City of Whitehorse

AGENDA

Ordinary Council Meeting

To be held in the
Council Chamber
Whitehorse Civic Centre

379 Whitehorse Road Nunawading

on

Monday 15 May 2017

at 7.00pm

Members: Cr Denise Massoud (Mayor), Cr Bill Bennett, Cr Raylene Carr, Cr Prue Cutts, Cr Andrew Davenport, Cr Sharon Ellis, Cr Tina Liu, Cr Andrew Munroe, Cr Ben Stennett

Ms Noelene Duff
Chief Executive Officer

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AGENDA

1. PRAYER

1a Prayer for Council

We give thanks, O God, for the Men and Women of the past whose generous devotion to the common good has been the making of our City.

Grant that our own generation may build worthily on the foundations they have laid.

Direct our minds that all we plan and determine, is for the wellbeing of our City.

Amen.

1b Aboriginal Reconciliation Statement

"In the spirit of reconciliation, Whitehorse City Council acknowledges the Wurundjeri people as the traditional custodians of the land we are meeting on. We pay our respects to their Elders past and present."

2. OATH OF OFFICE BY NEWLY ELECTED COUNCILLOR

3. WELCOME AND APOLOGIES

4. DISCLOSURE OF CONFLICT OF INTERESTS

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Council Meeting 18 April 2017, Confidential Ordinary Council Meeting 18 April 2017, and Special Council Meeting 2017/18 Council Budget and Council Plan 24 April 2017.

RECOMMENDATION

That the minutes of the Ordinary Council Meeting 18 April 2017, Confidential Ordinary Council Meeting 18 April 2017, and Special Council Meeting 2017/18 Council Budget and Council Plan 24 April 2017 having been circulated now be confirmed.

6. RESPONSES TO QUESTIONS

7. NOTICES OF MOTION

8. PETITIONS

9. URGENT BUSINESS

10. COUNCIL REPORTS

10.1 CITY DEVELOPMENT

Statutory Planning

10.1.1 801-805 Whitehorse Road, Mont Albert & 1 Kingsley Crescent, Mont Albert (LOTS 7-9 LP 6264 ECSS, LOT 1 TP 222392, LOT 2 TP 222392) – Construction of a part three and part five storey (plus two basement levels) apartment and townhouse development and associated alteration of access to a road in a Road Zone Category 1

FILE NUMBER: WH/2016/622
ATTACHMENT

SUMMARY

This application was advertised, and a total of 15 objections were received. The objections raised issues with amenity impacts, infrastructure, parking, traffic, neighbourhood character and landscaping. A Consultation Forum was held on 28 February 2017 chaired by ex-Councillor Tescher, at which the issues were explored, however no resolution was reached between the parties. This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as the objector concerns. It is recommended that the application be supported, subject to conditions.

RECOMMENDATION

That Council:

A Being the Responsible Authority, having caused Application WH/2016/622 for 801-805 Whitehorse Road, MONT ALBERT & 1 Kingsley Crescent, MONT ALBERT (LOTS 7-9 LP 6264 ECSS, LOT 1 TP 222392, LOT 2 TP 222392) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the Construction of a part three and part five storey (plus two basement levels) apartment and townhouse development and associated alteration of access to a road in a Road Zone Category 1 is acceptable and should not unreasonably impact the amenity of adjacent properties.

B Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 801-805 Whitehorse Road, MONT ALBERT & 1 Kingsley Crescent, MONT ALBERT (LOTS 7-9 LP 6264 ECSS, LOT 1 TP 222392, LOT 2 TP 222392) for the Construction of a part three and part five storey (plus two basement levels) apartment and townhouse development and associated alteration of access to a road in a Road Zone Category 1, subject to the following conditions:

1. Before the development starts, amended plans and documents (two full size copies and one A3 size copy) must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the amended plans prepared by Clarke Hopkins Clarke Architects, dated 09/03/2017 and plans submitted with the application dated 30/08/2016, but modified to show:

a) Apartments 213 and 214 consolidated into one Apartment (Apt 213), with an increased setback to the east boundary of 7.8m respectively (previously 4.12m) and the provision of highlight windows to the east facing bedroom windows.

b) Slight reconfiguration of Apartments 310, 311 & 312, including removal of east balcony to Apartment 311, increased setbacks of Apartment 311 to east boundary of 10.85m (previously 9.82m) and increased setback of bedroom of Apartment 312 to east boundary of 10.42m (previously 9.8m)

10.1.1
(cont)

c) Apartments 407 and 408 consolidated into one apartment - Apartment 409, with increased setback to east boundary of 14.2m (previously 9.80m), removal of east facing balcony and reduction in length of north facing balcony.

d) Amended shadow diagram to reflect altered floor plans, including no additional shadows to rear of 3 and 3a Kingsley Crescent.

e) Basement Level 2, to now include 46 car spaces (previously 47), storage beneath the townhouses, and a ramp to new Basement Level 3, including 47 car spaces (previously basement level 2).

f) The locations of Tree Protection Zones described in condition 5, with all nominated trees clearly identified and numbered on both site and landscape plans, and the requirements of conditions 5 and 6 to be annotated on the development and landscape plans.

g) The fence line at Kingsley Crescent is extended at the easternmost interface to the site's boundaries, to prevent vandalism of the sheer wall.

h) Townhouse 1 amended to include either additional east-facing windows to Kingsley Crescent (including highlight windows) or revised balcony orientation to achieve improvement to passive surveillance at this interface.

i) Cross-section diagrams demonstrating how screening is achieved of downwards views within 9 horizontal metres from 1st floor planters.

j) The provision of communal clotheslines in locations that are not visible from surrounding streets.

k) The habitable room windows of all dwellings to be double glazed or have similar acoustic protection qualities.

l) A detailed schedule and samples of all external materials, colours and finishes, including:

- ***i. The use of light coloured roofing material.***
- ***ii. All obscured glazing is manufactured obscured glass. Obscure film being applied to clear glazing will not be accepted.***
- ***iii. Remove all 'black' finishes from the proposal, and change dark finishes to 'dark grey' or similar.***
- ***iv. The first two storeys (as a minimum) of the townhouses are to be amended in terms of materials and colour treatment, so that lighter materiality is adopted.***

m) All service piping (excluding downpipes), ducting and heating/cooling appliances above the ground floor storey of the townhouses and apartment buildings to be concealed from view where possible.

n) The location of all services within the front setback, such as substation, and fire fighting connections.

o) Detailed elevations for screening of the services within the front setback. The finished materials should integrate with the apartment building.

p) The garage internal parking areas are to be in accordance with the Clause 52.06 of the Whitehorse Planning Scheme.

q) No doors are to open into the clear internal dimensions of the garage as required by Clause 52.06-8 of the Planning Scheme.

r) The garage door openings are to be in accordance with the requirements of Section 5.4 of AS 2890.1.

s) Development plans updated to include all of the relevant requirements of the Parking Management Plan required by Condition 14.

10.1.1
(cont)

t) Development plans to reflect all sustainability features indicated in the Sustainability Management Plan required by Condition 11. Where features cannot be visually shown, include a notes table providing details of the requirements (i.e. energy and water efficiency ratings for heating/cooling systems and plumbing fittings and fixtures, etc.). These features must include, unless otherwise agreed with the Responsible Authority:

- ***i. All operable windows, doors & vents shown on elevations.***
- ***ii. Shadows as per actual sun angles on all elevation drawings.***
- ***iii. Provision of insect screens and security locks for all operable windows and balcony doors.***
- ***iv. Exterior shading for all east, north, and west windows greater than 1.5 square metres, to shade at least 30% from 11am to 4pm on 1 February.***
- ***v. Hot water system equipment.***
- ***vi. Heating and cooling system equipment.***
- ***vii. Water-sensitive urban design measures as required to achieve a valid STORM Rating 100% or greater, including but not limited to a rainwater tank sized for all toilet flushing, irrigation and bin area wash down.***

u) A Landscape Plan in accordance with Condition 3 to show:

- ***i. The proposed landscaping in the front setback to Whitehorse Road must not reach a height at maturity capable of unreasonably obscuring outlook from Ground Floor habitable rooms to the Whitehorse Road public realm.***

v) The following reports to be amended or endorsed as required will form part of the endorsed documentation:

- ***i. Sustainability Management Plan in accordance with Condition 11.***
- ***ii. Parking Management Plan in accordance with Condition 14.***
- ***iii. Construction Management Plan in accordance with Condition 15.***

All of the above must be to the satisfaction of the Responsible Authority. Once approved these plans and documents become the endorsed plans of the permit.

2. The layout and operation of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plans and documents, and must not be altered or modified without the further written consent of the Responsible Authority.

Landscaping and Tree Protection

3. No building or works shall be commenced (and no trees or vegetation shall be removed) until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority.

Landscaping in accordance with this approved plan and schedule must be completed before the building is occupied.

Once approved these plans become the endorsed plans of this permit.

4. The garden areas and street plantings shown on the endorsed plan and schedule shall only be used as gardens and must be maintained in a proper, healthy and orderly condition at all times to the satisfaction of the Responsible Authority. Should any tree or plant be removed or destroyed it must be replaced by a similar tree or plant of similar size and variety.

10.1.1
(cont)

5. Prior to the commencement of any building and or demolition works on the land, a Tree Protection Zone (TPZ) must be established and maintained on the subject land during and until completion of all buildings and works including landscaping, around the following trees in accordance with the distances and measures specified below, to the satisfaction of the Responsible Authority:

a) Tree Protection Zone distances:

i. Tree 1 – 2.0 metre radius from the centre of the tree base.

ii. Tree 2 – 2.0 metre radius from the centre of the tree base.

iii. Tree 3 – 2.0 metre radius from the centre of the tree base.

iv. Tree 4 – 3.6 metre radius from the centre of the tree base.

v. Tree 5 – 2.0 metre radius from the centre of the tree base.

b) Tree Protection Zone measures are to be established in accordance to Australian Standard 4970-2009 and including the following:

i. Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres in height held in place with concrete feet.

ii. Signage placed around the outer edge of perimeter the fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.

iii. Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required.

iv. No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.

v. All supports and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.

vi. All sub surface utilities and utility connection points, inspection pits and associated infrastructure trenching and installation are to be designed so that they are located outside the TPZs of retained trees, to the satisfaction of the Responsible Authority. Utility conduits can be located beneath TPZs but must be installed using trenchless excavation (e.g.: boring) and installed to a minimum depth of 0.6 metres below natural grade.

vii. Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.

viii. Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ, and must be restored in accordance with the above requirements at all other times.

6. During the construction of any buildings or works, the following tree protection requirements must be carried out to the satisfaction of the Responsible Authority:

a) All buildings and works for the demolition of the site and construction of the development (as shown on the endorsed plans) must not alter the existing ground level or topography of the land within 1.8m of the north boundary fence where within the TPZ of Tree # 1.

b) All buildings and works for the demolition of the site and construction of the development (as shown on the endorsed plans) must not alter the existing ground level or topography of the land within 4.0m of the east boundary fence where within the TPZs of Trees # 2, # 3, # 4 and #5.

10.1.1
(cont)

c) All buildings and works (soft landscaping allowable), including soil level changes, must be setback 4.0m from the east boundary fence where within the TPZs of Trees # 2, # 3, # 4 and # 5.

7. The existing street trees must not be removed or damaged, without the prior written consent of Council (refer Permit Notes).

Building Services

8. The apartment buildings must provide the capacity for television signal distribution to each dwelling unit and any satellite dish, antenna or similar structure must be designed and located at a single point to the satisfaction of the Responsible Authority.

9. All building plant and equipment on the roofs, balcony areas, common areas, or public thoroughfares are to be concealed to the satisfaction of the Responsible Authority. Noise emitting plant equipment such as air conditioners, must be shielded with acoustic screening to prevent the transmission of noise having detrimental amenity impacts. The construction of any additional plant, machinery or other equipment, including but not limited to all service structures, aerials, satellite dishes, air-conditioners, equipment, ducts, flues, all exhausts including car parking and communication equipment must include appropriate screening measures to the satisfaction of the Responsible Authority.

10. All mechanical exhaust systems for the car park hereby approved must be located and sound attenuated to prevent noise and general nuisance to the occupants of the surrounding properties, to the satisfaction of the Responsible Authority.

Environmentally Sustainable Development

11. Prior to the commencement of any buildings or works, an amended Sustainability Management Plan must be submitted to and approved by the Responsible Authority. This SMP must be generally in accordance with the SMP submitted with the application, but amended to include the following changes:

a) Include a preliminary sample set of NatHERS scores for at least 10% of the apartments as per Guide to NatHERS Sample Sizes.

b) A STORM Rating Report with a valid score of 100% or greater.

c) A STEPS Report with valid energy and a water scores of no less than 40 each, or a complete BESS Report that exceeds minimum standards; the overall score to exceed 50% and the categories of energy, water, stormwater and IEQ to exceed 'pass'.

d) Include the associated COP and EER values associated with the heating and cooling system performance commitments specified in SMP and STEPS. These values must be consistent with AS/NZS 3823.2-2011.

e) Submit a water balance calculation justifying the rainwater tank capacity, based on long-term average rainfall data, collection areas and expected end uses, which is in compliance with the AS6400 standard of 1 full- and 4 half-flushes per person per day (giving 16.5 L/person/day for 4 star WELS rated toilet). A new rainwater tank size should be selected based on the revised calculations, ensuring adequate reliability of supply is maintained. Alternately, increase the size of the rainwater tank to 70 kL, which would enable a longer period of water security.

f) Commitment to control common, service and lift area ventilation with timers and other sensors.

g) Commit to diverting at least 80% of construction/ demolition waste from landfill.

10.1.1
(cont)

Once submitted and approved to the satisfaction of the Responsible Authority, the Sustainability Management Plan will form part of the endorsed plans of this permit.

12. ***All works must be undertaken in accordance with the endorsed Sustainability Management Plan to the satisfaction of the Responsible Authority, and the approved uses and building must operate in accordance with this Plan, to the satisfaction of the Responsible Authority. No alterations to the Sustainability Management Plan may occur without the written consent of the Responsible Authority.***

Car Parking

13. ***The car parking areas and accessways as shown on the endorsed plans must be formed to such levels so that they may be used in accordance with the plan, and shall be properly constructed, surfaced, drained and line-marked (where applicable). The car park and driveways shall be maintained to the satisfaction of the Responsible Authority.***

14. ***Prior to the occupation of the building, a Parking Management Plan, detailing how car and bicycle parking areas, and accessways will be allocated and managed, must be submitted to and approved by Council.***

    This plan is to be to the satisfaction of the Responsible Authority and must include, but is not limited to, the following:

    a) ***Allocation of all parking spaces (except visitor spaces) to individual dwellings.***
    b) ***Detail the signing and line marking of parking spaces.***
    c) ***Detail how access to the proposed parking spaces will be secured for residential and visitor use; and***
    d) ***Detail any access controls to the parking area, such as boom gates which shall take into account the required queue length required as per section 3.4 of AS 2890.1.***

    Once submitted to and approved by the Responsible Authority the Parking Management Plan will form part of the documents endorsed as part of this planning permit.

    When approved the Parking Management Plan will form part of this permit and must be implemented to the satisfaction of the Responsible Authority.

Construction Management Plan

15. ***Prior to the commencement of buildings or works on the land, a Construction Management Plan, detailing how the owner will manage the environmental and construction issues associated with the development, must be submitted to and approved by Council.***

    This plan is to be to the satisfaction of the Responsible Authority and must be prepared in accordance with the City of Whitehorse Construction Management Plan Guidelines.

    Once submitted to and approved by the Responsible Authority the Construction Management Plan will form part of the documents endorsed as part of this planning permit.

    When approved the Construction Management Plan will form part of this permit and must be complied with, to the satisfaction of the Responsible Authority, to the extent that this is in the control of the owner of the land. The owner of the land is to be responsible for all costs associated with the works to be undertaken in accordance with the requirements of the Construction Management Plan.

10.1.1
(cont)

Asset Engineering

16. ***All stormwater drains must be connected to a point of discharge to the satisfaction of Responsible Authority.***

17. ***Prior to the commencement of works, detailed plans and computations for stormwater on-site detention (if required) and connection to the legal point of discharge must be prepared by a consulting engineer and submitted for approval by the Responsible Authority.***

18. ***Stormwater connection to the nominated point of discharge and stormwater on-site detention (if required) must be completed and approved to the satisfaction of the Responsible Authority prior to the occupation of the buildings.***

19. ***Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.***

20. ***The Applicant/Owner shall be responsible to meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The Applicant/Owner shall be responsible to obtain an "Asset Protection Permit" from Council at least 7 days prior to the commencement of any works on the land and obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets.***

21. ***If any works are to be undertaken in the road reserve related to the project, the applicant is required to obtain the Consent to Undertake Works in the Road Reserve (Road Opening Permit) from Relevant Authority for any new, altered or deleted vehicle crossing, water or drain tapping or other opening within a road reserve or laneway. Please note that this is a separate process to the Asset Protection Permit.***

Expiry

22. ***This permit will expire if one of the following circumstances applies:***
    a) ***The development is not commenced within three (3) years from the date of issue of this permit;***
    b) ***The development is not completed within three (3) years from the commencement of the development.***

    The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the Planning and Environment Act 1987.

VicRoads

23. ***Prior to the commencement of the use of the development hereby approved, the access lanes, driveways, crossovers and associated works must be provided and available for use and be:***
    a) ***Constructed to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation (VicRoads);***
    b) ***Formed to such levels and drained so that they can be used in accordance with the plan;***
    c) ***Treated with an all-weather seal or some other durable surface.***

24. ***Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety.***

10.1.1
(cont)

PERMIT NOTES

A. The design and construction of letterboxes is to accord with Australian Standard AS-NZ 4253-1994.

B. The lot/unit numbers on the "Endorsed Plan" are not to be used as the official street address of the property. All street addressing enquiries can be made by contacting our Property Team on 9262 6470.

Waste Collection

C. Waste collections for the development will be undertaken by private contractors.

D. Council issued waste bins will not be supplied for this development.

Asset Engineering

E. Soil erosion control measures must be adopted at all times to the satisfaction of the Relevant Authority during the construction stages of the development. Site controls and erosion minimisation techniques are to be in accordance with the EPA (Environment Protection Authority) Victoria "Environmental Guidelines for Major Construction Sites". The works during and after construction must comply with the above guidelines and in potentially high erosion areas a detailed plan may be required to indicate proposed measures and methodology.

F. The property owner/builder is to obtain the relevant permits and consents from Council in relation to asset protection, drainage works in easements and works in the road reserve prior to the commencement of any works.

G. All stormwater drainage within the development site and associated with the building(s) (except for an on-site detention system and connection to the nominated legal point of discharge within the site) must be approved and completed to the satisfaction of the Building Surveyor prior to the occupation of the building(s), in accordance with the provisions of the Building Regulations (2006) section 610.

H. The surface treatment and design of all crossovers and driveways shall be of materials submitted to and approved by the Responsible Authority and must be constructed in accordance with the submitted details.

I. Access to the development must be resolved within the development site. No provision for access and/or Disability Discrimination Act (DDA) compliance will be permitted external to the site being within any adjacent road reserve, right of way, reservation or other land owned managed by the Responsible Authority as may be applicable.

J. No alteration to existing interface levels will be permitted other than to maintain or introduce adequate and consistent road reserve crossfall and longitudinal fall all to the satisfaction of the Responsible Authority.

K. The proposed vehicle crossing must adhere to Whitehorse Council's – Vehicle Crossing General Specifications.

L. Any services that need to be removed and relocated due to the location of the proposed vehicular crossing must be financed by the developer.

Car Parking

M. Residents of this development and their visitors will not be eligible for Residential Parking Permits.

10.1.1
(cont)

Environmentally Sustainable Development

N. Suggested additional ESD measures include:

- ***Rainwater from terraces, balconies, paving and other trafficable areas can be collected for garden irrigation in separate tanks from that used for toilet flushing.***
- ***Consider small skylights on top floor common areas and dwellings for natural daylight.***
- ***Further enhance ventilative cooling by incorporating ceiling fans as an add-on feature.***
- ***Consider having a shut-down switch for each dwelling unit near each entry area.***
- ***To aid passive ventilation and exhaust in car park, also consider a permeable garage door.***

VicRoads

O. The proposed development requires works within road reserve (construction of crossover). Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

C Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the Planning and Environment Act 1987.

10.1.1
(cont)

MELWAYS REFERENCE 47 A9

Applicant:	Terrain Consulting Group Pty Ltd
Zoning:	Residential Growth Zone, Schedule 2
Overlays:	No Overlays
Relevant Clauses:	
Clause 11	Settlement
Clause 12	Environmental and Landscape Values
Clause 15	Built Environment and Heritage
Clause 18	Transport
Clause 19	Infrastructure
Clause 21.05	Environment
Clause 21.06	Housing
Clause 22.03	Residential Development
Clause 22.04	Tree Conservation
Clause 32.07	Residential Growth Zone Schedule 2
Clause 52.06	Car Parking
Clause 52.27	Land Adjacent to a Road Zone Category 1
Clause 52.34	Bicycle Facilities
	Clause 52.35 Urban Context Report and Design Response for Residential Development of Four or More Storeys
Clause 55	Two or More Dwellings on a Lot or Residential Buildings
Clause 65	Decision Guidelines
Ward:	Elgar



	Subject site		15 Objector Properties (2 outside of map)	↑ North

10.1.1
(cont)

BACKGROUND

History

There is no relevant planning permit history for the subject sites.

The Site and Surrounds

The subject site comprises four adjoining allotments located on the north-west corner of the intersection of Whitehorse Road and Kingsley Crescent, Mont Albert. The parcels of land are No. 801, 803, and 805 Whitehorse Road, and No. 1 Kingsley Crescent, Mont Albert. The site is irregular in shape, with the combined Whitehorse Road boundary being 91.44 metres, the side (western) boundary being 48.77 metres, the Kingsley Crescent (eastern) boundary being 18.29 metres, and a total site area of 3,036m^2.

The site is currently vacant, and slopes toward the north-west corner, and toward the Kingsley Crescent frontage. The natural ground level of the site is higher than the adjoining public footpath and road surface level. Consequently, a 1.2 metre high rendered brick retaining wall extends along the majority of the Whitehorse Road frontage. The boundary to Kingsley Crescent is unfenced.

The immediate context comprises:

South

- Land on the southern side of Whitehorse Road generally consists of medium density housing.
- The land adjacent to Whitehorse Road is contained within the Residential Growth Zone, Schedule 2, with properties to the south and west located in the Neighbourhood Residential Zone Schedule 5.
- The land at 33 Zetland Road (across the road) is developed with ten single storey units, arranged around a shared central driveway. The frontage to Whitehorse Road includes a high timber paling fence that is recessed behind a rock retaining wall.
- The land at 762 Whitehorse Road is developed with eight 1970s era double storey brown brick dwellings with hip and gable tiled roof with eaves. The site is elevated above the road level. A loose volcanic rock retaining wall with garden beds on top containing large shrubs is presented to Whitehorse Road, together with a set of cement stairs in the centre of the site. Vehicle access is gained via a shared central driveway from Zetland Road to the rear.
- Number 764 Whitehorse Road contains a 1960s era cream brick double storey apartment building with hip and gable tiled roof with eaves. The site is elevated above Whitehorse Road. A large masonry and stone retaining wall extends along the Whitehorse Road frontage, with stair access up to the main entrance.
- A recently constructed two storey apartment building with semi-basement car parking is located at 766 Whitehorse Road. The central accessway is flanked by garden beds containing established landscaping, including small trees. The façade is treated with brick veneer, several render treatments, and flat roof profile, with clear glass balustrading to balconies at the second level.

West

- Number 793-797 Whitehorse Road is occupied by a Caltex service station. It includes a single storey brick building that is setback 3.0 metres from the common boundary with the subject site, with centrally located canopy covering petrol bowsers. A large freestanding sign is located close to the site's south-eastern corner, and a wide crossover to Whitehorse Road adjoins the common boundary with the site.

10.1.1
(cont)

East

- On the opposite side of Kingsley Crescent, is Kingsley Gardens. This is a large open space area containing walking tracks, a children's playground, sheltered barbeque facilities, tables and seats, and numerous trees providing a shaded garden area.

North

- Immediately abutting the subject site to the north is a 3.0 metre wide paved ROW that extends on an east-west axis, originating from Nangnak Lane (to the west of the site).
- On the opposite side of the ROW, there are three properties which front George Street. These properties are located within the General Residential Zone, Schedule 4.
- Number 1 George Street contains a post-war double fronted weatherboard dwelling, with a tiled hip and gable roof with eaves. A detached garage is located in the rear of the site, accessed via a crossover and driveway located in the north-western corner of the frontage. A rendered low brick fence extends across the frontage. Secluded private open space adjoins the ROW.
- Number 3 George Street is developed with a post war single storey weatherboard dwelling with a tiled hip and gable roof. An informal gravel driveway is accessed via a crossover in the north-eastern corner of the lot. Secluded private open space adjoins the ROW.
- Number 5 George Street is developed with a single storey weatherboard dwelling with a tiled gable roof. The frontage of the site contains a 1.0 metre high white picket fence, with established garden beyond. A large carport is located adjacent to the rear, southern boundary of the site, and appears to be accessed via the ROW.
- To the north of the portion of the site that fronts Kingsley Crescent is a dual occupancy development at 3 and 3A Kingsley Crescent, comprising two attached double storey dwellings in a side by side layout. The dwellings are conservative in design, with ground floor brick, lightweight cladding in render finish at the first floor, with tiled hip and gable roof.

Whitehorse Road is a VicRoads declared Arterial Road and Road Zone Category 1 under the Planning Scheme. Whitehorse Road is aligned in an east-west direction, typically provides two traffic lanes in each direction and accommodates tram tracks. Kerbside parking is permitted along Whitehorse Road outside of Clearway and No Stopping times.

Clearway restrictions apply to the north side of Whitehorse Road between 4:30pm-6:30pm Mon-Fri and along the south side west of High Street between 7am-9am Mon-Fri. No stopping restrictions apply along the south side of Whitehorse Road, east of High Street between 7am-9am Mon-Fri.

Kingsley Crescent is an access road under the City of Whitehorse road management. It is aligned in a north-south direction between Whitehorse Road to the south and Victoria Crescent to the north. It is approximately 7.1 metres wide, which accommodates one shared traffic lane and parallel parking along both sides. On street parking is generally a mixture of short term (2P) and Permit Zone parking.

Planning Controls

The site is within the Residential Growth Zone Schedule 2 (RGZ2). The purpose of Clause 32.07 (Residential Growth Zone) includes:

- To provide housing at increased densities in buildings up to and including four storey buildings.
- To encourage a diversity of housing types in locations offering good access to services and transport including activities areas.
- To encourage a scale of development that provides a transition between areas of more intensive use and development and areas of restricted housing growth.

10.1.1
(cont)

Pursuant to the RGZ2, planning approval is required for the proposed buildings and works for more than one dwelling. A preferred maximum building height of 14.5 metres applies to dwellings and residential buildings.

Particular Provisions:

- Clause 52.06 Car Parking deals with a new use on site and deals with car parking provision and design. Under Clause 52.06-2, a planning permit is required for a reduction in car parking. The proposal provides compliant resident and visitor car parking.
- Clause 52.29 Land adjacent to a Road Zone, Category 1 applies to land abutting a Road Zone Category 1. A permit is required to alter (remove) the existing access arrangement to Whitehorse Road..
- Clause 52.34 Bicycle Facilities applies to residential developments of four or more storeys and encourages cycling as a mode of transport through requiring the provision of suitable bicycle facilities. The proposal provides sufficient on site bicycle spaces.
- Clause 52.35 Urban Context Report and Design Response for Residential Development of Five or More Storeys deals with building design and amenity considerations. (Note: Amendment VC136 introduced on 13/04/2017 provides new provisions for apartment developments. Transitional provisions enable a planning permit lodged before 13/04/17 to be considered under the provisions in force immediately before the approval date.)

PROPOSAL

The application seeks approval for the development of the land for a part three and part five storey apartment building comprising 62 dwellings and 8 three-storey townhouses, in addition to two basement car parking levels extending below all buildings. The main pedestrian access is located at the Whitehorse Road frontage with vehicle access into the basement level also provided via Whitehorse Road.

The key features of the proposal are detailed as follows:

Building form

- The apartment building comprises 12 one-bedroom apartments, 48 two-bedroom apartments and 2 three-bedroom apartments (a total of 62 apartments).
- The townhouses comprise 8 three-bedroom dwellings with two bathrooms.
- The ground level comprises 12, two bedroom apartments (including one over two levels) with access to outdoor terraces for each apartment varying between 17 and 143 square metres in size.
- Centrally located pedestrian entry off Whitehorse Road and lobby.
- Levels 1 and 2 comprises 15 apartments.
- Level 3 comprises 12 apartments.
- Level 4 comprises 8 apartments.
- Each dwelling has the benefit of a balcony varying in size between 8 and 15m^2.

Townhouses all comprise an open plan kitchen/ dining/ living area to each at ground floor, together with a rear courtyard, and front door directly facing Whitehorse Road. First floor incorporates two bedrooms with a shared bathroom, and a small balcony facing Whitehorse Road. Second floor incorporates a master bedroom with ensuite bathroom and walk in robe, together with study alcove.

10.1.1
(cont)

Vehicle access and basement levels

- The existing vehicle crossover to Whitehorse Road will be modified to a 6.1 metre wide crossover located towards the south-western corner of the boundary. The existing crossover to Kingsley Crescent will be removed and kerb and channel reinstated.
- 47 resident car parking spaces are provided within the lower basement level.
- 17 resident car parking spaces and 14 visitor car spaces are provided within the upper basement level. This level also comprises the bin storage room.
- 24 bicycle parking spaces
- Both levels comprise storage areas for residents and a lift to the upper levels
- 8 car spaces within secure garages which are attached to the 8 townhouse style dwellings at upper basement level. Each of these garages will include direct pedestrian access to the associated dwelling. Given each of these townhouses require 2 parking spaces, the second spaces for each are located within the open basement carparking area.

Landscaping

- The proposal allows for substantial landscaping around the perimeter of the site, given the benefit of the basement level setback from all site boundaries. A concept landscaping plan has been submitted with the application.

General

- The materials include predominantly brick veneer, painted sheet cladding, timber look sheet cladding, metal battens and framing for privacy, various types of metal cladding, glass louvered windows and feature render finishes. Planter boxes to maximise amenity to private open spaces and provide visual interest and softening to the façade.
- The development has been designed with two separate building components, each with its own unique built form and street presentation, but linked by complementary and similar materials and colour palette.
- The apartment building features a clearly identifiable recessed front entry with angled white canopy over, feature angled rendered element forming basement entry, wrapping across to some first floor balconies. This feature element repeats on the top level balustrades, with angled glazed inserts. The third and fourth levels are recessed.
- Within the apartment building, recessed front fences to ground floor apartments in a combination of vertical metal battens and brick with generous landscaping in front and behind to soften the POS of these apartments from Whitehorse Road.
- The townhouse component has been designed so there is a clear delineation between each dwelling, using an alternating rhythm in the façade treatment.
- Townhouses 2, 4, 6 and 8 feature two level timber look boxes with recessed top level. Openings in the timber boxes will form windows to ground floor and first floor. Vertical battened screening to provide privacy facing Whitehorse Road.
- Townhouses 1, 3, 5, and 7 feature two level clad boxes with recessed top level. Recessed two level brick wall, tying into the brick used in the apartment building. Solid balustrades at first floor with tinted glazed inserts to maximise privacy. Use of planter boxes at first and second floor. Top levels reference the pitched roofs prevalent in the surrounding area.
- The site coverage is 57%, with a permeability of 37%.

CONSULTATION

Public Notice

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting five notices to the street frontages. Following the advertising period 15 objections were received.

10.1.1
(cont)

The issues raised are summarised as follows:

- Amenity impacts:
  - Overlooking
  - Overshadowing, including winter shadows
  - Increased noise
  - Emission of dust and dirt on the road impacting the adjacent car detailing business
  - Reduced safety
  - Increased pollution
- Neighbourhood character:
  - Building height is out of keeping with the neighbourhood
  - The five storey built form is too close to General Residential Zoned dwellings to the north
  - Inadequate setbacks and transitions provided to surrounding residential lots
- Internal Amenity:
  - Insufficient private and communal open space
- Car parking and traffic:
  - Increased traffic
  - Insufficient on site car parking – one car per apartment is insufficient
  - Visitors to apartments will not typically utilise basement parking provided
  - Increased on-street parking
  - Car parking entry off Whitehorse Road will cause traffic conflict
  - Increased traffic along Nangnak Lane and surrounding residential streets
  - Traffic and pedestrian safety impacts on the street
  - Removal trucks will park on Whitehorse Road, causing traffic congestion
- Landscaping:
  - Insufficient landscape screening
- Compliance with planning controls
- Drafting concerns
- Non-planning matters
  - Loss of views
  - Construction impacts
  - Negative impact on surrounding property values
  - Increased pressure on local infrastructure (such as playgrounds)

Consultation Forum

A Consultation Forum chaired by ex-Councillor Tescher was held on 28 February 2017. A total of seven registered objectors, five representatives for the applicant and the Planning Officer attended this Forum.

The Chair facilitated discussions around the themes raised in objections. The applicant provided a brief overview of some of the key features of the application to participants towards the end of the forum. No consensus was reached, however the applicant offered to undertake the following:

- Prepare a 2pm shadow diagram to demonstrate that overshadowing will not unreasonably affect No.3 and 3A Kingsley Crescent.
- Update plans to provide an additional basement level for car parking provision, in order to exceed resident parking requirements.
- Visitor parking access to be facilitated by intercom.
- Provide updated plans showing improved landscaping and overlooking screening details.

10.1.1
(cont)

Subsequently to the Forum, on 10 March, 2017, the applicant provided additional plans to Council for discussion purposes including the following changes:

- Provision of an additional 46 on-site car spaces within a third basement level.
- Increase in building setbacks at the north-east corner on levels 2-4, in order to ensure that no additional shadows are cast on the private open spaces of 3 and 3A Kingsley Crescent between 9am and 3pm.

Referrals

External

VicRoads

The application was referred to VicRoads in accordance with Section 55 of the Planning and Environment Act 1987. VicRoads have advised that they do not object to the proposal, subject to the inclusion of conditions on any planning permission issued. These conditions relate to the construction of access lanes, driveways, crossovers and associated works prior to the commencement of the use or development, and their maintenance in good condition.

Internal

Engineering and Environmental Services Department

- Transport Engineer

Consent subject to conditions.

- Waste Engineer

The submitted Waste Management Plan, prepared by Leigh Design and dated June 2016, is approved. It is noted that waste collections for the development will be undertaken by private contractors. Waste will be collected onsite, within the development's basement Level 1 car park driveway. The collection contractor will transfer bins between the waste areas and the truck.

- Assets Engineer

Consent subject to conditions.

Planning Arborist

The proposal was referred to Council's Arborist. The arborist noted that no dedicated report was submitted with this application. The arborist recommended that the plans be amended to show Trees # 1 to # 5 inclusive, together with their respective Tree Protection Zones (TPZ) and Structural Root Zones (SRZ).

The plans do not show any encroachment into the TPZ of Tree # 1 by hard surface works, however they do show a planter box on the boundary, within the TPZ. A tree protection condition should be included on any planning permission issued.

Trees # 1 to # 5 inclusive can be retained as part of the proposed development.

ParksWide Arborist

The street tree is a Fastigiated Quercus (Oak tree). The tree displays good structure and good health. It is a tree that is valued within the existing streetscape and is within an avenue of similar species. A clearance distance of 2.4 metres is required. Any excavation within the TPZ should be undertaken by hand, hydro excavation or air spading.

10.1.1
(cont)

ESD Advisor

The proposal was referred to Council's ESD Advisor. The proposal incorporates a number of Environmentally Sustainable Development (ESD) initiatives including the provision of some daylight to corridors, timer or motion sensor controls for lighting of common areas, and 40 kL rainwater collection for toilet flushing. However, this application does not fully meet Council's Environmentally Sustainable Development Policy for a development of this size, however the outstanding matters can be resolved via any conditions of approval. Further details and ESD commitments are required before the Sustainability Management Plan can be endorsed, and these will be included as conditions.

Landscape Advisor

The proposal was referred to Council's Landscape Advisor. The proposal is generally satisfactory, with setbacks for planting considered satisfactory. The planting schedule should incorporate upright species along the north-eastern boundary adjacent to the townhouses and the south-western boundary where the basement is set back 1500mm. The remainder of the western boundary must be replanted with canopy trees.

DISCUSSION

Consistency with State and Local Planning Policies

The State Planning Policy Framework aims to increase the supply of housing in existing urban areas, and to encourage well-designed infill housing which respects the identified existing and preferred neighbourhood character, improves housing choice, makes better use of existing infrastructure and improves energy efficiency of housing.

In accordance with Plan Melbourne 2017-2050:Metropolitan Planning Strategy, Clause 11.06-2, Housing Choice, includes the objective to provide a diversity of housing in defined locations that cater for different households and are close to jobs and services. Increasing housing supply near services and public transport is encouraged to reduce the cost of living and facilitate the supply of affordable housing.

Clause 15 (Built Environment and Heritage), identifies that planning should ensure all new land use and development appropriately responds to valued built form and cultural context.

At Clause 15.01-2 (Urban design principles), the objective is to:

"To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties."

Clause 16 (Housing) of the State planning policy framework also strongly advocates the need to provide substantial new housing, in a diversity of new housing types, ensuring that developments are integrated with infrastructure and services.

Clause 21.06 (Housing) identifies the site as being within a Substantial Change Area. This policy recommends that development is facilitated within Substantial Change Areas as these have been identified as being able to sustain higher density development based on environmental and infrastructure considerations, and will make a significant contribution to increases in housing stock. Apartment style building forms are encouraged within Substantial Change Areas, however it is noted that buildings interfacing sensitive areas should have a scale and massing appropriate to the character and scale of their context, and higher density building forms should be located away from sensitive interfaces.

From a policy perspective, Clause 21.06 locates the site within a 'Substantial Change Area' where housing growth and increased densities are to be anticipated in achievement of a future character.

10.1.1
(cont)

Clause 16.01-2 (Location of Residential Development), encourages new housing to be located in or close to activity centres, employment corridors, services and transport. This is to be achieved by increasing the proportion of housing in Metropolitan Melbourne to be developed within the established urban area, to reduce the pressure for fringe development. In addition, Clause 16.01-4, Housing Diversity, recommends the provision of a range of housing types to meet increasingly diverse needs by widening housing choice, particularly in the middle and outer suburbs.

Clause 18 (Transport) has objectives to encourage higher land use densities and mixed use developments near railway stations, major bus terminals, transport interchanges and tramways (the Principal Public Transport Network). Pursuant to the State Transport Policy, Clause 18.02-1 also promotes the use of sustainable personal transport, including walking and cycling, whilst Clause 18.02-5 requires that an adequate supply of car parking is provided, that is appropriately designed and located to protect amenity of residential precincts.

Clause 19.01 (Renewable Energy) promotes renewable energy use in developments and Clause 19-03-05 seeks to minimise waste and encourage recycling within new development.

Clause 22.03 (Residential Development) identifies the subject site as included within the Garden Suburban Precinct 11. The following future character outcome is sought:

"A variety of well articulated dwelling styles will sit within compact garden settings. Infill development will be common, however new buildings and additions will be setback at upper levels to minimize dominance in the streetscape. The consistent front setbacks and spacing between dwellings will be retained, with buildings setback or appearing setback from at least one side boundary. Low or open style front fences will provide a sense of openness along the streetscape, and allow views into front gardens."

Clause 22.04 (Tree Conservation), seeks to encourage the retention and regeneration of significant vegetation. The development site is vacant and does not contain any significant vegetation. The submitted development plans include substantial in-ground landscaping areas made available along the boundaries to enhance the tree coverage and landscape character.

The strategic planning directions in both State and Local Planning Policy Frameworks identify the subject site as suitable for high density housing, which will widen housing choice and make better use of existing infrastructure. The proposed development achieves this overarching strategic objective to provide a greater range and intensification of residential development. The site is within walking distance of public transport (train station, trams and buses) and parks.

The proposal is consistent with the purpose of the Residential Growth Zone which seeks to provide housing at increased densities, to encourage a diversity of housing types in locations offering good access to services and transport, and to a transition of building scales between areas of more intensive development and areas of restricted housing growth. It is noted that the purpose also references building forms up to four storeys, however there is no height limit specified in Schedule 2 of the Residential Growth Zone and the preferred building height in the zone provision is discretionary, allowing Council to take into account site circumstances when deciding on appropriate building height.

10.1.1
(cont)

Urban Design Principles

Clause 15.01-2 Urban Design Principles of the Whitehorse Planning Scheme, and the *Design Guidelines for Higher Density Residential Development* (Department of Sustainability and Environment, 2004) require design principles to be referred to when assessing development proposals for residential development of five or more storeys, including:

Context and the public realm

The site has a commercial interface with a service station to the west, a direct interface with the rear secluded private open space of detached dwellings fronting George Street to the north (across a narrow 3.0 metre wide ROW), and, where not directly fronting Kingsley Crescent to the east, a direct eastern interface with the rear secluded private open space of semi-detached and detached dwellings at 3 and 3A and 5 Kingsley Crescent respectively. The site has direct abuttal to the route 109 tram which runs along Whitehorse Road and is in close proximity to the core of the Box Hill Metropolitan Activity Centre (MAC). Mont Albert train station is located 560 metres south-west of the site, and Kingsley Gardens is located immediately east (across Kingsley Crescent).

The existing physical context of the subject site is diverse, with the low-set detached residential character of Kingsley Crescent (and George Street to the site's north) contrasted against the transformative built form occurring further east of the subject site in the Box Hill MAC.

This portion of Whitehorse Road is also undergoing change, as demonstrated by a number of existing and emerging higher density infill developments (766 Whitehorse Road, and 775-791 Whitehorse Road, in the order of 3 to 5 storeys).

The diversity in the surrounding character is a result of the planning framework applicable to the broader area. The entirety of the subject site is located within the Residential Growth Zone Schedule 2 which specifically seeks to encourage a future built form character which adopts diverse housing options including buildings up to four storeys in height. The Residential Growth Zone Schedule 2 also seeks to encourage a scale of development that transitions between areas of more intensive development and areas of restricted housing growth.

All adjoining properties to the north of the subject site, facing George Street, are contained within the General Residential Zone Schedule 4 which seeks to facilitate more modest residential development that responds to existing character.

