through Amendment 150 to the Planning Scheme and the creation of a new District Centre Zone.
37. In the late 1980s the current rail and bus interchange was developed in conjunction with the Box Hill Central Shopping Centre's southern site.
38. In the 1990s, District Centre Policy was further developed in the 'Cities in the Suburbs: The District Policy for the 1990s' (1992) but not fully implemented due to a change in Government. The Kennett Government released in 1995 the 'Living Suburbs' which considered the elements needed for sustainable long-term economic growth. Box Hill was identified as a Major Mixed Use Activity Centre in this document where new development and the provision of a range of activities, services and employment opportunities were encouraged.
39. The 'Melbourne 2030' metropolitan strategy, released in 2002, provided a 30-year plan to manage growth and change across Melbourne to accommodate up to 620,000 extra households. The key direction of Melbourne 2030 was to create a 'more compact city' through focussing new development and major change to activity centres which will accommodate a significant amount of new housing, services and facilities. Box Hill was identified as a Principal Activity Centre (PAC), second only in the activity centre hierarchy to Melbourne Central Activities Area. PACs were identified as areas for substantial change with a focus for high density development and a mix of uses. Box Hill was also identified as one of nine 'transit cities' under the Government's Transit Cities program which aimed to revitalise metropolitan and regional centres and accommodate significant urban population growth and diverse housing choices close to public transport, shops, services and job opportunities.
40. 'Melbourne @ 5 Million', released in 2008, provided an update to 'Melbourne 2030' having regard to the revised growth projection figures provided in 'Victoria in Future 2008', which estimated a need for an additional 600,000 dwellings over the next 20 years (until 2028) of which 316,000 dwellings anticipated to be in Melbourne's established areas. A key change proposed in Melbourne @ 5 million was the move to a 'multi-centre city', i.e. moving from a strong central city and a widespread network of activity centres to a number of CBD-like centres. Box Hill was identified as one of six new 'Central Activities Districts' which will provide:
 - *'similar services and functions to central Melbourne, such as commercial, retail, highly specialised personal services, entertainment, education, government and tourism;*
 - *significant employment concentrations;*
 - *high quality, well designed, living and working urban environments.'*

41. The importance of Box Hill has been further strengthened in Plan Melbourne (2017) which identifies it as one of nine Metropolitan Activities Centres (MACs) and one of only two MACs in the Eastern Sub-region. MACs are identified as places of State Significance that will be the focus for investment and growth and have the following purpose:
- *'To provide a diverse range of jobs, activities and housing for regional catchments that are well served by public transport.'*
 - *'To play a major service delivery role, including government, health, education services, as well as retail and commercial opportunities.'*
42. Plan Melbourne recognises the state significant role Box Hill plays in providing both public and private health care facilities. Box Hill Hospital and Epworth Box Hill service the majority of the middle eastern suburbs. The public hospital has undergone significant upgrade and expansion in recent years and now provides some 620 beds and admits more than 48,000 patients per annum.
43. Complementary to the public hospital offer, Epworth Eastern provides private hospital and medical consulting. This unique colocation of public and private hospitals allows even greater growth of Box Hill as a health cluster.
44. Box Hill is recognised as a state significant education precinct given the role of the Box Hill Institute. Box Hill Institute has three campuses in Box Hill and provides both higher education and vocational training to some 37,000 students annually. Box Hill Institute offers over 1400 courses and promotes educational opportunities for international students.
45. The MAC also has a growing office development component, most notably including the recent development of the Australian Tax Office building.
46. The locational attributes, easy public transport accessibility, and existing health and education infrastructure uniquely positions Box Hill as a strategically important activity centre which can provide a diversity and quantum of land uses that support the role and function of the Box Hill MAC. Box Hill also plays a major service delivery role and provides job opportunities for the eastern suburbs of Melbourne that is easily accessible by train, tram and bus. This supports one of Plan Melbourne's key aims of creating a '20 minute neighbourhood'.
47. Box Hill has the ability to create a true mixed-use centre and the Box Hill Central land is a strategic parcel at the heart of the Activity Centre, fully integrated with the major transport infrastructure.
48. At the State Level, locations that are highly accessible to the community represent opportunities for consolidation, redevelopment and intensification of existing urban areas (Clause 11.02). Specifically, policies seek to build up activity centres and encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into these centres to provide a variety of land uses (Clause 11.03).
49. Plan Melbourne objectives and strategies are reflected in policies under Clause 11.06. Of particular note are the following:
- Clause 11.06-1 'Jobs and Investment' which includes the strategy to:
 - Support the development and growth of Metropolitan Activity Centres by ensuring they:
 - are able to accommodate significant growth for a broad range of land uses.
 - are supported with appropriate infrastructure.
 - provide high levels of amenity.
 - are hubs for public transport services and offer good connectivity for a regional catchment

- Clause 11.06-2 'Housing Choice' which includes the following strategies:
 - Facilitate increased housing in the established areas to create a city of 20 minute neighbourhoods close to existing services, jobs and public transport.
 - Deliver more housing closer to jobs and public transport.
- Clause 11.06-3 'Integrated transport' seeks to provide for increased density of development, particularly around transport nodes, to support the viability of services (amongst other strategies).
- Clause 11.06-5 'Neighbourhoods' which includes the following:
 - Create a city of 20 minute neighbourhoods, that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip of their home.
 - Create mixed-use neighbourhoods at varying densities that offer more choice in housing, create opportunities for local businesses and jobs and deliver better access to services and facilities.
- There is a strong emphasis in Plan Melbourne on integrating land use and development with the transport system and optimising the use of existing public transport infrastructure. In particular, Action 16 seeks to identify and plan a pipeline of transit oriented development and urban renewal opportunities.

