

Whitehorse Planning Scheme

Amendment C255whse

Explanatory Report

Overview

The Suburban Rail Loop (SRL) East project is delivering twin 26-kilometre rail tunnels from Cheltenham to Box Hill, with six new underground stations at Cheltenham, Clayton, Monash, Glen Waverley, Burwood and Box Hill. Draft Structure Plans have been developed to guide growth and change to create thriving neighbourhoods around each SRL station.

The *Draft Box Hill SRL East Structure Plan* (Structure Plan) has been prepared for the Box Hill Structure Plan Area (Figure 1). The Box Hill Structure Plan Area sits within the Whitehorse City Council.

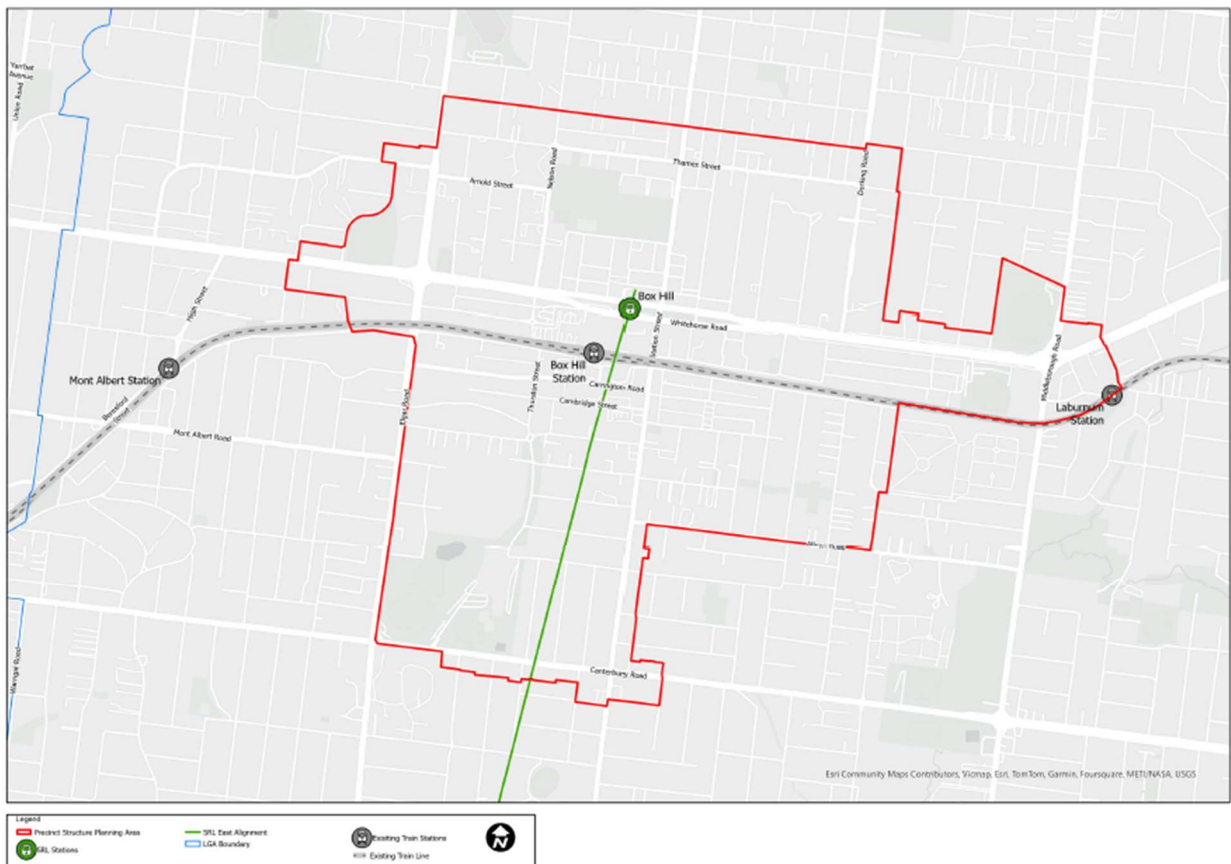


Figure 1 Box Hill Structure Plan area

The amendment is required to introduce new planning settings to the Whitehorse Planning Scheme to give effect to the key directions and outcomes of the Structure Plan.

Where you may inspect this amendment

The amendment is available for public inspection, free of charge, during office hours at the following places:

Whitehorse City Council: 379-397 Whitehorse Road, Nunawading

Whitehorse City Council: 1022 Whitehorse Road, Box Hill

The amendment can also be inspected free of charge at the Engage Victoria website at <https://engage.vic.gov.au/suburban-rail-loop> or by contacting the SRLA office on 1800 105 105 to arrange a time to view the amendment documentation.