An existing street tree located in proximity to the proposed vehicle crossover cannot reasonably be retained in association with the development, and the amenity value of this tree must be paid to Council's Parkswide Department in order to facilitate the removal and replacement of this tree.

Safety

The proposed development will create an urban environment where personal safety and property security is enhanced, and where people feel safe to live, by providing secure access and passive surveillance of and interaction with the public realm.

Landmarks, views and vistas

Given the location of the subject site and the scale of the development, the proposed building will be visually prominent, which is an appropriate response at this Whitehorse Road location, as part of an approved residential growth corridor. The proposal will not block any identified significant views or vistas.

10.1.1
(cont)

Pedestrian spaces

The proposal concentrates a single vehicle access point at the Whitehorse Road frontage with the pedestrian entrance also to the Whitehorse Road frontage. A single vehicle access arrangement leaves the majority of the street frontages with uninterrupted pedestrian movement.

The existing retaining wall along the Whitehorse Road frontage will be removed, and replaced with a predominantly 1.5 metre high metal batten fence (with 50% transparency), which is intended to be set back behind a modest landscaping reserve that varies in width between approximately 2.0 metres (apartment building) and 0.7 metres (townhouses). The height and transparency of the proposed fence is fully compliant with the expectations of the Residential Growth Zone (where adjoining a RDZ1).

At Kingsley Crescent, the eastern most townhouse proposes to present with a fence line and sheer boundary wall set back 3.0 metres behind publically accessible landscaping. The Urban Design Report, prepared by David Lock and Associates, which accompanied the application, has recommended that the fence line be extended at this interface to the site's boundaries to preclude perpetual vandalism of the sheer wall (particularly given the accessibility of this interface from the neighbouring park). This will form a condition on any planning permit issued.

Light and shade

The proposed building will cast shadows to the south across Whitehorse Road and to some commercial frontages, such as the service station to the west of the site. However, neither of these are sensitive areas. The shadow diagrams (9am to 3pm on September 22nd) demonstrate that the overshadowing implications are acceptable, having regard to the preferred built form character and streetscape vision for the site and the surrounding area.

It is noted that amended plans dated 09/03/2017 ensure that there would be no additional overshadowing to 3 and 3A Kingsley Crescent and negligible overshadowing of 5 Kingsley Crescent's secluded private open space.

The proposed development provides for good solar and daylight access to habitable rooms.

Energy and resource efficiency

The orientation of the building on the lot has maximised available solar access. The use of shared roofs, floors and walls also promotes energy and resource efficiency.

A Sustainability Management Plan was submitted with the application, and Council's ESD Officer has advised that the development can achieve an acceptable level of energy efficiency, subject to some amendment of the submitted Sustainability Management Plan.

It is noted that there are a number of single aspect south facing dwellings. Whilst this is not ideal, it is an acceptable outcome for the apartment building typology, and it is noted that a large common open space area is provided at the top level which will provide for additional solar access and outdoor living space for residents.

Architectural quality

The proposed development achieves an appropriate architectural and urban design response. Rooftop plant equipment is located centrally to the building footprint, and will have limited visibility from surrounding areas.

10.1.1
(cont)

Landscape architecture

Clause 22.04 (Tree Conservation) acknowledged the importance of trees in enhancing the character of the municipality and seeks to minimise the loss of vegetation as a result of development. Clause 22.03-5 (Residential Development – Garden Suburban Precinct 11) seeks to ensure that new development fronting Whitehorse Road provides area for large trees and gardens.

The site layout provides acceptable setbacks and perimeter landscaping to all sides, including minimum 5.2 metre setbacks to the sensitive residential interface to the north, and 4.2 metre setbacks to the east.

Planting along narrow spaces to the north of the townhouses and west of the apartment building will require upright tree species. The remainder of the western boundary must be planted with canopy trees. This will form a condition on any planning permit issued.

Along the south boundary, the basement car parking area achieves a boundary setback of between 3.0 and 4.0 metres from the boundary, and to the west the setback achieved is 4.5 metres. The indicative landscaping shown on the development plans provides for perimeter planting of canopy trees and shrubs and it is considered that the extent of landscaping proposed will assist in softening views towards the new apartment building.

Ground level apartments, together with the eight townhouses, are provided with open spaces fronting the streetscape, side, or rear boundaries. A predominantly 1.5 metre high metal batten fence (with 50% transparency), to be set back behind a modest landscaping reserve, varies in width between approximately 2.0 metres (apartment building) and 0.7 metres (townhouses). The main pedestrian entrance into the apartment building, together with the individual entrances to the townhouses also assist in breaking the façade presentation and providing for a relationship from the street to these dwellings.

No services, such as a substation, or fire fighting connection, have been shown on the submitted plans. A planning permit condition will require that the location of these services is shown on the plans, and elevation plans will be required to be provided to ensure the services are treated with appropriate materials to ensure they can successfully integrate into the streetscape.

The siting and design detailing of the apartment building otherwise represents a contemporary design utilising modulated forms and recessed upper levels with a variety in finished materials, providing an appropriate response to the public realm.

Guidelines for Higher Density Development

The Guidelines for Higher Density Development require applications to be assessed against six key urban design principles as detailed below:

Element 1 Urban Context

The Urban Context Report submitted with the application detailed opportunities and constraints of the site, identified the policy direction and planning scheme objectives for the site, including the expected impact of future development. Given the location of the site within a Substantial Change Area, higher density development is encouraged.

Element 2 Height and Massing

The proposal consists of a five storey apartment complex within the west of the site (approximately 15.2m at the highest point) and a row of three storey townhouses within the east of the site (approximately 9.2m at the highest point).

10.1.1
(cont)

Regarding the apartment building, the RGZ2 encourages higher density development of up to and including four storeys and Clause 21.06 anticipates this in the form of apartment buildings in Substantial Change Areas. As viewed directly from Whitehorse Road, the height of the apartment building has been massed so as to read as a predominantly three storey form with recessive double storey upper 'cap'. Recessing the upper levels is consistent with GS11 (Garden Suburban area 11) massing guidance, and results in similar visual outcomes to a sheer four storey apartment building without upper setbacks (which is consistent with the form envisaged by the RGZ). Importantly, the use of upper storey setbacks and the promotion of a three storey base is cognisant of the form of recent proximate developments on Whitehorse Road (refer 766 Whitehorse Road), which is consistent with Design Suggestions 2.2.1 and 2.2.2 of the Guidelines for Higher Density Development. Finally, the overall height of the apartment building will be visible in longer, oblique views along Whitehorse Road where it will contribute to a comfortable built form transition to and from the more intensive development occurring in the Box Hill MAC (including directly east of Kingsley Gardens).

With respect to the proposed townhouses, the RGZ2 allows a maximum height of 14.5 metres. The proposed 9.2 metre height is compliant with the zone, the height of the townhouses more importantly perpetuates the established street wall height existing in Whitehorse Road (as well as by the proposed apartment building within the west of the subject site) which is consistent with existing character and therefore compliant with the objective of Clause 55.03-2. As viewed from Kingsley Crescent, the height of the townhouses will effect a height transition from Whitehorse Road toward the existing double storey development at 3 and 3A Kingsley Crescent, which will 'mark' the street corner with taller form.

The consolidation of the three lots has enabled the notion of preserving equitable development rights to be readily achieved through the ability to achieve appropriate setbacks. This concept is an important issue in such development scenarios particularly within Substantial Change Areas where there is a reasonable expectation that the adjoining lot to the west may, in time, be redeveloped.

Street Setbacks

The setback of buildings from a street edge affects how uses relate to the public space of the street. Front setbacks, or the absence of them, are also an important aspect of neighbourhood character.

The apartment building is proposed to be setback from Whitehorse Road between 6.0 metres and 8.9 metres (entry lobby), whilst the proposed townhouses will be setback 6.0 metres. At Kingsley Crescent the easternmost townhouse proposes to be setback 3.0 metres.

Objective 2.4 of the Guidelines for Higher Density Development seeks to ensure street setbacks respond to existing or preferred street character, and – with respect to the townhouses – the RGZ2 street setback variations apply only to boundary walls.

Importantly, the preferred future character statement for GS11 precincts anticipates 'compact garden settings' and consistent front setbacks.

The prevailing street setback character of newer development in the RGZ2 portion of Whitehorse Road is approximately 6.0 metres, and the proposed setbacks at this interface directly respond to this. At 3.0 metres, the proposed setback to Kingsley Crescent is consistent with the side street provisions of Standard B6 of Clause 55.

10.1.1
(cont)

Side and Rear Setbacks

The proposed apartment building will be incrementally setback from the western boundary between 2.0 – 10.1 metres (ground floor) and 5.0 – 10.33 metres (Level 4), incrementally from the north between 5.46 – 9.05 metres (ground floor) and 7.0 – 10.86 metres (Level 4), and incrementally from the east 4.22m – 12.02 metres (ground floor) and 7.0 – 12.02 (Level 4). The proposed townhouses are to be setback from the north 4.82 metres (ground floor), 3.86 metres (Level 1) and 4.37 metres (Level 2).

Objective 2.5 of the Guidelines for Higher Density Development seeks to ensure that building separation supports amenity and reinforces neighbourhood character.

From a character perspective, the proposed western setback of the apartment building achieves an appropriate built form separation that is reflective of the prevailing side setback character of newer development in the surrounding RGZ2 portion of Whitehorse Road. Equitable development also drives the setback, and this is discussed later in this report. At the north and east, the proposed apartment building is staggered to achieve a legible built form transition to adjoining residential properties as per the objectives of the RGZ2 seeking built form transition to areas of more limited growth.

With respect to the proposed townhouses, the proposed rear setback will result in an appropriate level of built form separation as viewed from Kingsley Crescent commensurate with the existing character of the RGZ2 portion of this streetscape.

The inter-building separation between the proposed apartment building and townhouses is sufficient for the proposal to 'read' as two distinctive components from Whitehorse Road. Further, no aspect of the proposal seeks to make use of on-boundary construction (including the basement), which ensures availability of deep soil and space for meaningful landscaping in accordance with the preferred future character statement for the Garden Suburban Precinct 11.

Element 3 Street Pattern and Street-Edge Quality

Local street patterns and the size of the building blocks are important to the liveability of the local area. This element seeks to encourage increased pedestrian use through appropriate building layout. The building's frontage to Whitehorse Road creates a transition between public and private space. The careful design of this street edge zone will contribute to the liveliness, interest, comfort and safety of the street for those who use it.

The proposal seeks to address the existing level difference between the subject site and Whitehorse Road through the removal of the existing retaining wall and replacement with a predominantly 1.5 metre high metal batten fence (with 50% transparency), which is intended to be set back behind a modest landscaping reserve that varies in width between approximately 2.0 metres (apartment building) and 0.7 metres (townhouses). The height and transparency of the fence is compliant with the expectation of the RGZ2 (where adjoining a RDZ1) and will facilitate an appropriate level of public realm activation given the proposed ground floor dwellings behind.

The proposed landscape setback will widen the public realm and be generally commensurate with more recent development in proximity of the site. However, the Urban Design Report, prepared by David Lock and submitted with the application, suggests that Council should satisfy itself that the proposed landscaping will not reach a height at maturity capable of unreasonably obscuring outlook from Ground Floor habitable rooms to the Whitehorse Road public realm. A condition can be included on any planning permission issued, to this effect.

10.1.1
(cont)

Building Entries

The development is well designed to achieve the objectives of this element. The primary pedestrian entry to the apartment building is located along the site's frontage to Whitehorse Road, and is clearly identifiable. Similarly, all proposed townhouses will have direct access to Whitehorse Road which will appropriately activate Whitehorse Road.

As discussed above, the apartments at ground level are orientated towards Whitehorse Road and provide for direct pedestrian access, which maintains a physical connection to the street. This arrangement assists in providing a 'fine grain' pattern to the façade and increased activity and security to the streetscape. The arrangement of the apartments provides for living areas and bedrooms orientated towards the streetscapes at all levels. This design feature is directly encouraged at Objective 2.8 of the Guidelines for Higher Density Development as it provides surveillance, connectivity and activation.

In terms of the townhouses, it is considered that additional east-facing windows to Kingsley Crescent (including highlight windows) or revised balcony orientation to achieve the same improvement to passive surveillance at this interface is required. This requirement can form a condition on any planning permission issued.

Element 4 Circulation and Services

The basement car park entrance is located via a single entrance point on Whitehorse Road, with basement parking provided over two levels. Within the car park, entry points to the building (stairs and lift) are clearly visible and centrally located. The visitor spaces are located near the entrance and directly adjacent to the lift. Council's Transport Engineers are satisfied that the basement provides for appropriate circulation, subject to minor alterations.

The entrance lobby to the apartment building, together with corridor widths has generous dimensions (between 1.6 and 2.4 metres) and proportions enabling equitable access for residents and visitors.

Mechanical plant and other related mechanical service units are generally located within the basement, or on the roof in a central location.

Waste disposal and recycling is proposed via a centrally located waste room, accessed via vertical chutes on each floor of the apartment building, and located centrally. Townhouse residents will also utilise this waste room, accessed via the shared basement.

Element 5 Building Layout and Design

The proposed dwellings are predominantly two bedroom, with all townhouses and two apartments containing three bedrooms and therefore providing a diverse housing choice. All habitable rooms have direct access to daylight and ventilation in accordance with Objective 5.4 of the Guidelines for Higher Density Development. It is noted that the shape of the site has resulted in a proportion of the proposed apartments being oriented southwards, where solar access will be limited but access to daylight is sufficient.

Externally accessible, secure storage space is provided within both basement levels.

Design Detail

There is a clear, contemporary architectural concept underpinning the design. The use of face brickwork, light finished concrete and darker metal cladding provides an appropriate level of visual interest, and the application of these materials throughout the proposal unites the two separate components of the proposal. In particular, the use of light coloured rendered finishes at the base of the apartment building (with darker materiality for the upper cap) promotes the form of the street wall as the principal visual reference as viewed from Whitehorse Road.

10.1.1
(cont)

Whilst the materiality of the proposal indicates use of a range of darker finishes for metal cladding and rendered finishes ('Domino', 'Charcoal', 'Monument'), the renders convey an overtly 'dark' finished outcome for the proposed townhouses and it is recommended in the David Lock and Associates Urban Design Report that greater use of lighter materiality be employed at the first two storeys. It is also recommended that all proposed dark finishes are 'dark grey' at most and not 'black'. These requirements can be included as planning permit conditions.

The façade of the proposed apartment building employs a series of framing elements to south facing Level 2 balconies, which greatly assist in articulating the façade of the proposal as viewed from Whitehorse Road and are supported from an urban design perspective.

A condition of the permit will require cross-section diagrams demonstrating how screening is achieved of downwards views within 9 horizontal metres from first floor planters as this is currently not satisfactory.

As the subject site is located beside Whitehorse Road, the proposed dwellings may be impacted by traffic noise, and so acoustic protection measures will be required for all habitable room windows.

Element 6 Open Space and Landscape Design

It is considered that sufficient allowance for landscaping has been provided in accordance with the requirement of Clause 22.03 and Garden Suburban Precinct 11 precincts, which will assist in softening the proposal – particularly at the proposal's interface with Kingsley Garden, where the proposal will be most visible in longer views from further east along Whitehorse Road.

Common areas are easily identifiable, including car parking, vehicular and pedestrian access. All ground floor apartments and townhouses are provided with generous proportions of open space at ground level, while apartments at Level 1, 2, 3 and 4 are provided with balconies equal to or over the required $8m^2$ in area.

The proposed landscaping will provide for engaging and functional spaces for residents and will contribute to the Garden Suburban neighbourhood character.

Vehicle Access Arrangements and Car Park Layout

A number of the objections raised concern with the lack of appropriate on-site car parking for the development. As set out above, the statutory car parking requirement is 94 spaces (80 resident spaces and 14 visitor spaces). This is inclusive of 8 car spaces provided with secure garages which are attached to the 8 townhouses. Each of these garages includes direct pedestrian access to the associated dwelling.

Statutory Assessment

Usage	Number	Rate	Required Spaces
Dwellings			
• 1 & 2 bedroom dwellings	60	1 space per dwelling	60
• 3+ bedroom dwellings	2	2 spaces per dwelling	4
3 bedroom townhouse	8	2 spaces per dwelling	16
• Visitor parking	70	1 space per 5 dwellings	14
		Total spaces required	94

The proposed parking provision of 94 parking spaces meets the planning scheme requirements is therefore considered satisfactory.

10.1.1
(cont)

Traffic Generation

Council's Transport Engineers have confirmed that it is unlikely that there will be a significant impact upon the local road network or nearby intersections. VicRoads has also not raised any concerns with traffic generation.

Bicycle Facilities

The number of bicycle parking spaces are required as per Clause 52.34 of the planning scheme.

Usage	Number	Resident Rate	Visitor Rate	Required Spaces
Dwellings (4+ storeys)	70	1 space per 5 dwellings	1 space per 10 dwellings	21
			Total spaces required	21

The proposed development generates a requirement for 14 resident bicycle spaces and 7 visitor spaces. Within the basement level 1 car park is a bicycle compound containing 24 racks. A further 4 bike racks are located at ground level adjacent to the lobby entrance. The provision of bike spaces therefore exceeds the statutory requirement.

Council's Transport Engineer has required a parking management plan to be submitted which will include allocating parking spaces to individual properties, signing of parking spaces, line marking of parking spaces and detail how access will be achieve by visitors i.e. an intercom and how parking will be secured. Minor alterations to the proposed internal dimensions for the garages within the basement are also required, and a condition will require these to be 3.5m wide by 6m long as required under Clause 52.06 of the Whitehorse Planning Scheme. In addition, no doors are to open into the clear internal dimensions of the garage as required by Clause 52.06-8 of the Planning Scheme, and the garage door openings are to be in accordance with the requirements of Section 5.4 of AS 2890.1.

Access to the car parking is provided via a 6.1 metre wide crossover to Whitehorse Road located near the site's western boundary (modifications to the existing crossover). The existing crossover to Kingsley Crescent will be removed and kerb and channel reinstated to the satisfaction of Council.

A Traffic Engineering Assessment was submitted with the application, and prepared by Traffix Group (dated June 2016). This Assessment found that, post development, 12 on street car spaces would be available on the site's frontage to Whitehorse Road subject to '1P 8:30am – 4:30pm Mon-Fri, Clearway 4:30pm-6:30pm Mon-Fri' restrictions (net loss of one car parking space). No stopping restrictions apply along the site's frontage to Kingsley Crescent and as such there is no change to on street parking availability.

The Assessment also concluded that the proposal is fully compliant with the on-site car parking requirements of Clause 52.06 Car Parking of the Whitehorse Planning Scheme. Notwithstanding this, the report also found that on street parking is readily available in nearby areas (including the 12 on street spaces to Whitehorse Road) and accordingly any visitors can be easily accommodated. Additionally larger vehicles (such as removalist trucks) or tradesmen would be easily accommodated on street.

Council's Transport Engineers support the above assessment.

Public Transport Access

The site is well-serviced by a number of public transport services, including train, tram, and bus services located within walking distance of the site. The Box Hill MAC and bus terminus is located approximately 800 metres east of the site and provides access to a number of bus services that link the site to a variety of destinations.

10.1.1
(cont)

Tram route 109, travelling between Box Hill and Port Melbourne, extends along Whitehorse Road and is adjacent to the subject site. Bus route 284, travelling between Doncaster Park and Ride and Box Hill, also extends along Whitehorse Road. Mont Albert railway station is located approximately 600 metres south-west of the site, and Box Hill railway station us located 900 metres east of the site.

Whitehorse Road itself has substantial access to a number of main north-south metropolitan roads including; Elgar Road, Station Street, and Union Road.

Objectors Concerns not Previously Addressed

- Increased noise

The consideration of this planning application is confined only to the construction of the dwellings. The residential use of the dwellings does not require a planning permit and is not a planning matter. Residential noise associated with a dwelling is considered normal and reasonable in an urban setting. Any future issues of amenity, if they arise, can be pursued as a civil matter.

- Negative impact on property values

The Victorian Civil and Administrative Tribunal and its predecessors have generally found subjective claims that a proposal will reduce property values are difficult, if not impossible to gauge and cannot be considered in the determination of a planning permit application. It is considered the impacts of a proposal are best assessed through an assessment of the amenity implications rather than any impacts upon property values. This report provides an assessment of the amenity impact of this proposal.

- Construction impacts including excavation, safety, noise and dust

A Construction Management Plan will address these matters.

CONCLUSION

The proposed construction of a five storey apartment building and three storey townhouses is considered to be generally consistent with the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies, the Residential Growth Zone Schedule 2, Clause 52.06 Car Parking, and the Guidelines for Higher Density Residential Development.

A total of 15 objections and one letter of support were received as a result of public notice and all of the issues raised have been discussed in this report.

It is considered that the application should be approved.

ATTACHMENT

1 Advertised Development Plans ⇨

10.1.2 163-165 and 175 Central Road, Nunawading (PC 352693N)– Extension of an existing residential building, buildings and works to use and develop a retirement village and associated tree removal and waiver of bicycle parking requirements

FILE NUMBER: WH/2016/650
ATTACHMENT

SUMMARY

This application was advertised, and a total of 25 objections were received. The objections raised issues with amenity, neighbourhood character, car parking, traffic and landscaping. A Consultation Forum was held on 2 March, 2017 chaired by Councillor Stennett, at which the issues were explored, however no resolution was reached between the parties. This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as the objector concerns. It is recommended that the application be supported, subject to conditions.

RECOMMENDATION

That Council:

A Being the Responsible Authority, having caused Application WH/2016/650 for 163-165 and 175 Central Road, Nunawading (PC 352693N) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the extension of an existing residential building, buildings and works to use and develop a retirement village and associated tree removal and waiver of bicycle parking requirements is acceptable and should be supported.

B Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 163-165 and 175 Central Road, Nunawading (PC 352693N) for the Extension of an existing residential building, buildings and works to use and develop a retirement village and associated tree removal and waiver of bicycle parking requirements, subject to the following conditions:

1. ***Before the development starts, or any trees or vegetation removed, amended plans (three copies in A1 size and one copy reduced to A3 size) shall be submitted to and approved by the Responsible Authority. The plans must be drawn to 1:100 scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:***
    a) ***The locations of Tree Protection Zones described in Condition 9, with all nominated trees clearly identified and numbered on both site and landscape plans, and the requirements of Conditions 9 and 10 to be annotated on the development and landscape plans.***
    b) ***Cross-sections showing how the buildings and works will comply with the requirements of Condition 10 b), c), d), and e).***
    c) ***The car park layout amended in accordance with the Amended Car Park Layout Plan included at Attachment 1, and Tree 25 to be retained.***
    d) ***New car parking areas to utilise permeable paving to support the surrounding trees.***
    e) ***The location of all service trenches to serve the development (for example: gas, water, electricity, stormwater, sewerage, telecommunications), including the extent of trenching required in easements over adjoining lots (if any) and the locations of protected trees within 4 metres of these trenches (if any), in order to demonstrate that no protected trees will be impacts by utility works.***
    f) ***Plans to show whether the existing front fence along Central Road is to be retained or removed.***
    g) ***Provide light coloured roofing material.***

10.1.2
(cont)

h) A detailed schedule and samples of all external materials, colours and finishes.

i) Provision of designated staff smoking areas in appropriate locations on site.

j) Development plans updated to include all of the relevant requirements of the Lighting Strategy and Parking and Access Management Plan.

k) Development plans to reflect all sustainability features indicated in the amended Sustainability Management Plan (SMP). Where features cannot be visually shown, include a notes table providing details of the requirements (ie. energy and water efficiency ratings for heating/cooling systems and plumbing fixtures, etc). The plans are to be generally in accordance with the plans submitted with the application but modified to show:

- ***i. Shadows as per actual sun angles on all elevation drawings.***
- ***ii. Exterior shading for all east, north and west windows greater than 1.5 square metres, to shade at least 40% from 10am to 2pm on 1 February.***
- ***iii. All operable windows, doors, winter garden openings & vents in elevation drawings.***
- ***iv. Where residential aged care double loaded corridors are included, they are to be openable windows to the outside, spaced no greater than 16.5 metres apart, to enable access to cross ventilation and daylight.***
- ***v. Water-sensitive design measures as required to achieve a STORM Rating 100% or greater (or equivalent) and a BESS water score of greater than 50%, including but not limited to a 60 kL rainwater tank - connected to all toilet flushing, laundry, irrigation and general wash down – and a 60 square metre rain garden to treat any remaining impervious areas.***
- ***vi. All rainwater tank and rain garden information (as per above) to be noted in plans.***

l) Landscape Plan in accordance with Condition 5, including the following:

- ***i. Use of predominantly indigenous and native species around the perimeter of the site except for the central courtyard sensory garden.***
- ***ii. Planting of at least 42 new trees. These trees are to have a minimum height of 1.5 metres at the time of planting, and should be planted clear of easements, a minimum 3 metres away from buildings and a minimum 2 metres from property boundaries. Tree species should be chosen from the Recommended Tree Species List included in the Permit Notes.***
- ***iii. Planting of perimeter screening landscaping including tall trees.***
- ***iv. Planting of at least one tree with a minimum mature height of 8 metres plus understorey plantings including shrubs in front of each of independent living units 1 and 2.***
- ***v. Provision of screening landscaping around the new car park areas, including shade trees to shade parked cars.***
- ***vi. Provision of visual and landscape screening, including two trees, to the bin store for the independent living units on the Central Road frontage.***
- ***vii. Details of any hardstand areas should comprise of pavers set on sand and crushed rock unless otherwise agreed to by Melbourne Water***

10.1.2
(cont)

viii. Fencing details including footings/posts in accordance with Melbourne Water requirements.

m) Landscaping Maintenance Plan in accordance with Condition 6.

n) Amended Sustainability Management Plan in accordance with Condition 18.

o) Lighting Strategy in accordance with Condition 21.

p) Parking and Access Management Plan in accordance with Condition 24.

q) Amended Waste Management Plan in accordance with Condition 26.

r) Construction Management Plan in accordance with Condition 28.

All of the above must be to the satisfaction of the Responsible Authority. Once approved these plans become the endorsed plans of this permit.

2. The layout and operation of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plans and documents, and must not be altered or modified without the further written consent of the Responsible Authority.

3. The use of the land for accommodation as approved must not commence until all of the buildings and works and landscaping hereby approved are completed to the satisfaction of the Responsible Authority.

4. Only Trees 5, 8-11, 18, 20-24 and 29 (1 tree only out of this group of three trees that comprise Tree 29) are allowed to be removed.

Landscaping and Tree Protection

5. No building or works must be commenced (and no trees or vegetation shall be removed) until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. This plan when endorsed shall form part of this permit. This plan shall show:

a) Location of all SRZ and TPZ of trees to be retained.

b) A survey of all existing vegetation, abutting street trees, natural features and vegetation.

c) A concentration of landscaping with the setback between Central Road and the car parking area.

d) Planting within and around the perimeter of the site comprising trees and shrubs capable of:

i. Providing a complete garden scheme,

ii. Softening the building bulk,

iii. Providing some upper canopy for landscape perspective,

iv. Minimising the potential of any overlooking between habitable rooms of adjacent dwellings.

e) A schedule of the botanical name of all trees and shrubs proposed to be retained and those to be removed incorporating any relevant requirements of condition No. 1.

f) The proposed design features such as paths, paving, lawn and mulch.

g) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant.

Landscaping in accordance with this approved plan and schedule shall be completed before the addition to the building is occupied.

Once approved these plans become the endorsed plans of this permit.

10.1.2
(cont)

6. ***Prior to the commencement of the development, a Landscaping Maintenance Plan, prepared by a suitably qualified consultant, must be submitted to the Responsible Authority. The landscaping maintenance plan must include, but is not limited to:***
   a) ***Irrigation system for new trees and landscape areas including details of frequency and water delivery method.***
   b) ***Details of the ongoing maintenance procedures to ensure that the garden areas remain healthy and well maintained to the satisfaction of the Responsible Authority. This must include:***
      i. ***Irrigation frequency and delivery method.***
      ii. ***Drainage.***
      iii. ***Pruning and mulching.***
7. ***The garden and recreation areas shown on the endorsed plan and schedule must only be used as gardens and recreational areas and must be maintained in a proper, healthy and orderly condition at all times to the satisfaction of the Responsible Authority. If any planted trees die or are removed, they must be replaced within two months and maintained to the satisfaction of the Responsible Authority.***
8. ***Council's Planning Inspector must be advised of the completion of all buildings and works and landscaping required by this permit so that a site inspection can be carried out. A further inspection will be carried out 6 months after the completion of the landscaping to ensure that species has been adequately maintained.***
9. ***Prior to commencement of any building or demolition works on the land, a Tree Protection Zone (TPZ) must be established on the subject site and nature strip and maintained during, and until completion of, all buildings and works including landscaping, around the following trees in accordance with the distances and measures specified below, to the satisfaction of the Responsible Authority:***
   a) ***Tree Protection Zone distances:***
      i. ***Tree 3 (Fraxinus angustifolia)– 4.2 metre radius from the centre of the tree base.***
      ii. ***Tree 4 (Ulmus glabra 'Lutescens')– 8.2 metre radius from the centre of the tree base.***
      iii. ***Tree 12 (Syzygium paniculatum)– 5.4 metre radius from the centre of the tree base.***
      iv. ***Tree 13 (Syzygium smithii)– 3.8 metre radius from the centre of the tree base.***
      v. ***Tree 14 (Syzygium smithii)– 4.2 metre radius from the centre of the tree base.***
      vi. ***Tree 16 (Eucalyptus melliodora)– 8.4 metre radius from the centre of the tree base.***
      vii. ***Tree 19 (Eucalyptus melliodora)– 9.6 metre radius from the centre of the tree base.***
      viii. ***Tree 25 (Eucalyptus nicholaii)– 9.6 metre radius from the centre of the tree base.***
      ix. ***Tree 26 (Eucalyptus cephalocarpa)– 6.2 metre radius from the centre of the tree base.***
      x. ***Tree 27 (Pinus radiata)– 8.4 metre radius from the centre of the tree base.***
      xi. ***Tree 28 (Eucalyptus ovata)– 6.0 metre radius from the centre of the tree base.***
      xii. ***Tree 29 (Paulowina tormentosa)– 3.2 metre radius from the centre of the tree base.***

10.1.2
(cont)

xiii. Tree 30 (Eucalyptus cephalocarpa)– 4.9 metre radius from the centre of the tree base.
xiv. Tree 31 (Eucalyptus melliodora)– 4.9 metre radius from the centre of the tree base.
xv. Tree 32 (Eucalyptus melliodora)– 6.2 metre radius from the centre of the tree base.
xvi. Tree 33 (Acer negundo)– 4.8 metre radius from the centre of the tree base.
xvii. Tree 34 (Fraxinus angustifolia)– 5.3 metre radius from the centre of the tree base.
xviii. Tree 35 (Eucalyptus polyanthemos ssp vestita)– 3.5 metre radius from the centre of the tree base.
xix. Tree 36 (Eucalyptus melliodora)– 4.1 metre radius from the centre of the tree base.
xx. Tree 37 (Eucalyptus polyanthemos ssp vestita)– 5.9 metre radius from the centre of the tree base.
xxi. Tree 38 (Eucalyptus polyanthemos ssp vestita)– 3.1 metre radius from the centre of the tree base.
xxii. Tree 39 (Eucalyptus polyanthemos ssp vestita)– 3.0 metre radius from the centre of the tree base.
xxiii. Tree 40 (Eucalyptus polyanthemos ssp vestita)– 6.0 metre radius from the centre of the tree base.
xxiv. Tree 42 (Eucalyptus cephalocarpa)– 8.7 metre radius from the centre of the tree base.
xxv. Tree 43 (Pinus radiata)– 7.8 metre radius from the centre of the tree base.
xxvi. Tree 44 (Pinus radiata)– 4.3 metre radius from the centre of the tree base.
xxvii. Tree 45 (Eucalyptus cephalocarpa)– 6.0 metre radius from the centre of the tree base.
xxviii. Tree 46 (Eucalyptus cephalocarpa)– 4.9 metre radius from the centre of the tree base.

b) Tree Protection Zone measures are to be established in accordance with Australian Standard 4970-2009 and are to include the following:

i. Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres in height held in place with concrete feet.
ii. Signage placed around the outer edge of perimeter the fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.
iii. Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary provide watering/irrigation within the TPZ, prior and during any works performed.
iv. No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.
v. All supports and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.
vi. No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.
vii. Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.

10.1.2
(cont)

viii. Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorized person only during approved construction within the TPZ, and must be restored in accordance with the above requirements at all other times.

10. During construction of any buildings, or during other works, the following tree protection requirements are to be adhered to, to the satisfaction of the Responsible Authority:

a) All buildings and works for the demolition of the site and construction of the development (as shown on the endorsed plans) must not encroach into greater than 10% TPZs of Trees 16, 26, 27, 29 (1 of the 3), 30 to 33, 37 to 39, 41, 43 and 44 (soft landing allowable).

b) All buildings and works for the demolition of the site and construction of the development (as shown on the endorsed plans) must not alter the existing ground level or topography of the land within greater than 10% of the TPZ of Tree 42.

c) All buildings and works for the demolition of the site and construction of the development (as shown on the endorsed plans) must not alter the existing ground level or topography of the land within 3.0 metres of the east boundary fence where within the TPZ of Tree 3 and 2.0 metres of the east boundary fence where within the TPZs of Trees 12, 13 and 14.

d) The car park area where is within the TPZs of Trees 33 and 34 must be constructed at the existing soil grade using porous materials that allows water to penetrate through the surface and into the soil profile. No roots greater than 40mm in diameter are to be cut or damaged during any part of the construction process.

e) The path where is within the TPZ of Tree 4 must be constructed at the existing soil grade using porous materials that allows water to penetrate through the surface and into the soil profile. No roots greater than 40mm in diameter are to be cut or damaged during any part of the construction process.

f) Any tree pruning is to conform to AS4373-2007 Pruning of Amenity Trees and the work is to be performed by a suitably qualified arborist (AQF Level 3, minimum).

Amenity

11. The amenity of the area shall not be detrimentally affected by the use or development, through:

a) Transportation of materials, goods or commodities to or from the land,
b) Appearance of any building, works or materials,
c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste products, grit or oil,
d) Presence of vermin
e) In any other way.

12. The site shall be so ordered and maintained so it will not prejudicially affect the amenity of the locality by reason of appearance.

13. Alarms must be directly connected to a security service and must not produce noise beyond the premises.

14. Service and/or delivery trucks must access the site only between 7am and 5pm on any day (emergency vehicles excepted).

Building Services

15. The development must provide the capacity for television signal distribution to each independent living unit and bedsit. Any satellite dish, antenna or similar structure must be designed and located at a single point to the satisfaction of the Responsible Authority.

10.1.2
(cont)

16. ***The development and use of the site shall not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard the emission of noise shall comply with the provisions of the Environment Protection Act 1970 (as amended) and the policies of the Environment Protection Authority.***

17. ***All building plant and equipment is to be located at the lowest possible level, in order to limit noise emissions. Where plant equipment is required to be located on the roof (such as exhaust flues), it is to be concealed to the satisfaction of the Responsible Authority. Noise emitting plant equipment must be shielded with acoustic screening to prevent the transmission of noise having detrimental amenity impacts. The construction of any additional plant, machinery or other equipment, including but not limited to all service structures, down pipes, aerials, satellite dishes, telecommunication facilities, air-conditioners, equipment, ducts, flues, and communication equipment must include appropriate screening measures to the satisfaction of the Responsible Authority.***

Environmentally Sustainable Development

18. ***Prior to the commencement of any buildings or demolition works, an amended Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority. This SMP must be generally in accordance with the SMP submitted with the application, but amended to include the following changes:***

    a) ***A complete BESS Report that exceeds 50% or 'pass' no less than six categories, including the categories of Water, Energy, Stormwater and Indoor Environment Quality.***

    b) ***Include a preliminary sample set of NatHERS scores for at least six of the independent living units including units 1, 9 and 14.***

    c) ***Rainwater end uses to include all toilet flushing, laundry, irrigation and general wash down.***

    d) ***Submit a water balance calculation justifying the rainwater tank capacity, based on long-term average rainfall data, collection areas and expected end uses, which is in compliance with the AS6400 standard of 1 full- and 4 half-flushes per person per day (giving 16.5 L/person/day for 4 star WELS rated toilet). A new rainwater tank size should be selected based on the revised calculations, ensuring adequate reliability of supply is maintained.***

    e) ***Water efficient fixtures to have efficiencies of or exceeding 4 WELS stars for toilets, 5 stars for basin, kitchen and laundry taps and 3 stars 6-7.5 litres per minute for showerheads.***

    f) ***A STORM Rating Report or equivalent with a score of 100% or greater to the satisfaction of the Responsible Authority.***

    The requirements of the above Sustainability Management Plan must be illustrated (as appropriate) on the plans and elevations submitted for endorsement.

    Once submitted and approved to the satisfaction of the Responsible Authority, the Environmentally Sustainable Development Management Plan will form part of the endorsed plans of this permit.

19. ***All works must be undertaken in accordance with the endorsed Sustainability Management Plan to the satisfaction of the Responsible Authority, and the approved buildings must operate in accordance with this Plan, to the satisfaction of the Responsible Authority. No alterations to the Sustainability Management Plan may occur without the written consent of the Responsible Authority.***

10.1.2
(cont)

20. Prior to the occupation of any building approved under this permit, a report from the author of the Sustainability Management Plan report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Sustainability Management Plan have been implemented in accordance with the approved plan.

Lighting Strategy

21. Prior to the commencement of the development, a Lighting Strategy must be prepared to the satisfaction of the Responsible Authority. The Lighting Strategy must:

- ***a) Provide details of proposed external lighting on the site.***
- ***b) Be prepared in accordance with the Safety By Design Guidelines.***
- ***c) Baffle and/or shield external lighting to ensure no light spill to surrounding residential properties.***
- ***d) to the satisfaction of the Responsible Authority.***

Once submitted to and approved by the Responsible Authority the Lighting Strategy will form part of the documents endorsed as part of this planning permit.

This lighting must be maintained and operated for the life of the buildings in accordance with the Lighting Strategy, to the satisfaction of the Responsible Authority.

Car Parking & Traffic

22. A minimum of 92 car parking spaces are to be provided on the retirement village site.

23. The car parking areas and accessways as shown on the endorsed plans must be formed to such levels so that they may be used in accordance with the plan, and shall be properly constructed, surfaced, drained and line-marked (where applicable). The car park and driveways must be maintained to the satisfaction of the Responsible Authority.

24. Prior to the commencement of buildings or works on the land, a Parking and Access Management Plan, detailing how car and bicycle parking areas, and accessways will be allocated and managed, must be submitted to and approved by Council.

This plan is to be to the satisfaction of the Responsible Authority and must include, but is not limited to, the following:

- ***a) Details of signage and/or alternate measures to be utilised to deter resident/visitor access to the service area, and to direct service/delivery vehicles to the service area.***
- ***b) Signing of car spaces.***
- ***c) Line marking of parking spaces.***

Once submitted to and approved by the Responsible Authority the Parking and Access Management Plan will form part of the documents endorsed as part of this planning permit.

When approved the Parking and Access Management Plan will form part of this permit and must be implemented to the satisfaction of the Responsible Authority.

25. The unloading/loading of vehicles must only be carried out on the site to the satisfaction of the Responsible Authority.

10.1.2
(cont)

Waste Management Plan

26. Prior to the commencement of any buildings or demolition works, an amended Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority. This WMP must be generally in accordance with the WMP submitted with the application, but amended to address the following requirements:

- ***a) Bedsit redevelopment:***
  - ***i. This part of the redevelopment will be serviced by private waste collection contractors.***
  - ***ii. Council issued waste bins will not be required to be supplied.***
  - ***iii. Waste collection vehicles are to enter and leave the development in a forwards direction.***
  - ***iv. Swept path diagrams are required to demonstrate waste collection vehicle movements.***
- ***b) Independent Living Unit (ILU) redevelopment:***
  - ***i. Waste collections for the development are to be completed by Council's waste collection contractors.***
  - ***ii. Mobile Garbage Bin (MGB) usage is based on individual usage by residents of the development.***
  - ***iii. Council issued waste bins will be required to be supplied.***
  - ***iv. 80L MGBs for comingled recycling as specified in the submitted Waste Management Plan are not available. The minimum bin size would normally be 240L for a fortnightly collection. It is suggested that 120L comingled recycling MGBs be used/evaluated to see if they "fit" the intended use of this type of development. If they do not work, revert to 240L MGBs.***
  - ***v. Location of MGBs for collection: Plans as part of the Waste Management Plan indicate the area for bin placement on Central Road and the bins have adequate space for the proposed collection service and will not cause any obstruction to any infrastructure or cause any danger to traffic/pedestrians or the collection vehicle during collections. Bins are not to be placed within 1 metre of any infrastructure and are to have a height clearance of 4 metres. Required width per MGB is approximately 1 metre.***
  - ***vi. If the criteria for Council based collection services are unable to be met and renders this inoperable, then the waste management system for the development is to revert to a private waste collection service and an updated Waste Management Plan be resubmitted to Council to confirm this.***

The requirements of the above Waste Management Plan must be illustrated (as appropriate) on the plans and elevations submitted for endorsement.

Once submitted and approved to the satisfaction of the Responsible Authority, the Waste Management Plan will form part of the endorsed plans of this permit.

27. The requirements of the Waste Management Plan must be implemented by the building manager, owners and occupiers of the site for the duration of the building's operation in accordance with this permit, to the satisfaction of the Responsible Authority.

Construction Management Plan

28. Prior to the commencement of buildings or works on the land, a Construction Management Plan (CMP), detailing how the owner will manage the environmental and construction issues associated with the development, must be submitted to and approved by Council.

10.1.2
(cont)

The Construction Management Plan must be prepared and managed by a suitably qualified person who is experienced in preparing Construction Management Plans.

This plan is to be to the satisfaction of the Responsible Authority and must be prepared in accordance with the City of Whitehorse Construction Management Plan Guidelines.

The CMP must address; any demolition, bulk excavation, management of the construction site, land disturbance, hours of construction, noise, control of dust, public safety, traffic management, construction vehicle road routes, soiling and cleaning of roadways, discharge of any polluted water, security fencing, disposal of site waste and any potentially contaminated materials, location of site offices, redirection of any above or underground services, and site security lighting.

The CMP must include suitable washing facilities are to be provided and utilised on site for the cleaning of all construction vehicles prior to them existing the designated property so as to prevent any grease, oil, mud, clay or other substances to fall or run off a vehicle onto a road, or into any drain under the road.