50. Other relevant strategic directions in the State Planning Policy Framework include:

- Clause 10 outlines the operation and purpose of the State Planning Policy Framework, seeking that the "*objectives of planning in Victoria are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development*". The most relevant objectives are as follows:
 - (a) *To provide for the fair, orderly, economic and sustainable use, and development of land.*
 - (b) *To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity*
 - (c) *To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.*
 - (e) *To protect public utilities and other facilities for the benefit of the community.*
 - (f) *To facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e).*
 - (g) *To balance the present and future interests of all Victorians*".
- Clause 10.04 addresses 'Integrated Decision Making' emphasising the need for planning and responsible authorities, in their decision making, to balance the various needs and expectations of society, and conflicting objectives of the Planning Scheme in favour of net community benefit and sustainable development for the benefit of present and future generations.
- Clause 11 'Settlement' recognises the need for planning, as far as practicable, to contribute towards health and safety, a high standard of urban design and amenity, and land use and transport integration. The policy also notes that in planning for urban growth, opportunities for the redevelopment and intensification of existing urban areas should be encouraged.
- Clause 15 relates to 'Built Environment and Heritage' and seeks urban design outcomes that contribute positively to local neighbourhood character and enhance the public realm while minimising unreasonable impacts on neighbouring properties.

- Clause 16 promotes a responsive housing market which meets with the community's needs. New housing is to be located within or close to activity centres and in urban renewal precincts that offer good access to jobs, services and transport.
 - Clause 17 seeks to encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.
 - Clause 18 relates to 'Transport'. Clause 18.01-1, Land Use and Transport Planning seeks "*to create a safe and sustainable transport system by integrating land-use and transport*". Further, the policy specifically seeks '*To facilitate greater use of public transport and promote increased development close to high-quality public transport routes in Metropolitan Melbourne*'.
51. From a strategic point of view, I note that the Residential Zone reforms in 2014 and the recent review of these zones has imposed stricter controls on new development in residential areas and has therefore placed even greater emphasis on activity centres having to accommodate new housing to meet the anticipated demand.
52. From a strategic policy sense, Box Hill has the impetus to continue to leverage greater development densities against its backdrop of key infrastructure such as the multi-faceted transport, the hospitals and Box Hill Institute.

2.2. LOCAL PLANNING CONTEXT

53. At the local level, Box Hill is recognised in the Whitehorse Local Planning Policy Framework (LPPF) as being of key importance to the Eastern region of Melbourne (Clause 21.01). A key economic development objective is to '*develop the Box Hill Metropolitan Activity Centre as the major focus for retail, commercial, health, transport, education and entertainment facilities in Melbourne's east*' (Clause 21.07).
54. Clause 21.06 'Housing' encourages higher density residential growth within 'substantial change' areas, which includes activity centres. Clause 21.07 'Economic Development' supports Box Hill's MAC designation which provides significant opportunities for investment and development across a range of uses, and states that 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.*'
55. Following on from the strong direction of building up activity centres in Melbourne 2030 and Transit City Program, Council prepared the *Box Hill Transit City Activity Centre Structure Plan* which was adopted in 2007 and is a reference document in the Planning Scheme. The Box Hill Central site is located in Activity Precinct A 'Box Hill Transport & Retail Precinct' and the Built Form Precinct F 'Major Development Precinct' where '*Taller building 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.*' (Refer Figure 5).
56. Key elements of relevance for this precinct in the Structure Plan are as follows:
- Precinct F expected to undergo the most significant change seeking 'significantly increased land use densities close to the railway station and in the area between the station, hospitals and TAFE'.
 - There are no specific building heights in the Structure Plan for the relevant precinct
 - Substantial increase in density is promoted to achieve broad objectives.
 - Performance objectives provided in terms of avoiding unreasonable overshadowing of public spaces and residential areas.
 - Provide transitional heights to low-rise development in adjoining precinct.

- Avoidance of front and side setbacks.
- Podium and tower form of development sought.

57. I note that the Structure Plan is 10 years old and the broader planning considerations for the future of the Activity Centre have not been reviewed as part of the current Amendment process. I question this given the evolution of metropolitan planning policy and urban development that has occurred since the Structure Plan was adopted (See Table 1 in Appendix B).

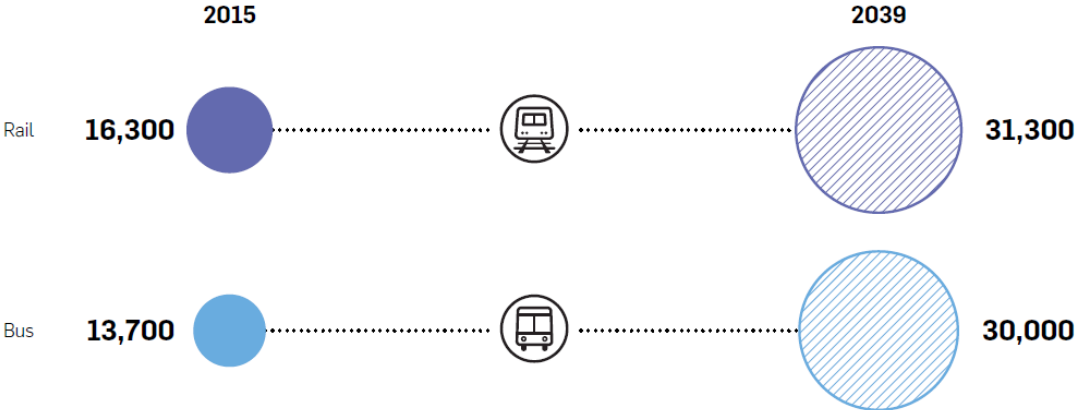
Figure 5 – Structure Plan Built Form Precincts



- 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.