Submissions

Any person may make a submission to the planning authority about the amendment. Submissions about the amendment must be received by 11.59pm Tuesday 22 April 2025.

A submission can be sent to: <https://engage.vic.gov.au/suburban-rail-loop> or alternatively can be posted to:

Suburban Rail Loop Authority

PO Box 24214

Melbourne 3001

Details of the amendment

Who is the planning authority?

This amendment has been prepared by the Suburban Rail Loop Authority, which is the planning authority for this amendment.

Land affected by the amendment

The amendment applies to land within the Box Hill Structure Plan Area within Whitehorse City Council as shown in Figure 1.

What the amendment does

The amendment gives effect to the Structure Plan by introducing new and updated planning policy, applying the Precinct Zone (PRZ) and Built Form Overlay (BFO) to the majority of land within the structure plan, applying the Parking Overlay and Environmental Audit Overlay to relevant land. The amendment also updates

particular, general and operational provisions in the Planning Scheme, as relevant.

Specifically, the amendment makes the following changes to land within the Box Hill Structure Plan Area.

Whitehorse Planning Scheme

- Inserts the following background documents into the Schedule to Clause 72.08:
 - *SRL East Structure Plan – Box Hill* (SRLA, 2025)
 - *SRL East Implementation Plan – Box Hill* (SRLA, 2025)
 - *Precinct Parking Plan – Box Hill* (AJM, February 2025)
- Inserts:
 - Clause 11.03-6L-01 Suburban Rail Loop East (SRLE) Structure Plan Areas
 - Clause 11.03-6L-03 SRLE Box Hill Structure Plan Area
 - Clause 37.10 Precinct Zone (PRZ) and Schedule 3 (PRZ3), Schedule 4 (PRZ4) and Schedule 5 (PRZ5) to Clause 37.10
 - Clause 43.06 Built Form Overlay and Schedule 5 (BFO5), Schedule 6 (BFO6), Schedule 7 (BFO7) and Schedule 8 (BFO8)
 - Schedule 4 (PO4) and Schedule 5 (PO5) to Clause 45.09 Parking Overlay
- Amends:
 - Clause 02.01-2 Context
 - Clause 02.03-1 Settlement
 - Clause 02.03-5 Built environment and heritage
 - Clause 02.03-6 Housing
 - Clause 02.03-7 Economic Development
 - Clause 02.03-8 Transport
 - Clause 02.03-9 Infrastructure
 - Clause 02.04 Strategic Framework Plans
 - Clause 11.03-1L-05 Expansion of activity centres
 - Clause 15.01-5L Preferred neighbourhood character
 - Clause 15.01-5L-01 Tree Conservation
 - Clause 16.01-1L Housing change
 - Clause 16.01-1L-01 Student Accommodation
 - Schedule to Clause 72.03 What Does This Planning Scheme Consist Of?
 - Schedule to Clause 72.08 Background documents
 - Schedule to Clause 74.01 Application of zones, overlays and provisions
- Applies
 - Clause 45.03 Environmental Audit Overlay (EAO) to properties listed in Attachment 1 to this explanatory report
- Rezones:
 - Land within the Box Hill Structure Plan Area from Commercial 1 Zone (C1Z), General Residential Zone Schedule 1 (GRZ1), GRZ3, GRZ4, GRZ5, Industrial 3 Zone (IN3Z), Mixed Use Zone (MUZ), Neighbourhood Residential Zone Schedule 1 (NRZ1), NRZ5, Residential Growth Zone Schedule 1 (RGZ1), RGZ2, RGZ3 and Special Use Zone Schedule 3 (SUZ3) to Precinct

Zone Schedule 3 (PRZ3) and Precinct Zone Schedule 4 (PRZ4)

- Deletes:
 - Clause 11.03-1L-02 Box Hill Metropolitan Activity Centre
 - Schedule 9 (SLO9) to Clause 42.03 Significant Landscape Overlay from land within the Box Hill Structure Plan Area
 - Schedule 4 (DDO4) to Clause 43.02 Design and Development Overlay from land within the Box Hill Structure Plan Area
 - Schedule 2 (NCO2) to Clause 43.05 Neighbourhood Character Overlay from land within the Box Hill Structure Plan Area
 - Schedule 1 (PO1) to Clause 45.09 Parking Overlay from the planning scheme.