Once submitted to and approved by the Responsible Authority the Construction Management Plan will form part of the documents endorsed as part of this planning permit.

When approved the Construction Management Plan will form part of this permit and must be complied with, to the satisfaction of the Responsible Authority, to the extent that this is in the control of the owner of the land. The owner of the land is to be responsible for all costs associated with the works to be undertaken in accordance with the requirements of the Construction Management Plan.

Drainage and Assets

29. ***All stormwater drains must be connected to a point of discharge to the satisfaction of Responsible Authority.***
30. ***Detailed plans and computations for stormwater on-site detention (if required) and connection to the legal point of discharge must be prepared by a consulting engineer and submitted for approval by Responsible Authority prior to the commencement of any works.***
31. ***Stormwater connection to the nominated point of discharge and stormwater on-site detention (if required) must be completed and approved to the satisfaction of the Responsible Authority prior to the occupation of the buildings.***
32. ***Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.***
33. ***The Applicant/Owner shall be responsible to meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The Applicant/Owner shall be responsible to obtain an "Asset Protection Permit" from Council at least 7 days prior to the commencement of any works on the land and obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets.***

Melbourne Water Requirements

34. ***Finished floor levels of the building must be constructed a minimum of 300mm above the applicable flood level of to Australian Height Datum (AHD) at any point of the site.***

10.1.2
(cont)

35. The proposed car park surface levels should not be altered without the prior consent of Melbourne Water.

36. Prior to the commencement of works a separate application, direct to Melbourne Water, must be made and approved for any new or modified storm water connection to Melbourne Water's drains or watercourses.

37. Details of any landscaping to be located within close proximity to the stormwater drain must be forwarded to Melbourne Water for approval.

Public Transport Victoria Requirements

38. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Central Road is kept to a minimum during the construction of the development. Forseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior.

Expiry

39. This permit will expire if one of the following circumstances applies:

a) The development is not commenced within three (3) years from the date of issue of this permit;

b) The development is not completed within three (3) years from the commencement of the development.

c) The accommodation use has not commenced within one year of the completion of the development.

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the Planning and Environment Act 1987.

Permit Notes:

A. The relocation of the sewerage easement required by this development requires further planning approval. Yarra Valley Water must be consulted in regards to relocation of the sewerage easement.

B. Aside from retention or removal of existing fences, any alteration to the existing front fencing or fencing within the Environmental Significance Overlay Schedule 1 or Special Building Overlay may require additional planning approval.

Tree Plantings:

C. Recommended Tree Species List:

Medium sized trees

- ***Allocasuarina littoralis - Black She-Oak (Indigenous to area)***
- ***Acacia implexa – Lightwood (Indigenous to area)***
- ***Waterhousea floribunda - Weeping Lilly pilly (Native)***
- ***Callistemon saligna – Pink Tips (Native)***
- ***Fraxinus excelsior 'Aurea' – Golden Ash (Exotic)***
- ***Betula pendula - Silver Birch (Exotic)***
- ***Pyrus calleryana, cultivars - 'Aristocrat', 'Capital' or 'Chanticleer' (Exotic)***
- ***Corymbia citriodora 'Scentuous' – Lemon Scented Gum (Cultivar)***
- ***Zelkova serrata - Japanese Zelkova***
- ***Tilia cordata – Small Leaf Lime***
- ***Ulmus parvifolia 'Reflection' - Chinese Elm (Cultivar)***
- ***Eucalyptus leucoxylon subsp. 'Euky Dwarf'***

10.1.2
(cont)

Small trees

- ***Acer buergerianum - Trident Maple (Exotic)***
- ***Acer palmatum – Japanese Maple (Exotic)***
- ***Callistemon viminalis – Weeping Bottlebrush (Native)***
- ***Agonis flexuosa 'Burgundy' - (Native)***
- ***Lagerstroemia indica – Crape Myrtle (Exotic)***
- ***Corymbia ficifolia 'Baby Scarlet' – Dwarf Flowering Gum (Native)***

Engineering Assets

D. Soil erosion control measures must be adopted at all times to the satisfaction of the Relevant Authority during the construction stages of the development. Site controls and erosion minimisation techniques are to be in accordance with the EPA (Environment Protection Authority) Victoria "Environmental Guidelines for Major Construction Sites". The works during and after construction must comply with the above guidelines and in potentially high erosion areas a detailed plan may be required to indicate proposed measures and methodology.

E. The property owner/ builder is to obtain the relevant permits and consents from Council in relation to asset protection, drainage works in easements and works in the road reserve prior to the commencement of any works.

F. All stormwater drainage within the development site and associated with the building(s) (except for an on-site detention system and connection to the nominated legal point of discharge within the site) must be approved and completed to the satisfaction of the Building Surveyor prior to the occupation of the building(s), in accordance with the provisions of the Building Regulations (2006) section 610.

G. The surface treatment and design of all crossovers and driveways shall be of materials submitted to and approved by the Responsible Authority and must be constructed in accordance with the submitted details.

H. No alteration to existing interface levels will be permitted other than to maintain or introduce adequate and consistent road reserve crossfall and longitudinal fall all to the satisfaction of the Responsible Authority.

I. Access to the development must be resolved within the development site. No provision for access and/or Disability Discrimination Act (DDA) compliance will be permitted external to the site being within any adjacent road reserve, right of way, reservation or other land owned managed by the Responsible Authority as may be applicable.

J. Any services that need to be removed and relocated due to the location of the proposed vehicular crossing must be financed by the developer.

K. Any services that need to be removed and relocated due to the location of the proposed vehicular crossing must be approved by the Responsible Authority prior to endorsement of the plans.

L. Any trees that need to be removed due to the location of the proposed vehicle crossing must be approved by Parkswide prior to endorsement of the plans.

M. Report and consent land liable to flooding dated 15 April 2016 must be adhered to.

N. Report and consent – building over the easement must be approved prior to approval of the building permit.

Melbourne Water

O. The property contains Melbourne Water's Lake Road Drain, an underground stormwater drain, a 1575mm diameter drain, constructed in 1989. For operational reasons Melbourne Water cannot relocate this asset.

10.1.2
(cont)

P. It is the developer's responsibility to avoid the inappropriate siting of a new/modified land use or development that would adversely impact upon the underground drain. Such impacts may arise from the construction of below ground floor levels or construction activity that involves pile driving / ground anchors. The location of the underground drain may be obtained by using the 'Melbourne One Call' service, telephone 1100.

Q. Prior to accepting an application for stormwater connection, evidence must be provided demonstrating that Council considers that it is not feasible to connect to the local drainage system.

R. Preliminary land and flood level information available at Melbourne Water indicates that the above property is subject to overland flooding from the Lake Road Drain. For a storm event with a 1% chance of occurrence in any one year, the applicable flood level for the property grades from 104.34 metres to Australian Height Datum (AHD) to 101.7 metres to AHD.

S. The proposed floor levels of the building meet Melbourne Water's minimum floor level requirements.

Environmental Health

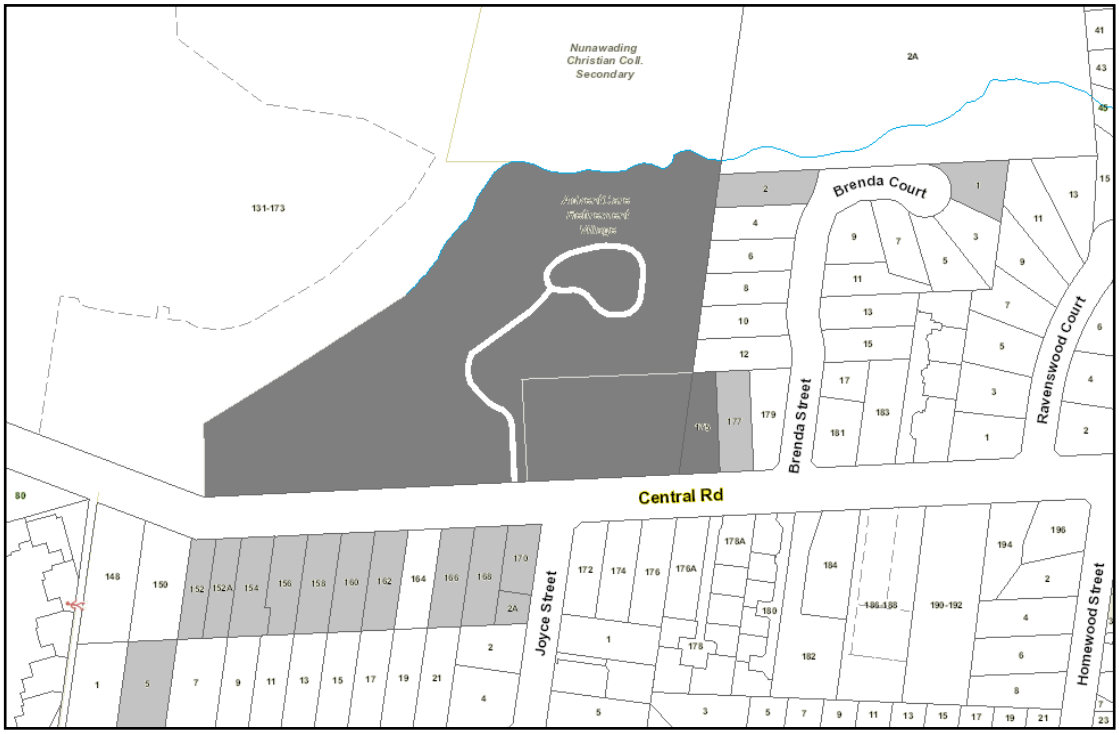
T. Separate approval is required from Council's Environmental Health Unit for the new kitchen and servery areas.

C Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the Planning and Environment Act 1987.

10.1.2
(cont)

MELWAYS REFERENCE 48 D11

Applicant:	AdventCare Whitehorse
Zoning:	Neighbourhood Residential Zone, Schedules 1 and 3
Overlays:	Part Special Building Overlay Part Significant Landscape Overlay Schedules 2 and 5 Part Environmental Significance Overlay Schedule 1
Relevant Clauses:	
Clause 12	Environment and Landscape Values
Clause 15	Built Environment and Heritage
Clause 16	Housing
Clause 21.05	Environment
Clause 21.06	Housing
Clause 22.03	Residential Development
Clause 22.04	Tree Conservation
Clause 32.09-3	Neighbourhood Residential Zone, Schedule 3
Clause 44.05	Special Building Overlay
Clause 42.03	Significant Landscape Overlay Schedules 2 and 5
Clause 42.01-1	Environmental Significance Overlay Schedule 1
Clause 52.06	Car Parking
Clause 52.07	Loading and Unloading of Vehicles
Clause 52.34	Bicycle Facilities
Clause 52.35	Urban Context Report and Design Response for Residential Development of Four or More Storeys
Clause 65	Decision Guidelines
Ward:	Springfield



		Subject site	25 Objector Properties (2 objections each from eight properties, and 2 properties outside of map)	**North**

10.1.2
(cont)

BACKGROUND

History

- Planning permit NUN/2303 was issued 8 June, 1984, allowing erection of buildings and works to be used as elderly persons units, a community centre and off-street car parking areas.
- Planning permit NUN/4556 was issued 12 January, 1990, allowing the development and use of the land for extensions and renovations to the existing retirement village to provide an additional 19 hostel beds and 25 replacement hostel beds.
- Planning Permit WH/2007/79 was issued 12 August 2008, allowing buildings and works to alter and extend the existing aged care facility, associated tree removal, reduction of car parking requirements and waiver of bicycle facilities requirements.

The Site and Surrounds

The subject site is located on the north side of Central Road, east of the intersection with Cromwell Court. The site comprises two lots known as 163-165 and 175 Central Road, Nunawading being the existing retirement village to the rear of the Seventh Day Adventist Church, plus one adjacent residential lot to the east at 175 Central Road. It is an irregular shaped parcel of land with an area of approximately 2.6 hectares.

The lot at 163-165 Central Road comprises the existing residential aged care facility with ancillary independent living units and associated infrastructure. The lot at 175 Central Road previously accommodated a single storey brick dwelling, which was recently demolished, along with a number of trees that existed on this site. Planning Enforcement Officers have issued a Planning Infringement Notice for the removal of protected trees from this lot without a Planning Permit.

The site is undulating and has an overall fall of approximately 3 metres from the south-east corner to the north-west corner.

The subject site forms part of a wider site (located at 131-173 Central Road), with the subject site located within the south-east corner. The overall site comprises the Nunawading Christian College in the northern portion and the AdventCare residential aged care facility and the Seventh Day Adventist Church in the southern portion.

The overall site fronts Central Road to the south and backs onto the Belgrave / Lilydale train line to the north. Residential land abuts the site to the east and west. Blackburn Lake Sanctuary is located to the southwest of the site and the Nunawading 'Mega Mile' shopping strip is located further north of the railway line.

The existing retirement village has an area of approximately 2.5ha (25,000m^2), and is within the Neighbourhood Residential Zone Schedule 3. The existing residential lot at 175 Central Road is within the Neighbourhood Residential Zone Schedule 1, and covered by the Significant Landscape Overlay Schedule 2.

A Special Building Overlay covers part of the site along the northern boundary, following the existing waterway which is partly covered by a barrel drain. The Environmental Significance Overlay Schedule 1 and Significant Landscape Overlay Schedule 5 both apply to the north and western edge of the site.

10.1.2
(cont)

Planning Controls

The site is within the Neighbourhood Residential Zone Schedule 3 (NRZ3). The purpose of Clause 32.09 (Neighbourhood Residential Zone) includes:

- *To recognise areas of predominantly single and double storey residential development.*
- *To limit opportunities for increased residential development.*
- *To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.*
- *To implement neighbourhood character policy and adopted neighbourhood character guidelines.*
- *To allow educational, recreational, religious, community and a limited range of other non residential uses to serve local community needs in appropriate locations.*

Pursuant to the NRZ, planning approval is required for the proposed buildings and works to extend and develop the existing retirement village.

Clause 32.09-8 deals with maximum building height requirements and sets a maximum requirement for 9 metres. However, this does not apply to an *'extension of an existing building that exceeds the specified building height provided that the extension does not exceed the existing building height*'. Advice was provided by lawyers for the applicant, which sets out how the proposed extension would not breach the maximum building height. Overall the highest point of the existing building is constructed to RL 116.53. From natural ground level the existing residential aged care building has an overall building height of 15.3 metres. Irrespective of this, the maximum relative building height has been measured as being 10.82 metres and has been applied to the proposed extension.

Planning approval is also required by Clause 32.09-1 to use the existing residential lot at 175 Central Road for the purpose of a retirement village.

Pursuant to Clause 42.03 (Significant Landscape Overlay Schedules 2 and 5), and Clause 42.01-1 (Environmental Significance Overlay Schedule 1), planning approval is required for tree removal. There is no Native Vegetation requiring removal under Clause 52.27 affected by the proposal.

Pursuant to Clause 52.34 Bicycle Facilities, the proposal needs a waiver of bicycle parking requirements.

The land is floodprone, and the applicant has obtained minimum floor levels from Council's Engineering and Environmental Services Department.

The site is not an area of Cultural Heritage Sensitivity, as the waterway to the north of the site is unnamed, and therefore does not trigger Cultural Heritage legislation, as confirmed by legal advice from Council's lawyers.

PROPOSAL

The application involves the extension of the existing retirement village, including the extension of the use over the adjacent residential lot at 175 Central Road, and associated removal of trees and waiver of bike parking requirements.

The key features of the proposal include:

- Demolition of 15 existing independent living units, part of the existing dementia ward and aged care facility.
- The extension of the existing residential aged care facility will provide 60 beds over two levels at a maximum height of 10.72 metres. The facility will also be refurbished internally, including the removal of 12 bedsits, which will be replaced within the proposed extension, resulting in an overall increase of 48 beds. Combined, the refurbished existing residential aged care facility and the extension will provide a total of 182 bedsits.

10.1.2
(cont)

- The existing ancillary independent living units will be demolished, relocated and reconstructed with a total of 14 (10 x 1 bedroom and 4 x 2 bedroom) to be provided. Each unit will be provided with private open space in the form of a terrace and a car space located within a carport. The units will be built to a maximum height of 5.3 metres.
- Part of the existing residential aged care facility and dementia ward buildings will be demolished and redeveloped with a main entrance, offices and ambulance drop off space. An internal courtyard will be provided to the main residential aged care facility building, and kitchen and service areas will be redeveloped.
- A total of 93 at-grade car spaces will be provided and will comprise the retained and relocated existing 48 spaces, plus a new car park at the west of the site (45 new car spaces). These will be located in the south-west corner of the site.
- Removal of 17 trees. Trees 24 and 29 require a permit for removal under the SLO5 applicable to the north-western portion of the site. The other trees to be removed are located outside of the SLO areas, or do not have sufficient trunk sizes to warrant protection, and thus do not require a permit for removal. It is noted that Trees 1, 2, 6 and 7 protected by the SLO2 have recently been removed from 175 Central Road.
- The application seeks to waive the requirement for the provision of 7 bicycle spaces.
- The sewer easement will require relocation from the west boundary of 175 Central Road, to the east boundary of this lot as indicated on the plans. The applicant has advised this will be subject to a further planning application, and any tree protection measures required for the relocated sewer, such as boring the pipe below the TPZs of protected trees, will be required in association with that application.

CONSULTATION

Public Notice

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting three large notices on the Central Road frontage. Following the advertising period 25 objections were received.

The issues raised are summarised as follows:

- Amenity impacts:
  - Paved car park areas will generate heat
  - Increased noise of delivery and service trucks
  - Increased noise of plant equipment especially at night
  - Increased traffic noise from cars and trucks.
  - Increased glare from headlights of cars exiting the car park
  - Light spill from the car park.
  - Loss of privacy
  - Staff smoking on surrounding streets and dropping cigarette butts
- Neighbourhood Character:
  - Building footprint, bulk and three storey form are out of keeping with the neighbourhood character
  - Excessive paving and insufficient landscaping
  - Expansion of an existing institutional use over an existing residential lot
  - Development on 175 Central Road is not in keeping with the SLO2
  - Bin store on the Central Road frontage
  - Impacts of multiple planning applications on the site should be considered
  - Western car park will be too close to the Central Road and the waterway
- Planning Scheme:
  - More than two dwellings on a lot does not comply with the NRZ

10.1.2
(cont)

- Fire Safety
  - The Gate 1 access does not allow multiple fire trucks to exit forwards.
  - MFB fire truck ladders could not reach across the proposed courtyard
- Car parking and traffic:
  - Increased on-street parking
  - Insufficient vehicle manoeuvring areas on site
  - Cars on site could drive through property boundary fences
- Landscaping:
  - Tree removal, compounding previous loss of vegetation
  - Insufficient tree planting along the eastern boundary and Central Road
  - Loss of mature native trees near Gate 3
- Non-planning matter:
  - Increased problems with electricity supply to the area.

Consultation Forum

A Consultation Forum was held on 2 March, 2017, chaired by Councillor Stennett with Councillor Cutts observing. Five objectors, seven representatives for the applicant and owners and planning officers attended the meeting.

The Chair facilitated discussions around the themes raised in objections, and the applicant and owner representatives responded to the issues raised. Key points agreed include:

- Objectors seeking assurance that EPA requirements for noise emissions will be met, and the applicant agreed to conditions to this effect.
- The applicant advised that the proposed site layout will enable fire trucks to access the site via the main entrance.
- Objectors sought light spill from car park and site lighting to be shielded, and the applicant agreed to comply with conditions to ensure this.
- The applicant advised that service/delivery trucks would access the site between 7am and 5pm.
- The applicant advised that, where possible, plant equipment is proposed to be located at the lowest level, which is well below street level, in order to limit noise emissions, noting that some plant, such as exhaust flues, are required to be located on the roof. In addition, the upgrades to service areas and associated plant are expected to significantly lower noise emissions as a result of improved acoustic standards for new equipment.
- The applicant advised that 49% of the site remains permeable, which is little change from the existing conditions.
- The applicants agreed to permit conditions requiring predominantly indigenous plantings (except for the central courtyard which is to be a sensory garden for residents), planting of perimeter screening landscaping including tall trees, and for the new car park to the west of the site to be landscaped with shade trees to screen the visual impact of the paved area and shade parked cars.
- The applicant agreed that new car parking areas can be conditioned to utilise permeable paving to support the surrounding trees.
- The applicant advised that the bin store for the independent living units located on the Central Road frontage was the best option for this facility, taking into account resident mobility, site operations and constraints. The applicant agreed to conditions requiring visual and landscape screening of this store.
- New designated smoking areas will be created on site to discourage staff from smoking on the street.

Subsequent to the Forum, the Applicant provided the following response to the possible solutions discussed:

10.1.2
(cont)

Amenity

Specific concern regarding amenity related to:

- Noise from the kitchen –the kitchen will be upgraded with new appliances which will significantly reduce the noise, and will have to comply with SEPP-N1 requirements
- Significant mass of buildings close to Central Road – the aged care building is setback a minimum of 60m from Central Road, with only the rooftop visible, with the overall building footprint slightly reduced to what currently exists. The proposed ILUs are single storey in nature.
- Expansion will result in more deliveries – the overall number of beds is only increased by 48, with the existing delivery vehicles able to cater for this increase.
- Fire truck access and the use of ladders – any development is required to be signed off by a building surveyor prior to occupation, so has to be designed accordingly. Given the residents, the fire protection measures are above and beyond what would be found in a dwelling or two storey building.
- Tree removal – the proposal allows for significant tree planting, with the opportunity to provide planting within the car park setback and potentially throughout the car park
- Light spill – can be addressed via a permit condition
- Overlooking – the aged care building is significantly setback from Central Road and any neighbouring dwellings with no potential for overlooking. The ILUs can be appropriately screened, with landscaping opportunities provided along the interface with 177 Central Road.
- Setbacks – the aged care building is significantly setback. The ILUs are setback a minimum of 7m from Central Road and is appropriate for the site, it's intended use and the neighbouring properties. The location of the bin enclosure was considered significantly prior to lodgement, with the proposed location determined the most appropriate to suit the needs of elderly residents. The enclosure will be screened and landscaped as appropriate.

Neighbourhood Character

- The site provides for sufficient planting and has approximately 50% permeability – landscaping will be provided throughout the development
- Opportunity for planting in western end of car park

Fire safety

- There is no requirement in the planning scheme for the proposal to be referred to the MFB. Irrespective of this, before the building can be occupied, a building surveyor has to sign off on it, so relevant fire standards will have to be met.

Car parking & traffic

- Whilst the additional parking will not stop people parking along Central Road, for activities not associated with this proposal, the proposed parking will enable staff to park off street as well as visitors and will improve safety at night with appropriate lighting to be provided. The number of car parks proposed will encourage people to use the car park and help reduce the perceived on-street parking problem.
- An Amended Car Park Layout Plan (attached) provides significant opportunity for landscaping within the front setback to reduce visibility as well as potential planting throughout the car park area. The topography of the land also reduces car parking visibility, and Tree 25 (15 metre high *Eucalyptus nicholii* within the SLO5) is able to be retained. This proposed car parking plan would reduce the number of proposed new car spaces by one, to a total of 50 new additional spaces in comparison to the existing conditions, and overall parking provision of 92 spaces.
- Only the garbage will be collected from Central Road, with staff to place and remove bins from Central Road on collection days. Recycling will be stored internally and picked up via a private contractor

10.1.2
(cont)

- The applicant offered a number of suggested changes to the advertised plans as a means of addressing the concerns raised, many of which have been considered and included within the assessment section of this report.

The applicant also provided a further response to the Blackburn Village Residents' Group concerns expressed by the Blackburn Village Residents' Group as follows:

- The proposal is not required to provide a 9 metre setback as Rescode is not applicable to the Independent Living Units (ILUs). Irrespective of this, the proposal has been designed to provide a minimum 7 metre front setback to complement the existing area yet still provide for future resident capabilities.
- The development is not for apartments but ILUs and therefore the requirements differ. As indicated, the bins will be collected via Council with staff to remove the bins once rubbish has been collected. The bins will be the small size. Given the age of the future residents, it may be that not all bins will be collected each collection.
- The residents have different requirements to those who live in dwellings. The ILUs have been designed to encourage socialisation amongst residents. The sunlight access afforded to the north and west facing ILUs is considered appropriate given the nature of the use. The bin enclosure will be enclosed and will have to comply with any relevant standards. It is therefore considered that there will be no smell from the bin enclosure area.

Referrals

External

Melbourne Water

No objection, subject to conditions relating to finished floor and surface levels and stormwater management.

Public Transport Victoria

No objection, subject to a condition requiring disruptions to bus services to be minimised.

Internal

Engineering and Environmental Services Department

- Transport Engineer

Clause 52.06 of the Whitehorse Planning Scheme requires the following parking provision for the proposed development:

Usage	Number/Area	Rate	Required Spaces
Residential aged care facility	48	0.3 spaces per lodging room	14
Residential Village			
• 1 & 2 bedroom dwellings	-1	1 space per dwelling	-1
		Total spaces required	13

10.1.2
(cont)

The proposed parking provision is for 45 additional parking spaces, therefore the proposal provides over and above the planning scheme parking requirements and is considered satisfactory.

As detailed in the traffic impact assessment report submitted by the applicant, it is unlikely that there will be a significant impact upon the local road network or nearby intersections, therefore there is no objection to the proposal based on traffic impact.

- Waste Engineer

The submitted Waste Management Plan is approved, subject to conditions relating to bin size, placement and waste truck movements.

- Assets Engineer

Consent, subject to conditions

Planning Arborist

Trees to be Removed:
The following trees are shown on the plans to be removed:

- Trees 5, 8, 9, 10, 11, 18, 20 (x5 trees), 21, 22, 23, 24, and 29 (1 tree only out of the group of three trees).

All of these trees are either good to fair in health or structure. They are generally small to medium sized trees, ranging from 6 to 12 metres in height. As single specimens and due to their locations, they do not contribute to the broader landscape character of the SLO (where applicable).

However, they provide some amenity to the site by way of breaking up bulk form. Whilst the trees do have a function, there is no objection to their removal. The reason for this is because their removal will not impact the SLO, and they can be replaced once the project has been completed.

It is recommended the replacement trees contain a mix of species from the Recommended Tree List, and two for one replacement planting is undertaken.

Tree protection conditions are required for a number of retained trees, and these will ensure that there are no adverse impacts to these trees as a result of the proposed buildings and works.

ESD Advisor

Council's ESD Advisor has reviewed the commitments in the submitted Sustainability Management Plan, and recommended further improvements to sustainability measures, in particular to water management requirements, which will be included as conditions.

Building Surveyor

The Registered Building Surveyor will be required to provide Fire Precautions in accordance with Clause E1.9 of the Building Code of Australia.

Environmental Health

Noted that separate approval is required by Council's Environmental Health Unit for the new kitchen and servery areas.

10.1.2
(cont)

DISCUSSION

Consistency with State and Local Planning Policies

Plan Melbourne acknowledges that the demand for new housing will be influenced by the ageing population and a desire for people to age in place. It is noted that by 2051 the number of Victorian residents aged 65 or older will have increased nearly three-fold.

The *Whitehorse Housing Strategy 2014* states that the population of Whitehorse is currently ageing at a greater rate than metropolitan Melbourne, with 17.3% of the City's population aged over 65 years in 2011, compared to 13.1% in Greater Melbourne. The Strategy notes that the age group within Whitehorse forecast to have the largest proportional increase, relative to its current population size, by 2031 is residents over 65 years.

Clause 15, Built Environment and Heritage, identifies that planning should ensure all new land use and development appropriately responds to valued built form and cultural context.

Clause 16.01-1 Integrated Housing seeks to ensure that the planning system supports the appropriate quantity, quality and type of housing, including the provision of aged care facilities.

Clause 16.01-4 Housing Diversity seeks to ensure housing stock matches changing demand by widening housing choice, particularly in the middle and outer suburbs.

Clause 16.01-5 Housing Affordability directs that choice and housing type, tenure and cost should be increased to meet the needs of households as they move through life cycle changes and to support diverse communities.

Clause 16.02-3 Residential Aged Care Facilities requires the timely development of residential aged care facilities to meet existing and future needs. The relevant strategies are as follows:

- *Ensure local housing strategies, precinct structure plans, and activity centre structure plans provide for residential aged care facilities.*
- *Encourage planning for housing that:*
    - *Delivers an adequate supply of land or redevelopment opportunities for residential aged care facilities.*
    - *Enables older people to live in appropriate housing in their local community.*

Clause 16.02-4 Design and location of residential aged care facilities encourages the provision of well-designed and appropriately located facilities. The relevant strategies are as follows:

- *Recognise that residential aged care facilities contribute to housing diversity and choice, and are an appropriate use in a residential area.*
- *Recognise that residential aged care facilities are different to dwellings in their purpose and function, and will have a different built form (including height, scale and mass).*
- *Provide for a mix of housing for older people with appropriate access to care and support services.*
- *Ensure that residential aged care facilities are located in residential areas, activity centres and strategic redevelopment areas, close to services and public transport.*
- *Ensure that:*
    - *Residential aged care facilities are designed to respond to the site and its context.*
    - *Residential aged care facilities aspire to high urban design and architectural standards.*

The local planning policy framework identifies a need for such types of alternative accommodation and given its inherent nature, will have little off-site amenity impacts.

10.1.2
(cont)

Design and Built Form

The subject site is a large parcel of land set within an established residential area, comprising single and double storey dwellings. The site itself adds to the character, noting it contains a spacious landscape setting with a mixture of buildings, which vary in scale, with the most notable building being the Seventh Day Adventist Church.

The subject site is included within a Garden Suburban Precinct 11 area. Part of the northern section of the site and 175 Central Road is located within the Bush Environs Precinct. Neighbourhood character is also guided by the SLO2 (affecting 175 Central Road) and SLO5 (affecting 131-173 Central Road).
The development provides appropriate built form outcomes as follows:

- The extension primarily sits deep within the site where the existing residential aged care building is positioned. The extended residential aged care facility will be setback a minimum of 70 metres from Central Road and will be located behind the existing church and the proposed independent living units. The remainder of the works are located within the western portion of the site and comprise at-grade parking.
- The extension is incorporated over two levels at a maximum height of 10.72 metres. Although it may appear on the plans that the proposed lift-overrun us above the allowed height, it is noted that the elevations show the height of the building from NGL at that cross-section. The lift overrun is located further behind this cross-section, with the NGL (at that point) higher.

The matter of building height is also discussed above noting the extension is not greater than the existing 10.82 metre height of the current building. The Neighbourhood Residential Zone at Clause 32.09-9 allows residential buildings to exceed the usual building height restrictions where it replaces an immediately pre-existing building and the new building does not exceed the building height or contain a greater number of storeys than the pre-existing building. As such, the proposed building height is acceptable.

- The design of the extension is articulated through the application of a range of building materials and finishes that are of high quality, durable and low maintenance. The external materials include a mix of black and white bricks, metal and timber cladding.
- The ILUs are setback approximately 7.3 metres from the Central Road boundary and a minimum of 3 metres from the eastern boundary. Units 9 to 14 are located a similar depth in site to the proposed residential aged care facility extension and will also be positioned behind units 1 to 8. They are also a minimum of 4 metres from the east boundary. The overall height of the units is a maximum of 4.9 metres. This height will assist the units in integrating into the site with little off-site visual impact. The external materials offer a domestic feel and include timber cladding, designed as a skin wrapping around the façade with white bricks interspersed throughout with glazing to the large floor to ceiling windows. This design response offers a reflection of the established residential character and the front setback will provide for landscaping opportunities commensurate with the Bush Environment character of the area.
- Overall, the proposed building footprint will be similar to the existing conditions, and the proposed buildings are no higher than the existing aged care facility. The proposal will allow 49% of the site to remain permeable. Whilst it is acknowledged that this exceeds the preferred 40% maximum building coverage required by Schedule 3 to the Neighbourhood Residential Zone, it is noted that the overall building coverage proposed is similar to the existing building coverage 24.47% (0.92% increase).
- Council and submitters have concerns with the advertised car parking layout at the western corner of the site being visually prominent to the Central Road frontage. The Amended Car Park Layout Plan (attached) submitted by the applicant as a result of the Forum discussions incorporates a significant reduction in the car parking area along the Central Road frontage, which is balanced by increased car spaces proposed over the existing lawn area along the western portion of the north boundary.

10.1.2
(cont)

- This amended plan allows for the retention of the 15 metre high Tree 25 at the site frontage and will not impact on any other trees. The amended car park layout provides an increase in the front setback to the paved parking areas from 1 to 4 metres minimum, and a reduced length of car parking facing Central Road, which will allow for increased landscaping to screen and soften the presentation of the car parks to Central Road.
- In addition, it is noted that there is a fall of approximately 1 metre from Central Road to the front of the car parking area, with this topography reducing the overall visual prominence of the paving. As such, the proposed amended car park layout and retention of Tree 25 represent a significant improvement to the overall site presentation and conditions will require the plans to be amended accordingly. As agreed with the applicant, there will be a concentration of landscaping within the setback between Central Road and the car park area to be addressed through a condition of the permit.
- The proposed buildings and works have limited interface with the open waterway along the eastern portion of the north site boundary, and are located towards the west of the site where the waterway has been covered over in a barrel drain. As such, there will be no detrimental impact on the waterway as a result of the proposed works. Importantly, Melbourne Water has imposed conditions to protect their assets.
- There are two existing crossovers serving the extended aged care building, which will maintain the existing on-street car parking provision. The two crossovers will each serve a separate purpose. The southernmost crossover will provide access to the staff parking area with the middle crossover providing access to the visitor parking area. Presently staff, visitors, emergency services, waste collection and deliveries use the same access points with no direction as to which entry / car park to use. The proposed separation of visitor and service entrances to the car parks will improve the overall efficiency of traffic movement, reduce confusion and improve safety outcomes throughout the site.
- As demonstrated in the landscape concept, there will be the significant planting within the site and along the site boundaries to maintain the primary garden suburban character of the site whilst allowing the development to sit secondary within the landscape. The landscape concept also incorporates a playground, which is available for use by visitors to the site and the adjoining church. The development will ensure it will maintain an existing garden suburban character in accordance with Clause 22.03 and Clause 22.04.
- It is not clear from the plans whether the existing low cyclone mesh fence along the south (front) boundary is to be retained or removed, and a condition will require this to be clarified on the plans, noting that any increase in height of the front fence or loss of permeability would not be supported, and alterations to fencing may require additional planning approval. No fencing is proposed along the west or north boundaries.
- The proposed bin enclosure within the front setback of the ILUs will be a low scale structure within the streetscape. The applicant has advised that various options for the bin enclosure location were explored, and given the age of the residents and their limited mobility, and the operational constraints of the site, the proposed frontage location was the best solution. The low scale structure will be required to be screened with landscaping and screening materials, including the planting of two trees in front of the enclosure, to limit the visibility of this structure within the streetscape.
- A full colours and materials schedule, including provision of a light coloured roof for energy efficiency, will be conditioned.
- Overall, the proposal achieves an acceptable level of compliance with the objectives of Clause 55 for a residential building, which, despite strictly not being applicable, do serve as a useful guide in assessing built form outcomes in a residential area.

10.1.2
(cont)

Amenity

The development provides appropriate amenity outcomes as follows:

- There is currently and will continue to be, limited visibility of the facility from the streetscape with landscaping along this interface to be enhanced.
- The ILUs are setback a minimum of 3 metres from adjacent residential lots, are single storey and built to a height of 4.9 metres.
- A 1.8 metre high existing fence is along the east boundary to maintain a level of privacy to adjacent residential lots.
- There is limited opportunity for overlooking, with this being restricted to the bedrooms at the eastern and western ends of the building. To reduce the opportunity for overlooking, the new rooms have been designed to have the room slightly setback from the edge of the external façade. It is also noted that many residents will not be able to perceive overlooking over great distances.
- The ILUs have been specifically designed to encourage social interaction between residents, which have the benefit of preventing social isolation of residents and provides a sense of belonging.
- Large windows have been provided to all ILUs to provide sufficient access to natural light and ventilation. The orientation of the units ensure the private open space and communal areas maintain access to northern light.
- As discussed at the Forum, the applicant will be updating much of the existing plant equipment on site, and intends to locate equipment to minimise off-site noise emissions. Compliance with EPA noise requirements will be required.
- Light spill to surrounding residential lots will be required to be shielded.
- Existing conditions have resulted in delivery vehicle noise impacts to residents. The applicant has advised that service/delivery trucks access may be restricted to between 7am and 5pm. Furthermore, the proposed service yard and bin store will be located approximately two metres below ground level, and the retaining walls around this area will provide some acoustic screening for delivery noise.
- The applicant advised that the bin store for the ILUs located on the Central Road frontage was the best option for this facility, taking into account resident mobility, site operations and constraints. The applicant agreed to conditions requiring visual and landscape screening of this store.
- The existing aged care facility currently has a ban on smoking on the site, resulting in staff smoking on the street, and causing concern to residents. In order to discourage this, the applicant has agreed to provide designated staff smoking areas on site.

10.1.2
(cont)

Tree Removal

The application proposes the removal of trees from the subject site as follows:

Tree No.	Species	Common Name	Retention Value	Permit Trigger?	Status
5	*Jacaranda mimosifolia*	Jacaranda	Low		3m high
8	*Schefflera actinophylla*	Umbrella Tree	Low		6m high
9	*Callistemon viminalis*	Weeping Bottlebrush	Low		3m high
10	*Cupressocyparis leylandii*	Leyland Cypress	Low		14m high
11	*Picea pungens* Glauca group	Blue Spruce	Low		7m high
18	*Cupressus glabra*	Blue Spruce	Low		6m high
20	*Pyrus calleryana* (5 trees)	Callery Pear	Medium		8m high
21	*Eucalyptus leucoxylon*	Yellow Gum	Low		6m high
22	*Liquidambar styraciflua*	Liquidamber	Medium		12m high
23	*Cupressus sempervirens* Stricta Group	Pencil Pine	Medium		12m high
24	*Liquidambar styraciflua* (2 trees)	Liquidamber	Medium	SLO5	9m high
29	*Paulownia tomentosa* (southern tree of a group)	Empress Tree	Medium	SLO5	7m high

The Significant Landscape Overlay Schedule 5 and Environmental Significance Overlay Schedule 1 apply to the north-western boundary of the site, requiring planning approval for the removal of Trees 24, and 29.

Overall the application proposes the removal of 17 trees listed above. Council's Arborist has reviewed these trees and has consented to the proposed removal as none of these trees have a high retention value, and they do not make a significant contribution to the landscape character of the area. Replacement planting at a ratio of two to one (total 42 trees) will be required, including a mix of indigenous, native and exotic species, in order to maintain and enhance the landscape character of the area in accordance with Clause 22.04 Tree Conservation Policy, and to ensure the site maintains the values of the surrounding SLO areas.

It is noted that four trees protected by the Significant Landscape Overlay Schedule 2 were recently removed from the residential lot at 175 Central Road. These trees were: Tree 1 (*Acacia melanoxylon)*, Tree 2 (*Acer negundo),* Tree 6 (*Photinia serratifolia),* and Tree 7 (*Chamaecytisus palmensis)*. Planning Enforcement has issued an infringement notice for the unauthorised removal of these trees.

10.1.2
(cont)

Significant Landscape Overlay Schedules 2 and 5 and Environmental Significance Overlay Schedule 1

The following table outlines the areas where there is a permit trigger for the independent living units at 175 Central Road in accordance with Significant Landscape Overlay Schedule 2 at Clause 42.03 of the Scheme:

SLO2	**Permit Trigger**	**Proposal**
Setback from the frontage	Less than 9 metres for a single storey building or 11 metres for any upper floor setback	Minimum front setback 7.1 metres
Setback from side boundary	Less than 1.2 metres for buildings with wall heights less than 3.6 metres	West elevation- part zero setback
Maximum Hard Surface Area	Hard surfaced areas (excluding buildings) over 17% of the site area	Approximately 47% (within SLO2 area)
Maximum hard surface & building coverage	Maximum of 50%	Approximately 79% (within SLO2 area)
Buildings and works within 4 metres of protected trees	Works or alter the topography within 4 metres of any protected trees	Works within 4 metres of Trees 3, 4, 12, 13 and 14.

The following table outlines the areas where there is a permit trigger for the car park at the west of the site in accordance with Significant Landscape Overlay Schedule 5 at Clause 42.03 of the Scheme:

SLO5	**Permit Trigger**	**Proposal**
Construct a fence	Fence on Central Road or 4 metres from protected trees	Unclear- condition to clarify
Removal of protected trees	Remove a tree with a circumference of 0.5 metre at a height of 1 metre above ground	Removal of Trees 24 and 29.

The proposed independent living units have a low scale, single storey built form, and their front setbacks of 7.1-7.7 metres provide a transition between the 9.6 metre front setback of the dwelling to the east and the 6.6 metre front setback of the Church to the west. As such, the reduced front setback is appropriate, and allows for tree planting in the frontage to contribute to the Bush Environment character of the Significant Landscape Overlay precinct.

It is noted that 175 Central Road is located at the edge of the Significant Landscape Overlay Schedule 2, and is proposed to be incorporated into the existing Seventh Day Adventist Retirement Village site. Overall, the Retirement Village provides for a campus style site layout that allows extensive opportunities for landscaping and tree planting to contribute to the surrounding Significant Landscape Overlay areas. The loss of one detached dwelling will be off-set by the provision of improved aged care provision on this site, which will support Whitehorse's ageing population.

The side boundary interface to the east of the independent living units includes 1-2.5 metre landscaping areas which are required to support screening vegetation. The proposed car park to the rear of the independent living units includes zero boundary setbacks to paved areas adjacent to residential lots to the north and east and extensive hard surface coverage to 175 Central Road, which is acceptable in this instance given the low anticipated usage of this car park by independent living unit residents, the location of the site at the edge of the Significant Landscape Overlay, and the broader strategic objectives to improve aged care accommodation opportunities in Whitehorse. This minor extension to an established retirement village represents a minor incursion into the Significant Landscape Overlay which can be balanced by additional tree planting within the streetscape and throughout the balance of the subject site, which has an overall permeable area of 49%.

10.1.2
(cont)

The proposed ILUs include some minor site cuts along the eastern boundary, within the TPZs of Trees 3, 4, 12, 13 and 14, which have been assessed by Council's Planning Arborist who has required tree protection conditions to limit excavation within some TPZ areas in order to ensure the on-going health of these trees.