58. Another reference document of note is the City of Whitehorse Retail Strategy Review which was released in 2010 and provides a market analysis of retail floor space demand and policy recommendations. This Review identified that the *'Box Hill Centre is the largest CAD outside of the Melbourne CBD and functions as a successful retail, commercial, health and education centre. It is one of the largest transport hubs, acting as a gateway for the eastern suburbs, and provides an activity centre which meets the core needs of those in surrounding areas and lessens the need to travel to the CBD for these activities.'* The Review gives support for increased retail floorspace at Box Hill stating:
- *'The Box Hill CAD should expand in line with market need and any endorsed centre structure plan.'*
 - *'Council should consider how expansions at the existing centre will assist in the achievement of employment growth in Whitehorse'*
 - *'There should be no retail floorspace or commercial floorspace cap at this level of the hierarchy'*
 - *'Any expansion in retail floorspace by Centro should be supported given the centres co-location to the PPTN and employment.'*
59. Clause 22.07 'Box Hill Metropolitan Activity Centre' set out policy objectives and directives based largely on the Box Hill Structure Plan and Retail Strategy Review. Of key relevance are the following objectives:
- *'To ensure that the Box Hill Metropolitan Activity Centre can continue to expand in line with market demand.'*
 - *'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, encourage use of sustainable transport and complement surrounding areas.'*
 - *'To ensure that development and use in the Box Hill Transport and Retail Precinct are appropriate to its role and function as a regional transport interchange for rail, bus, tram and taxi services.'*
60. In recent years Whitehorse Council has actively lobbied for government funding to upgrade the transport facilities and have funded several studies to assist their advocacy. Despite poor amenity for customers, I am aware the bus interchange has a level of utilisation approximately double that of any other across the metropolitan network.
61. Work completed in December 2015 by Hale Consulting on behalf of Whitehouse Council forecasts use of the bus/train interchange doubling by 2039 (refer Figure 6 below).

Figure 6 – Predicted Increase in Public Transport Usage at Box Hill Interchange



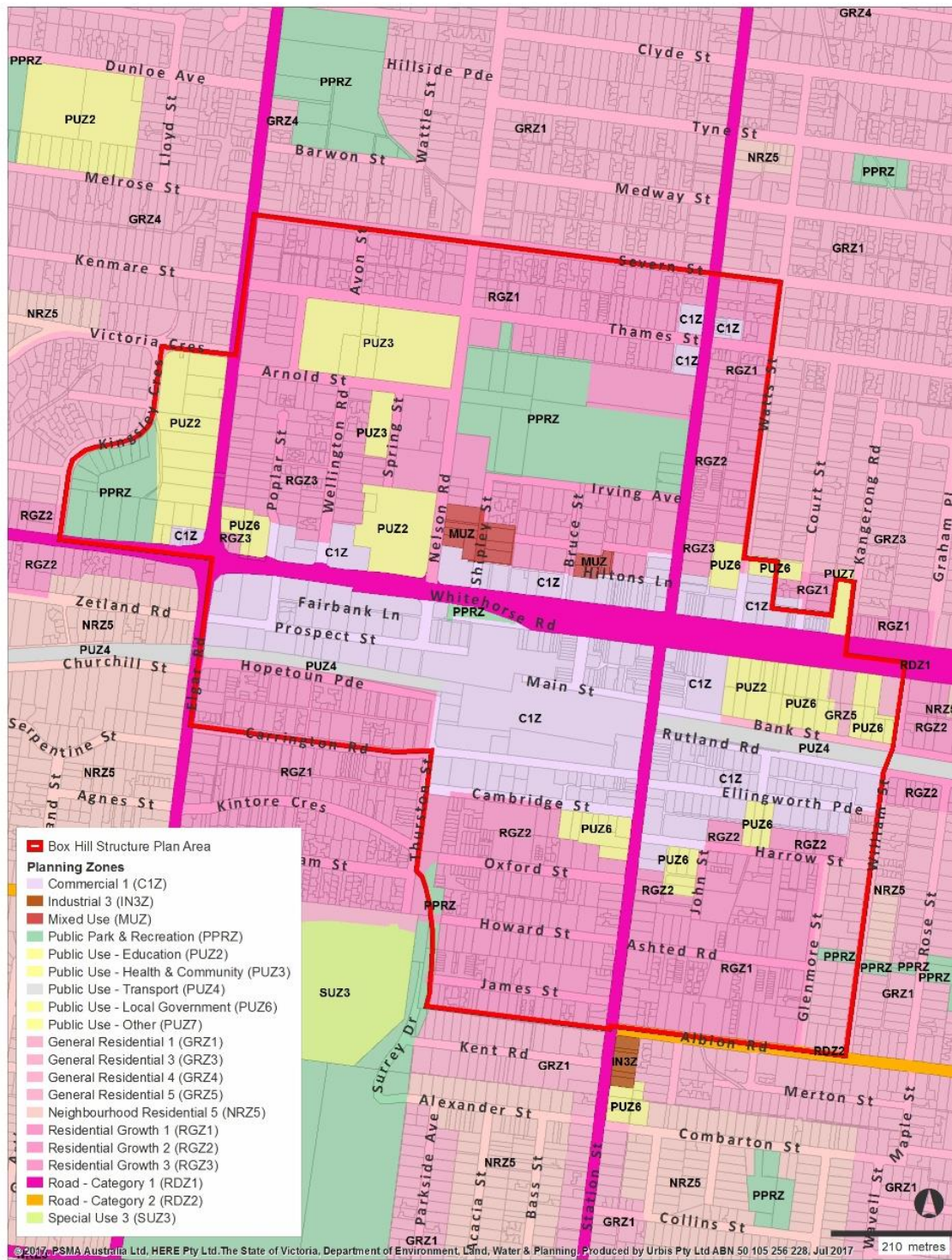
Source: *Building a Better Box Hill, Technical Report*, December 2015 Hale Consulting Forecasts

2.3. PLANNING CONTROL CONTEXT

- 62. The entirety of the Vicinity interests (both sites) are located in the Commercial 1 Zone which has the purposes:
 - *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
 - *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
 - *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

- 63. The site is affected by the Parking Overlay which reduces the parking requirements of Clause 52.06 for dwellings and office use.