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to introduce planning policies and controls which will guide the development within the Box Hill Structure Plan Area for the next 15 years in line with the vision and objectives of the Structure Plan. It will focus on growing Box Hill's role as the region's leading employment hub and service provider, supporting both commercial offices and use and development associated with its key function as a Health and Education Precinct. Significant housing growth is expected throughout the precinct, with a variety of types and tenures to cater to the community across the Structure Plan Area. Changes to the planning scheme reflect this vision.

Rezoning of land

The majority of land within the Box Hill Structure Plan Area will be rezoned to a Precinct Zone. This will enable such land to be used and developed in a manner consistent with what the Structure Plan envisions.

Application of Built Form Overlay

A BFO will be applied to the majority of land within the Box Hill Structure Plan Area. The overlay will help guide development within the area so that it is consistent with the objectives and outcomes sought by the Structure Plan.

Application of Environmental Audit Overlay

The overlay will be applied to land within the Box Hill Structure Plan Area where new sensitive uses will be permitted under the Precinct Zone (where those uses would previously have been prohibited) and the land has been identified as potentially contaminated.

Application of Parking Overlay

The overlay will be applied to land within the Cheltenham Structure Plan Area, excluding publicly zoned land, to encourage sustainable transport patterns and

alternative forms of parking throughout the precinct.

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

The amendment implements the following objectives of planning in Victoria as outlined in section 4(1) of the *Planning and Environment 1987 Act* (the Act) by introducing a land use and development framework for the Box Hill Structure Plan Area.

The amendment will apply policy, zone and overlay controls and update particular, general and operational provisions to implement the Objectives, Strategies and Actions within the Structure Plan. The Structure Plan forms the strategic basis for the amendment and is supported by technical investigations covering topics such as traffic and transport, urban design, housing needs, employment and climate resilience.

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

Environmental effects

The amendment introduces policy and applies tailored schedules to the Precinct Zone and Built Form Overlay to encourage land use and development around the SRL station, increasing opportunities for walking, cycling, and public transport use. This will reduced car use to generate social and environmental benefit.

The new planning controls also make provisions for new development to contribute to increasing tree canopy. They set Green Star sustainability rating requirements for specified larger developments and require Sustainable Management Plans for other new development.

The Environmental Audit Overlay (EAO) will be applied to land that has been identified as potentially contaminated that is proposed to be rezoned to allow for a sensitive use for the first time, where that use would have previously been prohibited. This allows for current uses to continue to operate and ensures any future sensitive use is protected from potentially contaminated land.

Social effects

The amendment introduces planning policy and controls to capitalise on the improved public transport access and connectivity that SRL East will provide to generate social benefits and opportunities.

New and amended planning controls will enable development of a greater range of housing types, sizes and tenures in residential areas; delivery good amenity outcomes in growing neighbourhoods; and incentivise affordable housing in areas of greater housing growth.

A Voluntary Public Benefit Uplift Framework, enacted through the Precinct Zone

schedules, incentivises the delivery of nominated public benefits. These include:

- Affordable housing
- Public realm works
- Open space
- Strategic land use.

This framework is designed to encourage the delivery of a nominated 'public benefit' in exchange for development rights. These benefits will result in direct social benefits.

Economic effects

The amendment seeks to reinforce the role of Box Hill as one of the largest Metropolitan Activity Centres in Melbourne's east. It will facilitate new investment and diverse job opportunities, further supporting Box Hill's role as the region's leading employment hub and service provider.

New and amended planning policy will facilitate mixed-use development around the new SRL station to create new jobs and housing.

The amendment seeks to:

- Encourage more office space in new developments, and a mix of commercial, retail, dining and entertainment uses to create a vibrant night-time economy in the area around the Box Hill Metropolitan Activity Centre.
- Promote significant housing growth along Whitehorse Road and Station Street and around the two stations.
- Prioritise health-related land uses in a defined health priority area, supporting uses including office, education and research.
- Realise the potential of the former Box Hill Brickworks site to accommodate higher-density residential development.

Does the amendment address relevant bushfire risk?

The amendment does not increase the risk to life, property, community infrastructure and the natural environment from bushfire.

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

Ministerial Direction - Form and Content of Planning Schemes

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

Ministerial Direction 1 - Potentially Contaminated Land

The amendment is consistent with *Ministerial Direction 1: Potentially Contaminated Land* through its recognition of the historical context of the area as a mixture of housing, employment and industry uses. This amendment introduces the

Environmental Audit Overlay over land recognised as having a high or medium likelihood of contamination, which is proposed to be rezoned to allow for sensitive uses for the first time, where those uses would have previously been prohibited. This will ensure that a preliminary risk screen assessment statement or an environmental audit statement is obtained prior to the commencement of sensitive uses where this is required.