The applicant has not advised the locations of any service trenches required for the proposed buildings and works. In order to ensure that the excavation associated with provision of utility services to the site will not impact on any trees protected by the Significant Landscape Overlays, a condition will require details of service trenching.

The Environmental Significance Overlay Schedule 1 at Clause 42.01 applies to the same area as the Significant Landscape Overlay Schedule 5 and requires planning approval to remove, destroy or lop native vegetation and to construct a fence. Aside from the trees discussed above, there will not be any impacts to protected native vegetation.

As discussed above, it is unclear whether the existing front fence along Central Road is to be retained or removed, and either is allowed under the applicable overlays, and a condition will require this to be clarified. Any alteration to the existing front fence aside from removal, or fencing within the Environmental Significance Overlay Schedule 1 will require additional planning approvals.

Landscaping

The subject site is bordered to the east, north and west be Significant Landscape Overlay Schedules 2 and 5 and the Environmental Significance Overlay Schedule 1, and the submitters expressed a desire for the subject site to contribute to the Bush Environment characteristics of the Blackburn Lake precinct.

At the Forum, the applicant agreed to provide predominantly native and indigenous plantings for new landscaping areas, with the exception of the central courtyard, which is to be a sensory garden for residents. It was further agreed that perimeter screening landscaping including tall trees would be provided, and the new car parks to the west of the site would be landscaped with shade trees to screen the visual impact of the paved area and shade parked cars. In addition, it was agreed that new car parking areas would utilise permeable paving to support the surrounding trees on the subject site and neighbouring residential lots. All of these requirements will be included as permit conditions.

Car Parking

Clause 52.06 applies to a new use and an increase in the floor area of an existing use and seeks to ensure the provision of an appropriate number of car parking spaces. The development has a statutory requirement for 13 car spaces. Council's Transport Engineers have advised that the original proposal to provide an additional 45 spaces exceeds the statutory requirement. It is noted that the Amended Car Park Layout Plan will reduce the number of additional car spaces provided to 44 (providing a total of 92 spaces including 14 new spaces for the independent living units), which is acceptable as it continues to exceed the required car parking provision.

As part of the redevelopment across the site, the existing car park will be relocated to the new car park to better control vehicle movement and create an overall safer environment. The ILUs will use the existing church crossover which is also currently used by those who attend the church.

As identified in the traffic assessment, it is expected that the proposal will generate a total of approximately 100 vehicle trips per day, being 96 for the residential aged care facility and 3.4 for the units. In peak hour, it is estimated that there will be a total of 10 and 0.4 vehicle movements for the residential aged care facility and units respectively. This number of trips is considered negligible and can easily be accommodated within the surrounding road network and intersection without any adverse impacts.

10.1.2
(cont)

A loading bay is provided within the service yard in the vicinity of the waste bin storage area. Swept path diagrams contained within the Traffic Assessment show that an 8.8 metre MRV design vehicle is able to service this area and turn around with one corrective manoeuvre.

A Parking and Access Management Plan will be required to provide details of car park line marking and signage to ensure visitors and service/staff vehicles are directed to the appropriate car parks.

Clause 52.34 Bicycle Facilities

Under Clause 52.34-2 a permit is sought to waive the bicycle requirement and is considered appropriate as:

- General nature of the trips to the site is likely to be a vehicle.
- General age and mobility of the residents.
- Shift work of staff where car is a more suitable alternative for safety.

Special Building Overlay

A minimal portion of the site is subject to flooding. The sections of the development within the overlay is the car park and part of the proposed main entry. The application has been referred to Melbourne Water who are satisfied that the development will not obstruct the overflow path, subject to conditions.

Objectors Concerns not Previously Addressed

- Increased traffic noise from cars and trucks.

Residential noise is considered normal and reasonable in an urban setting. Any future issues of amenity, if they arise, should be pursued as a civil matter. Some noise and other off site impacts are inevitable when any construction occurs. The developer will be required to meet relevant Building and EPA regulations regarding construction practices to ensure these impacts are mitigated, and on-going delivery/service vehicle noise has been discussed above.

- Increased glare from headlights of cars exiting the car park

Conditions will require improved perimeter landscaping which will mitigate some headlight glare, although this is considered to be a normal occurrence within an urban setting.

- Impacts of multiple planning applications on the site should be considered

Each application is assessed on its own merits and in the context of existing and approved developments in the vicinity. Whilst there have been numerous applications for development on the broader Seventh Day Adventist site in recent years, each has been assessed in relation to the applicable planning controls, and overall increased building form and utilisation of the site has been balanced with protection of the most significant areas of remnant native vegetation and requirements to improve the tree coverage and landscaping of the overall site.

- Increased problems with electricity supply to the area.

This will be assessed by the electricity company in association with the building process.

10.1.2
(cont)

CONCLUSION

The proposal for construction of extension of an existing residential building, buildings and works to use and develop a retirement village and associated tree removal and waiver of bicycle parking requirements is an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies, the Neighbourhood Residential Zone Schedules 1 and 3, Special Building Overlay, Significant Landscape Overlay Schedules 2 and 5 and Environmental Significance Overlay Schedule 1.

Overall the proposed expansion of the existing retirement village is considered appropriate on this existing institutional site as it will provide additional accommodation to support Whitehorse's ageing population. And importantly, the overall building height and building footprint remain consistent with the existing conditions and the landscaping and tree coverage of the site will be enhanced.

A total of 25 objections were received as a result of public notice and all of the issues raised have been discussed as required.

It is recommended that the application be approved subject to conditions.

ATTACHMENT

1 Amended Car Park Layout Plan ⇨
2 Advertised Development and Landscape Plans ⇨

10.1.2A 1-3 Kinkora Road, Blackburn (Lot 1 LP 97058 and Lot 1 TP 190433) for the construction of four double storey dwellings

ATTACHMENT

SUMMARY

This application was advertised, and a total of 15 objections have been received. The objections raise issues with neighbourhood character, traffic and parking, loss of vegetation, and impacts on amenity. A Consultation Forum was held on 28 September 2016, chaired by Council Officers on behalf of the Ward Councillors during the care taker period, at which the issues were explored, however no resolution was reached between the parties. This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as the objector concerns. It is recommended that the application be supported, subject to conditions.

RECOMMENDATION

That Council:

A. Being the Responsible Authority, having caused Application WH/2016/149 for 1 and 3 Kinkora Road, BLACKBURN (Lot 1 LP 97058 and Lot 1 TP 190433) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the development of four double storey dwellings is acceptable and should be supported.

B. Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 1-3 Kinkora Road, BLACKBURN (Lot 1 LP 97058 and Lot 1 TP 190433P) for the construction of four double storey dwellings, subject to the following conditions:

1. Before the development starts, or any trees or vegetation are removed, amended plans (three copies) shall be submitted to and approved by the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the submitted received on 4 July 2016, but modified to show:

a) The locations of Tree Protection Zones described in condition 5, with all nominated trees clearly identified and numbered on both site and landscape plans, and the requirements of conditions 5 and 6 to be annotated on the development and landscape plans.

b) Alterations to the Dwellings 3 and 4, and the accessway to enable vehicles to access and egress both car spaces in the garages in a forward facing direction, in accordance with Clause 52.06 of the Whitehorse Planning Scheme, with no reduction of any building setbacks.

c) Declare all hard surface areas in the service yards and review the permeability figures accordingly.

d) Notation on site plans indicating that all obscured glazing be manufactured from obscured glass. Obscure film being applied to clear glazing will not be accepted.

e) A detailed schedule of all external cladding colours, textures, finishes, and materials.

f) A Landscaping Plan in accordance with Condition 3.

All of the above must be to the satisfaction of the Responsible Authority. Once approved these plans become the endorsed plans of the permit.

2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.

10.1.2A
(cont)

3. No building or works shall be commenced (and no trees or vegetation shall be removed) until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. This plan when endorsed shall form part of this permit. This plan shall show:

a) A survey of all existing vegetation, abutting street trees, natural features and vegetation.

b) Buildings, outbuildings and trees in neighbouring lots that would affect the landscape design.

c) Planting within and around the perimeter of the site comprising trees and shrubs capable of:

i. Providing a complete garden scheme,

ii. Softening the building bulk,

iii. Providing some upper canopy for landscape perspective,

iv. Minimising the potential of any overlooking between habitable rooms of adjacent dwellings.

d) A schedule of the botanical name of all trees and shrubs proposed to be retained and those to be removed incorporating any relevant requirements of condition No. 1.

e) The proposed design features such as paths, paving, lawn and mulch.

f) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant.

Landscaping in accordance with this approved plan and schedule shall be completed before the building is occupied.

Once approved these plans become the endorsed plans of this permit.

4. Landscaping in accordance with an approved Landscape Plan must be completed before the development is occupied. The garden areas shown on the endorsed plan and schedule shall only be used as gardens and shall be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of similar size and variety. Prior to the commencement of any building and or demolition works on the land, a Tree Protection Zone (TPZ) must be established and maintained during and until completion of all buildings and works including landscaping, around the following trees in accordance with the distances and measures specified below, to the satisfaction of the Responsible Authority:

a) Tree protection zone distances:

i. Tree 7 Betula pendula – 2.0 metre radius from the centre of the tree base.

ii. Tree 8 Camellia Japonica– 2.0 metre radius from the centre of the tree base.

iii. Tree 11 Pittosporum tenuifolium – 2.0 metre radius from the centre of the tree base.

iv. Tree 17 Fraxinus angustifoila – 2.5 metre radius from the centre of the tree base.

b) Tree protection zone measures are to be established in accordance to Australian Standard 4970-2009 and including the following:

i. Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres held in place with concrete feet.

ii. Signage placed around the outer edge of perimeter fencing identifying the area as a TPZ. The signage should be visible from

10.1.2A
(cont)

within the development, with the lettering complying with AS 1319.

iii. Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required.

iv. No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.

v. All supports and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.

vi. No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.

vii. Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.

viii. Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ, and must be restored in accordance with the above requirements at all other times.

5. During the construction of any buildings or works, the following tree protection requirements must be carried out to the satisfaction of the responsible Authority:

a) The driveway where within the TPZs of Trees 7 - Betula pendula and 8 - Camellia Japonica must be constructed at the existing soil grade using porous materials that allow water to penetrate through the surface and into the soil profile. No roots are to be cut or damaged during any part of the construction process.

b) All buildings and works for the demolition of the site and construction of the development (as shown on the endorsed plans) must not alter the existing ground level or topography of the land within 0.5m of the south boundary fence where within the TPZ of Tree 11 - Pittosporum tenuifolium.

6. The existing street tree must not be removed or damaged unless with the further written consent of the Responsible Authority. Tree protection fencing must be erected prior to any demolition and commencement of any buildings and works.

7. All external lights must be of a limited intensity to ensure no nuisance is caused to adjoining or nearby residents and must be provided with approved baffles, so that no direct light or glare is emitted outside the site.

8. The car parking areas and accessways as shown on the endorsed plans must be formed to such levels so that they may be used in accordance with the plan, and must be properly constructed, surfaced and drained. The car park and driveways must be maintained to the satisfaction of the Responsible Authority.

9. All stormwater drains must be connected to a point of discharge to the satisfaction of Responsible Authority.

10. Prior to any works, design plans and specifications of the civil works within the site associated with the development are to be prepared by a registered consulting engineer (who is listed on the Engineers Australia National Professional Engineer Register), and submitted to the Responsible Authority. Certification by the consulting engineer that the civil works have been completed in accordance with the design plans and specifications must be provided to the Responsible Authority.

10.1.2A
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11. ***Detailed civil plans and computations for stormwater on-site detention (if required) and connection to the legal point of discharge must be prepared by a suitably experienced and qualified professional, and submitted to and approved by the Responsible Authority prior to the commencement of any works.***
12. ***Stormwater connection to the nominated point of discharge and stormwater on-site detention (if required) must be completed and approved to the satisfaction of the Responsible Authority prior to the occupation of the buildings.***
13. ***Stormwater that could adversely affect any adjacent land must not be discharged from the subject site onto the surface of the adjacent land.***
14. ***The Applicant/Owner must be responsible to meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The Applicant/Owner shall be responsible to obtain an "Asset Protection Permit" from Council at least 7 days prior to the commencement of any works on the land and obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets.***
15. ***No street trees are to be damaged or removed unless with the further written consent of the Responsible Authority.***
16. ***All treatments to prevent overlooking must not include 'Translucent film' on windows and must be in accordance with Standard B22 of Clause 55.***
17. ***The development must be provided with external lighting capable of illuminating access to each garage and car parking space. Lighting shall be located, directed and shielded and of limited intensity that no nuisance or loss of amenity is caused to any person within and beyond the site. Prior to the occupation of the development, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.***
18. ***No equipment, services and architectural features other than those shown on the endorsed plan is permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.***
19. ***This permit will expire if one of the following circumstances applies:***
    a) ***The development is not commenced within two (2) years from the date of issue of this permit;***
    b) ***The development is not completed within four (4) years from the date of this permit.***
20. ***The Responsible Authority may extend the periods referred to if a request is made in writing pursuant to the provisions of Section 69 of the Planning and Environment Act 1987.***

PERMIT NOTES:

1. ***Soil erosion control measures must be adopted at all times to the satisfaction of the Relevant Authority during the construction stages of the development. Site controls and erosion minimisation techniques are to be in accordance with the EPA (Environment Protection Authority) Victoria "Environmental Guidelines for Major Construction Sites". The works during and after construction must comply with the above guidelines and in potentially high erosion areas a detailed plan may be required to indicate proposed measures and methodology.***
2. ***The property owner/ builder is to obtain the relevant permits and consents from Council in relation to asset protection, drainage works in easements and works in the road reserve prior to the commencement of any works.***

10.1.2A
(cont)

3. ***All stormwater drainage within the development site and associated with the building(s) (except for an on-site detention system and connection to the nominated legal point of discharge within the site) must be approved and completed to the satisfaction of the Building Surveyor prior to the occupation of the building(s), in accordance with the provisions of the Building Regulations (2006) section 610.***
4. ***The surface treatment and design of all crossovers and driveways shall be of materials submitted to and approved by the Responsible Authority and must be constructed in accordance with the submitted details.***
5. ***Any proposed vehicle crossing must adhere to Whitehorse Council's – Vehicle Crossing General Specifications.***
6. ***Any services that need to be removed and relocated due to the location of the proposed vehicular crossing/s must be financed by the developer.***
7. ***Any services that need to be removed and relocated due to the location of the proposed vehicular crossing must be approved by the relevant Authority prior to commencement of works.***
8. ***No trees are permitted to be planted within the easement on the eastern boundary of the property.***

C Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the Planning and Environment Act 1987.

10.1.2A
(cont)

MELWAYS REFERENCE 47 H/J9

Applicant:	West Urban Group	
Zoning:	General Residential Zone, Schedule 1 (GRZ1)	
Overlays:	No Overlays	
Relevant Clauses:	Clause 11	Settlement
	Clause 12	Environment and Landscape Values
	Clause 15	Built Environment and Heritage
	Clause 16	Housing
	Clause 21.05	Environment
	Clause 21.06	Housing
	Clause 22.03	Residential Development
	Clause 22.04	Tree Conservation
	Clause 32.08	General Residential Zone, Schedule 1
	Clause 52.06	Car Parking
	Clause 55	Two or More Dwellings on a Lot and Residential Buildings
	Clause 65	Decision Guidelines
Ward:	Central	



		Subject site		15 Objector Properties One outside the map	**North**

10.1.2A
(cont)

BACKGROUND

History

There is no record of previous permit applications on these sites.

The Site and Surrounds

The subject site comprises two lots located on the south-east corner of Stanley Grove and Kinkora Road. The combined lots provide a frontage of 28 metres to Stanley Grove, 33.3 metres to Kinkora Road with a splayed corner of approximately 4.2 metres. The lots provide an overall site area of 1,131.9 square metres.

Each lot currently contains a single storey weatherboard dwelling with associated outbuildings. An arborist report, titled '*Arbor Report Victoria, June 2016'*, provides an assessment of 20 trees including 14 trees within the site, three street trees and 3 trees within the adjoining lot to the south. Trees within the site are predominantly mature exotic species.

The site has a cross fall of approximately 2.47 metres from the north-west corner to the south-east. A 2.3 metre wide easement extends across the east boundary to 3 Kinkora Road and terminates in the south-east corner of 1 Kinkora Road.

Both lots are affected by a Restrictive Covenant that states:

' That no soil sand clay stone or gravel shall be dug or removed or allowed to be dug or removed from the said lot hereby transferred or any portion thereof except in the way of excavating for the foundation of any building or laying out gardens to be occupied therewith and no bricks tiles clay or cement shall be manufactured or burnt or allowed to be manufactured or burnt upon the said lot…

… Will not use or permit to be used the said lot or any portion thereof for any dangerous noisy or offensive trade – business or occupation in any way which may be or become a damage nuisance grievance or annoyance…'

The *City of Whitehorse Neighbourhood Character Study, 2014* describes Precinct 13 as containing predominantly post-war to 1960's cream brick dwellings, with a significant number of 1980's to contemporary infill. Within the immediate setting, a single storey brick dwelling, at 16A Stanley Grove, adjoins the site to the east. A dual occupancy development, comprising two single storey brick dwellings, adjoins the site to the south at 5 Kinkora Road. Development within Kinkora Road and Stanley Grove is predominantly single storey set within spacious garden settings comprising exotic vegetation and canopy trees. Older style, single storey units are common within the area.

The site is well serviced by commercial and community facilities including the Blackburn Shopping Centre, 700 metres to the east, Box Hill Hospital 2.9 km to the west, Blackburn Station 1.1 km to the south, Stanley Grove Reserve 65 metres to the east, and Cootamundra Walk park 850 metres to the east.

Planning Controls

The State Planning Policies at Clauses 11 (Settlement), 12 (Environmental and Landscape Values), 15 (Built Environment and Heritage) and 16 (Housing) aim to encourage consolidation of existing urban areas while respecting neighbourhood character, and facilitate sustainable development that takes full advantage of existing settlement patterns through encouraging higher density development near public transport routes.

10.1.2A
(cont)

The Local Planning Policies at Clauses 21.06 (Housing) and 22.03 (Residential Development) have identified the subject site as being located in a Natural Change Area. The Natural Change Area is expected to make a modest contribution to increases in housing stock. The Local Planning Policies have also identified the site being located in Garden Suburban Precinct 13.

Clause 22.04 (Tree Conservation) outlines the importance of retaining significant trees within a development where it is practical to do so, the minimum distances between trees and buildings/hard surfaces, and suggested design responses for hard surface areas close to retained trees.

A permit is required under Clause 32.08-4 (General Residential Zone) to construct two or more dwellings on a lot. The relevant purposes of Clause 32.08 includes to *'encourage development that respects the neighbourhood character of the area'* and to provide a *'diversity of housing types and moderate housing growth in locations with good access to services and transport'.* Schedule 1 to the zone varies a number of the standards in Clause 55 (Two or more dwellings on a lot) of the Whitehorse Planning Scheme (ResCode).

Clause 52.06 (Car parking) seeks to ensure the provision of an appropriate number and the efficient use of car parking spaces that are of a high standard, creates a safe environment for users, and enables easy and efficient use without adversely affecting the amenity of the locality.

Clause 55 (ResCode) is the primary assessment tool to ensure that developments of two or more dwellings provide reasonable standards of amenity for existing and new residents.

Clause 65 provides guidelines that must be considered before deciding on an application to ensure the proposal will produce acceptable outcomes. These guidelines include the State and Local Planning Policy Framework, the purpose of the zone, the orderly planning of the area and the effect on the amenity of the area.

PROPOSAL

The application involves the demolition of the two existing dwellings and the construction of four double storey dwellings, each containing four bedrooms. Dwelling 1 has an upstairs retreat that can potentially be used a fifth bedroom. Dwellings 1 and 3 provide a frontage to Kinkora Road with a setback of 5.4 metres. Dwelling 2 provides a frontage to Stanley Grove with a minimum setback of 3 metres and Dwelling 4 is located to the rear of Dwellings 2 and 3.

Each dwelling proposes individual street access resulting in three single crossovers to the Kinkora Road frontage with a single crossover to the Stanley Grove frontage (utilising the existing crossing). Dwellings 1, 2, and 3 are proposed to be provided with a single garage and tandem vehicle space, and Dwelling 4 is proposed to be provided with a double garage.

External materials comprise face brickwork at ground level with lightweight cladding and render finish at first floor level. All roof forms are hipped with eaves, finished with dark coloured concrete tiles. The maximum overall height is 7.5 metres.

Each dwelling will be provided with secluded private open space varying between 35 and 47.4 square metres with dimensions of 5 metres (or greater). The secluded private open space area to Dwelling 1 requires a 1.8 metre high paling fence along the Stanley Grove frontage (in part). The remaining street frontages do not propose any front fencing.

All trees within the site are to be removed except for tree 17, a *Fraxinus angustifolia* – Narrow Leafed Ash, located in the north west corner of the site.

The proposed site coverage is 46% and the proposed permeable area is 37%.

10.1.2A
(cont)

CONSULTATION

Public Notice

The application was advertised by mail to the adjacent and nearby property owners and occupiers and the erection of three (3) public notice signs. Following the advertising period there have been 15 objections received from 14 objector properties. The issues raised are summarised as follows:

Neighbourhood Character

- The double storey design is inconsistent with the character of the area.
- Sets a precedent for future development.
- Overdevelopment of the land.
- Does not meet the minimum 300 to 320 square lot size requirements.
- Preference for three dwellings.
- Impacts to streetscape as a result of the design.
- Limited tree planting opportunities.

Bulk and Massing

- The development results in an overbearing and imposing built form.
- Visual bulk impacts.

Traffic Impacts

- Increased reliance on on-street car parking which may cause a traffic hazard.
- Exiting the existing residential houses is already difficult.
- Revision of traffic management is required.
- Additional traffic impacts which present a hazard to children, teenagers and elderly members of the community who walk in the area.
- Limited action taken by Council to enforce parking restrictions within the area.

Amenity

- Overlooking
- Overshadowing
- Impacts to views

Environmental concerns

- Loss of existing trees and impact to wildlife.

Environmentally sustainable design

- Absence of north facing windows and poor protection for the late summer afternoon sun.
- High front fencing will result in internal overshadowing.

Waste Management

- Increased car parking numbers will have flow on effects to waste management and waste collection trucks.

Infrastructure and utility services

- Inadequate infrastructure to cope with additional dwelling demand.

10.1.2A
(cont)

Other

- Devaluation of property values
- The advertising board should have specified four (4) bedrooms to each dwelling.

Consultation Forum

A Consultation Forum, chaired by Council officers, was held on 28 September 2016. A total of 12 registered objectors, the applicant, and officers attended this forum.

The Chair facilitated discussions around the themes raised in objections. The applicant provided a brief overview of some of the key features of the application to participants. All objector issues were reviewed. No consensus was reached.

Referrals

External

No external referrals were required.

Internal

Engineering and Environmental Services Department

Transport Engineer

The proposal was reviewed by Council's Transport Engineers who advised the following:

- The distance of the crossover from the intersection is satisfactory.
- The three crossovers to Kinkora Road will result in the loss of one on street car space, and whilst not ideal is no different an outcome than would be achieved if the properties had been developed separately. It is preferred for two separate crossovers serving Dwellings 1 and 3 to be one double crossover.
- Turning manoeuvres for Dwelling 4 require alteration to facilitate access and egress in a 'convenient and efficient' manner as encouraged by Clause 52.06.
- Traffic generation is not considered to be an issue as the area can absorb movements from two additional dwellings.
- The fencing for Dwelling 1 along the streetscape is acceptable as the corner of the lot has a splay and visibility will be maintained.

Assets Engineer

The proposal was reviewed by Council's Asset Engineers who offered no objection subject to inclusion of standard drainage conditions and notes. No infrastructure capacity issues have been identified.

Planning Arborist

The applicant's arborist report was reviewed by Council's Consulting Arborist who offers no objection to the proposal subject to tree protection conditions being implemented to protect trees on adjoining properties.

DISCUSSION

State and Local Planning Policy

The proposal is consistent with State and Local Planning Policies which seek to ensure housing stock matches changing demand by widening housing choice; encourage the development of well-designed medium-density housing that makes better use of existing infrastructure; and that new development respects the neighbourhood character and appropriately responds to its landscape, valued built form and cultural context.

10.1.2A
(cont)

Clause 22.03 (Residential Development) identifies the site as being in a Garden Suburban Area in which natural change is expected to occur. The clause also identifies the site as being in Neighbourhood Character Precinct Garden Suburban 13 in the Whitehorse Neighbourhood Character Study 2014. Within the precinct the preferred character statement for natural change properties anticipates that infill development including multi dwelling developments will be common, with existing pattern of front and side setbacks being maintained, upper levels will be setback, with low/open front fencing.

The site has a number of attributes that make it suitable to absorb increased residential densities. It is a large consolidated corner site location that is generally unencumbered. The development represents an increase of one dwelling per allotment and is reflective of a number of medium density housing developments in the area.

The site is also located in an established area within proximity to a number of commercial and educational facilities and local recreational reserves. In this regard, the development meets the State and Local Planning Policy Framework.

Design and Built Form

The zone and local planning policy framework provide clear direction that the level of development and degree of change will be 'natural' with a 'modest increase' in housing densities. These policies do not seek to retain an existing character; rather promote new development that is respectful to the preferred character. It is considered that the proposal with an increase in the total overall number of dwellings by two across two lots is a 'modest increase'.

Whilst the established character in the immediate vicinity of the subject site is predominantly single storey, the introduction of four double storey dwellings will not represent an unreasonable response to the area. The preferred character statement envisions a double storey built form provided upper levels are setback to 'minimise the dominance to the streetscape'. The upper levels of the proposal are well recessed from the ground floor footprint below, consistent with the preferred character objectives. Upper level separation is also acceptable allowing the development to nestle into the residential setting without any unreasonable visual impact. The setbacks around the proposed building envelopes, and separation between the first floors of the dwellings will allow for views of the skyline through the site and maintain a rhythm of spacing between built form consistent with the streetscape, and the existing and preferred character, and will not result in excessive building bulk.

The overall height is 7.5 metres with Dwelling 2 and 4 stepped down within the site allowing these building structures to sit lower and providing for a transition with the neighbouring single storey dwellings to the east and south east, following the slope of the land.

Dwellings 1, 2 and 3, as they front each streetscape, are detached and provide setbacks to the front and side boundaries that are consistent with those commonly found within the area. The dwellings fronting Kinkora Road provide a setback that is reflective of the adjoining development to the south and other setbacks evident within the street. Standard B6, as varied by the schedule to the zone requires any new wall on a boundary to be setback at least 12 metres from the front boundary. The garage wall to Dwelling 2 is adjacent to the east boundary, however as Stanley Grove is considered the 'side street', this requirement does not apply. The provision of a minimum of 3 metres, with the built form stepping back to 6.2 metres where adjacent to 16A Stanley Street, meets the ResCode standard and provides for a staggering of the façade that is consistent with the intent of the preferred streetscape presentation.

The design is contemporary, yet reflects the more traditional housing stock within the area through the utilisation of face brickwork, rendered upper levels and tiled hipped roof forms. The development is designed to provide an engaging interface with both streetscapes with front porches and pedestrian access clearly defined. Well-proportioned windows also assist with the articulation and provide a strong level of surveillance across both streetscapes.

10.1.2A
(cont)

As encouraged by the preferred character statement, the development will generally achieve a sense of openness along the streetscape through the absence of front fencing. The only fencing proposed is to enclose the area of secluded private open space to Dwelling 1. This will require fencing across the Stanley Grove frontage for a length of 11 metres. This is considered acceptable, is fairly typical for corner allotments, and will not impact on the ability to achieve a predominantly open garden setting.

The preferred character statement provides an emphasis on providing large trees, particularly as a 'backdrop' to dwellings. Whilst most vegetation across the site is proposed to be removed, the development retains Tree 17 within the front setback to Dwelling 1, with areas of secluded private open space which incorporate sufficient area and dimension to allow for the planting of canopy trees which will, in time, contribute to the landscape character. The clustering of open space areas to Dwellings 2 and 4 will enable trees within these areas to visually break up the built form. The location of open space to Dwelling 1 will enable the canopy of any new tree to make a positive contribution to the streetscape setting.

The application proposes a building site coverage of 46%, with a permeability of 37%. Clarification of hard surfacing to service yards can be required by condition of any approval issued, however it is considered that the standard will still be achieved. This meets Standard B8 and B9 as varied by the Schedule to the zone and demonstrates that the proposal has sufficient space to accommodate landscaping with the ability to assist the development to nestle into the garden suburban setting.

Offsite Amenity

Standard B22 (Overlooking) of Clause 55.04-6 of the Whitehorse Planning Scheme seeks to limit views into existing secluded private open space and habitable room windows within adjoining residential lots. At ground level, the east facing habitable room windows of Dwellings 2 and 4, and the outdoor areas of open space will be adequately screened by the proposed 2 metre high timber paling fence. There are no south facing habitable room windows of Dwelling 4 at ground level. The first floor habitable room windows have been designed to be either highlight windows or contain obscure glazing to 1.7 metres above finished floor level. The development meets the requirements of Standard B22.

Standard B21 (Overshadowing) of Clause 55.04-5 of the Whitehorse Planning Scheme seeks to ensure buildings do not significantly overshadow existing secluded private open space within adjoining residential lots. The application includes shadow diagrams, which demonstrate compliance with Standard B21. The shadow diagrams demonstrate no impact to the secluded private open space areas of the adjoining properties to the south with very little impact at 3pm within the area of secluded private open space of the adjoining lot to the east (at 16A Stanley Grove).

Standard B20 (North Facing Windows) of Clause 55.04-4 of the Whitehorse Planning Scheme applies if there are north facing windows within three (3) metres of a boundary on an abutting lot. Whilst the adjoining dwelling to the south has a number of north facing windows oriented towards the subject site, they are located a minimum approximately 6 metres from the common boundary. This separation ensures these windows will retain adequate northern light.

Onsite Amenity

Standard B28 (Private Open Space) of Clause 55.05-2 of the Whitehorse Planning Scheme, as varied by the Schedule to the General Residential Zone, requires a dwelling to have private open space consisting of 80 square metres with at least one part consisting of 35 square metres with a minimum dimension of 5 metres. Each dwelling has an area of secluded private open space varying in size between 35 and 47 square metres (with a minimum dimension of 5 metres) with total open space areas varying between 85.6 and 119 square metres demonstrating compliance with the Standard.

10.1.2A
(cont)

Standard B29 (Solar Access to Open Space) of Clause 55.05-3 of the Whitehorse Planning Scheme encourages areas of private open space to be located on the north side of the dwelling. The area of secluded private open space to Dwellings 1 and 4 are located to the north. The areas of secluded private open space to Dwellings 2 and 3 are affected by buildings to their north; therefore access to northern sunlight is reduced. The setbacks coupled with well-recessed upper levels, ensure that these open space areas achieve compliance with Standard B29 and gain appropriate solar access. It is noted that these dwellings also have alternative areas of open space within their front setback that gain access to northern light.

Each dwelling is designed and sited to have north-facing habitable room windows. Each dwelling has a primary living room with sufficient north facing windows at ground level with each upper level provided with a north-facing bedroom (except for dwelling 3). Dwelling 3 has been designed to locate its windows to the west to ensure it provides an engaging streetscape presence.

Tree Loss and landscaping

A number of the objections received raised concern with the loss of vegetation across the site, impacting the landscape character and local ecological values. The subject site and surrounding properties are not affected by any tree protection controls. The development proposes to retain Tree 17, a *Fraxinus angustifolia* – Narrow Leafed Ash with all other vegetation to be removed. The arboriculture report identifies most trees across the site as generally having poor structure and low arboricultural value; this has not been challenged by Council's Consulting Arborist.

Whilst in the short term there will be a loss of vegetation, over time new trees and complementary shrubs and groundcovers will see the regeneration of the landscape tree canopy over the site. This will complement the garden character of the area.

Car Parking and Traffic

Under Clause 52.06, the parking requirement for the proposed development is 8 car spaces. Dwellings 1 to 3 are provided with a single garage and tandem vehicle space with Dwelling 4 provided with a double garage with an overall provision of 8 spaces, meeting Clause 52.06. A visitor space is not required to be provided for four dwellings.

The layout of the development provides for three vehicle crossovers along Kinkora Road and one crossover to Stanley Grove. The Precinct Guidelines encourage the provision of a single crossover per typical street frontage. Whilst this is achieved to Stanley Grove, the number of crossovers proposed to 3 Kinkora Road exceeds this requirement. Although not a preferred outcome, the crossovers will not result in an unreasonable character outcome given the depth of the Kinkora Road frontage at 33 metres with the crossovers well spaced allowing street tree retention. Council's traffic engineer has recommended a double crossover to Dwellings 1 and 3 and whilst this can be achieved by way of conditions it will result in a loss of separation between the dwellings at the ground level and increase the prominence of hard paved surfaces across the street frontage. This is not consistent with the preferred character objectives in terms of rhythm of dwelling spacing and breaking up of driveways with landscaping and therefore has not been recommended as a condition of approval.

Individual access to each dwelling will reduce on site vehicle conflict and manoeuvring between each dwelling. Whilst dwellings 1, 2 and 3 will require reversing onto each street, this is no different from existing vehicles movements and, with the crossovers well removed from the intersection, this is not considered likely to result in unacceptable traffic impacts. Council's Transport Engineers do not have any concerns with the proposal relating to reversing vehicles or additional traffic movements on either Kinkora Road or Stanley Grove.

10.1.2A
(cont)

The reversing area for Dwelling 4 is at a maximum of 6.24 metres, which will require a corrective vehicle movement to allow the dwelling to exit in a forwards direction. A condition of any approval issued will require the applicant to revisit this matter to the satisfaction of Council's Transport Engineers.

Issues raised by objectors not previously addressed.

Sets a precedence for future development – The development of two dwellings per lot is not an uncommon occurrence within the area with a number of existing lots developed with multi dwellings. The zoning of the land also supports a modest increase in dwellings, provided it respects the neighbourhood character of the area. This development is not considered to set any unreasonable precedence.

The development should only be three dwellings – The site is located in a 'natural change' area, which is reflected in its zoning and the proposal for four dwellings is consistent with both the preferred character of the area as expressed by the zone and local planning policy. The proposal is not considered an overdevelopment and achieves compliance with Clause 55 (ResCode) requirements.

Does not meet the minimum 300 to 320 square lot size requirements – The zoning of the land does not set a minimum lot size. The Precinct Guidelines seeks to *'ensure the spacing and density of dwellings is managed to accord with housing objectives'* and the Guidelines do not set a preferred 'density'. The report details how the proposal meets Council's housing objectives of modest housing growth that meets a preferred character.

Increased reliance on on-street car parking which may cause a traffic hazard/Additional traffic impacts which present a hazard to children, teenagers and elderly members of the community who walk in the area. – Council Transport Engineers have offered no objection based on traffic safety grounds. Appropriate pedestrian sight lines can be achieved to all the driveways. Onsite parking provision satisfies the requirements of Clause 52.06 (Car Parking) of the Whitehorse Planning Scheme.

Limited action taken by Council to enforce parking restrictions within the area. – This is not a relevant planning consideration.

Rubbish collection – the development will not restrict the ability for Council waste collection vehicles to collect bins. The vehicle crossovers are adequately spaced to allowing for the siting of bins without any restrictions.

Impact to views – the development offers appropriate setbacks from front, side and rear boundaries with upper levels sufficiently recessed to ensure viewlines from adjoining lots are not impacted. The adjoining development to the south has its habitable windows well setback from the common boundary with the adjoining dwellings to the east featuring limited habitable windows oriented towards the subject site.

Devaluation of property values – this is not a valid planning consideration and cannot be taken into account when making a decision on the planning merits of this application.

The advertising board should have specified four (4) bedrooms to each dwelling – There is no requirement under the *Planning and Environment Act* 1987 to put the number of bedrooms on the public notice. Notice of the application was given in accordance with the Act.

10.1.2A
(cont)

CONCLUSION

The proposal for the construction of four double storey dwellings is an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies, the General Residential Zone, Schedule 1, Clause 22.03 and 22.04 and Clause 55 (ResCode).

A total of 15 objections were received as a result of public notice and the issues raised have been discussed above.

It is considered that the application should be approved.

ATTACHMENT

1 Advertised Plans ⇨

Strategic Planning

10.1.3 56, 58 - 74 Station Street, Nunawading - Former Daniel Robertson Brickworks Development Plan

ATTACHMENT

SUMMARY

Planning & Property Partners has lodged a development plan for part of the 4.823 hectare former Daniel Robertson brickworks as required under the Development Plan Overlay that applies to the land. Preparation of the development plan is intended to advance the overall concept plan for this strategically significant site. If approved, the development plan will be used to guide future planning permit applications for each stage of the development and their assessment, and will exempt applications that are generally in accordance with the development plan from the usual notice and review processes under the Planning and Environment Act 1987.The Development Plan is currently subject to a review at the Victorian Civil and Administrative Tribunal. Council has displayed the Development Plan for community comment; these comments are considered as part of this report. The purpose of this report is to consider the comments received from the community and to form a position on the Development Plan for the VCAT hearing. This report recommends that the Development Plan be approved subject to changes.

RECOMMENDATION

That Council:

1. ***Support the Development Plan (April 2017) for the former Daniel Robertson brickworks site at 56, 58 -74 Station Street, Nunawading at Attachments 2 - 11, once the following matters have been addressed to the satisfaction of the Responsible Authority:***
   - ***a) A geotechnical report for the land on which public assets are proposed to demonstrate that the land is suitable for the proposed public infrastructure and improvements.***
   - ***b) An updated Traffic Engineering Assessment that reflects the requirement for a 7.6m carriageway on Secondary Roads.***
   - ***c) A statement in the development plan that stormwater drainage and management is subject to further detail and must be to the satisfaction of Council.***
   - ***d) The proposed water quality treatment infrastructure relocated to be within the Communal Open Space or other owner's corporation land and not within the Public Open Space.***
   - ***e) A statement in the Development Plan that requires the provision of one canopy tree per dwelling to be provided on each lot.***
   - ***f) A statement in the Development Plan requiring a subsidence risk agreement with Council under Section 173 of the Planning and Environment Act 1987 to manage potential matters associated with development (including subdivision) on land that has been filled and to ensure that development occurs in accordance with an appropriate geotechnical framework.***
2. ***The Manager of Planning & Building is given the delegated authority to negotiate an outcome with the applicant which is generally consistent with the above recommendation.***

10.1.3
(cont)

Zoning:	Residential Growth Zone - Schedule 2 Mixed Use Zone
Overlay:	Environmental Audit Overlay Development Plan Overlay - Schedule 7 Heritage Overlay (HO78)
Relevant Clauses:	Multiple clauses of the State Planning Policy Framework (SPPF) –
Clause 9	Plan Melbourne;
Clause 11.01	Activity Centres;
Clause 11.02	Urban Growth;
Clause 11.03	Open Space;
Clause 11.04	Metropolitan Melbourne;
Clause 13.02	Soil Degradation;
Clause 14.02	Water; and
Clause 15.01	UrbanEnvironment.
Multiple clauses of the Municipal Strategic Statement (MSS) and Local Planning Policy Framework (LPPF) -	
Clause 21.04	Strategic Directions (MSS);
Clause 21.06	Housing (MSS);
Clause 21.07	Economic Development (MSS);
Clause	22.01- Heritage Buildings and Precincts;
Clause 22.03	Residential Development (LPPF);
Clause 22.06	Activity Centres (LPPF);
Clause 22.15	Public Open Space Contribution (LPPF);and
Clause 22.10	Environmental Sustainable Design.
Ward:	Springfield

BACKGROUND

Existing Site

The site is known as the Daniel Robertson Brickworks and is located on the corner of Station Street and Norcal Road, Nunawading. The site is approximately 4.823 hectares in area, with a frontage of 164 metres to Station Street and 390 metres to Norcal Road.

The site was used as a brickworks since the late 1800's. However clay reserves on the site were eventually exhausted and backfilling of the quarry pits started in approximately 2002, using controlled fill from the East Link project. The site was sold in 2014 and the new owners requested a rezoning to allow redevelopment of the site primarily for residential purposes.

The site has two land use zones; part of the site is covered by the Mixed Use Zone (MUZ) with the remainder being Residential Growth Zone Schedule 2 (RGZ2) as outlined in Figure 1 below.

The front portion of the site is currently occupied by a brick building formerly used for display/ administration purposes (central to the Station Street frontage) and a large chimney which is covered by a Heritage Overlay. Two filled quarries are located towards the southern boundary.

The site is mainly cleared and has been undergoing rehabilitation in accordance with the rehabilitation plan as required by the Extractive Industry Work Authority No. 192 with the Department of Economic Development, Jobs, Transport and Resources.

10.1.3
(cont)

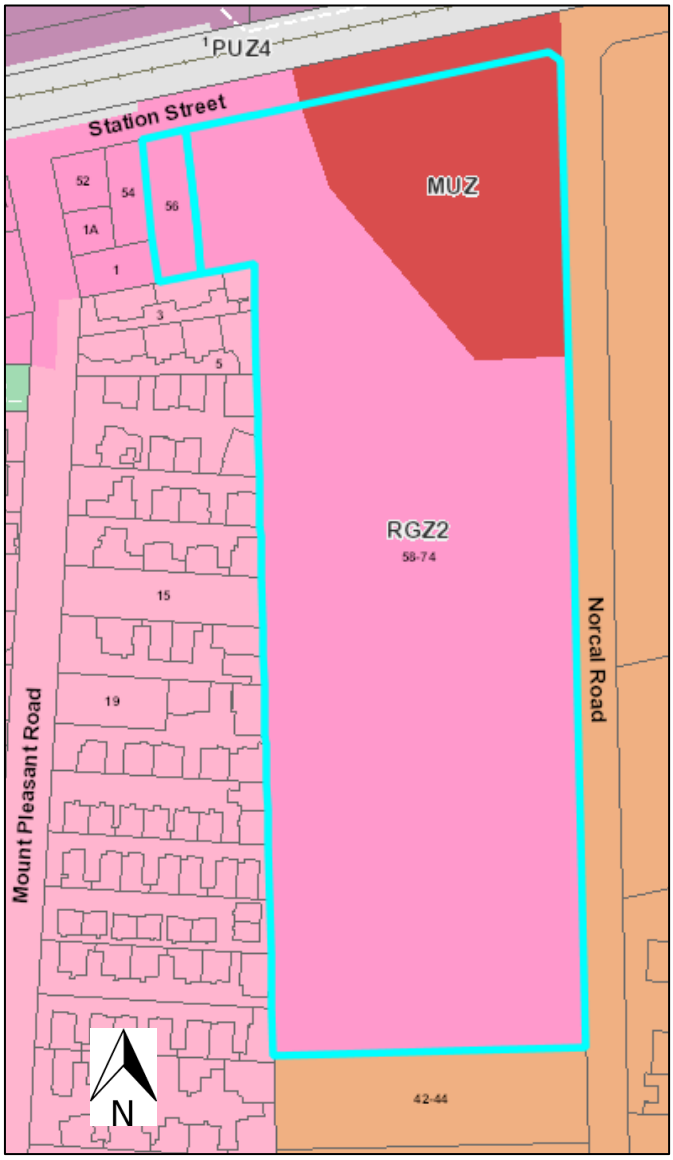


Figure 1 - Zoning

Surrounding Development

Industrial land on the eastern side of Norcal Road, opposite the site, is occupied by a large warehouse. Industrial land uses including a sheet metal works adjoin the southern site boundary.