Figure 7 – Zoning Plan



BOX HILL STRUCTURE PLAN AREA PLANNING ZONES

3. C175 AMENDMENT PROPOSAL

64. Amendment C175 applies to the Box Hill Metropolitan Activity Centre and is put forward as proposing to give effect to the Box Hill Transit City Structure Plan (2007) and the Box Hill Metropolitan Activity Centre Built Form Guidelines (2016).
65. The Amendment seeks to rezone land to the Mixed Use Zone and Commercial 1 Zone – however the rezoning aspects of the amendment do not impact the Box Hill Central land interests and have not been considered in detail in this evidence statement.

Clause 21.07 Economic Development

66. Amendment C175 makes minor changes to Clause 21.07 primarily including references to the Built Form Guidelines and making them a Reference Document in the Whitehorse Planning Scheme.

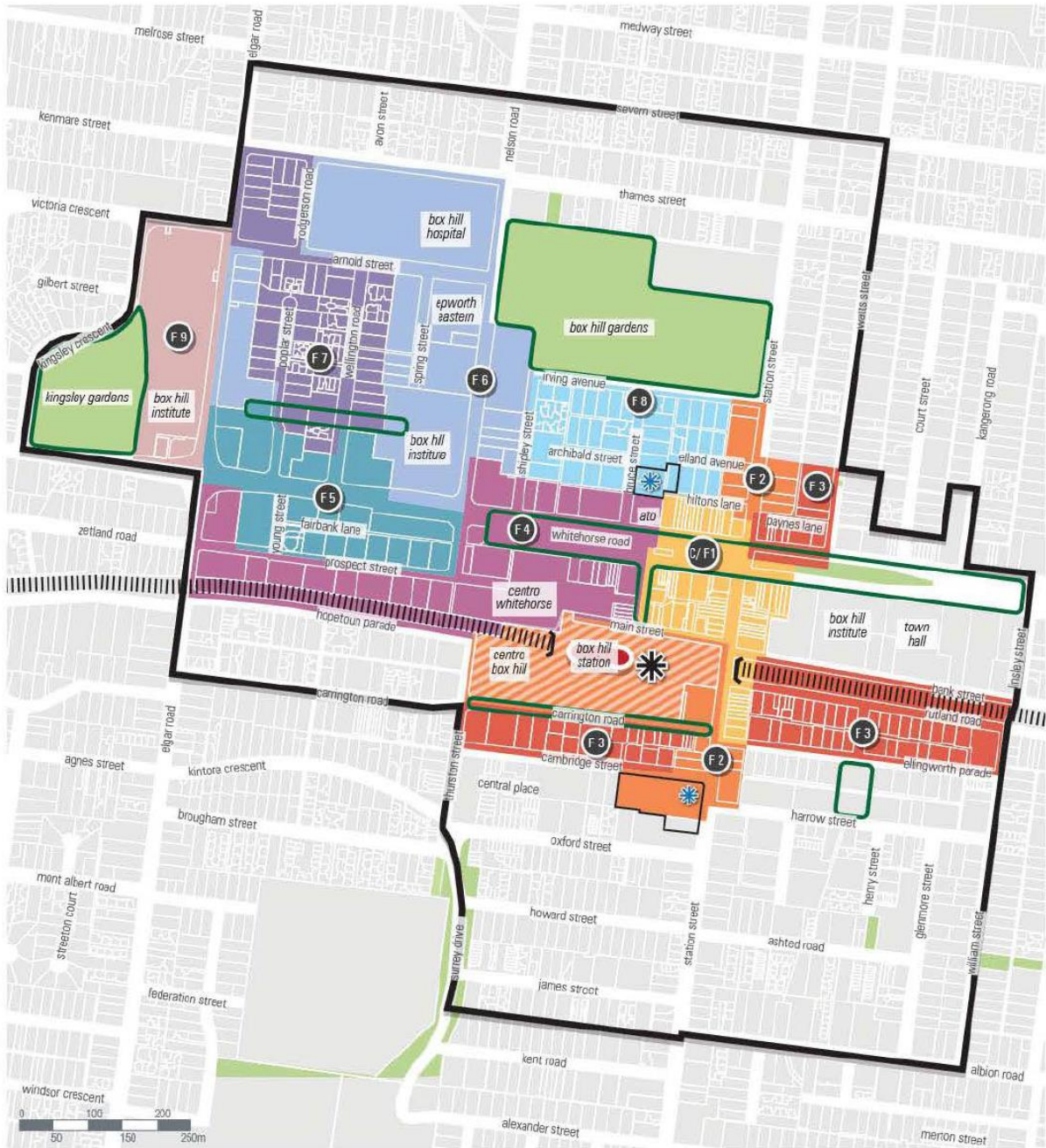
Clause 22.07 Box Hill Metropolitan Activity Centre

67. As with the Clause above, Amendment C175 makes only minor changes to Clause 22.07 primarily including references to the Built Form Guidelines and making them a Reference Document in the Whitehorse Planning Scheme.