Ministerial Direction 9 - Metropolitan Strategy

The amendment aligns with the Metropolitan Planning Strategy, *Plan Melbourne 2017-2050*, achieving Policies and Directions across Outcomes 1-6 of Plan Melbourne. The amendment responds to the requirement to undertake a precinct-wide approach to planning for new development and investment opportunities on the existing and planned public transport network. Plan Melbourne identifies a hierarchy of places throughout the city that will accommodate different levels of change. State-significant precincts, such as the area around the SRL station, are expected to grow and flourish as liveable, productive and connected neighbourhoods in line with Plan Melbourne's objectives.

Ministerial Direction 11 - Strategic Assessment of Amendments

The amendment complies with *Ministerial Direction 11 - Strategic Assessment of Amendments* under section 12 of the *Planning and Environment Act 1987*. The amendment is consistent with this direction which ensures a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces.

Ministerial Direction 19 - Preparation and Content of Amendments that may significantly impact the environment, amenity and human health

The Ministerial Direction (MD19) requires planning authorities to seek the views of the Environment Protection Authority (EPA) in the preparation of a planning scheme that could result in use or development of land that may result in significant impacts on the environment, amenity and human health due to potentially contaminated land.

Discussions with EPA on MD19 matters commenced in late 2023. As required by MD19, SRLA sought the written views of the EPA in December 2024 about the potential impacts of the draft amendment and structure plan on the environment, amenity and human health. The documents provided to the EPA included SRLA's response to potentially contaminated land, noting that matters associated with potentially contaminated land are discussed above in relation to Ministerial Direction 1.

SRLA and the EPA met on 21 January 2025 to discuss the EPA's preliminary views, which were then provided in writing to SRLA on 31 January 2025. The EPA confirmed that further information is required from SRLA before written views can be provided by the EPA. The requested information was provided to EPA in January 2025, and SRLA will continue to work with EPA to resolve any outstanding issues.

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

The amendment is consistent with the following clauses of the Planning Policy Framework and will assist in achieving objectives of these clauses.

State and Regional Policy

Clause 11.01-1S – Settlement

The amendment is consistent with the strategy to *“develop sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure and community facilities”*.

Clause 11.01-1R – Settlement – Metropolitan Melbourne

The amendment is a key result of the strategy to *“develop the Suburban Rail Loop through Melbourne's middle suburbs”* and will *“facilitate substantial growth and change in major employment, health and education precincts and activity centres beyond the central city at an appropriate scale to address the needs of Melbourne's rapidly growing population”*.

The amendment also aligns with strategy to *“create mixed-use neighbourhoods at varying densities, including through the development of urban-renewal precincts, that offer more choice in housing, create jobs and opportunities for local businesses and deliver better access to services and facilities”*.

Clause 11.02-2S Structure planning

The amendment enacts this policy through the delivery of a land use and development framework based on comprehensive strategic planning undertaken for the Box Hill Structure Plan Area.

Clause 13 Environmental risks and amenity

The amendment supports these clauses by applying decision guidelines within the zone schedules require consideration of where an industry or warehouse use is proposed, the effect that the proposed use may have on the amenity of nearby residential areas or other uses which are sensitive to industrial off-site effects.

Clause 15.01-1S/R Urban design

Built form controls support the strategy to *“create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity”*.

Clause 15.01-2S Building design

Built form controls respond to strategy to deliver *“building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development”*.

Clause 16.01-1R Housing supply – Metropolitan Melbourne

The amendment supports this clause to deliver increased housing supply within an urban renewal precinct, activity centres, and areas near existing and proposed railway stations that can support transit-oriented development.

Clause 16.01-2S Housing affordability

Increased housing closer to jobs, transport and services enabled by the amendment will help to improve housing affordability.

Clause 17.01-1R Diversified economy - Metropolitan Melbourne - Inner South East Metro Region

Controls to be applied to the Box Hill Metropolitan Activity Centre will not inhibit its envisaged growth.

Clause 17.02-1S Business

The new planning controls encourage development that will meet the community's needs for retail, entertainment, office and other commercial services

Clause 18.01-1S Land use and transport integration

The amendment facilitates access to social, cultural and economic opportunities by leveraging the opportunity for increased development intensity associated with the accessibility afforded by the new SRL station at Box Hill and integration with the existing Box Hill metro station.

Clause 18.02 Movement networks

This clause is broadly supported through the provision of active transport links within the Box Hill Structure Plan Area, as well as in policy and development application requirements relevant to reduced car parking and provision of sustainable transport initiatives.