Land abutting the western boundary is used for housing, with generally medium density developments of 4 - 6 dwellings per lot. Typically the private open space area of the rear unit in these developments abuts the western boundary of the brickworks site. The railway line is located north of the site, on the north side of Station Street, with associated commuter parking and the rear elevations of Home HQ in Whitehorse Road/ Mega Mile.

10.1.3
(cont)

Strategic Context

Nunawading Megamile Major Activity Centre and Mitcham Neighbourhood Activity Centre Structure Plan

The site and surrounding area is covered by the *Nunawading Megamile Major Activity Centre and Mitcham Neighbourhood Activity Centre Structure Plan* (adopted by Council on 21 April 2008) (Structure Plan). The Structure Plan identifies the brickworks as a 'key' development site. The Structure Plan supports the site's redevelopment as a mixed use precinct with open space, a component of higher density housing and a component of commercial development. Implementation strategies include facilitating redevelopment of the site, managing zone interfaces, developing higher density housing, retaining the brickworks chimney and protecting view lines to the chimney from Station Street.

The Structure Plan shows the potential for a combination of one and two storey town houses, a six storey apartment building with basement car parking, and three to four storey commercial development, all surrounded by areas of open space.

Whitehorse Industrial Strategy

The *Whitehorse Industrial Strategy* (Strategy) assessed the current market indicators, examined the economic drivers and attributes for eight industrial precincts in the municipality, summarised the existing planning frameworks applicable, commented on urban design issues and proposed a recommended economic-driven strategy for each precinct.

The Strategy recognised the need to manage the interface between industrial precincts and residential areas. The Strategy identifies the Daniel Robertson brickworks as a strategic site for future residential / office development in the Structure Plan and that rezoning to Mixed Use could be a potential outcome.

Amendment C155

On 24 November 2014 Council authorised the exhibition of Amendment C155 to the Whitehorse Planning Scheme (Amendment). The Amendment was supported by a preliminary concept plan submitted with the rezoning request and proposed a layout which included higher density residential with commercial uses fronting Station Street and medium density residential across the majority of the site.

The Amendment was exhibited from 30 April to 1 June 2015. Council then considered a report on the submissions at its meeting of 20 July 2015 and resolved to refer the submissions to an independent panel for further consideration. A panel hearing was held on 14 and 15 September 2015. Council considered the panel's report at its meeting on 23 November 2015 and adopted the Amendment with changes recommended by the panel. The Amendment was approved by the Minister for Planning and came into effect on 10 March 2016.

The Amendment resulted in the rezoning of the land at 56 and 58-74 Station Street Nunawading to part Mixed Use Zone (MUZ) and part Residential Growth Zone Schedule 2 (RGZ2) to allow primarily for residential redevelopment. The amendment also introduced two new overlays to the site – an Environmental Audit Overlay and Development Plan Overlay Schedule 7 (DPO7). Consequential changes were also made to the Local Planning Policy Framework in the planning scheme.

The Development Plan Overlay (DPO)

DPO7 requires that a 'development plan' is prepared to the satisfaction of the responsible authority generally before a permit can be granted to use or subdivide land, remove or create easements, construct a building or construct or carry out works. A development plan may be prepared and implemented in stages.

10.1.3
(cont)

DPO7 specifies conditions and requirements for permits, and requirements for a development plan including the information that the plan needs to contain. Importantly, the Development Plan is to include measures to be taken relating to the proposed residential areas in order to minimise amenity impacts from the existing industrial areas located in close proximity. The Development Plan must be generally in accordance with the Concept Plan shown in Figure 2. The Development Plan will be primarily assessed against the requirements of Schedule 7 to the DPO (Attachment 1) and the decision guidelines at Clause 65 of the planning scheme.

Planning permits must be generally in accordance with the approved development plan. The development plan will therefore guide future planning permit applications for each stage of the development and needs to contain sufficient information for Council to assess these applications. Planning permit applications that are generally in accordance with an approved development plan will be exempt from the usual notice and review processes under the *Planning and Environment Act 1987*. Hence the Development Plan needs to be carefully considered by Council before a decision is made whether to approve the development plan or not.

In order to assist Council in this process, clause 3 in DPO7 requires the display of a development plan (or a substantial amendment to an approved plan) for public comment for a period of at least 14 days. Council must consider any comments received in response to display of the plan before making a decision whether to approve the plan. Therefore, in most instances, it is anticipated that display of the development plan will be the final opportunity for the community to make comment on the proposed development.

10.1.3
(cont)

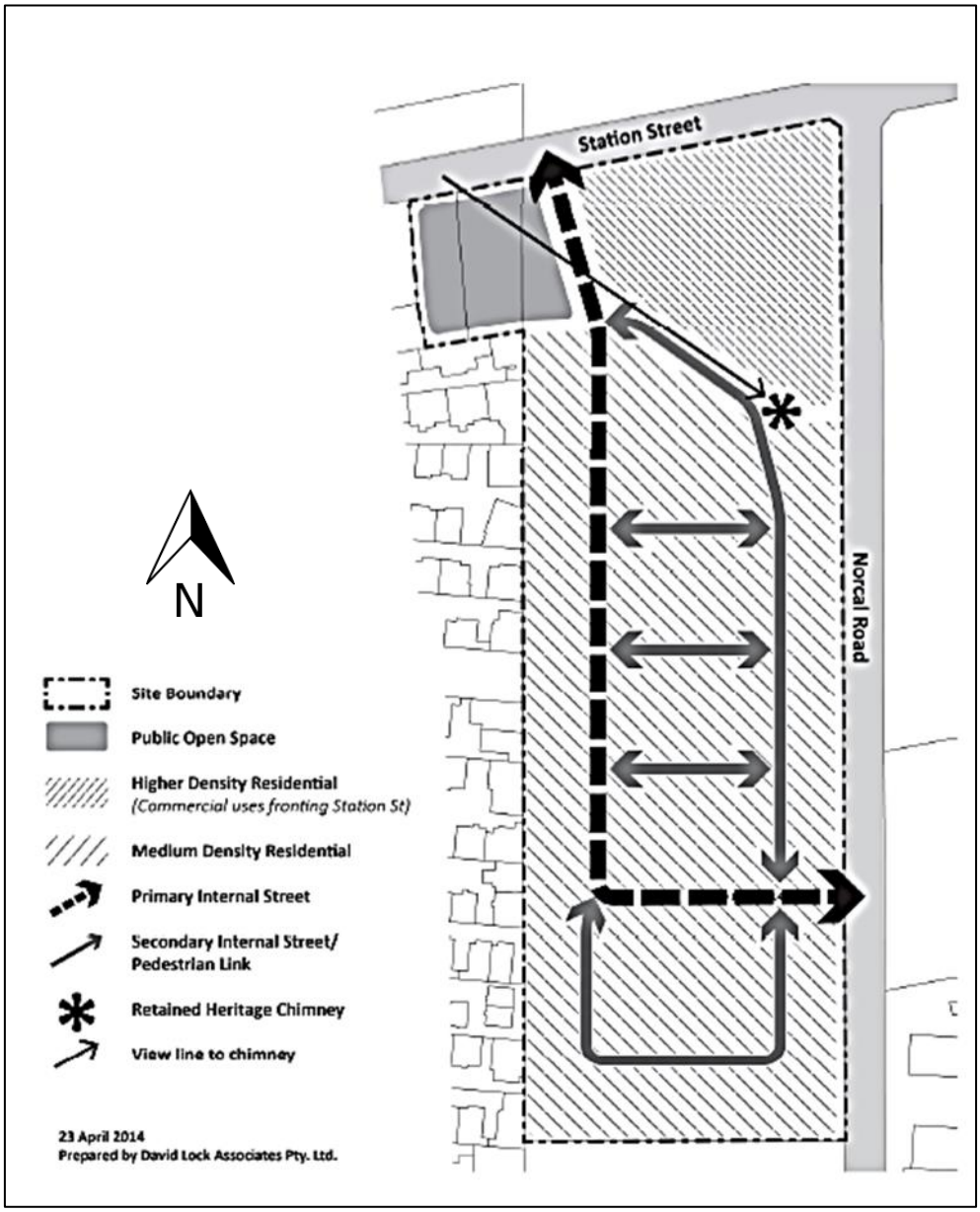


Figure 2 - Concept Plan contained in DPO7

The request to approve the Development Plan

A Development Plan was lodged on 21 July 2016 by Planning & Property Partners on behalf of Norcal Station Developments Pty Ltd for consideration by Council (Attachments 2 - 11).

The Development Plan is proposed to be undertaken in 4 stages. The Development Plan before Council is for the RGZ2 component of the site and encompasses stages 1 - 3. The MUZ portion of the site (stage 4) will be subject to a separate development plan which is allowable under the Development Plan Overlay.

The Development Plan submitted comprises the following documents:

10.1.3
(cont)

Development Plan Report: (Planning & Property Partners, April 2017)
The Development Plan Report includes relevant background of the application with reference to the Specialist Reports contained within the Appendices.

Appendices – Specialist Reports:

Appendix A Copy of Titles;

Appendix B Design Response - Stage 1 Development Plan (Conrad Architects Pty Ltd);

Appendix C ESD Response (Lid Consulting Pty Ltd);

Appendix D Traffic Engineering Assessment (Traffix Group Pty Ltd);

Appendix E Landscape Design Report (Tract Consultants Pty Ltd);

Appendix F Management Plan (Planning & Property Partners Pty Ltd);

Appendix G Waste Management Response (Lid Consulting Pty Ltd);

Appendix H Acoustic Report Addressing DPO Requirements (SLR Consulting Australia Pty Ltd);

Appendix I Geotechnical Site Investigation (Civil Test Pty Ltd).

The Development Plan is supported by a Design Response (Figure 3 below) that has been prepared by Conrad Architects. The Development Plan proposes the following:

- An internal road system (Primary Roads and Secondary Roads proposed by the proponent to become Council's responsibility) with one main vehicle access from Station Street and Norcal Road.
- Stages 1, 2 and 3 are proposed to comprise 173 dwellings. The proposed dwelling typology comprises 30 two-storey dwellings (indicatively 3 - 4 bedroom dwellings) along the western boundary with frontage to an internal road. The remainder of the Development Plan as shown in Figure 3 comprises 143 three-storey townhouses (indicatively 2, 3 and 4 bedroom dwellings) with a maximum overall height of 9.5 metres. All indicative dwellings are subject to Council's satisfaction.
- Proposed lots ranging in size from 73.8m^2 to 225m^2.
- Public open space of 3000m^2 with direct frontage to Station Street which is proposed to be transferred to Council.
- "Mews" style Communal Open Space is proposed to front 55 dwellings and is available to all the proposed dwellings. These spaces are estimated to range between 300m^2 and 685m^2 with a total Communal Open Space area of approximately 2400m^2.
- The significant heritage chimney which is protected by a Heritage Overlay in the Whitehorse Planning Scheme will be retained within communal open space. The chimney is proposed to be restored and managed by an owner's corporation.
- Private open space for each dwelling in the form of courtyards and / or balconies ranging in size from 22.7m^2 to 49.3m^2.
- Landscaping of all public areas.
- A designated shared cycling/pedestrian path and pedestrian paths through the site.
- Resident and visitor parking will meet the Planning Scheme requirements.
- An acoustic wall at the southern boundary interface with industrial uses.
- A landscaped buffer between the proposed residential development and the Norcal Road interface.

Officers have reviewed the Development Plan. This assessment is outlined in the Discussion below.

10.1.3
(cont)



Figure 3 - Development Plan Application – Design Response

10.1.3
(cont)

Victorian Civil and Administrative Tribunal Proceedings

The Development Plan was assessed by Officers and supplementary information was requested. The applicant provided the further information. In line with Council's standard practice, officers were progressing to prepare a report to Council with a recommendation to display the Development Plan as required under DPO7 subject to the appendices being updated to incorporate the supplementary information and to ensure the Development Plan was consistent.

The applicant did not agree to update the information and subsequently lodged an application for review under s149 1(a) of the *Planning and Environment Act 1987* with the Victorian Civil and Administrative Tribunal (VCAT).

A practice day hearing was held before the Tribunal between the applicant and Council on 17 March 2017. Substantiative orders from the practice day hearing were received by Council on 29 March 2017 and indicated Council should display the Development Plan. An updated Development Plan was subsequently resubmitted by the applicant for Council to display.

Officers subsequently prepared the Development Plan for display and invited the community to provide comment from 10 April 2017 to 28 April 2017.

The Tribunal has listed the matter for a compulsory conference on 29 June 2017 and for a three day hearing commencing on 23 August 2017.

DISCUSSION

Officer Review of Development Plan

The Development Plan has been reviewed by officers against the requirements of the DPO7 and the relevant requirements of the Whitehorse Planning Scheme.

Overall, the Development Plan's design response is considered to be generally in accordance with the DPO7 Concept Plan (Figure 2). The indicative dwelling typology shows a variety of dwelling sizes and layouts that are below the discretionary height limit of four storeys in the RGZ2. However, there remain some concerns that officers consider that the proponent ought to address for approval of the Development Plan:

Private Open Space

Officers note that the proposed private open space ranges from 22.7m^2 to 49.3m^2. A number of the proposed housing typologies are under the 40m^2 requirement for private open space of the RGZ2. However, the development proposes five communal open spaces which will supplement the private open space requirements and therefore on balance is considered an acceptable outcome.

Officers also require a guideline within the Development Plan that demonstrates the provision of one tree on private land per dwelling to meet the requirements of the RGZ2.

Action: Include a statement in the Development Plan that demonstrates the provision of one canopy tree on private land per dwelling to be provided on each lot.

Public Open Space

Officers consider the proposed public open space will be a good addition as it will provide a prominent play and recreational space that will not only serve new residents but be accessible to the surrounding community.

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(cont)

Officers consider that the proposed bio retention asset should not form part of the proposed public open space, as currently shown. Any bio retention or other water quality treatment infrastructure (refer Stormwater discussion below) should be located on communal open space and be managed by an owner's corporation. It is considered that the Development Plan should be updated to show this.

Action: Provide amended plans that clearly demonstrate that the any proposed water quality treatment infrastructure does not form part of the Public Open Space and will be located in Communal Open Space or other owner's corporation land.

Engineering Servicing and Stormwater Management

A report was lodged with the original Development Plan application in regards to Engineering Servicing and Stormwater Management. Officers were not satisfied with the proposed onsite detention and had informed the proponent that Council will not maintain the on-site detention systems as proposed and that the proposed layout of the drainage assets was not acceptable.

Additionally, as part of the Stormwater Management for the site, the proponent proposed the stormwater bio retention basin, as noted above. The proponent proposed that Council take on the ongoing maintenance of this asset. Officers consider that all stormwater retention and stormwater treatment assets are to be maintained by an owner's corporation and not Council. Council does not maintain stormwater treatment assets as it does not possess the equipment or expertise to maintain these types of assets within its current operational budget.

It is noted that subsequent to the Victorian Civil and Administrative Tribunal practice day hearing, the Engineering Servicing and Stormwater Management Report was not included in the updated Development Plan documentation submitted for display. Officers consider this to be an important report, which is required as part of the general provisions in the Planning Scheme under Clause 65 Decision Guidelines.

The proponent is of the view that options for site-wide stormwater retention systems, bio retention basins and individual dwelling stormwater management have been provided for within the Stage 1 Development Plan and will be further resolved in consultation with Council, the relevant water authority, the Environment Protection Authority and Department of Health and Human Services (as appropriate) as part of any future planning permit application(s).

Officers consider it more appropriate to condition the approval of the Development Plan on the basis that an updated Engineering Servicing and Stormwater Management Plan be prepared subject to Council's satisfaction.

Action: Include a statement in the development plan that stormwater drainage and management is subject to further detail and must be to the satisfaction of Council.

Transport

The Traffic Engineering Assessment outlines the proposed road network layout and road reserves in the Development Plan. The Traffic Engineering Assessment proposes that Council will take on future maintenance and responsibility of Primary and Secondary Roadways, with Access Lanes being owned and maintained by an owner's corporation. Officers note that subsequent planning permit applications for the site will be required to be accompanied by a detailed traffic impact assessment and there will be the potential for mitigating works on the surrounding transport network.

Officers have reviewed the proposed road network layout and road reserves. Overall, Officers are mostly satisfied with the proposed internal road network layout and believe that it can sufficiently accommodate the expected traffic volumes, Council service vehicles and emergency vehicles subject to the requirement to prohibit parking along sections of roads where service and delivery vehicle access is required.

10.1.3
(cont)

However, Officers have concerns with the proposed secondary road 7.3m wide carriageway. Council Transport Officers require a 7.6m wide carriageway on secondary roads in order to ensure that there is sufficient width for service and delivery vehicles, and to allow Council to take on future ownership and maintenance of these roads.

Action: Applicant to provide an updated Traffic Engineering Assessment that reflects the requirement for a 7.6m carriageway on Secondary Roads.

Geotechnical Report for Public Assets

The Development Plan was accompanied by a Geotechnical Site Investigation for Residential Slabs and Footings. The Geotechnical Site Investigation (Appendix 11) that was submitted in support of the Development Plan application provides commentary on recommendations for additional work. The recommendation of the report states: *"It is understood that in addition to the townhouses, a recreational park and internal access roads are also proposed for the site. For these infrastructure developments, further site specific investigations are required, and we will require a site layout plan showing the proposed development in detail."*

Officers consider that the Development Plan should provide a geotechnical investigation of land proposing to contain any future public assets and this information is a requirement of the DPO7. Without knowing this level of detail, Council officers cannot assess whether it is appropriate for the proposed public assets to be transferred to Council and what are the likely liabilities Council is likely to inherit by acquiring these assets as a result of geotechnical issues.

Action: Applicant to provide a geotechnical report for land on which public assets are proposed to demonstrate that the land is suitable for the proposed public infrastructure and improvements.

Future Agreements

There are various agreements under section 173 of the Act that may be required. For example:

- A subsidence agreement may be required to address the inherent risk of settlement on future infrastructure and dwellings located on filled land. This may require a Geotechnical Framework as part of the agreement including measures for managing the risk of settlement. Any such Agreement should be a condition of any planning permit. A provision should be included in the Development Plan to this effect.

- Agreements may also be needed in relation to responsibility for future public assets such as:
  - Roads and accessways;
  - Stormwater assets;
  - Public open space areas and related infrastructure;
  - Maintenance agreements and asset management;

Decisions are yet to be made on future responsibility for any assets and infrastructure which requires detail on the development with future planning permit applications.

Analysis of Community Submissions

During the display period (10 April – 28 April 2017), fourteen (14) submissions were received. The submissions are discussed under the following broad themes:

- Traffic and Car Parking
- Ownership of Assets
- Sustainable Transport
- Environmentally Sustainable Development (ESD)
- Built Form
- Other Matters

10.1.3
(cont)

Traffic and Car Parking

The impact of traffic, including volume and impacts on the surrounding network generated by the proposed development and associated car parking, was raised by six submissions. The submissions raised the issue of the increased traffic movements on the surrounding road network and also questioned the impact the development would have on the nearby intersections with Springvale Road, Rooks Road, Whitehorse Road and Canterbury Road.

Increased car parking pressures on surrounding streets was mentioned by one submitter, who is concerned about a lack of car parking for existing residents and suggested incorporating a multi-storey car park within the development to provide for the additional number of residents using the Nunawading train station.

One submission raised concerns in regards to the off street car parking for the indicative dwellings. The submission was concerned that the indicative plans would only accommodate two small vehicles; the submitter also raised concerns with the arrangement of private car parking. Finally, two submissions were concerned that the proposed parking for residents and their visitors was inadequate.

Officer Response:

The Stage 1 Development Plan proposes vehicular access via two main access points; one located in the north of the site to Station Street and the other on the south-eastern boundary with Norcal Road. These access points are generally in accordance with the Concept Plan of DPO7.

The Development Plan is accompanied by a Traffic Engineering Assessment, which concluded that the traffic predicted to be generated by the proposed development will be accommodated on the surrounding road network and intersections without any adverse impacts, and mitigation works to the external road network are not required at this stage.

All dwellings are provided with the required number of on-site car parking spaces, which satisfies the resident car parking requirements in Clause 52.06 (Car parking) of the Planning Scheme. The Development Plan provides 97 indicative on-street visitor car parking spaces, which exceeds the 86 visitor car parks required in Clause 52.06.

Additionally, Officers note that submissions raised concerns in regard to high demand for the existing on street car parking in the surrounding local streets due to commuter demand at the Nunawading train station. However, the Development Plan is not the mechanism to address concerns with the existing provision of car parking in the surrounding local streets.

Detailed traffic and car parking requirements can be further addressed at the planning permit stage. The final car parking provision, layout, any traffic mitigation measures and design is subject to Council approval as part of any future planning permit application(s).

Ownership of Assets

One submission raised the future ownership and maintenance of the proposed public open space that fronts Station Street.

Officer Response:

The open space fronting Station Street is proposed to become Council's responsibility, subject to Council being satisfied with the detailed design and implementation of the proposed open space improvements.

10.1.3
(cont)

Sustainable Transport

There were concerns raised by three submissions about the proposed shared path design. The submitters outlined that the shared path proposed along West and Central Drive should be improved for safety and connectivity purposes. They proposed relocating the shared path to North and East Drive. It was also considered by the submitters that the proposal fails to link to the wider cycling network in Whitehorse. The submissions proposed that the shared path should be made to link with the Box Hill to Ringwood Trail via a railway crossing.

Two submissions said that the development fails to meet its requirements in the provision of bicycle parking.

Officer Response:

Officers consider that the proposal to reconfigure the shared path along West and Central Drives to North and East Drive has some merit, as it will reduce the total number of potential conflict points between vehicles and pedestrians/cyclists. However, the current alignment is located within a wider road verge and may offer greater landscape design opportunities and amenity for the path user.

It is considered that reconfiguration of the shared path is not essential to progress approval of the Development Plan and officers note that there is scope to negotiate this with the applicant either through the VCAT proceedings or in future planning permit applications.

The development demonstrates the provision of bicycle parking in line with the requirements of DPO7 and any future commercial/retail uses for the MUZ component of the site will be required to meet these requirements as set out in the Planning Scheme.

Environmentally Sustainable Development

The ESD techniques proposed as part of the development was considered by two submissions to be insufficient. One submission raised concerns that a number of proposed dwellings will have insufficient solar access.

One submitter proposed that the development could put in place increased sustainability features to set an example for further developments. This included incorporating a grey water treatment plant, a worm farm and solar battery storage facility to provide lighting and power for common roads, paths and BBQ areas.

Officer Response:

The Development Plan shows that the indicative dwellings have been positioned and oriented to ensure an appropriate level of solar access and cross ventilation which can assist to reduce the reliance on mechanical heating and cooling methods.

The application is accompanied by an ESD Response and outlines a range of ESD objectives and Water Sensitive Urban Design initiatives that address the requirements of DPO7.

Officers consider that a number of ESD requirements will be addressed during the planning permit stage and will be subject to Council approval and assessment against the ESD policy at Clause 22.10 of the planning scheme as part of any future planning permit application(s).

Built Form

The proposed built form was raised as a concern by three submissions. One submitter questioned how the density of the multi-storey dwellings will complement the established residential area to the west of the subject site. The submission objects to two storey buildings along the western boundary and considers that three storey dwellings should only present to Station Street and Norcal Road to improve the aesthetic impact. The submission also considers that three storey buildings will be out of character for the surrounding area and would dominate properties located on Mount Pleasant Road.

10.1.3
(cont)

There is concern from the submitter about the impact of the proposed development on the local neighbourhood and its amenity, including overlooking of existing properties to the west. The submission outlines that the proposal should include frosted windows to prevent overlooking and a 1.7m high fence/ screen.

Submissions also raised concerns with the proposed setbacks and landscaping along the western boundary. The submissions considered that the lower level building setback of 3m from the western boundary was insufficient. The submissions also raised concerns that the indicative plant palette along the western boundary was inappropriate and would reach mature heights that were dangerous.

Officer Response:

The Development Plan responds to the existing neighbourhood character by providing dwellings along the western boundary that do not exceed two-storeys in height. Officers consider this is an appropriate response within the discretionary height requirement (13.5m) of the RGZ2 and consider that this approach provides an appropriate transition between the mostly single-storey development of adjoining residential areas and the proposed three-storey built form on the subject site.

Officers consider that the proposed layout and arrangement of dwellings along the western boundary will achieve compliance with the requirements of Clause 55 (Standard B17 – Side and Rear Setbacks) of the Planning Scheme at the future planning permit stage.

It is also considered that any future planning permit application(s) will be capable of complying with the requirements of Standard B22 (Overlooking) of Clause 55 in the Planning Scheme and will not result in any unreasonable overlooking of neighbouring private open space or habitable room windows.

Officers also consider that the provision of substantial screen planting along the western boundary will assist in softening the visual impact of the development. Officers also note that the Indicative Plant Palette requires refinement and will be subject to approval at the planning permit(s) stage.

Other Matters

Two submissions outline that the Development Plan needs to be accessible for residents as well as the wider community. The submissions comment that there should be accommodation with lifts and accommodation options on ground level to ensure there are dwellings capable of being accessed by a wheelchair. One submission also outlined that the Development Plan should explore the provision of social housing.

Submissions raised concerns in regards to the potential noise impacts during the construction phase. The submissions also express concerns about potential work outside of nominated working hours.

A number of submissions raised queries in regards to the fencing along the western boundary. The queries included, whether the fencing will be replaced so as to restore privacy of the tenants; who will be responsible for replacing the fence; and if the fence is replaced, at what stage of the project will this be completed?

A submission also raised concerns as to what drainage will be installed to prevent water flooding the new dwellings located down the embankment along Norcal Road.

A number of comments were made in regard to potential commercial/retail spaces.

10.1.3
(cont)

Officer Response:

Clause 21.06 (Housing) of the Planning Scheme encourages the provision of well designed, adaptable and accessible housing and promotes the use of the Liveable Housing Design Guidelines to developers. While the indicative dwellings propose a multi-level built form, there is discretion in decision making if a single level typology was proposed at the planning permit stage(s). Officers do note that the MUZ portion of the site can accommodate a built form (such as apartments) which would anticipate the provision of lift access and single level living accommodation.

It is acknowledged that there is a need for additional social housing in the eastern metropolitan region, including Whitehorse. However, there are no requirements under the DPO7 that set out the requirement to provide social housing.

Officers acknowledge that improving the fencing along the western interface may be beneficial in delivering an improved amenity outcome. However, there is no requirement under the DPO7 to replace/improve the fencing along the western boundary. Boundary fencing between private properties is outside the scope of the development plan, however officers will convey these concerns to the applicant.

Officers suggest that a statement be inserted in the development plan that stormwater drainage and management is subject to further detail and must be to the satisfaction of Council. This will ensure that any inundation risks are adequately addressed before approval.

There are no commercial or retail spaces proposed as part of this Development Plan.

CONSULTATION

As noted above, clause 3.0 of the DPO7 requires display of a development plan for public comment for a period of at least 14 days. Council must consider any comments received in response to display of the plan before making a decision whether to approve the plan.

The Development Plan for the former Daniel Robertson brickworks was placed on display as required under the DPO7, The Development Plan was placed on display from 10 April to 28 April 2017. Although there was no statutory obligation to do so, Officers extended the display of the Development Plan to 19 days given there were three public holidays that fell within the display period. The Development Plan was displayed by:

- Publishing a copy of the Development Plan a on Council's website;
- Making a copy of the Development Plan available for inspection, at Council's service centres and the four municipal libraries;
- Publishing two advertisements in the Whitehorse Leader on 10 April and 24 April 2017; and
- Sending 484 letters and an information flyer to owners and occupiers in the surrounding area.

A total of 14 submissions were received and are discussed above. Following consideration of the community comment, Council can make a decision on the Development Plan..

FINANCIAL IMPLICATIONS

Community consultation expenses will be recouped from the proponent.

To date, Council has required limited assistance from external consultants (e.g. Acoustic advice). However, Council will incur future costs associated with engaging consultants to peer review the required geotechnical reports for proposed public assets. It is anticipated this cost can be covered within operational budgets. Internal officer expertise has been committed from Departments across Council to review the development plan.

10.1.3
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Ongoing internal officer input will be required to finalise the development plan and to assess future planning, and building and works approvals, etc. Resourcing required for future planning permit approvals will be partly offset by notice exemptions in the Development Plan Overlay.

There will be future cost implications to Council if it assumes ownership and / or responsibility for future maintenance and management of any public infrastructure. This would include ongoing operational budget for maintenance and management of matters such as open space, roads, drains, lighting, street trees, and waste collection, as well as capital works into the future to improve and replace public assets. Further detail on the development during subsequent planning permit applications is needed for Council to estimate these costs.

As outlined in Appendix F of the Development Plan, an owner's corporation will have a future role in maintenance (e.g. of communal open space and private laneways). Infrastructure needed for the development will be provided or required as part of the development at the applicant's cost.

POLICY IMPLICATIONS

The *Council Plan 2016 - 2020* and relevant Council strategies have all informed Council's approach to the future of this strategic development site.

The Development Plan is consistent with Strategic Direction 2 in the Council Plan which seeks to maintain and enhance our built environment to ensure a liveable and sustainable city. In particular Strategy 2.1.4 is to support and promote greater housing diversity balanced with preserving the heritage, landscape, cultural and natural environments.

Key policies in the Whitehorse Planning Scheme include:

- Clause 21.04 Strategic Directions includes the site as a Strategic Redevelopment Site; and
- Clause 22.06 Activity Centres facilitates the redevelopment of a key site within the Nunawading activity centre such as the former Daniel Robertson brickworks.

CONCLUSION

A development plan has been prepared by Planning & Property Partners on behalf of Norcal Station Developments Pty Ltd as required under Clause 43.04-1 of the DPO. Clause 3.0 of Schedule 7 to the DPO requires that the Development Plan be placed on display for public comment for a period of 19 days. Having placed the Development Plan on display to satisfy VCAT orders, this report considers the community feedback received and assesses the Draft Development Plan against the planning scheme requirements.

Most of the outstanding matters from Council's feedback to date have now been adequately addressed in the updated Development Plan. As a consequence, Council's remaining requirements in order to progress the Development Plan are set out in the recommendation of this report.

Subject to the changes and conditions outlined in this report, it is recommended that the Development Plan be supported for subsequent endorsement.

10.1.3
(cont)

ATTACHMENT

1 Development Plan Overlay Schedule 7 ⇨
2 56-74 Station Street Stage 1 Development Plan Report ⇨
3 Appendix A Copy of Titles ⇨
4 Appendix B Stage 1 Development Plan Conrad Architects ⇨
5 Appendix C ESD Response Lid Consulting ⇨
6 Appendix D Traffic Engineering Assessment Traffix Group ⇨
7 Appendix E Landscape Design Report - Tract Consultants ⇨
8 Appendix F Management Plan - Planning and Property Partners ⇨
9 Appendix G Waste Management Response - Lid Consulting ⇨
10 Appendix H Acoustic Report - SLR Consulting ⇨
11 Appendix I Geotechnical Site Investigation - Civil Test Pty Ltd ⇨

10.1.4 Amendment C175 and Box Hill Metropolitan Activity Centre Built Form Guidelines - consideration of exhibition period and submissions

ATTACHMENT

SUMMARY

Amendment C175 and the draft Box Hill Metropolitan Activity Centre Built Form Guidelines were on public exhibition from 16 February until 17 March 2017. 105 submissions, 74 proformas and three anonymous proformas were received about the Amendment during the exhibition period. 12 submissions, 10 proformas and two anonymous proformas were received after the exhibition period. A total of 206 submissions and proforma responses were received.

This report discusses the issues raised during the exhibition period and recommends that the Amendment and the submissions be referred to an independent Planning Panel for consideration.

RECOMMENDATION

That Council:

1. ***Being the Planning Authority, having considered the submissions in relation to Amendment C175, request the Minister for Planning appoint an Independent Panel to consider the Amendment and the submissions in accordance with the Planning and Environment Act 1987;***
2. ***Authorises officers to update the Guidelines and Design and Development Overlay with the recommended changes included in this report;***
3. ***Advise all submitters of the request for an Independent Planning Panel; and***
4. ***Continue advocating to the State Government about upgrading the Box Hill Transit Interchange as a result of the ongoing designation of Box Hill as a Metropolitan Activity Centre***

BACKGROUND

Box Hill Metropolitan Activity Centre

Box Hill has been considered a significant centre since at least the 1950's, when it was designated as a District Business Centre in the 1954 *Melbourne Metropolitan Planning Policy*. Box Hill has also been designated as a Principal Activity Centre and a Transit City.

Box Hill has been designated as a place of significance in the release of the updated metropolitan planning strategy *Plan Melbourne 2017-2050* in March 2017 and has been designated as a Metropolitan Activity Centre (MAC) and a Health and Education Precinct. Through both designations, Box Hill is confirmed to be the focus of substantial development and investment. Box Hill is one of nine MACs in the Melbourne metropolitan region. As stated in *Plan Melbourne*, MACs "are critical to growth across a regional catchment – giving communities good access to a range of major retail, community, government, entertainment, cultural and transport services". The policy also notes that MACs "will be hubs for public transport services and play a major service delivery role, attracting broad investment in education, health and housing at higher densities" and "all activity centres have the capacity to continue to grow and diversify the range of activities they offer" (p37).

10.1.4
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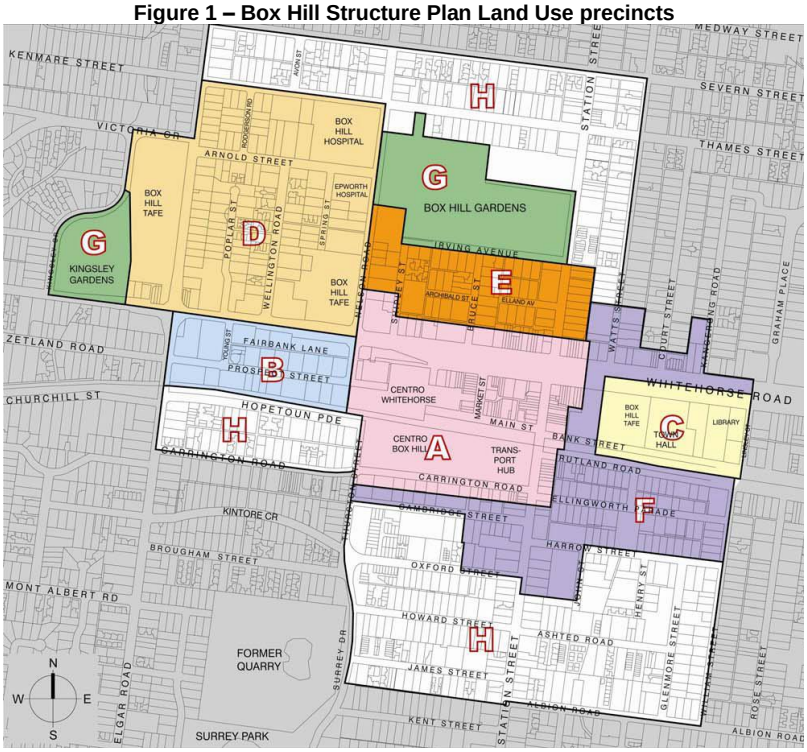
Plan Melbourne states that "major health and education precincts across metropolitan Melbourne have been identified for further services and jobs growth" and "these precincts stimulate innovation, create employment and are of fundamental importance to the emerging knowledge economy and surrounding communities" (p34). The policy recognises that co-location of health and education facilities is important and will make better use of existing infrastructure, such as public transport, and support the growth of associated businesses and industries.

Box Hill Transit City Activity Centre Structure Plan

The *Box Hill Transit City Activity Centre Structure Plan* (June 2007) ('the Structure Plan') has been the primary guiding document for Council, stakeholders and the community seeking to ensure coordination in development and enhancement of the Box Hill MAC to the year 2030. The Structure Plan was adopted by Council in 2007 and became a reference document in the Whitehorse Planning Scheme ('the Planning Scheme'). The Structure Plan was first inserted into the Planning Scheme on an interim basis in July 2009 as part of Planning Scheme Amendment (Amendment) C100 and then gazetted in the Planning Scheme on a permanent basis via Amendment C144 in December 2011.

The Structure Plan identifies a number of precincts within Box Hill to guide implementation, including Land Use and Built Form Precincts.

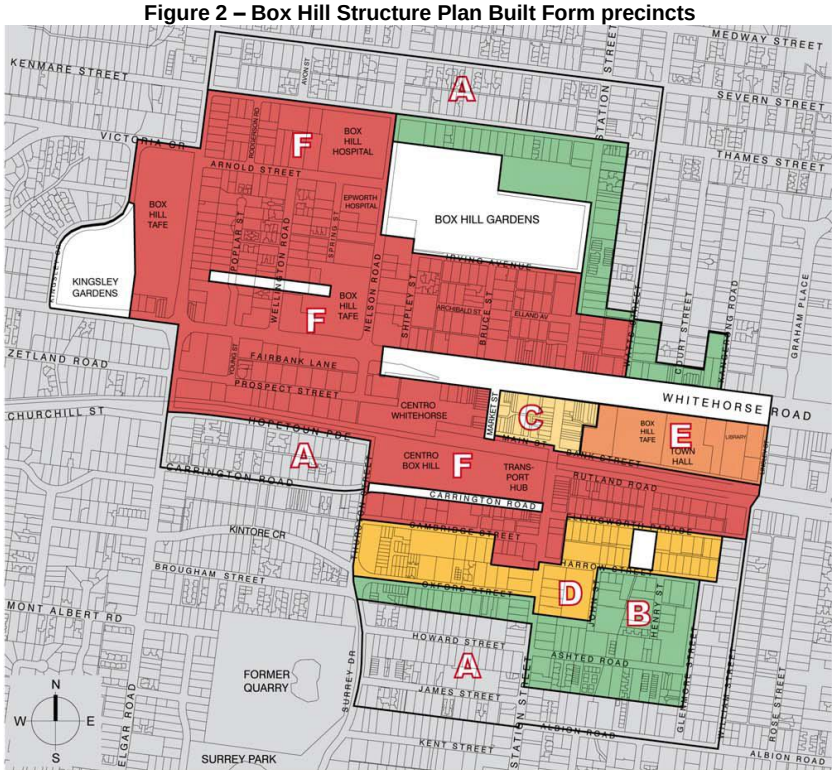
Figure 1 – Box Hill Structure Plan Land Use precincts



10.1.4
(cont)

Precinct	Precinct Name	Preferred Land Uses
A	Box Hill Transport and Retail	Retail, complemented by entertainment, hospitality, commercial and other uses with extended hours
B	Prospect Street	Primary office precinct
C	Civic and Eastern TAFE	Cultural, community and educational facilities
D	Hospital and western TAFE	Growth and enhancement of educational and medical institutions and support for related business and services, plus high density residential (including student housing)
E	Box Hill Gardens	Significant high to medium density residential growth with small scale offices, limited retail and community services and retail to activate ground level street frontages
F	Southern and Eastern	Mix of office and retail uses along Whitehorse Road and Station Street frontages and mixed use as a transition to purely residential precincts
G	Box Hill Gardens and Kingsley	Access to high quality public open space and recreational opportunities
H	Residential	Residential role and amenity protected but medium density residential development encouraged

Figure 2 – Box Hill Structure Plan Built Form precincts



10.1.4
(cont)

Precinct	Precinct Name	Preferred Built Form
A	Peripheral residential	New development supporting higher densities but consistent with area's existing built form character
B	Low rise higher density residential	3 storey height limit with reduced setback requirements enabling increased residential densities while maintaining a transitional building scale
C	Traditional town centre	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	4 storey height limit supporting increased density, with no (or minimal) front and side setbacks to create active frontages onto streets
E	Town Hall	Civic buildings give 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. Nominal height is 4-6 storeys.
F	Major Development	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. *NB: There is no expressed preferred building height guideline in the commercial areas of Precinct F and limited guidance in the remainder of this precinct.*

Current planning controls

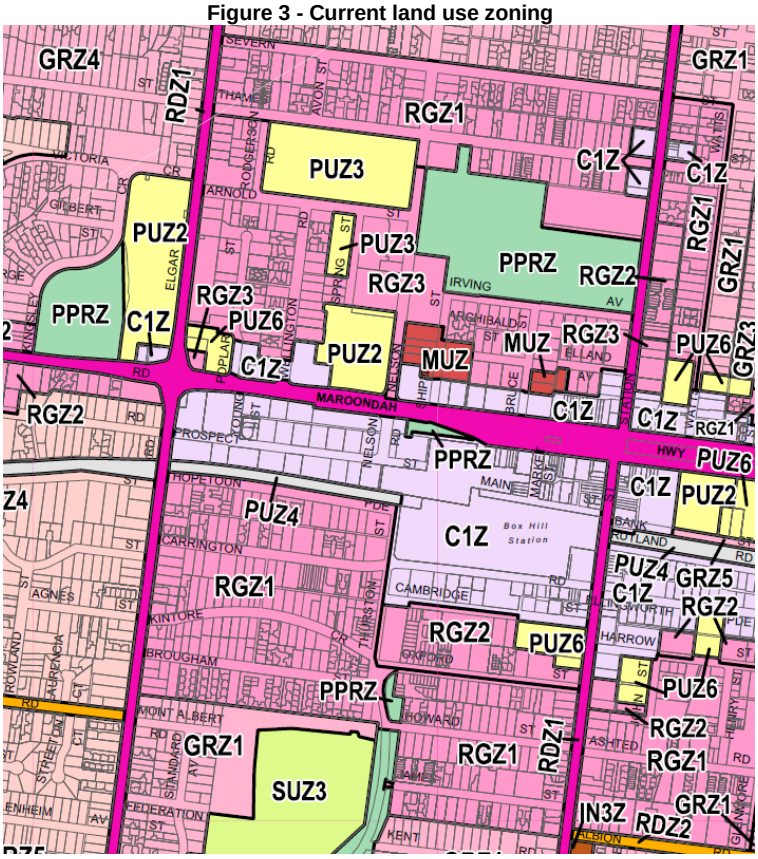
Figure 3 illustrates the current land use zoning in the Structure Plan area. The Commercial 1 Zone (C1Z) applies to a large part of the Structure Plan area, predominately on the southern side of Whitehorse Road. The C1Z also applies to the properties fronting the northern side of Whitehorse Road via recent Amendment C186. The purpose of the C1Z is "to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses" and "to provide for residential uses at densities complementary to the role and scale of the commercial centre". The C1Z does not have a mandatory height limit.