Clause 43.02 Design and Development Overlay

68. In contrast to the minor changes to the LPPF, the proposed DDO Schedule 6, Box Hill Activity Centre Built Form Guidelines is a new Design and Development Overlay to the scheme.
69. The DDO references the Structure Plan Built Form Precincts (previously illustrated at Figure 5), but creates a series of sub-precincts.
70. The Box Hill Central sites are both in Precinct F4 (Northern Site) and Precinct F2 (Southern Site).
71. I note that the southern site is identified as a 'Strategic Development Site' and is the only site given this nomination in the exhibition version of the Guidelines. It is not clear from the DDO or the Guidelines on what basis the site was given this designation, nor what the implications of this designation may be.
72. In my view, there is clearly significant merit in the southern site being identified as a strategic redevelopment site given its location relative to the transport hub and the opportunity for growth given its sheer size. However, I consider that this 'strategic development site' designation should also be extended to the northern site. I consider the two parcels should be considered in totality.
73. Two Council owned sites (Bruce Street Carpark and Cambridge Street Carpark) are shown to be within a precinct but have been excluded from the DDO requirements through a designation that *'proposed development subject to separate design brief for built form and urban design'*.
74. I understand the Cambridge Street site is subject of a separate planning scheme amendment (C194) which seeks to rezone the land and apply an Incorporated Document.
75. The DDO sets out:
- Design Objectives and Buildings and Works requirements with respect to Street frontages, Weather protection, awning and verandahs, architecture and building articulation, pedestrian access, vehicle access, building depths, building separation, overshadowing, landscaping and view lines.
 - Minimum area and dimensions for lightwells that vary based on building heights
 - Preferred Maximum Building Heights
 - Minimum setbacks from side and rear boundaries

Figure 8 – DDO6 Sub-Precincts



legend

structure plan study area		precinct F-3		precinct F-8		proposed development subject to separate design brief for built form and urban design	
railway line		precinct F-4		precinct F-9			
railway station		precinct F-5		existing open space			
precinct C/ F-1		precinct F-6		key open space / link			
precinct F-2		precinct F-7		strategic development site			

- Minimum setbacks from buildings within the site
 - Decision Guidelines that also reference the Structure Plan
76. This Clause contains general building design requirements which apply to all precincts (including the subject sites) as well as sub-precinct specific requirements.
77. Under DDO6, the preferred maximum building heights for the Vicinity sites are:
- Southern Site (F2) up to 15 storeys
 - Northern Site (F4) up to 20 storeys.
78. I note that a permit can be issued for heights above these preferred heights.

Box Hill Metropolitan Activity Centre Built Form Guidelines

79. The Box Hill Metropolitan Activity Centre Built Form Guidelines propose to
- ‘consider the overall urban structure and appropriate built form controls that can work in tandem with the trajectory of emerging development with the Box Hill Metropolitan Activity Centre. In the absence of any existing statutory height limit or an overall documented vision for future urban form (of Precinct F in particular), the Guidelines seek to make recommendations on development scale and typology for each sub-precinct within the study area’.*
80. The document also suggests:
- In addition, the scope of this report broadly analyses the extent of maximum development capacity of the Study Area. Therefore, considering the ‘high level’ nature of these Guidelines, additional ‘fine grain’ analyses will be necessary to consider requirements for soft/hard infrastructure capacity and public realm improvements in the longer term which will result from future development.*
81. The Built Form Guidelines also state they do not seek to deviate from the Structure Plan’s vision for Box Hill *“to be the most significant urban centre in Melbourne’s eastern suburbs”.*
82. The Guidelines provide more detail on the objectives for Sub-precincts and provide detailed preferred maximum heights, streetwall heights and setbacks. However, in my opinion there is a lack of strategic justification in the guidelines, nor is there any explanation as to how the preferred heights for each precinct were determined.
83. In addition to the lack of detail around the methodology to determine the preferred heights, there is no real guidance where the guidelines suggest some flexibility with respect to height outcomes. This is noted in the discussion around Precinct F2 (southern site) where the built form response indicates:
- *100% site coverage*
 - *Additional building height is possible on sites which are greater than 1,500sq.m subject to positive contribution to its local context*
 - *A plot-ratio approach to support greater development scale is applicable on Strategic Development Site (to be determined) subject to positive contribution to its local context.*

4. PLANNING ASSESSMENT

4.1. OVERVIEW

84. Based on my assessment of the proposed Amendment and the strategic policy context which the Amendment purports to implement, I consider:
- The Amendment proposes policy and control changes that are not supported by strategic policy
 - There is a lack of strategic basis for the preferred height controls proposed by DDO6 as it applies to the Box Hill Central land.
 - The planning tools proposed are premature for Box Hill Central land given the extent of analysis and review required to appropriately inform the future development of this land, particularly given its relationship to the transport interchange.
85. There are strategic planning exercises underway for the Box Hill Central land and the Transport Interchange that are at an early stage. Given the complexities of this precinct, the findings of this work are essential to properly inform decision making in regard to the appropriate scale and density, key linkages and integration considerations of future development of this strategically located land. In the absence of this important analysis, I consider the establishment of preferred height controls for the Box Hill Central land to be premature and inappropriate.
86. As Melbourne grows to a city of over 8 million people the Box Hill Metropolitan Activity Centre will need to provide a broad range of high quality services and facilities, accommodate significant employment and high density residential as well as a range of public realm and open spaces areas that provide focal points for the community.
87. In my view, the centrally located Box Hill Central land is a key resource for future major development potential in-conjunction with a redeveloped multi-modal transport interchange. However, Amendment C175 proposes changes that in my view will inhibit Box Hill realising its potential as a Metropolitan Activity Centre.

Strategic Justification

88. The Box Hill Activity Centre has the underlying attributes including location and existing infrastructure, to evolve into a vibrant mixed-use centre of the future that can leverage transit oriented development, and the major health and education facilities at the centre. This is the expectation of Plan Melbourne in designating it as a Metropolitan Activity Centre.
89. Successive planning policies since the early 1980s have identified Box Hill as one of a handful of centres identified over time as a 'district centre', 'transit city', Principal and Metropolitan Activity Centre – locations where government has set clear metropolitan policy in support of high density development across a broad range of land uses.
90. Of the current MACs, Box Hill is demonstrating the greatest interest from the private sector. It is in this context that I do not consider that the Amendment as exhibited appropriately '*implements the Objectives of Planning in Victoria*'. In particular, I do not believe the Amendment appropriately responds to the following objectives:
- a) *To provide for the fair, orderly, economic and sustainable use and development of land;*
 - e) *To balance the present and future interests of all Victorians*
91. It is my view that the proposed amendment does not provide for the economic and sustainable use and development of land in this state significant MAC location, particularly considering the future interests of Metropolitan Melbourne.
92. No economic assessment has been undertaken to quantify what the introduction of height limits may do to development opportunities. Whilst the Explanatory Report suggests the amendment will assist