Whitehorse Planning Scheme

Clause 15.01-2L Environmentally sustainable development

The new planning controls consider visual impact and solar access through the requirement for a Sustainable Management Plan.

Clause 16.01-1L Housing change

The new planning controls aim to deliver increased diversity and density of housing to meet the needs of the community.

Clause 18.02-1L Sustainable Personal Transport

The new planning controls include a decision guideline on “(h)ow the development supports an increase in mode share for public transport, walking and cycling and seeks to reduce reliance on vehicles as a means of transport”.

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

The amendment supports the Municipal Planning Strategy (MPS) of the Whitehorse Planning Scheme by implementing controls which facilitate the coordinated and staged planning and delivery of the Structure Plan, in a manner which will enhance the vision of the municipality.

Specifically, the vision for resilience, belonging, natural environment, sustainability and a dynamic community is supported. The amendment provides a land use and development framework based on the Structure Plan, specifically designed to deliver “a thriving, culturally dynamic and cosmopolitan place where global and local communities connect”.

Strategic directions set out within Clause 02.03 consider a variety of matters across the municipality. The amendment seeks to implement many of these directions relevant to the Box Hill Structure Plan Area, including growing safe and attractive activity centres which contribute to the economy and respond to the needs of the community; increasing housing growth while maintaining the high-quality residential environment; and focusing increased employment densities in compatible locations.

Changes will be made to local policy in the Whitehorse Planning Scheme to give effect to and implement the Box Hill Structure Plan.

Does the amendment make proper use of the Victoria Planning Provisions?

The amendment makes proper use of the Victoria Planning Provisions by updating and amending the Planning Policy Framework to implement the objectives and strategies to achieve the strategic directions set by the Structure Plan.

The PRZ is the most appropriate zone in the VPP to facilitate substantial urban change, public benefits and a new urban form that reflects the role of the precinct. The zone facilitates land uses and subdivision patterns in accordance with a use and development framework plan and supports sustainable outcomes that maximise public and active transport.

The BFO is the most appropriate tool in the VPP to provide for the outcomes in the structure plan area to which it is applied. Using a BFO allows the planning controls to be focussed on built form controls including building height and building setbacks with clear benchmarks for good quality built form outcomes.

The application of the Parking Overlay is the appropriate tool in the VPP to manage car parking in a precinct and specify variations to the standard requirements in Clause 52.06 (Car parking).

The application of the EAO is the appropriate tool in the VPP to manage potentially contaminated land.

The amendment modifies existing controls in the planning schemes to remove duplication or avoid conflict with the new planning controls and to reflect the Structure Plan.

The Structure Plan and Implementation Plan will be referenced as background documents, providing the long-term strategic framework which has guided the controls.

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

The amendment has been prepared in consultation with relevant agencies including Whitehorse City Council, Department of Transport and Planning, Melbourne Water and Environment Protection Authority.

The views of relevant agencies will be sought during the formal exhibition process of the amendment.

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

The Suburban Rail Loop Authority in itself and acting as a planning authority is an 'interface body' under the *Transport Integration Act 2010*. Under Section 25 of that Act:

- (1) An interface body must have regard to the transport system objectives when exercising powers and performing functions under any interface legislation which are likely to have a significant impact on the transport system.
- (2) An interface body must have regard to the decision making principles in making decision under any interface legislation which are likely to have a significant impact on the transport system.

The amendment is likely to have a significant impact on the transport system at a local level. It introduced controls into the planning schemes based on the Structure Plan, which has been prepared to reflect the urban renewal opportunity afforded by the SRL station at Box Hill, and which is based on technical studies. It will allow a significant intensification of development in the area and consequent increased use of the transport system.

The amendment responds to this impact by:

- Promoting social inclusion and economic prosperity by developing residential and employment areas close to the transport network, including the SRL station at Box Hill, which is accessible by all in the community.
- Enhancing local and regional connectivity in line with environmentally sustainable travel policy and integrated transport and land use principles contained within state planning policy documents.
- Introducing car parking controls to encourage limited vehicle use, supported by the development of strong active transport links and supporting innovative modes which can have a positive impact on the transport system and safety and wellbeing.

- Requiring development applications above a certain size to prepare Green Travel Plans to manage transport demand.
- Requiring the consideration of bicycle parking in development applications to encourage healthy travel outcomes.

Resource and administrative costs

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

The amendment may have an impact upon responsible authority resources. The introduction of new planning controls will increase the development capacity throughout the structure plan area, which could result in an increase permit.

It is considered that any impact on resources will be supported by a streamlined decision making process, enabled in the PRZ and BFO, public notice and third-party exemptions and 'deemed to comply' built form requirements.