Parcels of land on Nelson Road, Shipley Street, Bruce Street and Elland Avenue are included in the Mixed Use Zone (MUZ) via recent Amendment C186. The purpose of the MUZ is "to provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality, to provide for housing at higher densities" and "to encourage development that responds to the existing or preferred neighbourhood character of the area". The MUZ does not have a mandatory height limit.

The Residential Growth Zone (RGZ) was applied largely to non-commercial areas of the MAC as part of the introduction of the reformed residential zones via Amendment C160 in 2014. The RGZ this has an objective of 4 storeys and a discretionary height of 13.5m. This is not consistent with the scale of development that is occurring.

10.1.4
(cont)

Figure 3 - Current land use zoning



Built Form Guidelines and Amendment C175

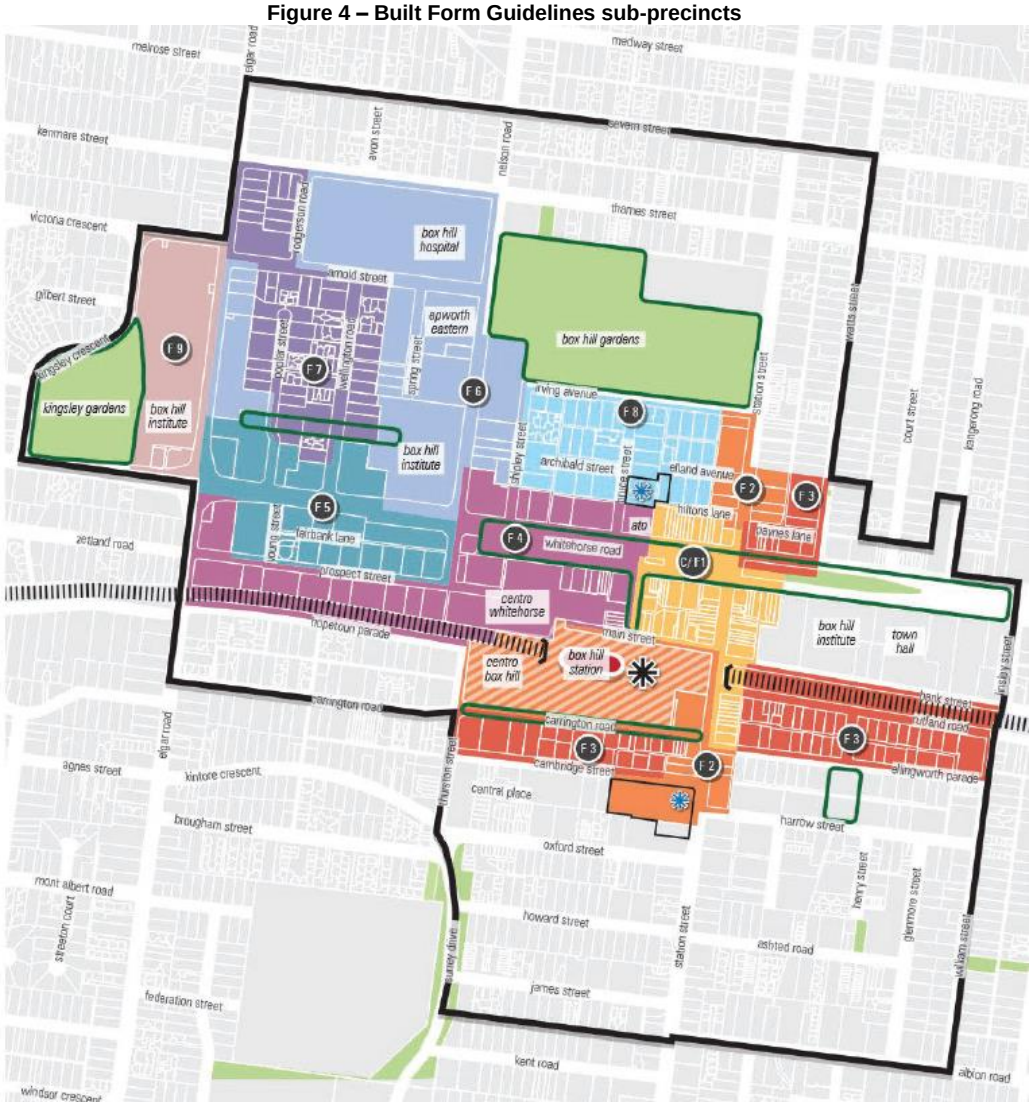
As a result of the current planning controls and subsequent scale and intensity of development occurring in the Box Hill MAC, and in particular Built Form Precinct F, principles around the built form across the activity centre and between precincts and residential areas were identified as being required. As identified by the current zoning, in the commercial areas of the Box Hill MAC there are currently no mandatory height limits. This has had the desired effect of establishing the basis for development in the Box Hill MAC, but also identifies the need for further guidance on built form.

The draft Box Hill MAC Built Form Guidelines (the Guidelines) were prepared in response to the identified need to provide guidance and direction on the built form and qualities of future development and the public realm in key areas of the Box Hill MAC.

The Guidelines consider building outcomes such as setbacks and frontages, view lines, heights and relationship to the public realm and building qualities such as articulation, depth, separation, overshadowing, landscaping and pedestrian and vehicle access. The Guidelines address these outcomes and qualities for Built Form Precincts C and F of the Structure Plan in the form of sub-precincts C/F1-F9 as shown in Figure 4.

10.1.4
(cont)

Figure 4 – Built Form Guidelines sub-precincts



The scope of the Guidelines does not include provisions addressed by other Council documents, the Planning Scheme or relevant State Planning Policy. The Guidelines form the basis for the typical design response and have been set out to clearly address matters that relate to overall urban form consideration for the Box Hill MAC. The Guidelines seek to provide clarity and achieve a degree of consistency of built form in a planning environment where discretionary, performance based controls are preferred.

The Guidelines do include a contextual analysis of the Box Hill MAC, including development trends, access and movement, public realm and environment, but do not provide a response to issues such as traffic and car parking, public transport, active transport or open space. These issues are considered in the Planning Scheme (e.g. car parking provisions) and/or other complementary Council (e.g. Open Space Strategy) or State Government policy (e.g. *Plan Melbourne*). The Guidelines are designed to work alongside other relevant documents, but are not intended to duplicate provisions relating to issues outside the built form and the public realm. The scope of the Guidelines also did not include capacity analysis or infrastructure provision.

10.1.4
(cont)

Council recognises that there is parallel work and projects that are required to progress the development of the Box Hill MAC. Additional work may be contingent on the Council budget, commitments by State and Federal Government or public authorities, or further advocacy work by Council. Additional projects are expressed later in the report where the submission themes are discussed.

Amendment C175 proposes to implement the Guidelines by introducing a new Schedule 6 to Clause 43.02 Design and Development Overlay (DDO) into the Planning Scheme and applying it to Precincts B, C, D, E and F within the Structure Plan. The Amendment aims to introduce additional discretionary controls around aspects of the built form, such as building heights. The amendment also proposed to rezone various properties in the Structure Plan area broadly in line with the recommendations of the Structure Plan. The Structure Plan originally proposed rezoning properties around Shipley Street, Bruce Street, Irving Avenue and Elland Avenue to the MUZ. The Structure Plan originally proposed rezoning properties around Poplar Street, Wellington Road and Spring Street to the Priority Development Zone. This zone is no longer available in the suite of zones in the Victoria Planning Provisions and therefore it is proposed to include these properties in the MUZ.

The Amendment also proposes to make minor changes to Clause 21.07 (Economic Development) and Clause 22.07 (Box Hill Metropolitan Activity Centre) in the Planning Scheme to reference the Guidelines.

At its meeting on 19 September 2016, Council resolved to endorse the Guidelines for community consultation and seek authorisation from the Minister for Planning to prepare and exhibit Amendment C175 to the Planning Scheme to implement the Guidelines.

Public notice

Exhibition of the Amendment occurred in the form prescribed by the *Planning and Environment Act 1987*. Exhibition took place from Thursday 16 February 2017 until Friday 17 March 2017. Exhibition involved the direct notification of owners and occupiers of properties within the Structure Plan area and surrounding streets, totalling 9,592 letters. The notification of properties in the area included a cover letter explaining the Amendment, and how to obtain further information and make a submission, and the statutory notice of the Amendment.

Relevant Ministers, bodies and referral authorities were also notified, together with the publication of the Notice of Preparation of Amendment in the Whitehorse Leader and the Government Gazette at the commencement of exhibition. A notice also appeared in each subsequent week of the Whitehorse Leader until the end of the exhibition period and an article was published in the February and March editions of the Whitehorse News. The articles included information about the Amendment, where to locate further information and how to make a submission.

During the exhibition period Council officers received over 50 phone calls and counter inquiries regarding the Amendment C175 and the draft Guidelines. The inquiries included questions about the Guidelines, the rezoning proposed by the Amendment and the development potential of properties.

Council officers presented the Guidelines to Elgar Contact and the Box Hill Retailers meetings. Drop in information sessions were also held on Saturday 25 February in the Box Hill Mall and on Tuesday 7 March at the Box Hill Town Hall. The drop in information sessions were advertised in the Whitehorse Leader and Whitehorse News, on the project webpage and in the Council endorsed flyer.

For the duration of the exhibition period copies of the Amendment documents, including the Guidelines, were available for viewing on Council's website and in hardcopy at Council's Civic Centre in Nunawading, Council's Box Hill and Forest Hill Service Centres and the libraries in Whitehorse.

10.1.4
(cont)

Proformas

A flyer which was not endorsed by Council, nor part of the official Amendment documentation, was distributed to an unknown number of properties and people in an unidentified area within the municipality around the time of exhibition of the Amendment. It was prepared and distributed by the Elgar Ward Councillors. The responses received to the flyer are largely from outside the area that Council sent the official Amendment mail out and are predominantly from the area west of Elgar Road.

The flyer was titled "Have your say – Height Limits on towers in Box Hill" and included information about the preferred maximum building heights proposed in each sub-precinct. The flyer did not include information about any other aspects of the Guidelines or Amendment.

The flyer included a proforma template which asked respondents to nominate their preferred height in storeys for each sub-precinct. The flyer also included space for general comments, contact details of Council officers, web links and photos and contact details of the Ward Councillors. Officers were not aware of the distribution of the flyer or proforma template until they were received by officers, via members of the community, during the exhibition period.

The flyer did not discuss any other aspect of the Guidelines and the Amendment documentation beyond preferred height limits. Some recipients of the flyer did contact Council officers to clarify the content of the flyer and the Amendment and, prima facie, some recipients thought that the flyer and proforma was a genuine part of the Amendment and that the Amendment and Guidelines were increasing height limits in the Structure Plan area. The proforma responses nominate heights for each sub-precinct in the Guidelines, ranging from 1 storey to 30 storeys.

The following diagram highlights key words from the proforma responses.



10.1.4
(cont)

Given the above concerns with the content of the flyer, legal advice received and advice from Planning Panels Victoria was that these proforma responses should be treated and categorised differently to other submissions.

Submissions

During the exhibition period 105 submissions, 74 proformas and 3 anonymous proformas were received to the Amendment. After the exhibition period 12 submissions, 10 proformas and 2 anonymous proformas were received. A total of 206 submissions and proforma responses were received.

The submissions were received from local residents, landowners and business owners/operators in the Box Hill MAC. No submissions were received from public authorities or agencies. The following diagram highlights key words from the submissions.



DISCUSSION

In the discussion below, submission reference numbers are included in brackets. A summary of the submissions is shown in Attachment 1.

Support for the Amendment

Two submissions (4, 116) provided outright support for the Guidelines and Amendment. One submitter noted that the proposed changes would help Box Hill become a vibrant, modern and prosperous city, encouraging business growth and employment and that the Amendment is consistent with encouraging increasing population density and improving supply of affordable housing.

There were also many submissions supporting the intent of the Guidelines and Amendment but objecting to how it related to specific properties and/or sub-precincts.

Objection to the Amendment

The majority of the proforma responses and submissions received were objecting to some, or all, of the Guidelines and Amendment.

10.1.4
(cont)

Submission themes

The submissions are discussed under the following broad themes.

- Consultation process and Amendment documents
- Structure Plan
- Building heights and setbacks
- Public transport
- Traffic and car parking
- Active transport
- Amenity
- Open space
- Community infrastructure
- Heritage
- Society and culture
- Planning permits
- Specific sites
- Other issues

Consultation process and Amendment documents

Ten submissions specifically raised issues with the public exhibition process and/or the documents that were on display during the exhibition period.

Several of the submitters felt that the consultation process was inadequate (35), resident unfriendly (27) or Council did not do enough to advertise the opportunity to comment on the height of buildings in Box Hill (66). One submitter (66) stated that this was "the first opportunity to comment on the Guidelines".

Several of the submitters stated that the notice sent to residents was bureaucratic (25), tokenistic (44), fake consultation (27), did not provide any information about the proposed height limits and only included a black and white map with no explanation about what was being proposed (25).

One submitter (45) stated that they regularly read the local paper and Council publications; however they were only notified about the Amendment through their local Councillor and there were no articles in the local paper or Council publications.

Several submitters (27, 43) requested that Council hold a referendum on development occurring in Box Hill, while another submitter (32) asked when Council was going to meet with residents about the Guidelines and Amendment.

One submitter (25) stated that they did not recall any consultation about high rise buildings such as the ATO and twin towers on Whitehorse Road, and that further towers have been approved without regard for ratepayer's views.

Three submitters raised concern about the documents; one submitter (43) stated that Council needs to develop an easily understood planning document; one submitter (42) stated that it is hard to visualise the impacts of the height limits and a 3D model would assist in considering the Amendment and one submitter (64) stated that the document needs a glossary to explain the terms in the document.

One submitter (1) suggested changes to the Guidelines (and therefore the draft DDO) to update Figures in the document to reflect the correct location of bus stops, tram route and street trees as well as suggested grammatical and word changes.

10.1.4
(cont)

Officer response

The exhibition of the Guidelines and Amendment occurred in the form prescribed by the *Planning and Environment Act 1987* (the Act) and took place from Thursday 16 February 2017 until Friday 17 March 2017.

Exhibition involved the direct notification, on 9 February 2017, of owners and occupiers of properties within the Structure Plan area and surrounding streets, totalling 9,592 letters. The notification included a cover letter explaining the Amendment and the statutory notice of the Amendment.

The letter included a map outlining the area of the Amendment. The map was intended to give recipients of the letter a general understanding of the extent of the Amendment and provided a website and contact details for Council to find further information or clarification if required. The website included all of the documentation associated with the Guidelines and Amendment. The letter did not provide any detailed information about the proposed preferred height limits because the scope of the Guidelines was not limited to building heights. Additionally, it was advertised that for the duration of the exhibition period copies of the Amendment documents were available for viewing at Council's Customer Service Centres and libraries in Whitehorse.

Information about the Amendment was published in the Whitehorse Leader on Monday 13 February and the Government Gazette on Thursday 16 February. A notice about the Amendment was also published in each subsequent week of the exhibition period in the Whitehorse Leader and an article about the Amendment was published in the February and March editions of the Whitehorse News. The articles included information about the Amendment, where to locate further information and how to make a submission.

Council officers met with residents to present and discuss the Guidelines at the Elgar Contact and the Box Hill Retailers meetings. Drop in information sessions were also held on Saturday 25 February in the Box Hill Mall and on Tuesday 7 March at the Box Hill Town Hall.

The drop in information sessions were advertised in the Whitehorse Leader and Whitehorse News, in the Council endorsed flyer and on the project webpage. Officers and the consultant were available to discuss the Guidelines and Amendment and approximately 70 people attended across the two sessions.

Council decided to exhibit the Guidelines and Amendment simultaneously to streamline the planning scheme amendment process and progress the built form direction to ensure that the guidance on building qualities and form is introduced in a timely manner to provide certainty to the community and development industry. The Guidelines provide background information; however the DDO is largely a direct translation of the Guidelines, with minor additional information from the existing Structure Plan.

Council notes the submissions about referendums. Referendums are not a mechanism by which Council seeks community participation during the statutory exhibition of planning scheme amendments.

Council advertises planning permit applications in accordance with Section 52 of the Act. Unless there are notice exemptions for an application, the Act directs Council to give notice of an application where Council is not satisfied that that the granting of the planning permit would not cause material detriment to any person. The towers on Whitehorse Road, the ATO and further tower developments have all been advertised during the consideration of the planning permit applications.

Officers do not believe that a glossary of terms is required. Officers acknowledge that planning terms can be complex, however the Guidelines are largely translated into the DDO, which is a statutory planning scheme document that must use terminology guided by the Victoria Planning Provisions, which provide both definitions and guidance on interpretation.

10.1.4
(cont)

Contact details of Council officers were provided during the exhibition period if submitters required further clarification from Council about the Guidelines and/or Amendment.

Officers agree with the suggested grammatical, word and map changes to the Guidelines proposed by Submission 1 and recommend that these changes are made to the Guidelines and DDO.

Box Hill Transit City Activity Centre Structure Plan

Sixteen submissions specifically raised the Structure Plan, including requests for changes to the boundaries of the Built Form Precincts and/or concern that the Structure Plan boundaries will change.

One submission (3) supported Built Form Precinct B being included in Built Form Precinct D or F as Box Hill is growing. One submission (69) suggested rezoning Built Form Precinct B to the MUZ.

Two submissions (11, 12) suggested including two further properties to the north along Station Street to the laneway between 718 and 720 Station Street in sub precinct F2 as the laneway is a natural dividing line. The submissions stated that this would alleviate confusion and inconsistency between the Guidelines that apply to a property zoned MUZ and those included in Built Form Precinct B.

One submission (33) recommended that Built Form Precinct F be changed to Precinct D for the area west of Elgar Road. One submission (99) suggested that Built Form Precincts A and B should be removed from the Structure Plan study area boundary.

One submission (9) raised concerns that there is a plan to rezone more areas for high rise and one submission (53) believes that there is no confidence for existing residents that development will not creep outside the higher density zones. One submission (50) was alarmed at the 'enormous and extended area' of Built Form Precinct F.

A further submission (43) stated that Council wants to extend the northern boundary of the Structure Plan and another submission (19) suggests that expansion of the Structure Plan is foreseen and creep of the Structure Plan boundary will inevitably occur. One submission (67) is concerned that development is crossing Elgar Road into sub-precinct F9, and wants a guarantee that no high rise will be built west of Elgar Road. One submission (38) stated that height restrictions and size of buildings should not be altered in other Built Form precincts.

One submission (31) was concerned that the Structure Plan boundary will expand into residential areas and another submission (16) inquired about the regulations that control Built Form Precinct A and another submission asked what steps Council is taking to protect the neighbourhood character of surrounding suburbs from the expansion of Box Hill. One submission (114) is disappointed that the Guidelines don't address problems occurring at periphery of Built Form Precinct A where the recommended density and height is not being respected by development.

Officer response

The purpose of the Guidelines is to provide more detailed information and guidance on preferred future built form outcomes in the Box Hill MAC to improve planning certainty for the community and developers. The purpose of the Amendment is to implement the Guidelines into the Planning Scheme.

The study area for the Guidelines was defined as Built Form Precincts F and C within the existing Structure Plan. It was anticipated and expected that the Guidelines considered the relationship to other areas within the Box Hill MAC and the immediate vicinity, including the peripheral residential areas. The Amendment also includes built form guidance from the Structure Plan for Built Form Precincts B, D and E.

10.1.4
(cont)

Council is satisfied with the Structure Plan and its operation and therefore the scope of Guidelines did not include reviewing the boundaries of the Built Form Precincts or reducing/increasing the size of the Structure Plan boundary.

The Amendment does not intend to alter the Structure Plan or Built Form Precinct boundaries or rezone additional areas outside the Structure Plan to facilitate higher density development. With regards to development west of Elgar Road, Box Hill institute, Kingsley Gardens and 811 and 813-823 Whitehorse Road were included within the Structure Plan when it was originally adopted in 2007.

Built Form Precinct A is designated as the Peripheral Residential Precinct and is largely included within the Residential Growth Zone. Guidance on built form in this precinct, as well as for other areas outside Precinct F and Precinct C, is drawn from the existing Structure Plan and Planning Scheme. As a result of the recent reforms to the residential zones, officers will monitor the operation of the Residential Growth Zone in the peripheral areas of the Box Hill MAC.

Building heights and setbacks

Concerns around building heights and setbacks were raised by many of the phone calls, counter inquiries and attendees at the Drop-in information sessions.

Additionally, all of the responses to the non-Council flyer and proforma raised the issue of building heights due to the flyer including a proforma template which asked respondents to nominate their preferred height in storeys for each sub-precinct and the flyer was titled “Have your say – Height Limits on towers in Box Hill”. The responses received included nominations of height from 1 storey through to 30 storeys, with a variety of heights nominated for each sub-precinct.

Justification for the nominated height limits was not included on some of the proforma responses, whereas other proforma responses cited amenity impacts, society and culture concerns, lack of infrastructure or personal preference as the justification for the nominated heights included in the response.

Finally, the majority of submissions raised concerns, or objected to, the preferred building heights and setbacks proposed in the Guidelines and included in the DDO. All of the specific site submissions also raised concerns with the preferred height limits proposed.

Officer response

The purpose of the Guidelines was to provide more detailed information and guidance on preferred future built form outcomes in the Box Hill MAC to improve planning certainty for the community and developers. The tone of the non-Council flyer gave the impression that Council was seeking to increase building heights in the Box Hill MAC. In the absence of any existing mandatory height limit in the commercial or mixed use areas of the Box Hill MAC, in particular Built Form Precinct F, the Guidelines are seeking to provide direction in the Planning Scheme on the preferred maximum building heights and setbacks for each sub-precinct where this is currently lacking.

10.1.4
(cont)

The recommended sub-precincts, preferred buildings heights and setbacks are based on the contextual analysis of the Box Hill MAC and have been primarily influenced by:

Existing Conditions

- The Metropolitan Activity Centre and Health/Education Precinct designation for Box Hill (Plan Melbourne & Plan Melbourne 2017-2050);
- The Structure Plan vision which directs high density within the Box Hill MAC, primarily Built Form Precinct F (refer to page 61 of the Structure Plan);
- Recent development trajectory (approved and constructed); and
- Consideration of key urban design elements which influence development capacity in each precincts such as:
    - Strategic context, including proximity to the centre of Box Hill and public transport;
    - Subdivision patterns;
    - Heritage attributes;
    - Topography;
    - Amenity impact;
    - Street width/wall ratio and pedestrian scale.

Preferred Future Directions

- Urban Form Propositions and supporting Key Directions/ Principles to achieve these (page 27 of the Guidelines) including:
    - Substantial development opportunity along Whitehorse Road (in precincts F4 and F5) to define the emerging 'urban core' for Box Hill MAC where larger allotment sizes are conducive to supporting higher density development, in absence of immediate sensitive residential abuttal, or key open space/ heritage protection. It is also within close proximity to the TAFE and public transport node/ Vicinity.
    - Moderate development capacity behind the Whitehorse Road spine, to provide the necessary transition between the emerging 'urban core' and modest residential precincts to the north and south around the periphery of the Box Hill MAC.
    - Variation in street wall expectation (up to 10 storey in precincts F2, F3, F7) reinforces the distinction between precincts where 'podium- tower' response is appropriate (within the urban core), and where the contextual attributes are more supportive of 'infill' (attached format) response.

Box Hill has been considered a significant centre since at least the 1950's, when it was designated as a District Business Centre in the 1954 *Melbourne Metropolitan Planning Policy*. Box Hill was later designated as a Principal Activity Centre and Transit City, and is now confirmed to be the focus of substantial development and investment as a MAC in *Plan Melbourne*.

Clause 22.07 of the Planning Scheme, Box Hill Metropolitan Activity Centre, was first included in the Planning Scheme in 2009 and notes that "Box Hill has the scope to accommodate substantial growth, as well as the potential for improved amenity to support this growth". This policy has several objectives, including "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". Therefore both State and Local planning policy has continued to direct investment and development to Box Hill due to its designation as a MAC and its location adjacent to major road corridors and public transport routes.

Many of the submissions cite issues such as amenity, infrastructure and society and culture as reasons for their objection to the proposed preferred height limits. These are discussed in further submission themes.

10.1.4
(cont)

Public transport

Thirty-four of the submissions discussed public transport, including train, bus and tram services and the Box Hill interchange.

Nine submissions (96, 102, 107-113) mentioned that there is over crowding on trains and trams, four submissions (20, 45, 83, 92) commented that existing public transport and the Box Hill interchange cannot cope with the current population and one submission (58) considered that existing public transport is already out dated. One submission (61) commented that there is a need to improve bus and train connections and tram priority, while another submission (55) remarked that the Amendment needs to demonstrate how public transport can be developed and enhanced.

One submission (19) mentioned that the transport infrastructure is unlikely to withstand rapid increase in population and another submission (92) commented that the Amendment will have a significant effect on the Box Hill transport system. This submission also stated that "Council is abrogating its responsibility to advocate for a complete overhaul of the existing public transport system" and transport chaos will result if the current rail and tram infrastructure is not reviewed and improved.

Several submissions (6, 10, 18 and 91) remarked that public transport is crowded, not convenient, suitable or realistic and that it is dirty, unsafe or there is standing room only on services. One submission (9) said that Council should be insisting that each apartment is allotted at least 2 car parking spaces as using public transport is not attractive or viable.

One submission (20) commented that access to the train station is inadequate and two submissions (28, 38) mentioned that there must be better and more frequent public transport. One submission (19) stated "that there is no obvious planning for longer term capacity" of the train network, including capacity of trains and additional tracks and a further submission (90) suggested that the Amendment should not be implemented until analysis has been done to address infrastructure.

One submission (5) is concerned about the infrastructure required for new development, including the train and bus interchange and another submission (17) stated that "Council should greatly increase the number of required car parking spaces unless it can successfully lobby for the duplication of the rail line from Box Hill to the city and a new tram line along Canterbury Road". Two submissions (15, 104) asked if there are any plans to upgrade the Box Hill interchange. Other comments about the interchange include:

- "Infrastructure should include major investment in Box Hill Transport hub" (14)
- "Where is the state government investment in the current plans, including expansion and upgrading of infrastructure and utilities, roads and circulation, school and kindergarten and the tired public transport interchange" (50)
- "Lack of results from Council advocating to upgrade the interchange is ominous" (50)
- "More consideration needs to be given to the public transport precinct, and developers should be made to contribute to the upgrading this hub" (53)
- "Council needs to achieve a substantial upgrade in public transport by the State Government" (58)

Finally, one submission (94) stated it was "difficult to comment on the Guidelines without knowing the capacity of the public transport system to expand at peak times".

10.1.4
(cont)

Officer response

The purpose of the Guidelines was to provide more detailed information and guidance on preferred future built form outcomes in the Box Hill MAC to improve planning certainty for the community and developers. Notwithstanding this, Council recognises that public transport, and access to public transport, is an important element of progressing the Box Hill MAC as a hub for retail, community, government, entertainment and cultural uses as well as a centre that accommodates education, health and housing.

The *Whitehorse Integrated Transport Strategy* (2011) "recognises that the adoption of safe, sustainable and active modes of transport have a range of health, environmental and community benefits and this strategy seeks to encourage a shift toward the use of sustainable transport modes, including walking, cycling and public transport".

Additionally "significant state government and Council strategies and policies have been developed…with an increased focus on sustainability and the future development of land use". The Strategy specifically discusses more intensive development around the Box Hill MAC transport networks. One of the objectives of the Strategy is to encourage an increased shift towards public transport by advocating for the provision of improved infrastructure and services, in combination with information to the community regarding transport choices available throughout the municipality and education about the benefits.

The benefits of public transport has been consistently demonstrated in both the Australian and overseas context and include, but are not limited to, reducing private vehicle emissions, better health for public transport patrons and creating a critical mass for increased public transport services. Council therefore encourages the use of public transport for access to, from and across, the Box Hill MAC.

Council has consistently advocated to State and Federal governments about investing in Box Hill and in particular, upgrading the Box Hill transit interchange. The most recent advocacy work involved meeting with Federal and State Government MPs in Box Hill in April 2017 to present the preliminary business case for the redevelopment of the Box Hill Transport Interchange and Town Centre, on behalf of the *Box Hill First* stakeholder group.

Box Hill First with the assistance of Dr Chris Hale, one of Australia's leading transport infrastructure thinkers, have undertaken an early stage analysis and appraisal of the economic benefits and holistic planning and urban renewal opportunities available in Box Hill. This work has revealed an extremely compelling case for Government investment and action. Council continues to reiterate that upgrading the Box Hill transit interchange will bring a multitude of benefits to Box Hill, including the creation of jobs, achieving optimal shared outcomes for the Box Hill MAC. Council is advocating for improvements to the bus interchange and wider Box Hill MAC to include:

- Improved bus passenger waiting facilities in terms of comfort, information, security, functionality and amenity;
- Better links to the railway station, including better 'way-finding' signage;
- Improved pedestrian and cycling facilities (e.g. wider footpaths, safer options to cross busy roads, better lighting, more seating, and reduced speed limits);
- Relocated taxi zones and/or improved signage.

The Victorian Government established a Ministerial Advisory Group to provide recommendations to the Minister for Public Transport on options for the Box Hill transit interchange. The Advisory Group has established working groups and a program for developing options for the future of the interchange. Recommendations to the Minister for Public Transport about the options for the interchange are currently pending.

10.1.4
(cont)

Traffic and car parking

Thirty-seven submissions specifically mention traffic and car parking issues. Nine submissions (19, 20, 34, 37, 40, 44, 58, 59, 96) mentioned that the roads and local streets are already congested with cars and this will get worse. One submission (92) stated that the existing roads are inadequate to cope with an increase in population; a similar submission (61) stated that congestion has flow on effects along local streets and a further submission (60) stated that the height limits in all precincts will cause an enormous increase in traffic.

One submission (83) noted that there is a significant infrastructure deficit which is increasing traffic congestion and car parking issues, while two other submissions (62, 64) are concerned about the impact of traffic and lack of car parking spaces.

Six submissions (31, 34, 59, 61, 66, 101) said that car parking is already a problem. One submission (59) remarked that there is an overflow to surrounding areas and another submission (101) suggested that the parking and traffic study is now obsolete. Nine submissions (91, 102, 107-113) stated that towers bring "appalling congestion", "traffic jams", "vehicle exhaust fumes" and "lack of car parking".

One submission (105) said that children are not able to safely walk and ride to school by themselves due to traffic and another submission (87) is concerned about the potential for increased traffic congestion on Whitehorse Road and other main north-south routes.

One submission (5) was concerned about the infrastructure required for new development, including car parking and a further two submissions (28, 38) said that infrastructure needs to be sufficiently wide enough to carry additional traffic and there must be sufficient parking for new residents of new towers.

One submission (44) stated that "Council has not had detailed discussion about the consequences in terms of traffic" and a further two submissions (55, 88) said that the Amendment does not give consideration to how road and public transport can be enhanced or how to face issues such as noise, road safety and emissions.

One submission (70) stated that "Council needs to mandate higher levels of off street car parking for developments" and a further submission (90) suggested that the Amendment should not be implemented until adequate analysis has been done to address hard infrastructure issues such as traffic. A final submission (104) asked if there was an infrastructure plan to address the associated impact of traffic and car parking.

Officer response

The purpose of the Guidelines was to provide more detailed information and guidance on preferred future built form outcomes in the Box Hill MAC to improve planning certainty for the community and developers. Nevertheless, Council acknowledges that traffic and car parking is a concern for submitters and also that it is important that traffic and car parking are appropriately managed.

Council undertook the preparation of the *Box Hill Car Parking Strategy* ('the Strategy') in 2014. The aim of the Strategy was to study and respond to matters associated with car parking in the Box Hill MAC (then the Central Activities Area). The Strategy included identifying existing and potential future car parking availability, and recommended actions to address any constraints and shortfalls, balanced with broader objectives of sustainability, community enhancement and economic vitality.

The Strategy was adopted by Council at its meeting of 23 June 2014 and was implemented into the Planning Scheme through Amendment C158. Amendment C158 was exhibited in October and November 2014 and included 7,500 letters to owners and occupiers of affected properties as well as those within the surrounding study area. Council received twenty four submissions and considered these at its meeting of 27 January 2015. The Minister for Planning approved Amendment C158 and it came into effect on 3 December 2015.

10.1.4
(cont)

The Amendment introduced Clause 45.09 Parking Overlay into the Planning Scheme, applied Schedule 1 to the Parking Overlay to the Box Hill MAC, and made consequential changes to Clause 21.08 Infrastructure, Clause 22.07 Box Hill Central Activities Area and Clause 61.03 to implement the car parking rates and sustainable transport directions from the Strategy.

The schedule introduced parking objectives and set out particular car parking provision rates for new office and residential uses within the Box Hill MAC. The Amendment was an integral part of the overall parking strategy for the centre, which included a suite of measures to encourage sustainable transport use and manage parking demand in Box Hill into the future.

In particular, Council encourages the use of public transport and active transport to and from Box Hill to progress towards a sustainable and liveable MAC. Additionally, it should be noted that not all residents or visitors will travel by private vehicle to and from the Box Hill MAC and that alternative modes of vehicle transport, such as Uber and car sharing schemes such as GetGo, are now more mainstream and reduce the number of vehicles on the road network and the cars competing for car parking spaces.

Additionally, Council encourages motorists not visiting sites within the Box Hill MAC to use other arterial roads, such as Elgar and Middleborough Roads, instead of Station Street to traverse Box Hill north to south.

Car parking surveys that were undertaken as part of the Box Hill Car Parking Strategy found that of all on-street and off-street car parking facilities within the Box Hill MAC, an overall average of 64 per cent of spaces were occupied at the peak time of 1:00pm Thursday. This is below the theoretical 'full capacity' of 85 per cent.

However, it is acknowledged that there are some instances where Council has limited influence over the parking provision of others, particularly hospital and education developments which are under the control of Federal and State Governments, and that this creates pressure on other areas in the centre. Similarly, the provision of drop off areas should be made within sites generating significant demand. In summary, it is considered that existing car parking infrastructure can be better utilised through a range of measures recommended in the Strategy.

Funding is proposed in the 2017-18 Council budget to progress the implementation of the outstanding recommendations in the Strategy. Recommendations include, but are not limited to, actions such as way-finding signage, management strategies for short and long term car parking, fee structure for on-street car parking, conversion of short term spaces to long term spaces and vice versa in various locations in the Box Hill MAC and promotion of active and public transport.

Funding has also been obtained from the Victorian Planning Authority as part of the State Government's 'Streamlining for Growth' program to investigate the potential for an infrastructure contributions mechanism in the Box Hill MAC. Stage One of the funding will include undertaking:

- A gap analysis of community infrastructure, transport infrastructure, public open space and the public realm. The gap analysis will consider what further infrastructure may be needed.
- A framework to inform subsequent Stages of the project and progress the necessary strategic justification to implement a contributions mechanism for the Box Hill MAC.

Active transport

Twenty-two submissions included reference to active transport, including walking and cycling. One submission (8) stated that walking and cycling needs to be encouraged and car travel minimised, while another submission (43) asked how we can get people out of cars and using active transport.

10.1.4
(cont)

Five submissions (27, 50, 51, 90, 92) stated that the Guidelines made no provision for walking or cycle paths and lanes and they do not provide any proposals that could implement strategies around sustainable transport, walking and cycling. One submission (55) stated that the Amendment needs to make explicit provision for cyclists and pedestrians. One of these submissions (90) also suggested that the Guidelines should not be implemented until adequate analysis has been done to address issues such as cycling and walking infrastructure.

One submission (8) asked if the Guidelines can provide for increased bike storage while another submission (95) suggested that safe bicycle storage facilities should be installed at all active transport destinations and that safe pedestrian and cyclist connectivity needs to be provided between different land uses and areas.

One submission (27) stated that pedestrian traffic is congested and another submission (16) suggested that pedestrian and vehicle traffic should be grade separated over Whitehorse Road. A further submission (43) suggested that setbacks are needed to ensure pedestrians do not feel overwhelmed and that wide footpaths and separated bike lanes need to be integrated into the development. This submission also noted that there is no east-west or north-south bike riding route through Box Hill or the transport hub and it is not possible to ride to Aqualink Box Hill from the north. One submission (94) stated that pedestrian links are needed off Thurston Street and in/out of the train station and the crossing Whitehorse Road is not possible in one complete movement.

One submission (84) supported the walking objective in Clause 22.07-2 of the Local Planning Policy for the Box Hill MAC, but noted that footpaths need to be widened where possible and that a front setback of 0.5 metres needs to be mandated to allow for better pedestrian access. The submission also supported the cycling objective, but stated that more bicycle parking facilities are needed in narrow streets or in front of buildings, not just in underground car parks.

One submission (95) stated that safe access to open space by pedestrians and cyclists is problematic due to major road and rail barriers and that these major barriers need to be designed out of the future pedestrian and cycle network. Ten submissions (96, 98, 102, 107-113) stated that Council should require developers to allow generous space for bike paths.

Officer response

The purpose of the Guidelines was to provide more detailed information and guidance on preferred future built form outcomes in the Box Hill MAC to improve planning certainty for the community and developers. Notwithstanding this, Council recognises that active transport, and associated facilities and infrastructure, is an important element of progressing the Box Hill MAC.

The *Whitehorse Integrated Transport Strategy* (2011) "recognises that the adoption of safe, sustainable and active modes of transport have a range of health, environmental and community benefits and this strategy seeks to encourage a shift toward the use of sustainable transport modes, including walking, cycling and public transport". Two relevant objectives of the Strategy include:

- To encourage walking for all members of the community through a range of operational and educational programs, and by providing a safe, attractive, connected and well designed pedestrian environment; and
- To maintain and improve the cycling network through the municipality in accordance with the Whitehorse Bicycle Strategy 2007, while continuing to promote cycling as a practical alternative to the private motor car for local trips, commuting and recreation.

10.1.4
(cont)

Walking is beneficial for health and wellbeing but can also play an important role in improving quality of life as it helps protect the living environment and natural resources when built into transport systems. The walking actions in the Strategy aim to reinforce and maintain the positive aspects of the walking environment that currently exist within Whitehorse, while also addressing a number of areas identified for improvement. Most of the issues associated with pedestrian safety and accessibility are located in the Box Hill MAC due to high pedestrian numbers and difficulties when crossing busy arterial roads.

Along with being popular for recreation and sport, cycling is an environmentally-friendly form of transport that can reduce reliance on car-based transport. Fundamental elements of the Strategy include the provision of quality spaces and places for commuter and recreational cyclists.

Council therefore encourages walking and cycling to access land uses within the Box Hill MAC and will continue to progress the actions and recommendations in the Integrated Transport Strategy that are relevant to the Box Hill MAC.

Amenity

Forty-nine submissions raise issues about the amenity of Box Hill. Six submissions (23, 25, 45, 58, 62 and 97) commented that the Amendment will destroy, or result in a loss of, the amenity, integrity and character of the area and stated that not enough has been done to protect the amenity of the area. One submission (54) asked Council to reject applications to retain the character of the city.

Fifteen submissions (8, 10, 17, 23, 37, 53, 57, 59, 67, 84, 88, 95, 101, 106, and 114) stated that the tall buildings create, or exacerbate wind tunnels and many asked what can be done to minimise the wind tunnel effects like that experienced outside the ATO building on Whitehorse Road.

Several submissions (92, 100, 101, 102, 107-113) are unhappy about the towers intruding into the surrounding neighbourhoods, with particular reference to Box Hill and Mont Albert. One submission (19) asked about the steps that Council is taking to protect the neighbourhood character of surrounding suburbs from the expansion of Box Hill.

One submission (46) stated that encroachment of tall buildings outside the central precinct will decrease the ambience of the suburban area, and impact on the values of surrounding properties and a further submission (44) stated that Council has not had detailed discussion about the consequences in terms of impact of aesthetic appreciation of nearby residential areas. One submission (13) commented that the proposal of 20 and 30 storeys buildings will significantly impact the quality of life in the area, the buildings will be very visible and change the family character of the area.

Four submissions (10, 59, 64, 114) stated the Amendment and proposed heights will create areas with little, or no, access to sunlight. Two submissions (58, 64) discussed vistas and impairment of view lines and questioned how these can be protected.

Sixteen submissions (22, 23, 27, 44, 47, 52, 53, 58, 59, 64, 67, 84, 86, 95, 106, 114) had concerns about overshadowing and/or stated that the heights should be reduced to prevent overshadowing of pedestrian areas and/or residential precincts. One submission (53) was concerned about overlooking into private properties.

Five submissions (14, 27, 52, 58, 64) commented that the cladding on existing buildings is highly reflective and reflects onto other buildings, pedestrians and vehicles. Several submissions (25, 27, 96) stated that the new towers intrude into homes and are highly visible from backyards.

10.1.4
(cont)

Three submitters (18, 47, 105) commented on rubbish, vermin, litter, dumped trolleys and/or the upkeep of apartment blocks, which they felt would get worse. A further submission (101) stated that local residents bear the brunt of high rise buildings that are largely unattractive and many have balconies displaying mattresses and other household furniture. One submitter (37) stated that tall buildings are an eye sore, while four other submissions (20, 92 102, 106) stated that Box Hill will become an ugly concrete jungle.

Two submissions (17, 70) discuss the landscape of the area, including loss of greenery and how canopy trees can be planted. Other comments about the impact of higher density development on amenity include poor TV reception (52), concerns about personal safety (59), impact on privacy of existing residents (70), noise (88) and use of air conditioning (64).