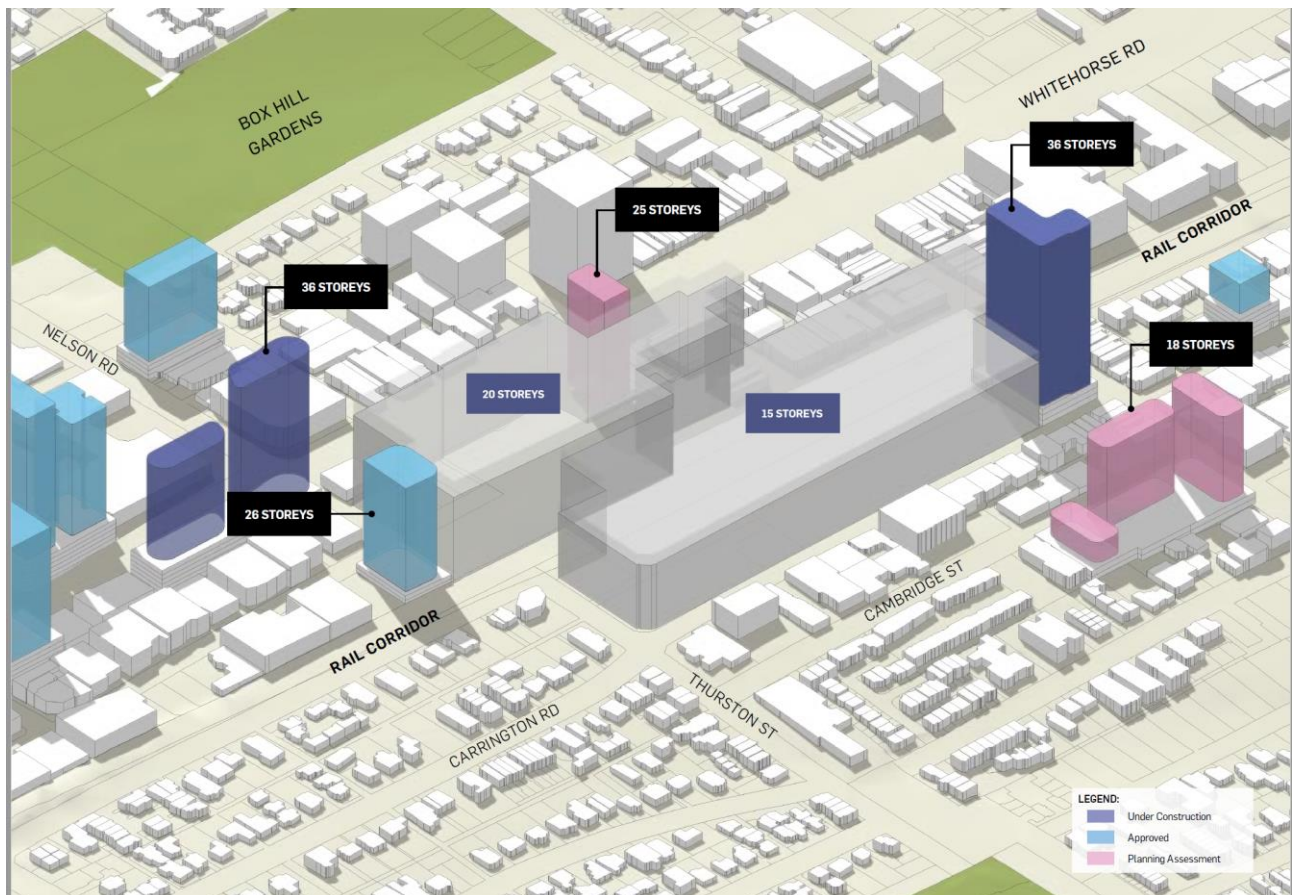
in facilitating economic growth, I consider the opposite may occur. The Amendment as proposed significantly underestimates the development opportunities and potential on the Box Hill Central land. It sets what are in my view arbitrary height controls, with no clear link to the broader range of metropolitan policy considerations. There is also no clear design basis for the preferred heights.

93. The restriction (through height controls) of the development potential of the precinct also goes against the structure plan which sought to enable '*significantly increased densities in the Activity Centre*' and moreover for the subject sites to provide for '*intense mixtures of activity*'.
94. The Structure Plan in relation to the Major Development Precinct (which includes the Box Hill Central land) seeks amongst other things the following desired built form outcome:

Significantly increased land use densities close to the railway station, and in the area between the station, hospitals and TAFE.
95. Despite the structure planning work that has been undertaken, in my view there is not currently a clear vision for the Box Hill Central land as one of the key strategic sites within the Activity Centre. The potential for transit oriented development on and in the vicinity of the Box Hill Central land, that reflects the policy framework established by Plan Melbourne has not been fully explored.
96. The importance and complexity of master planning a precinct such as the Box Hill Central land that includes a major transport interchange, and seeks to traverse significant physical barrier in the form of the Belgrave/Lilydale train line cannot be under-estimated. The analysis of some of the key issues that will flow from the proposed master planning for integrated transport and land use considerations for this land is critically important to inform any built form guidelines.
97. In considering the appropriateness of the use of a Design and Development Overlay, my primary (but not only) concern is the introduction of preferred heights over the Box Hill Central land. As previously outlined, this site represents some 5.5ha of developable land immediately above and adjacent to the rail station/bus interchange, and the 109 Tram route.
98. The preparation of the Built Form Guidelines and DDO Controls does not appear to have included a detailed analysis of the broad range of matters that should have been considered, not least of which includes demand (short, medium or long term) for this important Metropolitan Activity Centre for any land use. Whilst this appears to be a deliberate approach, in that the built form guidelines are purely about design outcomes, it is in my view an inappropriate and flawed approach in that it is too narrow in its perspective.
99. Whilst the Structure Plan talks about allowing substantial additional height to allow additional density, there is no analysis of capacity. There is also no consideration of the implications, opportunities or constraints of the redevelopment of the Transport interchange, which will be a critical requirement for the future development of the Box Hill MAC.
100. I consider a broader review of the Structure Plan as part of this Amendment process would have been useful in broadening the range of factors informing the guidelines and controls. After a decade, a review of the analysis that informed the Structure Plan would be helpful, and provide an opportunity to consider the future of Box Hill in the context of market demand, infrastructure and metropolitan planning policy.
101. In assessing the introduction of a planning control and policy guidance that will influence the potential for Box Hill to grow, these matters should be considered more broadly than in the context of the Structure Plan. Plan Melbourne's identification of MAC's as key locations for high density development to accommodate jobs, service and housing over the next 50 years has not been adequately considered as part of this Amendment process.
102. The market has sought 30+ storey developments in close proximity to the Box Hill Central land. These have been approved by Council and/or VCAT as being appropriate in largely the same state and local policy context as exists for Amendment C175. I cannot understand in that context how or why a preferred height of 15 storeys has been included on the southern site (which is designated as a strategic development site), and a 20-storey preferred height is proposed on the northern site.

103. Figure 9, which has been prepared by the design team in my office, illustrates the modest envelope provided by the DDO for the Box Hill Central land, particularly in the context of the nearby approved developments (including Sky One at 517 Station Street and the Whitehorse Towers development at 850 Whitehorse Road).
104. I appreciate that the controls as exhibited are discretionary, and that a permit may be sought for greater height, but the establishment of preferred heights under a design and development overlay seeks to provide guidance on the scale of development. In my view, the proposed preferred heights for the Box Hill Central land are inappropriately low and the proposal to introduce any preferred heights is premature. Further, detailed analysis is required in-conjunction with VicTrack prior to any built form parameters being determined for this critically important transit oriented development site.

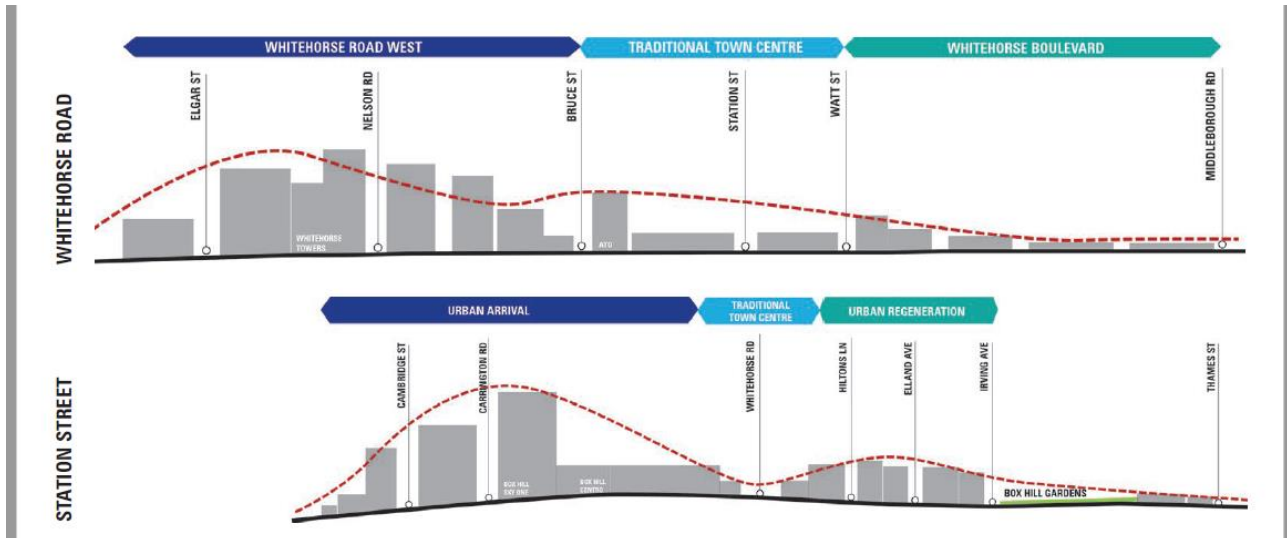
Figure 9 – Current Developments and Preferred Heights for Vicinity Interests



105. I consider that there is a strong argument for the highest density to be located close to the transit hub and key services. The Built Form Guidelines place the maximum preferred height in the Activity Centre in precinct F5 (generally north and south from Whitehorse Road between Elgar Road in the west and Nelson Road in the east).
106. Other than some limited key 'directions' illustrated in the guidelines (and replicated at Figure 10), the reasoning behind placing the greatest preferred height away from the transport hub is not clear, and there is no apparent strategic justification for this.
107. Whilst the guidelines provide commentary on existing building form, the traditional town centre, key public spaces and views to the Dandenongs, how these have then been translated into the preferred heights is not apparent. In my view retention of views to the Dandenongs (some 20km+ to the east) is not an appropriate design parameter to inform preferred heights in the context of a Metropolitan Activity Centre and may inappropriately inhibit development opportunities.

108. Whilst I acknowledge height controls may be appropriate over the heritage land components of the 'traditional town centre' and taller elements, there is no clear logic for the preferred heights identified for the Box Hill Central land.
109. Any future height and massing guidelines for the Box Hill Central land must give detailed consideration to the Transit Oriented development opportunities, as well as access and operational requirements for the Transport interchange.