Officer response

The purpose of the Guidelines was to provide more detailed information and guidance on preferred future built form outcomes in the Box Hill MAC to improve planning certainty for the community and developers. The Guidelines recognise that the quality of the public realm and the amenity of the area are critical to the development of the Box Hill MAC as a sustainable and liveable centre. Box Hill has been designated as a MAC and Health/ Education Precinct in *Plan Melbourne 2017-2050* and the Structure Plan vision directs higher density development within the Box Hill MAC, primarily Built Form Precinct F. It is therefore anticipated that higher density development will occur in the Box Hill MAC; however it will be contained within the confines of the Box Hill MAC.

There is no evidence that increased densities in a MAC contribute to a decrease in property values in surrounding residential areas. Conversely, Box Hill and the surrounding residential areas have been experiencing strong growth in the housing market with record figures for some real estate transactions.

The Structure Plan promotes design excellence for development as well as encouraging development to enhance the public realm and sense of place. The Guidelines also reiterate the promotion of design excellence and enhancing the quality of the public realm for the comfort and enjoyment by all.

The Guidelines discuss how buildings relate to the street, including street frontages, weather protection, architecture and building articulation and access. In addition, Council produced the *Urban Realm Vision* in 2016, which was a project that intended to provide strong strategic direction in the planning, design, development, activation and management of the public realm across the municipality.

The Guidelines specifically address overshadowing, access to sunlight and overlooking, which are then translated into the DDO. In the General Guidelines, objectives include:

- To ensure buildings achieve adequate access to daylight and ventilation;
- To assist with the provision of visual separation between buildings to increase privacy and to reduce noise transfer;
- To reduce overshadowing impact on the lower levels of buildings;
- To ensure sufficient daylight into living rooms and private open spaces is achieved;
- To minimise the shadow impact of buildings on the living spaces and private open spaces in adjoining buildings.

Clause 22.03 (Residential Development) of the Planning Scheme has several objectives relating to the protection of amenity in residential areas, including to:

- Ensure development contributes to the preferred neighbourhood character where specified;
- Provide certainty to the community about the areas targeted for and protected from increased development;

10.1.4
(cont)

- Ensure that new development does not detract from the natural environment and ecological systems;
- Ensure that new development provides adequate vegetation and gardens consistent with the preferred neighbourhood character.
- Accommodate the population increases in the municipality in the areas identified as being able to sustain higher density based on environmental and infrastructure considerations.
- Facilitate development in areas of substantial change.

Remedial works are planned for the ATO building to correct the wind issues, including changes to building materials. Council officers recommend that requirements for wind testing could be included as an additional point within the proposed DDO as a Decision Guideline. Furthermore, planning applications include the assessment of wind as part of the consideration of the application.

The Better Apartment Design Standards were released in late 2016 to provide uniform standards that aim to improve the liveability and sustainability of apartments in Victoria. The Standards were introduced into the Planning Scheme on 13 April 2017 through Amendment VC136. This Amendment introduces Clause 58 into the Planning Scheme and requires applications to provide an urban context report which must give an accurate description of a range of issues that may impact on amenity of surrounding properties, including, but not limited to:

- The location and height of existing buildings on the site and surrounding properties;
- The use of surrounding buildings;
- The location of private open space of surrounding properties and the location of trees;
- Solar access to the site and surrounding properties; and
- Views to and from the site.

The Standards state that the “design response must be appropriate for the urban context and the site” and the “proposed design must respect the existing or preferred urban context and response to the features of the site”.

The Guidelines discuss landscaping and tree planting, including the following objectives:

- To ensure landscaping supports the urban character of the Box Hill MAC;
- To ensure high quality landscaped streetscapes are provided for safety, visual amenity and weather protection;
- To encourage street trees that provide deep shade in summer and allow solar penetration in winter

These objectives are translated into the DDO and are reinforced in each sub-precinct. Clause 22.04 (Tree Conservation) of the Planning Scheme notes the importance of tree conservation and aims to ensure new development does not detract from the natural environmental and ecological systems.

Clause 22.10 (Environmentally Sustainable Development) of the Planning Scheme provides a framework for early consideration of environmental sustainability of a building to achieve a variety of efficiencies and benefits, including integrated water management, reduction of costs and a more environmentally sustainable urban form. In particular the policy considers energy performance, and reducing the total operating greenhouse gas emissions and energy peak demand through particular design measures.

10.1.4
(cont)

For several developments in Box Hill, Council has requested a percentage of dwellings be provided for affordable housing. Social and affordable housing is not a statutory requirement for developments in Victoria, however Council seeks to explore options to encourage development outcomes which deliver community benefits negotiated between Council, prospective developers and community representatives. Therefore Council officers intend to facilitate ongoing discussions with developers about the provision of affordable housing in the Box Hill MAC.

Issues around TV reception, or any concern about public utilities, should be directed to the relevant utility provider or State Government department.

Issues around noise, rubbish dumping and public risk relating to private property should be directed to Council's Local Laws or Planning Enforcement officers, or the Victoria Police, for investigation.

Open space

Several submissions (61, 64) commented that the current provision of open space is inadequate and that Council needs to ensure that new open space is provided for active and passive recreation, as well as for resident's and employee's wellbeing and relaxation in the high rise area.

Many of the submissions (15, 53, 66, 67, and 83) which included commentary about open space commented that the Guidelines do not include any new open space and/or there is a lack of open space or green space in the Guidelines. One submission (40) specifically stated that the Amendment is only about built form and shows no areas allocated for open space.

The submissions (50) suggest that more open space should be mandated and that developers (57, 58) could be required to provide more green and open space. One submission (2) stated the need for land on the southern side of Box Hill and three submissions (92, 94, and 95) recommend that Council should purchase and regenerate the Federation Street Brickworks for public parkland.

One submission (8) asked if there will be controls to prevent overshadowing on the Mall, which they consider to be a Key Open Space. One submission suggested that open spaces with different horticultural styles be developed and another submission (16) stated that broader open space, such as Whitehorse Road, be protected.

One submission (84) said that the area between Harrow Street and Ellingworth Parade is shown as key open space link, however it is a car park, while Pioneer Park at the corner of Harrow Street and Station Street needs to be shown on the map.

Officer response

The purpose of the Guidelines was to provide more detailed information and guidance on preferred future built form outcomes in the Box Hill MAC to improve planning certainty for the community and developers. The purpose of the Guidelines was not to allocate additional open space within the Box Hill MAC. Nonetheless, Council recognises the importance of providing quality open space to encourage passive and active recreation within the Box Hill MAC. The *Whitehorse Open Space Strategy* (2007) is the key document guiding the provision and development of open space within the municipality. The vision for this Strategy is to "continue to provide a diverse linked network of open space with people of all ages recreating, socialising and enjoying the outdoor space, and bushland reserves brimming with indigenous flora and fauna".

Existing open space in, and around, the Box Hill MAC includes the Box Hill Gardens, Kingsley Gardens, Linsley Park, Ashted Park and part of the Victoria Glenmore Chain. Ancillary open space includes the Box Hill Mall and Young Street Closure.

10.1.4
(cont)

In addition to these, Surrey Park and Surrey Dive are located to the south of the railway. The Strategy anticipated there will be an expansion to the commercial, business and residential activity in the Centre, but it also notes that the Box Hill MAC spans some major roads and the railway which are barriers to pedestrian access to open space. Box Hill Gardens and Surrey Park are currently well-used areas of open space and the increase in use generated by the increased population will necessitate ongoing upgrade to facilities in these reserves, particularly given Box Hill Gardens is a major garden for the City and is currently well used.

To the south of Whitehorse Road, it is anticipated that the increased residential and worker populations will use Victoria Glenmore Chain, Surrey Dive and Surrey Park. There is an existing gap area for open space within the Box Hill MAC immediately south of the railway and east of Elgar Road and opportunities to provide some Local or Small Local open space in this area are to be investigated. The central commercial and business precinct, as well as nearby residents will continue to utilise the Box Hill Mall as a major linking and outdoor space.

The Strategy specifically mentions the Federation Street brickworks as a potential strategic site. The brickworks site includes a former landfill which has been capped, which will limit development on this part of the site for at least 15 years. There are also industrial buildings on the land. In 2007, Council rezoned part of the land to Residential 1 on the northern areas of the site, outside the restricted former landfill area. This part of the site is now included in the General Residential Zone as a result of the new residential zones introduced in 2014 and the remainder of the site is included in the Special Use Zone.

A development of about 79 dwellings was anticipated on the rezoned land however this has not eventuated. Notwithstanding this, the balance of the site is unlikely to develop within the lifespan on this Strategy and the environmental issues make this site undesirable for Council to assume as open space in the medium to longer-term.

The Schedule to Clause 52.01 (Public Open Space Contribution and Subdivision) of the Planning Scheme requires that a minimum contribution of 4% is made to Council for public open space. This can be used towards purchase of land and open space improvements as needed.

The Guidelines seek to ensure that key public space, squares, plazas and parks receive adequate sunlight and therefore buildings must not cast additional overshadow on key open spaces and plaza (including the Mall) between 11am-2pm on 22 June.

Council officers note the suggestion for open spaces with different horticultural styles. The Box Hill community gardens located at the Box Hill Community Arts Centre provide residents with an opportunity to cultivate a dedicated garden space whilst being part of a social, supportive community.

Council has also been exploring the use of public space for this purpose. As an example, as part of the recent Neighbourhood Project, raised garden beds with a variety of edible herbs and vegetables were installed temporarily as a demonstration project for the community to experience small-space gardening. Council has also held workshops to provide information about edible gardening in small spaces. This project had the support of 27 local businesses.

Council officers note the comments about the area between Harrow Street and Ellingworth Parade, as well as Pioneer Park. Harrow Street and Ellingworth Parade are identified in the Whitehorse Open Space Strategy as proposed/potential open space. Pioneer Park is shown as an existing park on the context maps in the Guidelines.

10.1.4
(cont)

Community infrastructure

Twelve submissions raise issues around the provision of community infrastructure such as schools and sporting facilities.

One submission (62) said that community infrastructure has been ignored and several submissions (19, 53, 66, 100 and 104) all agreed that schools are already at capacity and asked what is being done to cater for schools in the area. One submission (40) specifically said that the Amendment is only about built form and shows no areas allocated for education.

Two submissions (92, 95) remarked that the Guidelines pay little attention to catering for new residents/workers/hotel guests by not providing for schools/kinder, medical centres or active sporting facilities. One submission (14) suggested that infrastructure should include new schools/child care, new sporting/recreational facilities and health/community services and one submission (50) asked where is the state government investment in the current plan, including expansion and upgrading of schools and kindergartens.

One submission (17) said that Council needs to know, per storey, the additional number of people that it will bring to the resident or employee population in Box Hill and what proportion each storey will need in the provision of waste disposal, libraries, health and schools and if this can't be provided now or when the building process is finished then Council needs to restrict development.

Officer response

The purpose of the Guidelines was to provide more detailed information and guidance on preferred future built form outcomes in the Box Hill MAC to improve planning certainty for the community and developers. The scope of the Guidelines and Amendment did not include the designation of land for education, sporting facilities, medical facilities or other specific community land uses. Furthermore, the consideration of additional education facilities (primary, secondary and tertiary) sits within the purview of the state government.

As mentioned previously, funding has been obtained from the Victorian Planning Authority as part of the Streamlining for Growth program to investigate the potential for an infrastructure contributions mechanism in the Box Hill MAC.

The Land Use precincts map in the Structure Plan outlines the preferred location for different land uses. Council cannot dictate particular land uses in developments if they are allowed under the Planning Scheme. Additionally, relevant State Government Departments, such as the Department of Education and Training, undertake their own assessment of demand for uses and services.

Heritage

One submitter (47) raised concerns about the application of the heritage overlay to their property. The submitter states that rezoning of the property and the southern neighbours to RGZ will create the likelihood of high density, large development to the south and the proposed Amendment will mean the property is bordered by large bulky developments.

One submitter (53) remarked that the Amendment remains silent on the protection of existing buildings, particularly those of heritage or local significance. One submitter (60) stated that development to the heights contained in the Amendment close to Churchill Street will completely negate the aim of the heritage overlay.

One submitter (64) suggested that the Box Hill commercial heritage precinct needs major enhancement to enable it to be more prominent and that this should include the removal of business signage and one submitter (13) feels that the proposed heights near the heritage precinct are inappropriate.

10.1.4
(cont)

One submitter (83) stated that the Guidelines "have removed height limits from part of the Box Hill commercial heritage precinct and no rationale has been provided for doing this".

One submitter (98) felt that the Amendment will have a direct impact on the quiet, leafy suburbs of Mont Albert which is a heritage protected area and one submitter (20) said that the heritage and character of Box Hill should be protected.

The submission from the Box Hill Historical Society (86) put forward that the preferred height limit in the traditional town centre is not supported as it is a substantial and excessive increase to the current situation and could lead to potential overshadowing, wind concentration and lack of direct sunlight. This submission also recommended that the former Box Hill Post Office at 957 Whitehorse Road, and the Payne and Boyland building at 959-963 Whitehorse Road be given heritage protection and that the latter should also be considered a contributory building.

Officer response

The purpose of the Guidelines was to provide more detailed information and guidance on preferred future built form outcomes in the Box Hill MAC to improve planning certainty for the community and developers.

Clause 22.01 (Heritage buildings and precincts) of the Planning Scheme provides some measure of control over the scale and setbacks required for new developments immediately adjacent to properties included in the HO. The significance of the individual property in its own right will not be affected although it is acknowledged that its setting and context may change.

Heritage was a key consideration when preparing the Guidelines and forms one of the urban design objectives for the Built Form controls. The Guidelines sought to determine the appropriate extent of new development behind and above the existing heritage properties in sub-precinct C/F1, without dominating the traditional street wall and heritage forms.

The Guidelines also discourage lot consolidation where transitional fine grain allotments are highly valued and should be protected. Within the sub-precinct Guidelines, the objectives of the precinct are to recognise the presence of the individually significant heritage buildings, to maintain a sense of openness around the listed heritage buildings and to frame view lines to heritage forms along Whitehorse Road and Station Street.

The heritage listed buildings are included in the C1Z and therefore currently there is no mandatory height limit on these properties. Therefore the Guidelines have not removed height limits from part of the heritage precinct, and instead Council has proposed preferred height limits. The protection of existing buildings is also adequately covered through the Heritage Overlay and Council's ongoing review of places of potential heritage significance. Whilst not all 'old' buildings will be protected, the process seeks to identify and protect those regarded as being of significance at a local level. The Guidelines for each Sub-Precinct identify each existing heritage property within the area and notes Precinct Objectives and Built Form Responses appropriate to the heritage place.

The nearest area (sub-precinct F4) to Churchill Street that is covered by the Guidelines is a section of the east side of Elgar Road between Hopetoun Parade and Whitehorse Road and effectively only to the north of the railway line. This area is already occupied by 3-storey commercial buildings and is both physically and visually separated from Churchill Street by the railway embankment and bridge. It is not considered that development within this precinct will impact directly on the heritage values of the Churchill Street Heritage Precinct, and it does not "negate the aim of the heritage overlay" which is primarily to conserve, enhance heritage places of natural or cultural significance.

10.1.4
(cont)

The Box Hill Commercial Precinct is considered to be of heritage significance due to its commercial nature as exhibited in the surviving buildings that date from the late Victoria era until WW2. By its nature, this includes commercial signage and advertising. As the Heritage Overlay has only been in place for a relatively short time, the control of signage through the planning permit process has had little impact. This will change over time, but it is expected that the general scale of signage will remain for some time.

With respect to the potential height of new development in the precinct, consideration was given to accommodating future development consistent with the anticipated growth pressure on Box Hill, whilst retaining the predominately 2-storey scale along the south side of Whitehorse Road. A 10 metre setback has been proposed to ensure that new development will be set well back from the street frontage and to assist in the retention of the major portion of the original buildings. The intention is to allow future growth in the Box Hill MAC, which is another stage in its historical development, to continue whilst maintaining a link to the scale of the pre-WW2 development period.

Mont Albert is sufficiently removed from the Box Hill commercial area for there to be no physical impact on the suburb. Any impact will be limited to views to the high-rise buildings from within the precinct which is not inconsistent with numerous suburban heritage precincts throughout metropolitan Melbourne.

The submission from the Historical Society is acknowledged. It is considered that the proposed Guidelines are an appropriate form to guide development in the Box Hill MAC, particularly heights, and give due consideration to the existing heritage overlays. It is acknowledged that the growth of Box Hill is inevitable due to State Planning policy, its location relative to transport and the city of Melbourne and natural development pressures. This is regarded as another phase in the development of the city and in particular the commercial centre and whilst in the past, such development would have been limited only by the ambition of the businesses at the time, now there are controls to protect the significant elements of past development phases.

Council's Heritage Advisor notes that the former Box Hill Post Office has been investigated at least twice, and on both occasions was not considered to be of sufficient values to be included in the Heritage Overlay. The Payne and Boyland building is not considered to be of sufficient integrity to warrant inclusion in the Heritage Overlay.

Society and culture

Eight submissions specifically mention issues surrounding the culture of Box Hill, and include anti-Asian or racist sentiments, either subtly or overtly.

One submission (27) stated that "Council is allowing Box Hill to become a dumping ground for unwelcome, high concentrations of people" and that "Box Hill is not Hong Kong". This submission also stated that "Asian developers would like it to become Hong Kong", that no other MAC has allowed the same pace and scale of development and that the Government needs to cut immigration or develop a decentralisation policy for regional areas.

Two submissions (43, 49) stated that the shopping centre and train station is an "Asian ghetto", while another submission (64) said "the identity and culture of Box Hill is confused by demographic changes".

One submission (32) asked what proof exists that the apartments will be lived in by locals or sold to international buyers, while a further submission (83) said that the nature of private investment in Box Hill raises a lack of cultural and racial inclusiveness. This submission also states that "the inflow of foreign investment from China for high rise tower developments which are primarily being marketed to Chinese residents cuts across the traditional concept of Australian cities, and particularly Melbourne, as being culturally and ethnically diverse." This submission further comments that this raises questions about the diversity of the Box Hill MAC and accessibility to different demographics, cultures and traditions.

10.1.4
(cont)

Another submission states that the bulk of residents in the Box Hill MAC place little value on trees, gardens, nature strips and amenity, while an additional submission (94) states that the marketing of residential development is focused on a single cultural group and that longer established residents from other backgrounds find it hard to relate to the centre.

Almost 20% of the proforma responses and one of the anonymous proforma responses also included anti-Asian commentary. Specific comments include:

- "Shanghai style skyscrapers"
- Should not be a clone or defacto suburb of Hong Kong or Shanghai
- "Third world structure"
- "Ban all Asian signs on buildings"
- "Dubious driving standards/abilities of Asian people in Box Hill"
- "Europeans won't live there"
- "Mix of people is terrible"

Officer response

The City of Whitehorse is home to a richly diverse community. Approximately 34 percent of Whitehorse residents were born overseas, with the top five countries of birth in Whitehorse being China, the United Kingdom, India, Malaysia and Vietnam (Australian Bureau of Statistics, 2011). Council is proud of this diversity and the vibrancy it brings to community life.

The *Diversity Policy and Action Plan 2012-2016* outlines the ways Council will support, promote and celebrate diversity in the municipality. It articulates how Council will ensure our community is inclusive, recognises our differences and similarities, and is a place that welcomes everyone.

This Policy also recognises that while Council is responsive to the needs of the local community it also has obligations to be responsive to federal and state legislation and policies, including the *Racial Discrimination Act (1975).*

The *Racial Discrimination Act (1975)* focuses on the elimination of all forms of discrimination on the basis of a person's race, colour or national ethnic origin and that all members of the Australian community, including public authorities such as Council's have obligations to eliminate discrimination under this Act.

Council officers do not condone comments based on a person's race, colour or ethnic origin.

Planning permits

One submitter (24) wants an investigation into the approval of the current high rises and how it was demonstrated that this is what residents want and another submitter (64) asked who was responsible for approving a sprawl of opportunistic developments.

Officer response

Council's Statutory Planning officers assess planning permit applications against the current Planning Scheme, including applicable zones and overlays. As mentioned previously, there is currently no mandatory height limit in the commercial areas of the Box Hill MAC where the majority of the applications have been located. Additionally, Box Hill is designated as a Metropolitan Activity Centre in *Plan Melbourne* which is reflected in Clause 22.07 of the Planning Scheme and therefore forms part of the planning permit assessment.

Council advertises planning permit applications in accordance with Section 52 of the Act. Any objections received during advertising of a planning permit application are taken into consideration prior to making a determination of the application.

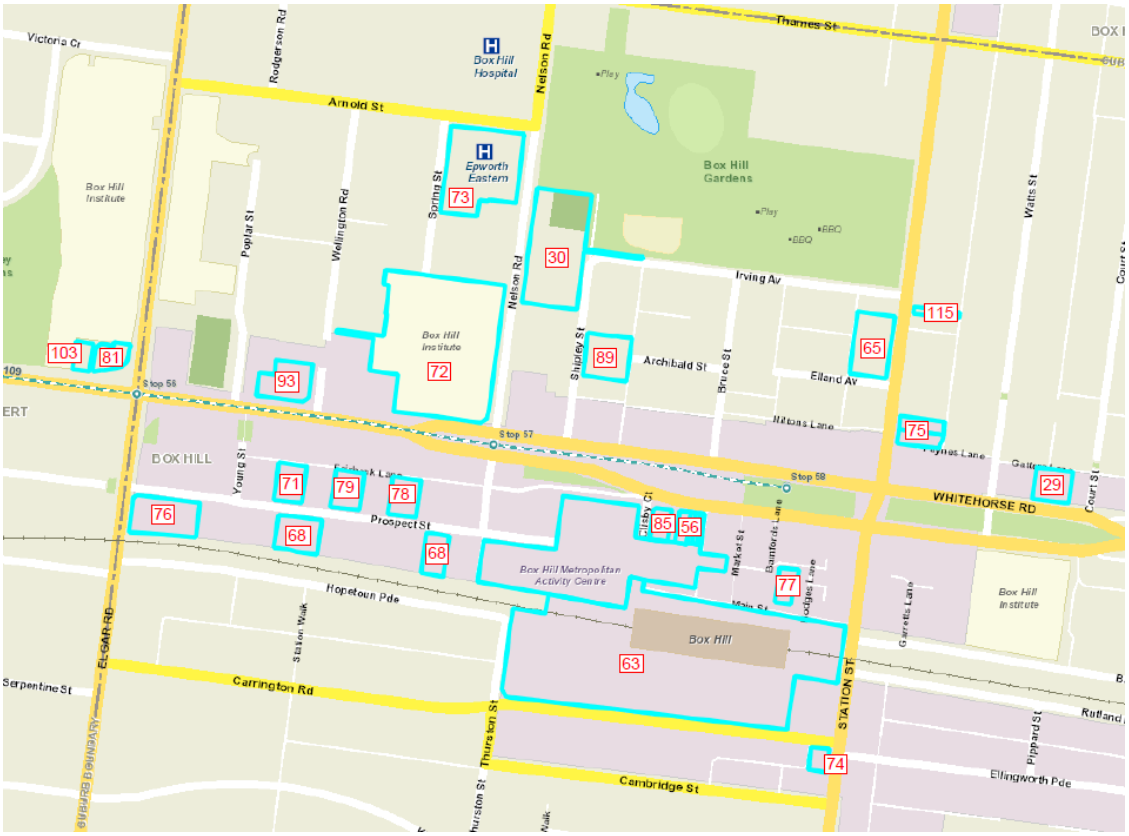
10.1.4
(cont)

Specific sites

Submissions were received on behalf of individual sites, as illustrated in Figure 5. It should be noted that the intention of the Guidelines is to provide an additional layer of information to support the Structure Plan vision. The Guidelines provide generic/typical directions addressing built form elements required to inform building envelope and may not be fully applicable on each and every site in the Box Hill MAC.

Site specific response will continue to be guided by individual context appreciation and response and the Guidelines have not sought to eliminate any development opportunity of sites within the Box Hill MAC. The Guidelines also do not preclude variation to the built form parameters sought provided it is well justified and fits contextually.

Figure 5 – Location of submissions from specific sites



10.1.4
(cont)

Where the site specific submissions seek changes to the Amendment these are addressed in the table below and/or referred to submission themes above. The submission number is bracketed.

Site	Summary of submission	Office response and recommendation
1011-1023 Whitehorse Road, Box Hill (29)	Requests that the property be included in Built Form Precinct F. Request that the property be included within Activity Precinct A of the Structure Plan and within Precinct F3 in the Guidelines/DDO.	Purpose of Amendment is to implement Built Form Guidelines. Council is satisfied with operation of Structure Plan and therefore scope of Guidelines did not include reviewing boundaries of the Structure Plan. Refer also to Officer Response under submission theme "Box Hill Transit City Activity Centre Structure Plan".
16-28 Nelson Road, Box Hill (30) RSL	Seeks change to the front setback provisions (adopt a zero front setback). Given the disparity, there is a case to include the east side of Nelson Road in a different Precinct or Sub-Precinct to recognise the particular issues. Seek a change to the preferred height limit to 20 storeys.	Refer to Officer Response under submission theme "Building Heights and setbacks". The Guidelines seek to provide greater clarity in terms of level of anticipated growth given interface conditions, allotment size and configuration and accessibility. The site is situated adjacent to the Box Hill Gardens and therefore the heights and setback requirements are acceptable because of this context but can be varied if well justified and meets the objectives and requirements of the DDO. For finer grain and smaller lots, there is scope to consider variations to the setback requirements where the development meets the objectives of the DDO. In Table 8 of DDO (Sub-precinct F6) under Precinct Objectives for Street Walls and preferred maximum heights, replace "To **establish** continuous belt of landscaping" with "To **encourage** continuous belt of landscaping" The preferred height in this sub-precinct is to provide for a transition from the core of the Box Hill MAC to the Box Hill Gardens.
Box Hill institute (72)	<u>Elgar and Nelson campuses</u> Discretionary height limit should be increased to accord with the strategic direction for a higher density outcome. Site coverage, setback and building separation requirements are inconsistent with existing built form pattern and development within this precinct, where commercial and institutional buildings are built to boundaries and frontages. "Campus style" needs to be clarified. <u>Precinct E</u> Not clear if controls within DDO6 apply to Precinct E when looking at Maps 1 and 2 - would be better for both maps to be consolidated to eliminate confusion over the application of the DDO and where sub precinct built form requirements apply.	Refer to Officer Response under submission theme "Building Heights and setbacks". The Guidelines seek to achieve higher densities. Development trajectory was a consideration in the preparation of the Guidelines. The Guidelines seek to provide greater clarity in terms of level of anticipated growth given interface conditions, allotment size and configuration and accessibility. The heights and setback requirements can be varied if well justified and meets the objectives and requirements of the DDO. Reference to 'campus style' will be deleted from the DDO and Guidelines as there are sufficient objectives to address 'landscape' and 'building separation' requirements in the DDO. Planning Scheme Maps 1 & 2 are split in this location by the State Government. Map provided with the Amendment document was consolidated to show coverage of DDO. The DDO applies to all precincts except Built Form Precinct A at the periphery of the Box Hill MAC. There are minor references to Precinct E based on the information contained in the Structure Plan, however the focus of the DDO is Precinct C and F. References to Precinct E are made under the design objectives and requirements for Street Frontages, Pedestrian Access, Building Separation and Heights in the DDO.

10.1.4
(cont)

Site	Summary of submission	Office response and recommendation
Epworth Eastern (73)	No justification for low density campus style built form typology. Delete the objective for taller forms with smaller footprints and generous separation as this constrains interconnecting buildings in a hospital setting. Revise the site coverage to 80% to allow for efficient and functional hospital floor plates, would still allow for open space and setbacks. Requirement for 10m building separation to apply to residential development only. Remove or reduce landscaping buffer from 8 to 6m as it impedes the use of land for hospital use. Crossovers and drop off areas should be able to be included within landscaped areas.	Refer to Officer Response under submission theme "Building Heights and setbacks". Delete reference to 'campus style'. There is sufficient objective to address landscaping on the ground level and building separation to address the intent. The Epworth hospital is located within Sub-precinct F6 with preferred maximum building height up to 15 storeys. The objectives of the Guidelines are to reinforce the vision of the urban structure as per the Structure Plan that is to reinforce the role of Whitehorse Road as the main road and for built form to transition down as they approach peripheral residential/ open space precincts. 15 storey building height is considered to be a balanced outcome to realise development potential, maintaining the desired urban structure befitting the northern edge of Built Form Precinct F and within proximity to the Box Hill Gardens. The heights, site coverage and setback requirements can be varied if well justified and meets the objectives and requirements of the DDO. Noted. Crossovers and drop off areas can be considered during the consideration of a planning permit application.
902-911 Whitehorse Road, Box Hill (56)	Adjust maximum height of F4 as it is the most suitable to be the area with the highest built form. The site should be identified as the most significant location and it has the potential to become a new landmark. Flexible and more adaptive building setbacks should be introduced as the current setbacks are onerous, will likely result in an undesirable style and can stifle innovative architectural design. A reasonable building setback should be able to be negotiated with positive contribution to the community, including provision of amenities and activation of street level. A negotiable and more practical overshadow policy should be introduced. Suggest a removal of standard building height, setbacks and shadow restrictions on the site and other socially important locations.	Refer to Officer Response under submission theme "Building Heights and setbacks". The Guidelines do not support the identification of single land mark sites for height. Instead the Guidelines seek to encourage a range of building scales and types to reinforce the natural topography and urban structure ambition. The Guidelines seek to provide greater clarity in terms of level of anticipated growth given interface conditions, allotment size and configuration and accessibility. The setback requirements can be varied if well justified and meets the objectives and requirements of the DDO. Variations that meet the objectives can be discussed during the pre-application stage and considered when assessing a planning permit. The overshadowing requirements are intended to protect and enhance, where possible, the amenity of surrounding residential precincts and key open space. The core of the Box Hill MAC is of critical importance, as it contains a key open space and pedestrian public space. The Guidelines seek to protect the amenity and quality of these areas.

10.1.4
(cont)

Site	Summary of submission	Office response and recommendation
Box Hill Central (63)	Preferred heights for F2 and F4 do not respond to the opportunity of the MAC nor do they reflect the context of established and improved developments and greater height can be considered without off side amenity impacts. Degree of flexibility should be retained for setbacks to allow for different design outcomes, they could be referenced as preferred. No guidance on what constitutes a positive contribution and surety is required around the plot ratio concept. Overshadowing requirements are different between Structure Plan and Guidelines and requirements are not clear for Carrington Road. Application of the Better Apartment standards and their requirements is more useful than requirements that are open to interpretation, such as "to Council satisfaction" for cross ventilation. Request Guidelines and DDO be updated to reflect both north and south shopping centre sites be reflected as Strategic Development sites as they are currently in different sub precincts which could constrain outcomes. Request that Council amend the documentation to reflect the ownership of the centre and their names - Box Hill Central (North) and Box Hill Central (South).	Refer to Officer Response under submission theme “Building Heights and setbacks”. The Guidelines seek to provide greater clarity in terms of level of anticipated growth given interface conditions, allotment size and configuration and accessibility. The controls allow for flexibility provided the objectives and requirements of the DDO can be met. Recommended to make reference to ‘design excellence’ as it is commonly referred to in design controls elsewhere. Overshadowing requirement of Carrington Road is consistent with the Structure Plan to ‘protection of key open space at 11.00-14.00 on 22 June’. The Guidelines also require that key open space and peripheral residential areas are not overshadowed. Amendment VC136 introduced Better Apartment standards into planning scheme as discretionary controls to be considered. Guidelines will be updated to match the requirements of the Standards about cross ventilation. Guidelines and DDO will be updated to reflect both sites as Strategic Development sites. Guidelines and DDO will be updated to reflect ownership and names of centre. Guidelines to include both properties in Sub-precinct F2. Inclusion of both properties in Sub-precinct F2 and designation as a Strategic Development sites will allow consideration of a greater development scale subject to a positive contribution to the local context.
709-713 Station Street, Box Hill (65)	Request that Council reviews the content of DDO-Table 4-sub-precinct F2 guidelines - Station Street in the "Street Walls and preferred maximum heights" section under "Built Form Response" and remove wording under the 5th dot point that refers to "subject to a separate design brief for built for and urban design". This refers to property over 1,500m^2 but should only refer to 519-521 Station Street in the 7th dot point. No need to apply a requirement for a separate design brief for built form and urban design though feel that the site should be given the same opportunities for development as 519-521 Station Street.	Refer to Officer Response under submission theme “Building Heights and setbacks”. Clarification of the requirement for a separate design brief for built form and urban design for 519-521 Station Street only will be explained in Guidelines. Officers disagree about matching the development scale at 709-713 Station Street to the southern end of Station Street. The objectives of the Guidelines is to reinforce the vision of the urban structure as per the Structure Plan, that is to reinforce the role of Whitehorse Road as the main road and for built form to transition down as they approach lower order residential/ open space precincts. The north leg of Station Street is primarily shaped by mid-rise recent developments of less than 15 storeys and greatly influenced by the Box Hill gardens, whilst the south leg of Station Street is primarily influenced by the station precinct with anticipated high rise Sky one development. A different transitional approach is therefore warranted to achieve a balanced outcome in realising development potential, maintaining the desired urban structure befitting the northern edge of Precinct F (built form) and approaching the Box Hill Gardens.

10.1.4
(cont)

Site	Summary of submission	Office response and recommendation
13 Prospect Street, Box Hill and 31-35 Prospect Street, Box Hill (68)	Do not support the proposed preferred maximum height for F4 as it is inappropriate and will detrimentally impact the development of the land in the precinct. Preferred maximum height of properties on the southern side of Prospect Street should be removed or the properties should be included in F5. The proposed minimum setback from site boundaries will create a wedding cake approach and stifle innovative and site responsive design. Clarification is required as to whether the 30 degree setback profile for buildings above 15 storeys is required for properties separated by the train line from residential uses in Built Form precinct A. The reference to a 1.5 m setback from a laneway for vehicle access should be removed for clarity as there is no reference to the requirement in the Guidelines. The reference to heights should be in metres to avoid confusion between retail/commercial developments and residential developments having different floor to ceiling heights.	Refer to Officer Response under submission theme "Building Heights and setbacks". The Guidelines seek to provide greater clarity in terms of level of anticipated growth given interface conditions, allotment size and configuration and accessibility. The heights seek to encourage a range of building scales and types to reinforce the natural topography and urban structure ambition, and transition height away from Whitehorse Road outwards towards the peripheral residential areas. The minimum setback from site boundaries seeks to protect the pedestrian experience and provide building separation at upper levels. Properties in sub-precinct F4 are required to include a 30 degree angled setback above 15 storeys to ensure no overshadowing on properties in Built Form Precinct A. The reference to a 1.5m setback from a laneway is identified on page 45 of the Guidelines. The Guidelines have provided both storeys and metres on page 29 to provide flexibility in building floor to ceiling outcomes.
535 Station Street, Box Hill (74)	Council may consider incorporating performance criteria that demonstrates a public benefit. Building height guideline should be rephrased to be 15 storeys where it can be demonstrated that site characteristics and location do not negatively impact on the area. 20-25 storeys should be contemplated on larger sites. Building height should be demonstrated by design response not solely by the site size and therefore maximum height above 15 storeys on sites greater than 1500sqm should be removed. Side and rear setback requirements is inappropriate for residential development but could apply to commercial office developments. Setbacks above 10-15 storeys should be subject to amenity implications and if it can be demonstrated there are no negative impacts, then setbacks should not be a requirement.	Refer to Officer Response under submission theme "Building Heights and setbacks". The Guidelines seek to provide greater clarity in terms of level of anticipated growth given interface conditions, allotment size and configuration and accessibility. The height and setback requirements can be varied if well justified and meets the objectives and requirements of the DDO. Guidelines are providing direction about built form; land use is outside the scope of the Guidelines. Built form requirements are also relevant irrespective of land use.

10.1.4
(cont)

Site	Summary of submission	Office response and recommendation
6-10 Shipley Street (89)	Amendment should be varied having regard to the preferred height for the site and precinct on the basis that the site can accommodate a taller building without unreasonable offsite amenity impact. Site where higher scale development might be contemplated, as proposal is too low. Similar development opportunity warranted to 20 storey permit at 12-14 Nelson Road. If higher heights not accepted then request being nominated as a strategic development site.	Refer to Officer Response under submission theme "Building Heights and setbacks". There is only one strategic development site nominated within the study area and it relates to its role as a transit oriented development/ public accessibility. The site in review does not have the same strategic opportunity, therefore not deemed a strategic development site. Additionally, the site is located in the sub-precinct adjacent to the Box Hill Gardens, where heights are to transition down as they approach the Gardens to protect the amenity of a key open space.
34-36 Prospect Street, Box Hill (71)	Setbacks in table 7 are considered excessive and will limit development, should be replaced with a performance based approach to building separation contained within the Better Apartment Design Standards. Objects to the proposed preferred minimum front setback and the identification of a defined physical setback as this can be achieved by various ways and with lesser setbacks. Seeks deletion of policy relating to overshadowing of Built Form Precinct A and residential land and open space as this should be on a case by case basis, as there is no analysis of the built form impacts of the shadowing controls. Protection of front gardens and balconies does not provide for occupier amenity and is inappropriate where it affects the development potential in a MAC. Policy guideline about widening laneways should be deleted or clarified as to what laneways it applies to as it has not been demonstrated that widening of Fairbank Lane is required. Matters covered by the Better Apartment Design Guidelines, such as internal amenity, cross ventilation, borrowed light, building adaptability and light wells, should not be replicated by the Guidelines.	Refer to Officer Response under submission theme "Building Heights and setbacks". The Guidelines seek to provide greater clarity in terms of level of anticipated growth given interface conditions, allotment size and configuration and accessibility. The height and setback requirements can be varied if well justified and meets the objectives and requirements of the DDO. Variations can be discussed during the pre-application stage and considered when assessing a planning permit. Overshadowing controls required to the south of the railway line as the Structure Plan clearly anticipates protection of amenity in surrounding low rise precincts. Removal of protection of front gardens and balconies do not provide greater amenity outcomes, particularly where public open space provisions are limited within a MAC context. Laneway widening is required, as precinct F4 and F5 are where the highest development capacity are directed and it is critical that these developments do not result in unsightly car parking access provided within the street frontage. Properties fronting Whitehorse Road will also have limited vehicular access off the main road, thus likely to rely on rear laneways for access. Amendment VC136 introduced Better Apartment standards into planning scheme as discretionary controls to be considered. Officers agree that these standards should not be replicated. Timing of Guidelines and Standards implementation was outside the control of the project team. Guidelines will be amended to reflect the status of the Standards and ensure consistency, where relevant.

10.1.4
(cont)

Site	Summary of submission	Office response and recommendation
702-706 Station Street, Box Hill (75)	Council may consider incorporating performance criteria that demonstrates a public benefit. Street wall guideline should be rephrased to read "street wall should be responsive to site context and not exceed 5 storeys". Preferred maximum height proposed is inappropriate and should be rephrased to be 15 storeys where it can be demonstrated that site characteristics and location do not negatively impact on the area. Building height should be demonstrated by design response not solely by the site size and this guideline should be removed. Side and rear setback requirements is inappropriate for residential development but could apply to commercial office developments. Setbacks above 10-15 storeys should be subject to amenity implications and if it can be demonstrated there are no negative impacts, then setbacks should not be a requirement. Site responsive approach to built form based on amenity outcomes is appropriate.	Refer to Officer Response under submission theme “Building Heights and setbacks”. Officers agree about contextual influence to street wall height, but disagree with street wall not exceeding 5 storeys as the Guidelines are seeking to encourage varied built form typology and not to encourage the implantation of ‘podium – tower’ development on all sites. The Guidelines seek to provide greater clarity in terms of level of anticipated growth given interface conditions, allotment size and configuration and accessibility. The height and setback requirements can be varied if well justified and meets the objectives and requirements of the DDO. Guidelines are providing direction about built form; land use is outside the scope of the Guidelines. Built form requirements are also relevant irrespective of land use.
436 Elgar Road, Box Hill (76)	Council may consider incorporating performance criteria that demonstrates a public benefit. Rephrase guideline about street wall to read "street wall height to achieve a preferred 1:1 ratio, or a 5 storey street wall where the height does not exceed the 1:1 ratio". Rephrase guideline about setback above podium to read "preferred minimum setback of 5m above podium to all site boundaries" reduced setback may be appropriate where it can be demonstrated that site characteristics and location do not negatively impact on the amenity of surrounding area. Rephrase guideline about building height to include reference that higher built form may be appropriate if it can be demonstrated that site characteristics and location do not negatively impact the amenity of the surrounding area. 30 degrees angled setback profile should be removed as this control is more appropriately regulated by over shadowing guidelines. Minimum setback requirement above 6-20 storeys would be redundant if previous setback above podium is rephrased. Site responsive approach to built form is more appropriate.	Refer to Officer Response under submission theme “Building Heights and setbacks”. Officers agree about contextual influence to street wall height, but disagree with street wall not exceeding 5 storeys as the Guidelines are seeking to encourage varied built form typology and not to encourage the implantation of ‘podium – tower’ development on all sites. The Guidelines seek to provide greater clarity in terms of level of anticipated growth given interface conditions, allotment size and configuration and accessibility. The height and setback requirements can be varied if well justified and meets the objectives and requirements of the DDO. The angled setback is required to establish a sense of transition on sites with a direct residential interface and also those outside the Box Hill MAC. It reinforces the overshadowing requirements to protect the amenity and quality of sensitive land uses.