Figure 10 – Built Form Guidelines – Key Directions



Suggested Alterations/Additions

110. If the Panel is of the view that the Amendment should proceed, I believe it is appropriate that the Box Hill Central land is treated in the same way the Council's Bruce Street and Cambridge Street sites have been treated – that they are left as 'blank' (without controls) and that a separate process would ensue.
111. Such an approach will allow the full considerations of redevelopment of the bus interchange, the train station, in-conjunction with Vicinity's master planning for the appropriate extent and nature of development of this 5.5ha site. This is an area equivalent to almost 3 city blocks in Melbourne's CBD, and as such warrants detailed master planning to achieve optimum outcomes.
112. Another option would be to proceed with controls that do not apply any height control over the Box Hill Central land.
113. There are other examples where DDOs have not included any height controls for Strategic Development Sites. In the Forrest Hill precinct (South Yarra) the sites on each corner of the north side of the corner of Toorak Road and Chapel Street have DDO controls providing guidance on design issues but no height is specified whereas it is for the remainder of the precinct (refer Stonnington Planning Scheme DDO8).
114. I also note that the majority of the Melbourne CBD is not covered by a height control. In the CBD, the only areas where there are height controls (mix of preferred and mandatory) are over heritage precincts or in locations where the impact of built form needs to be carefully managed to avoid overshadowing of key public realm areas or the like (e.g. Yarra River corridor, Shrine of Remembrance, City Square). There is controls and policy guidance that provide protection for the public realm and acknowledge transition to more sensitive areas, without arbitrarily controlling height.

Post Exhibition Changes

115. I have reviewed the Council's post-exhibition version of proposed DDO6. My principal concerns about the amendment remain.
116. I consider nominating the Box Hill Central Northern parcel as a Strategic Development Site is appropriate given the size and location of this site and its inter-relationship with the southern site and the public transport infrastructure.
117. I am concerned that Council suggested a lower height for the northern parcel, reducing the preferred height limit from 20 storeys to 15 storeys, in the context of my views stated above where all of these heights are premature and inappropriately low.
118. I support the deletion of the references to plot-ratio as this concept was not fully developed in the Built Form Guidelines.
119. I am of the view that the concept of requiring community benefits to exceed preferred height limits that have not been strategically justified is inappropriate and inequitable, particularly in the context where increased density would in fact be delivering on metropolitan and local policy objectives.
120. The idea that scale can be agreed subject to community benefits ("cash for height") does not represent orderly and proper planning.

Conclusion

121. It is my view that the preferred heights proposed by DDO6 are not strategically justified, particularly when the policy framework is considered holistically and as such these controls would be premature on the Box Hill Central land.

APPENDIX A STATEMENT OF QUALIFICATIONS AND EXPERIENCE

Name and Address

Brendan Rogers
Director
Urbis Pty Ltd
Level 12, 120 Collins Street
MELBOURNE VIC 3000

Qualifications

- Bachelor of Town and Regional Planning, (The University of Melbourne) (First Class Honours) 1982.
- Graduate Diploma in Property (RMIT)

Professional Experience

- Current Position: Director, Urbis Pty Ltd
- 1989-1994 Senior Planner, Wilson Sayer Core Pty Ltd
- 1983 – 1998: Town Planner in local & state government – City of Melbourne, Cheltenham Borough Council (England) and Ministry for Planning and Environment

Area of Expertise

- Statutory planning for local and state government on a range of residential, commercial and entertainment issues.
- Consulting advice to a wide range of commercial and government clients addressing the management of urban development and the statutory planning process.
- Extensive planning advice to developers, architects, project managers and other professionals involved in a range of projects and the built form issues associated with the development of land.

Expertise to Prepare this Report

Professional qualifications and expertise in town planning both in the public and private sectors.

Instructions which defined the Scope of the Report

My instructions required me to undertake a town planning assessment of the appropriateness of the proposed Amendment C175 in relation to the Box Hill Central land in the context of other master planning work being undertaken with regard to the site.

Facts, Matters and Assumptions Relied Upon

I have relied upon the following in the preparation of this report:

- Review of the Whitehorse Planning Scheme
- Review of the C175 Amendment materials as exhibited (including *Box Hill Metropolitan Activity Centre Built Form Guidelines*) & post exhibition versions
- Review of the *Box Hill Transit City Activity Centre Structure Plan, June 2007* (the Structure Plan), *Box Hill Transport Interchange Concept Design, March 2002*, *Plan Melbourne 2017*

Documents taken into Account

Relevant documents are described above.

Identity of Persons undertaking the work

Brendan Rogers assisted by Laura Thomas, Director and Claire Betteridge, Associate Director.

Summary of Opinions

A summary of my opinions in relation to this matter is included at the introduction to my evidence.

I have made all the inquiries that I believe are desirable and appropriate and no matters of significance which I regard as relevant have to my knowledge been withheld from the Panel.

Brendan Rogers

Urbis Pty Ltd

APPENDIX B

METROPOLITAN PLANNING POLICY

Table 1 – Chronology of Planning Policy

Date	Document	Key policy directions
1981	Metropolitan Strategy Implementation	Concentrating new growth to suburban (district) activity centres adjacent to train stations
1992	Cities in the Suburbs	District Centre Policy continued to encourage new growth to District Centres.
1995	Living Suburbs	Focus of developing and promoting centres offering a range of activities, services and employment opportunities. Box Hill designated a Major Mixed Use Activity Centre
2002	Melbourne 2030	Principal Activity Centre the focus for significant change, including high density development, increased services and facilities
2007	Box Hill Structure Plan * (Local Policy)	Significant increase in density in central area of Box Hill. No height limits.
2008	Melbourne @ 5 Million	Promotion of activity centre to Central Activities Destruct to have a role similar to that of Melbourne CBD
2013	Commercial Zone changes	Rezones the Business 1 Zone to the Commercial 1 zone providing reduced control and greater flexibility for development in activity centres.
2014	Residential zone changes	Increased control in residential areas thereby increasing focus of new housing to be located in and around activity centres.



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