10.1.4
(cont)

Site	Summary of submission	Office response and recommendation
28 Main Street, Box Hill (77)	Council may consider incorporating performance criteria that demonstrates a public benefit. Rephrase guideline about building height to include reference that higher built form may be appropriate if it can be demonstrated that site characteristics and location do not negatively impact the amenity of the surrounding area. Rephrase guideline about minimum 10 m setback to read "preferred minimum setback of 10 metres above the street wall for additional levels". No guideline as to the preferred street wall height at the Main Street frontage, suggest a 4 storey street wall is appropriate as it would create a 1:1 street wall width ratio.	Refer to Officer Response under submission theme “Building Heights and setbacks”. Officers agree about contextual influence to street wall height, but disagree with street wall not exceeding 5 storeys as the Guidelines are seeking to encourage varied built form typology and not to encourage the implantation of ‘podium – tower’ development on all sites. The Guidelines seek to provide greater clarity in terms of level of anticipated growth given interface conditions, allotment size and configuration and accessibility. The height and setback requirements can be varied if well justified and meets the objectives and requirements of the DDO. The street wall should be consistent with existing street wall to protect the heritage properties and pedestrian realm. Therefore a 1-2 storey street wall, as preferred for Whitehorse Road and Station Street in the same sub-precinct, is the preferred street wall height for the Main Street frontage.
18-20 Prospect Street, Box Hill (78)	Council may consider incorporating performance criteria that demonstrates a public benefit. Rephrase guideline about street wall to read "street wall height to achieve a preferred 1:1 ratio, or a 5 storey street wall where the height does not exceed the 1:1 ratio". Rephrase guideline about building height to include reference that higher built form may be appropriate if it can be demonstrated that site characteristics and location do not negatively impact the amenity of the surrounding area. Rephrase no setback from side and rear up to 5 storeys to read "no setback from side and rear boundaries at podium levels". Rephrase guideline about minimum setback above podium to read "preferred minimum setback of 5m above the podium on all sides". Setbacks above 21-30 storeys should be subject to amenity implication - if it can be demonstrated that there are no negative amenity impacts then setbacks should not be a requirement of the building design.	Refer to Officer Response under submission theme “Building Heights and setbacks”. The Guidelines seek to provide greater clarity in terms of level of anticipated growth given interface conditions, allotment size and configuration and accessibility. The height and setback requirements can be varied if well justified and meets the objectives and requirements of the DDO.

10.1.4
(cont)

Site	Summary of submission	Office response and recommendation
26-28 Prospect Street, Box Hill (79)	Council may consider incorporating performance criteria that demonstrates a public benefit. Rephrase guideline about street wall to read "street wall height to achieve a preferred 1:1 ratio, or a 5 storey street wall where the height does not exceed the 1:1 ratio". Rephrase guideline about building height to include reference that higher built form may be appropriate if it can be demonstrated that site characteristics and location do not negatively impact the amenity of the surrounding area. Rephrase no setback from side and rear up to 5 storeys to read "no setback from side and rear boundaries at podium levels". Rephrase guideline about minimum setback above podium to read "preferred minimum setback of 5m above the podium on all sides". Setbacks above 21-30 storeys should be subject to amenity implication - if it can be demonstrated that there are no negative amenity impacts then setbacks should not be a requirement of the building design.	Refer to Officer Response under submission theme “Building Heights and setbacks”. The Guidelines seek to provide greater clarity in terms of level of anticipated growth given interface conditions, allotment size and configuration and accessibility. The height and setback requirements can be varied if well justified and meets the objectives and requirements of the DDO.
813-823 Whitehorse Road, Mont Albert (81)	Development of 15 storeys on the site would provide a more appropriate outcome. Front setback requirements will unreasonably reduce development on site and has been inappropriately applied considering context and zone. Should be greater discretion to vary setbacks between buildings. Site should be included in F4 which will allow for greater height, 100% site coverage to facilitate active frontage and canopy and will facilitate appropriate built form separation to achieve amenity, equitable development and visual objectives.	Refer to Officer Response under submission theme “Building Heights and setbacks”. The Guidelines seek to provide greater clarity in terms of level of anticipated growth given interface conditions, allotment size and configuration and accessibility. The site is located west of Elgar Road, and does not enjoy similar strategic capacity as precinct F4 and F5. It is also situated within proximity to Kingsley Gardens and immediately north of more sensitive residential land (outside the Box Hill MAC) to the south. The setback requirement is discretionary and can be varied if well justified and meets the objectives and requirements of the DDO.
874-878 Whitehorse Road, Box Hill (85)	Further guidance should be provided to identify circumstances where variation to height and setbacks could be acceptable. Consider strict adherence to side and rear setbacks would unreasonably stifle development opportunities. Submit that Clause 2.0 of the proposed DDO be amended to identify a wider range of performance based considerations to respond to unique constraints and opportunities for each site.	Refer to Officer Response under submission theme “Building Heights and setbacks”. The Guidelines seek to provide greater clarity in terms of level of anticipated growth given interface conditions, allotment size and configuration and accessibility. The height and setback requirements can be varied if well justified and meets the objectives and requirements of the DDO. Clause 2.0 of the DDO provides an adequate range of performance based considerations to assist developments with meeting the objectives of DDO.

10.1.4
(cont)

Site	Summary of submission	Office response and recommendation
843 Whitehorse Road, Box Hill (93)	Council may consider incorporating performance criteria that demonstrates a public benefit. Rephrase guideline about street wall to read "street wall height to achieve a preferred 1:1 ratio, or a 5 storey street wall where the height does not exceed the 1:1 ratio". Rephrase guideline about building height to include reference that higher built form may be appropriate if it can be demonstrated that site characteristics and location do not negatively impact the amenity of the surrounding area. Rephrase no setback from side and rear up to 5 storeys to read "no setback from side and rear boundaries at podium levels". Rephrase guideline about minimum setback above podium to read "preferred minimum setback of 5m above the podium on all sides". Setbacks above 21-30 storeys should be subject to amenity implication - if it can be demonstrated that there are no negative amenity impacts then setbacks should not be a requirement of the building design. Site responsive approach to built form amenity is appropriate and should not be curtailed by definitive controls about height and or setback requirements.	Refer to Officer Response under submission theme “Building Heights and setbacks”. The Guidelines seek to provide greater clarity in terms of level of anticipated growth given interface conditions, allotment size and configuration and accessibility. The height and setback requirements can be varied if well justified and meets the objectives and requirements of the DDO. This site is provided with ample development opportunity, but must demonstrate that any development does not negatively impact on the surrounding area.
811 Whitehorse Road, Mont Albert (103)	Maximum height of 8m will not provide a staggered transition in heights. Conflict between requirements in Street Wall and preferred maximum heights which require a minimum 8m landscape setback and in requirements in Landscape which requires a 5m landscaping setback. Difficult to achieve 10m separation between buildings if the proposed 18 storey building on the adjacent site is approved and constructed. Not clear what landscaping elements are to be incorporated into the façade. Suggested a new sub-precinct for 811 and 813 Whitehorse Road, Mont Albert. Suggested 100% site coverage, 15 storeys, landscape setback of 5m.	Refer to Officer Response under submission theme “Building Heights and setbacks”. The Guidelines seek to provide greater clarity in terms of level of anticipated growth given interface conditions, allotment size and configuration and accessibility. The site is located west of Elgar Road, and does not enjoy similar strategic capacity as precinct F4 and F5. It is also situated within proximity to Kingsley Gardens and immediately north of more sensitive residential land (outside the Box Hill MAC) to the south. The height and setback requirements can be varied if well justified and meets the objectives and requirements of the DDO. Landscaping elements could include green walls and would be discussed at the planning permit application stage.

10.1.4
(cont)

Site	Summary of submission	Office response and recommendation
722 Station Street, Box Hill (115)	Proposed building height of 3 storeys does not provide an appropriate transition between Precinct B and F2. More appropriate height for Precinct B needs to be considered.	Purpose of Amendment is to implement Built Form Guidelines for Built Form Precincts C and F. Council is satisfied with operation of Structure Plan and therefore scope of Guidelines did not include reviewing other Built Form Precincts of the Structure Plan. The heights proposed are to provide a transition to the peripheral residential areas to the north and east and the Box Hill Gardens which is a key open space. Refer also to Officer Response under submission theme "Box Hill Transit City Activity Centre Structure Plan".

Other issues

Some submissions and proforma responses raise issues about population growth, immigration policies and land banking of sites by private developers. These are issues outside the remit of Council and are controlled by the State or Federal Governments.

Recommended changes to Amendment C175

As a result of the consideration of submissions, officers recommend the following changes to the Guidelines, and consequential changes to the DDO:

- Grammatical and spelling corrections;
- Acknowledgement of the Better Apartment Design Standards status;
- Amend Guidelines to be consistent with Better Apartment Design Standards relating to cross ventilation;
- Sub-precinct F2 - Amend Guidelines to reflect ownership of Box Hill Central and inclusion of both properties in Precinct F2;
- Sub-precinct F2 - amend mapping to include the entire property at 712 Station Street in the sub-precinct;
- Sub-precinct F2 - Clarification of the requirement for a separate design brief for built form and urban design for 519-521 Station Street only;
- Sub-precinct F2 - Subdivision Pattern – Built form Response: Delete reference to 'plot ratio approach' and 'positive contribution' and replace it with 'Box Hill Central Site as a Strategic Development Site where greater development scale can be considered and subject to future detailed analysis for urban design, built form, public accessibility and community benefit';
- Sub-precinct F6 and sub-precinct F9 - Subdivision Pattern – Precinct Objective: Delete reference to 'campus style'. There is sufficient objective to address 'landscape' at ground and 'building separation' to address the intent;
- Sub-precinct F6 - Street Walls and preferred maximum heights - Precinct Objectives: Delete "To establish continuous belt of landscaping along all street frontages" and replace it with "To encourage continuous belt of landscaping along all street frontages;"
- Sub-precinct F9 - Making changes to setback guidelines to ensure consistent setback of 8m and to correct an inconsistency;
- All precincts - Delete reference to 'Positive contribution to its local context' and replace with 'design excellence'.

It is recommended that these changes are made to the Guidelines and Amendment prior to an independent planning panel.

10.1.4
(cont)

Additional recommendations

The following additional recommendations are outside the scope of the Guidelines and Amendment C175, but are recommended to progress the development of the Box Hill MAC:

- Ongoing advocacy to the State and Federal Governments about upgrading key public transport infrastructure in Box Hill, including the Box Hill interchange;
- Meeting with public authorities and utility providers to discuss infrastructure planning for the future population of Box Hill.

CONSULTATION

Exhibition of the Guidelines and Amendment is discussed in more detail in the Background and Discussion sections of this report.

FINANCIAL IMPLICATIONS

Council will be required to pay for all costs associated with the independent Planning Panel hearing, including any expert witnesses and/or representation in support of Council at the Panel hearing. Given the community and property owner interests in this amendment it is anticipated that the hearing could run for several days.

The costs associated with the Planning Panel can be funded from the current budget. It is anticipated that Council will be represented at the Panel hearing by legal counsel. Council will also call an expert witness in planning and urban design to assist Council and the legal representation at the Panel Hearing. Funding for the expert witness is proposed in the 2017-18 budget.

POLICY IMPLICATIONS

The preparation of the Guidelines and Amendment C175 is consistent with the *Planning and Environment Act 1987* and State Planning Policy. The Guidelines and Amendment are particularly consistent with *Plan Melbourne*, which continues to recognise the importance of Box Hill and designates it as a Metropolitan Activity Centre and Health and Education Precinct.

The Guidelines and Amendment will assist the Box Hill MAC to provide the local and wider community with good access to retail, entertainment, health, and education and transport services. The Amendment will rezone land in line with the Structure Plan to provide opportunities for mixed use development comprising retail and office space with residential accommodation. This will contribute to the 20 minute neighbourhood concept in *Plan Melbourne*, which seeks to provide communities with various services and land uses within a 20 minute walk or public transport trip.

The preparation of the Guidelines and Amendment is also consistent with Local Planning Policy and in particular Strategic Direction 2 in the Council Plan 2015-2019 which seeks to "*maintain and enhance our built environment to ensure a liveable and sustainable city*" (page 11).

The Guidelines will provide much needed direction in relation to the built form outcomes sought by Council and the community in the major development precinct of the centre. The built form objectives and rezoning included in the Amendment will complement the Structure Plan and give statutory strength to the objectives within both the new and previous work through new provisions in the Whitehorse Planning Scheme.

10.1.4
(cont)

CONCLUSION

Amendment C175 proposes to implement the Box Hill Metropolitan Activity Centre Built Form Guidelines by introducing a new Schedule 6 to Clause 43.02 Design and Development Overlay into the Planning Scheme and applying it to Built Form Precincts B, C, D, E and F as identified in the Structure Plan. The Amendment also proposes to rezone various properties in the Structure Plan area broadly in line with the recommendations of the Structure Plan and to make minor changes to Clause 21.07 (Economic Development) and Clause 22.07 (Box Hill Metropolitan Activity Centre) in the Planning Scheme to reference the Guidelines.

The submissions received during the exhibition period were from local residents in the municipality and landowners and business owners/operators in the Box Hill MAC. The submissions raised a diverse range of themes including amenity, traffic and transport, building heights and setbacks, car parking, the Structure Plan, heritage, open space and issues relating to specific individual sites.

The proforma submissions were received in response to a flyer distributed to an unknown number of residents. The flyer only discussed the preferred height limits proposed by the Amendment and did not discuss any other aspect of built form included in the Guidelines or Amendment. All of the responses to the proformas objected to the proposed preferred building heights.

A large majority of the submissions raised issues outside the scope of the Guidelines and Amendment and/or issues that are discussed and contained within other Council or State Government policy.

The Guidelines consider building outcomes such as setbacks and frontages, view lines, heights and relationship to the public realm and building qualities such as articulation, depth, separation, overshadowing, landscaping and pedestrian and vehicle access. The Guidelines seek to provide clarity and achieve a degree of consistency of built form in a planning environment where discretionary, performance based controls are preferred.

The Guidelines do not provide a response to issues such as traffic and car parking, public transport, active transport or open space. These issues are considered in the Planning Scheme and/or other complementary Council or State Government policy. Council recognises that key strategic documents such as the Planning Scheme, Open Space Strategy and Transport Strategy must work in tandem to progress the development of the Box Hill MAC.

In considering submissions Council can change the Amendment in the manner requested, refer the submissions and Amendment to an independent Planning Panel or abandon the Amendment. As there are submissions that seek changes to the Amendment which cannot be supported, the first option cannot be considered.

While the Amendment can be supported on a strategic basis and there are submitters that do not object to the Amendment, it should not be abandoned.

If the Amendment is abandoned, there will be limited guidance or direction in the commercial areas of the Box Hill MAC available to the community or land owners about qualities of buildings and the public realm in the Box Hill MAC.

Specifically, there will be limited guidance about building qualities such as setbacks, frontages and heights. Building heights was raised as a key issue by submitters and proforma responses and therefore the limited information about preferred building heights in the commercial areas will cause further uncertainty in the community about the preferred building heights in the Box Hill MAC.

Accordingly, the most transparent and fair method to enable all parties to have their comments assessed is for all named submissions and the Amendment to be referred to an independent Planning Panel for its consideration.

10.1.4
(cont)

Therefore it is recommended that the Amendment is referred to an independent Planning Panel and that all submitters are advised accordingly.

ATTACHMENT

1 Attachment 1 - Summary of submissions and proformas ⇨

10.2 INFRASTRUCTURE

10.2.1 Tender Evaluation Report (Contract 20012) Provision of Consultancy Services: Structural & Civil Engineers

SUMMARY

Most building projects undertaken by Council require structural and civil engineering information and design to deliver the new, upgraded or refurbished facilities.

The purpose of this tender process is to appoint a new panel of Structural & Civil Engineering consultants to provide Council with design and technical consultancy services for a range of planned future building projects.

Following the public tender process, a comprehensive evaluation and assessment was undertaken and five Structural & Civil Engineering consultants are now recommended for appointment to form a Preferred Supplier Panel.

RECOMMENDATION

That Council:

1. ***Accept the tenders and sign the formal contract documents for Contract 20012 for the Provision of Consultancy Services: Structural & Civil Engineers received from:***
   - ***Fenton Partners Pty Ltd of Suite 2, 35 Ellingworth Parade, Box Hill, VIC, 3128 (ABN: 76 092 711 012).***
   - ***GHD Pty Ltd of 180 Lonsdale Street, Melbourne, VIC, 3000 (ABN: 39 008 488 373).***
   - ***JJ Ryan Consulting Pty Ltd of 16/79 Manningham Road, Bulleen, VIC, 3105 (ABN: 69 145 797 726).***
   - ***Kennedy Bell Infrastructure Pty Ltd of Suite 1A, 150 Chestnut Street, Richmond, 3121 (ABN: 56 154 718 117).***
   - ***W & G Engineers Victoria Pty Ltd of Level 2, 31 Market Street, South Melbourne, VIC, 3205 (ABN: 59 127 466 997).***

   on a Schedule of Rates basis for a period of 3 years commencing on 29 May 2017.
2. ***Authorise the Chief Executive Officer to award an extension of this contract, subject to a review of the Contractor's performance and Council's business needs, at the conclusion of the initial three year contract.***

BACKGROUND

Council own a large number of buildings and is responsible for maintaining these buildings to ensure the level of service delivered meets community and user expectations. Funding for these capital projects is allocated from the annual Capital Works Program. Most projects require the services of a range of consultants including Structural & Civil Engineers to deliver the new, upgraded or refurbished facilities.

A panel of Structural & Civil Engineering consultants was first established in 2011 with an initial three year contract followed by a further two year contract extension. The purpose of this tender is to appoint a new panel of Structural & Civil Engineering consultants to provide Council with structural & civil engineering services for a range of planned future building upgrade projects located throughout the municipality.

The establishment of a new panel of Structural & Civil Engineers will continue to facilitate the timely delivery of building capital works projects and enable Council to comply with the requirements of the State Government's "best value" purchasing legislation and Council's Procurement Policy.

10.2.1
(cont)

It is planned to let a three year Contract, with the option for a two year extension to be exercised at the Chief Executive Officer's discretion.

DISCUSSION

Tenders were advertised in The Age newspaper on Saturday 3 December 2016 and closed on Friday 6 January 2017. Fourteen tenders were received.

The tenders were evaluated against the following criteria:

- Financial benefit to Council;
- The Tenderer's experience in the provision of similar services;
- The Tenderer's capacity to provide the Services;
- The Consultants internal review processes to ensure efficient design solutions and value engineering;
- Occupational Health & Safety and Equal Opportunity (Pass/Fail) and
- Financial viability (Pass/Fail).

The previous contract comprised a panel of four Structural & Civil Engineering consultants. Based on Council Officers use of the previous panel and reviewing the forward Capital Works Program, it has been determined that a panel of five Structural & Civil Engineering consultants will be required to adequately service Council needs.

Following a comprehensive evaluation of the tenders, including business viability checks, referee checks and interviews with the selected Structural & Civil Engineers, the tenders received from structural & civil engineers Fenton Partners Pty Ltd, GHD Pty Ltd, JJ Ryan Consulting Pty Ltd, Kennedy Bell Infrastructure Pty Ltd and W & G Engineers Victoria Pty Ltd are considered to provide the best service and value for money for this Contract.

References for the selected Structural & Civil Engineers have been checked and confirmed as having the relevant skills and experience required for this contract. The preferred tenderer's business viability has been checked and meets Councils requirements.

CONSULTATION

Relevant staff from the Building Project Management, Facilities Maintenance and Engineering Works teams has been consulted regarding the selection of consultants to form the Preferred Supplier Panel.

FINANCIAL IMPLICATIONS

The contract for the Provision of Consultancy Services: Structural & Civil Engineers is based on a Schedule of Rates for services required. The tendered rates will be subject to rise and fall adjustments based on the Melbourne All-groups index numbers at each anniversary date of the Contract.

Structural & Civil Engineers are engaged on a percentage rate for each stage of a construction project which can have up to six stages. The assessment of the financial criteria was based on the total percentage rate for projects with a value of $300k, $1m and $5m. The total percentage rate was then applied to the project values and the fees were aggregated and applied as the tendered sum.

Based on the Council's forward Capital Works Program, the estimated expenditure under this contract over the initial 3 year contract term is $240,000 including GST. This expenditure will increase to approximately $400,000 including GST if the option to extend the contract for a further two years is exercised.

Expenditure incurred under this contract will be drawn annually from project budgets approved by Council as part of the annual Capital Works Program. Contract administration and project financial management will be undertaken by the Building Project Management team within the Built Infrastructure Department.

10.3 HUMAN SERVICES

10.3.1 Tender Evaluation Report (Contract 20026) Management and Operation of the Morack Public Golf Course

SUMMARY

To consider tenders received for the Management and Operation of Morack Public Golf Course and to recommend the acceptance of the tender received from Golf Services Management Pty Ltd, for 75% of annual green fee and driving range revenue, and 5% of all other annual turnover revenue generated at the Golf Course.

RECOMMENDATION

That Council:

1. ***Accept the tender and sign the formal contract document for Contract 20026 for the Management and Operation of Morack Public Golf Course received from Golf Services Management Pty Ltd (ABN 93 007 395 904), of P.O Box 89 Black Rock Victoria 3139, for 75% of annual green fee and driving range revenue, and 5% of all other annual turnover revenue generated at the Golf Course commencing on the 1 July 2017 for a period of 2 years.***
2. ***Authorise the Chief Executive Officer to award an extension of this contract for a further three x 1 year periods, subject to a review of the Contractor's performance and Council's business needs, at the conclusion of the initial 2 year contract term.***

BACKGROUND

Morack Public Golf Course is a Council owned 18 hole (par 70) golf course located in Vermont South. The course is irrigated by an automatic system and sustained by an on course dam. The facility also features a pro shop and kiosk facilities, 17 bay floodlit driving range, two practice putting greens and a sealed car park.

In addition, there is a small timber clubhouse facility, situated adjacent to the pro shop that accommodates five resident golf clubs – Creekside Golf Club, Morack Ladies Blue, Morack Ladies, Morack Seniors Club and Waverley Life Activities.

The Morack Golf Course has historically been managed by an external contractor with a comprehensive Agreement which divides the revenue streams into two categories, 'Golf Fee' consisting of green fees and driving range income, and 'Turnover Revenue' consisting of all other income.

The Agreement provides a high level of accountability and reporting including audited financial statements, preparation and submission of annual business plans and budgets. A number of key performance indicators are incorporated within the agreement to provide Council with an objective measure to assess the contractor's performance.

The responsibility for the Management and Operation of the golf course has been externally contracted for the past eight years to Golf Services Management Pty Ltd (GSM). GSM also operate Kingston Links Golf Course, Ranfurlie Golf Course at Cranbourne, Peregian Golf Course in Queensland, and St Andrews Beach and Bay Views Golf Courses on the Mornington Peninsula.

The current contract is due to expire on June 30, 2017.

DISCUSSION

Tenders were advertised in The Age newspaper on Saturday 4 February 2017 and were closed on Wednesday 1 March 2017. A total of three tenders were received.

10.3.1
(cont)

The tenders were evaluated against the following criteria:

- Financial Return to Council
- Service Delivery
- Financial Viability
- Service Quality Systems
- Demonstrated Experience; and
- Occupational Health & Safety, Equal Opportunity and Business Viability (Pass/Fail).

The term of the contract will be for two years with an option to extend for a further three by one year periods.

The rationale for the short term nature of the contract is due to Council currently considering the strategic direction for the golf course. Council has notionally allocated funds in its 10 year capital works program for implementation of the Strategic Plan and this will require formal budget approval on an annual basis. The multiple 1 year options gives Council maximum flexibility in terms of the direction it may choose to take with regards to future improvements and the potential impact on the operation of the pro shop, driving range and golf course.

After conducting an initial review of the tender submissions, two companies were shortlisted and interviewed. Referee checks and a final evaluation were undertaken.

The preferred tenderer is Golf Services Management Pty Ltd (GSM) who currently has responsibility for the management and operation of Morack Public Golf Course. The performance of GSM over the term of the current contract has met Council's expectation in terms of service delivery having developed good relationships with the key stakeholders and regular patrons, program innovation and the overall marketing and promotion of the golf course.

GSM have at all times been responsive to Council requests and demonstrated flexibility in their approach to the management of the golf course. GSM have also shown a willingness to invest in the business and in service improvements through upgrades to the driving range bays, pro shop retail area and inclusion of a fleet of motorised carts that have proven popular with golfers.

The tender received from Golf Services Management Pty Ltd is considered to provide the best value for money for this Contract.

CONSULTATION

Maddocks Lawyers undertook a review of the Agreement which they had previously supplied and is in use with the current contract. They also provided the tender documentation that was reviewed by the Procurement and Contracts Unit.

FINANCIAL IMPLICATIONS

The preferred tenderer will deliver a 75% return to Council of the *Golf Fee* (green fees and driving range revenue), and a 5% return to Council of *Turnover Revenue* (all other revenue including food and beverage, merchandise sales, tuition, equipment hire, etc).

A revenue model based on the 2015/16 financial reports was used to calculate the expected revenue return to Council to enable a fair comparison of the financial return to Council. Based on the above percentage returns nominated by the preferred tenderer, Council can expect to generate an operating income of $1,049,740. The revenue model was reviewed by the Finance and Corporate Performance Department.

This management arrangement is the most cost effective in terms of the service delivery at Morack Golf Course and has provided a good return for Council in the form of operating surpluses ranging from 200K to 400K per annum over the past 8 years of the Agreement.

The preferred tenderer's business viability has been carefully examined.

10.4 CORPORATE REPORTS

10.4.1 Quarterly Performance Report for the quarter ended 31 March 2017

FILE NUMBER: 17/64327
ATTACHMENT

SUMMARY

The purpose of this report is to brief Council on the performance against the Council Plan 2013-2017 and the Annual Budget 2016/17 for the period ended 31 March 2017.

RECOMMENDATION

That Council notes the Quarterly Performance Report for the quarter ended 31 March 2017 as attached.

BACKGROUND

This Quarterly Performance Report for the quarter ended 31 March 2017 provides a detailed report on performance against the major initiatives and initiatives as identified in the Annual Budget 2016-17. These major initiatives and initiatives contribute to the achievement of the Council Plan 2013-17, and therefore this report reviews Council performance against the Council Plan and the Annual Budget, pursuant to sections 131(3)(a)(ii) and 138 of the *Local Government Act 1989*.

The financial section of this report has been prepared on an accrual basis to ensure accurate matching of income and expenditure, both operating and capital, for the year to date ended 31 March 2017. Furthermore, the report is prepared on the basis of year-to-date, year-end projection, cash and key balance sheet items and analysing trends against budget.

DISCUSSION

Performance against Council Plan

The Annual Plan, which is a part of the Annual Budget 2016/17, identified 29 major initiatives and initiatives which contribute to the achievement of the Strategic Objectives and Strategies identified in the Council Plan 2013-2017. Of the 29 major initiatives and initiatives in the Annual Budget 2016/17, 5 are complete, 21 are on track, and 3 are below their quarterly target of 75% completion.

Highlights for the quarter included:

- Nunawading Community Hub: Council appointed the Cost Planner and Building Surveyor for the project through the tendering process. The user/stakeholder consultation process is continuing with two workshops for all groups held.
- Whitehorse Centre redevelopment: A detailed facility and site assessment was conducted for the purpose of presenting Council with a final report for consideration of Option A or Option B at its meeting on 10 April 2017.
- Health and Wellbeing Plan: The development of the new Municipal Public Health and Wellbeing Plan has commenced. A working group has been established and consultants appointed.
- Elgar Park north sports pavilion redevelopment: Council appointed the preferred builder. Site mobilisation commenced including temporary fencing, builders sheds, storage containers and temporary facilities for Club use.
- New “Pipetrack” shared path: Construction works were completed and the path was opened to users in February 2017.

10.4.1
(cont)

- Energy efficient street lighting changeover: Installation of the energy efficient street lights has commenced. This project is over two financial years and is expected to be completed in September 2017.

Performance against Annual Budget

The year-to-date financial result at 31 March 2017 is favourable to budget by $12.02m.

The year-end result is forecast to be a $34.93m surplus, $10.91m favourable to budget.

The capital works expenditure to the end of March 2017 was $19.1m compared to a year-to-date expenditure forecast of $23.5m. The year-to-date expenditure represents 53% of the total capital works program. The full year capital works expenditure, including carry-over projects, is forecast to be $36.1m.

ATTACHMENT

1 Quarterly Performance Report for the quarter ended 31 March 2017 ⇨

10.4.2 Provision of Internal Audit Services

SUMMARY

To consider tenders received for the provision of internal audit services and to recommend the acceptance of the tender received from Crowe Horwath (Aust) Pty Ltd (trading as Crowe Horwath) for the amount of $274,312.50 including GST for a period of 3 years with an option to extend for up to 3 further years.

RECOMMENDATION

That Council:

1. ***Accept the tender and sign the formal contract document for Contract 20030 for the provision of internal audit services from 2017 to 2020, received from Crowe Horwath (Aust) Pty Ltd (ABN 84 006 466 351), of Level 17, 181 William Street, Melbourne VIC 3000, trading as Crowe Horwath, for the tendered amount of $274,312.50, including GST.***
2. ***Authorise the Chief Executive Officer to award an extension of this contract, subject to a review of the Contractor's performance and Council's business needs, at the conclusion of the initial 3 year contract term.***

BACKGROUND

Council has committed itself to providing responsible leadership and governance by conducting its affairs openly and with integrity, reflecting the highest level of good management and governance.

Internal auditing provides a mechanism for Council to enhance the transparency of its decision-making, strengthen its internal controls and continue to develop a culture of strong internal controls and risk awareness.

Council's internal audit strategy is driven by Council's Audit Advisory Committee. The chair of the Audit Advisory Committee acted in an advisory capacity to the tender evaluation panel. The selected consultant will provide services under the guidance of the Audit Advisory Committee for a period of 3 years, until 30 June 2020 with an option to extend for up to 3 further years.

DISCUSSION

Tenders were advertised in the Age newspaper on Saturday 4 March 2017 and were closed on Monday 27 March 2017. Seven tender submissions were received.

The tenders were evaluated against the following criteria:

- Experience in the provision of similar Internal Audit services;
- Demonstrated knowledge in Local Government internal auditing practices;
- Price; and
- Qualifications and experience of key personnel.

Tenders were also evaluated in accordance with the following criteria on a Pass/Fail basis:

- Tenderer's record, policies and attitude towards Equal Employment Opportunity.
- Tenderer's record, policies and attitude towards Occupational Health and Safety.

Tenderers were asked to provide a proposal for the provision of up to 650 hours per annum plus 15 hours per annum for attendance at Audit Advisory Committee meetings.

The tender evaluation panel consisted of the Manager Finance and Corporate Performance, the Management Accountant and the Financial Accountant. The chair of the Audit Advisory Committee acted in an advisory capacity.

10.4.2
(cont)

Following the preliminary evaluation which was based on the set criteria, two tenderers were short listed for interview. Interviews were conducted on 24 April 2017 at the council offices. The interview panel consisted of the evaluation panel and the chair of the Audit Advisory Committee.

Following the interviews a preferred tenderer was decided and a series of reference checks were conducted.

The panel formed the view that the tender received from Crowe Horwath is considered to be the most beneficial to Council for this contract.

Crowe Horwath is a large accounting firm that provides business advisory services with access to a wide range of specialist skills. It has significant accumulated and current experience in Local Government auditing and has nominated a team of highly experienced professionals to meet Council's internal auditing requirements.

CONSULTATION

No consultation was required for this report.

FINANCIAL IMPLICATIONS

The lump sum tendered by Crowe Horwath is allocated as follows:

	Expenditure
2017/18 Financial Year (excluding GST)	$83,125.00
2018/19 Financial Year (excluding GST)	$83,125.00
2019/20 Financial Year (excluding GST)	$83,125.00
Sub-total	**$249,375.00**
GST	$24,937.50
Total Expenditure (including GST)	**$274,312.50**

The tendered lump sum allows for 650 hours of internal auditing work plus 15 hours for the attendance of four meetings per year. Additional services requested by Council will be charged in accordance with a schedule of rates.

An allowance will be made in Council's recurrent budgets for the provision of internal audit services for the next 3 years to cover the expected expenditure.

10.4.3 Supplementary Valuation Quarterly Report- 1 January 2017 to 31 March 2017

FILE NUMBER: SF16/746

SUMMARY

This report presents supplementary valuations and recommends adjustment of rate records. The supplementary valuations have been carried out on properties in accordance with Section 13DF of the Valuation of Land Act 1960.

RECOMMENDATION

That Council:

1. ***Note and accept the supplementary valuations undertaken during the period commencing 1 January 2017 to 31 March 2017.***
2. ***Authorise the rate records being adjusted to take account of the supplementary valuations returned.***

BACKGROUND

Item 1.11 of the Schedule of Powers contained within the Chief Executive Officer's Instrument of Delegation adopted by Council on 18 May 2015 states the following:

"The delegate must not determine the issue, take the action or do the act or thing if the issue, action, act or thing is an issue, action, act or thing which involves:

- The return of the general valuation and any supplementary valuations."

This report relates to supplementary valuations undertaken by Council in accordance with the *Valuation of Land Act 1960* for the period from 1 January 2017 to 31 March 2017.

DISCUSSION

Supplementary valuations are conducted regularly throughout the financial year to maintain the equity and accuracy of Council's rating valuation base.

Supplementary valuations are primarily due to construction, subdivision and/or planning activities.

The supplementary valuations undertaken during the period are summarised in Table #1 below.

Table # 1: Supplementary Valuations completed between 1 January 2017 and 31 March 2017

Supplementary Valuation Reference	Number of Assessments	SITE VALUE	C.I.V.	N.A.V.
January 2017	37	-$ 1,464,000	-$ 1,983,000	-$ 93,100
February 2017	11	-$ 5,000	-$ 1,290,000	-$ 44,150
March 2017	736	-$ 965,000	$199,102,000	$8,290,950
Supplementary Valuations Total	*784*	*-$2,434,000*	*$195,829,000*	*$8,153,700*

10.4.3
(cont)

CONSULTATION

The legislative requirement for Council to complete supplementary valuations is contained within the *Valuation of Land Act 1960*. All supplementary valuations contained in this report have been undertaken in accordance with the *2016 Valuation Best Practice Specifications Guidelines*.

The supplementary valuations completed during January, February and March have been certified by the Valuer-General's office (VGV) as being "suitable for use" by Council. These valuation adjustments include the resolution of valuation objections. Please note that Councils may use supplementary valuations prior to VGV certification.

FINANCIAL IMPLICATIONS

The total change to the Capital Improved Value (CIV) caused by the supplementary valuations undertaken is an increase of $195,829,000. This change in CIV has generated an additional $73,427 of supplementary rate income.

A summary of Council's valuation totals for all rateable and non-rateable properties is shown below in Table #2, Table #3 and Table #4.

Table #2: Valuation Totals as at 31 December 2016

BREAKDOWN	Number of Assessments	SITE VALUE	C.I.V.	N.A.V.
Rateable	71,530	$47,385,814,700	$64,332,073,500	$ 3,326,740,850
Non Rateable	1,077	$3,110,868,000	$3,521,105,500	$198,123,450
Municipal Total	*72,607*	*$50,496,682,700*	*$67,853,179,000*	*$3,524,864,300*

Table#3: Change to valuation totals due to supplementary valuations from 1 January 2017 to 31 March 2017

Supplementary Valuations	*Number of Assessments subject to Supplementary Valuation*	*Change to Site Value*	*Change to CIV*	*Change to NAV*
	784	*-$2,434,000*	*$195,829,000*	*$8,153,700*

Table #4: Valuation Totals as at 31 March 2017

NEW BREAKDOWN	Number of Assessments	SITE VALUE	C.I.V.	N.A.V.
New Rateable	71,888	$47,380,848,700	$64,525,335,500	$ 3,334,758,100
New Non Rateable	1,081	$3,113,400,000	$3,523,672,500	$198,259,900
New Municipal Total	*72,969*	*$50,494,248,700*	*$68,049,008,000*	*$3,533,018,000*

NB: Supplementary valuations on non-rateable properties are recorded on Council's rating system and their totals are included in the supplementary valuation reports. This is because non-rateable properties may incur a fire service property levy in accordance with the *Fire Services Property Levy Act 2012*.

POLICY IMPLICATIONS

The Valuations have been undertaken in accordance with the legislative requirements of the *Valuation of Land Act 1960*.

10.4.4 Delegated Decisions March 2017

SUMMARY

The following activity was undertaken by officers under delegated authority during March 2017.

RECOMMENDATION

That the report of decisions made by officers under Instruments of Delegation for the month of March 2017 be noted.

DELEGATION	FUNCTION	Number for March 2016	Number for March 2017
Planning and Environment Act 1987	Delegated Decisions	122	174
	Strategic Planning Decisions	1	Nil
Telecommunications Act 1997		Nil	Nil
Subdivision Act 1988		Nil	16
Gaming Control Act 1991		Nil	Nil
Building Act 1993	Dispensations & Applications to Building Control Commission	53	81
Liquor Control Reform Act 1998	Objections and Prosecutions	2	Nil
Food Act 1984	Food Act Orders	1	9
Public Health & Wellbeing Act 2008	Improvement / Prohibition Notices	Nil	3
Local Government Act 1989	Temporary Road Closures	8	10
Other Delegations	CEO Signed Contracts between $150,000 - $500,000	1	1
	Property Sales and Leases	6	4
	Documents to which Council seal affixed	Nil	2
	Vendor Payments	1239	1381
	Parking Amendments	6	8
	Parking Infringements written off (not able to be collected)	213	378

10.4.4
(cont)

DELEGATED DECISIONS MADE ON PLANNING APPLICATIONS MARCH 2017

All decisions are the subject of conditions which may in some circumstances alter the use of development approved, or specific grounds of refusal is an application is not supported.

Appl No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
2	29-03-17	Application Lapsed	85 Watts St, Box Hill North	Elgar	Construction of two (2) double storey dwellings on a lot	Multiple Dwellings
23	01-03-17	Application Lapsed	1/17 Oxford St, Box Hill	Elgar	Construction of a new front fence	VicSmart - General Application
49	28-03-17	Application Lapsed	18 High St, Mont Albert	Elgar	Buildings and works in HO102	Heritage
1015	22-03-17	Application Lapsed	61 Stanley Grv, Blackburn	Central	Construction of three double storey dwellings and associated works generally in accordance with the submitted plans	Multiple Dwellings
1085	10-03-17	Application Lapsed	111 Carrington Rd, Box Hill	Elgar	Promotional signage	Advertising Sign
4	01-03-17	CMP Approved	115 Burwood Hwy, Burwood East	Riversdale	Construction of a three storey building plus basement for 30 dwellings, alteration of access to a road in a Road Zone Category 1 and reduction in car parking	CMP Process
18	07-03-17	CMP Approved	761 Station St, Box Hill North	Elgar	Construction of six attached three storey dwellings	CMP Process
11	27-03-17	Delegate Approval - S72 Amendment	31 Ashley St, Box Hill North	Elgar	Construction of three (3) double storey dwellings	Permit Amendment
39	10-03-17	Delegate Approval - S72 Amendment	58 Belgravia Ave, Mont AlbertNorth	Elgar	Construction of four dwellings, comprising one single storey dwelling and three double storey dwellings	Permit Amendment
52	21-03-17	Delegate Approval - S72 Amendment	14 Ferris Ave, Box Hill North	Elgar	Construction of one (1) single storey dwelling to the rear of the existing dwelling	Permit Amendment

10.4.4
(cont)

Appl No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
88	27-03-17	Delegate Approval - S72 Amendment	1/4 Lilac Crt, Blackburn North	Central	Construction of two double storey dwellings	Permit Amendment
208	28-03-17	Delegate Approval - S72 Amendment	1/952 Station St, Box Hill North	Elgar	Construction of a double storey dwelling to the rear of an existing dwelling	Permit Amendment
213	03-03-17	Delegate Approval - S72 Amendment	15 Station St, Blackburn	Central	Amendment to plans for construction of a three storey building comprising six dwellings to change windows, reduce rear setbacks and change colours/materials	Permit Amendment
285	30-03-17	Delegate Approval - S72 Amendment	103-107 Koonung Rd, Blackburn North	Central	Amendment to plans for development and use of land as a child care centre	Permit Amendment
408	07-03-17	Delegate Approval - S72 Amendment	313 Middleborough Rd, Box Hill South	Riversdale	Amendment to Planning Permit WH/2015/408 to change the type of Indoor Recreation Facility to swimming pool, buildings and works for a mezzanine floor and reduction in statutory car parking requirements	Permit Amendment
449	16-03-17	Delegate Approval - S72 Amendment	131-173 Central Rd, Nunawading	Springfield	Use and development for a retirement village with associated convenience shop, food and drink premises (cafe) and place of assembly, removal of vegetation, car parking reduction and waiver of loading bay requirements	Permit Amendment

10.4.4
(cont)

Appl No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
456	24-03-17	Delegate Approval - S72 Amendment	31-39 Norcal Rd, Nunawading	Springfield	Buildings and works for a warehouse development, use of the land for a food and drink premises and offices, intenally illuminated signage, reduction in the standard car parking requirement and native vegetation removal	Permit Amendment
467	16-03-17	Delegate Approval - S72 Amendment	692 Whitehorse Rd, Mont Albert	Elgar	Demolition of buildings and development of a part 2 storey and 3 storey building comprising dwellings with basement carpark and alteration to access to a road in a Road Zone Category 1	Permit Amendment
575	21-03-17	Delegate Approval - S72 Amendment	26 Dunlavin Rd, Nunawading	Springfield	Construction of a two (2) storey dwelling and carport to the rear of an existing dwelling	Permit Amendment
636	02-03-17	Delegate Approval - S72 Amendment	61 Kenmare St, Mont AlbertNorth	Elgar	Amendment to proposed landscaping	Permit Amendment
638	07-03-17	Delegate Approval - S72 Amendment	395 Canterbury Rd, Vermont	Springfield	Use of land as an Education Centre in association with the Baha'i Center of Learning for Victoria	Permit Amendment
687	27-03-17	Delegate Approval - S72 Amendment	49 Maple St, Blackburn	Central	Construction of two (2) double storey side by side dwellings	Permit Amendment
875	30-03-17	Delegate Approval - S72 Amendment	50 Kitchener St, Box Hill South	Riversdale	Construction of a double storey dwelling to the rear of the existing dwelling	Permit Amendment

10.4.4
(cont)

Appl No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
964	31-03-17	Delegate Approval - S72 Amendment	639 Canterbury Rd, Vermont	Springfield	Construction of five dwellings including four double storey and one single storey and alteration of access to a road in a Road Zone (Category 1)	Permit Amendment
1074	30-03-17	Delegate Approval - S72 Amendment	1 Graham Place Box Hill	Elgar	Amendment to Planning Permit WH/2014/1074 (Issued for double storey building to be used as VCE learning centre, college maintenance facility and car park at 1 Graham Place, Box Hill) to increase the site cut, lower finished floor level, internal alterations and alterations to northern windows	Permit Amendment
1157	28-03-17	Delegate Approval - S72 Amendment	9 Chestnut St, Surrey Hills	Riversdale	Construction of two (2) double storey side by side dwellings and the subdivision of the land into two (2) lots	Permit Amendment
1202	08-03-17	Delegate Approval - S72 Amendment	1 Sergeant St, Blackburn	Central	Construction of three 4-5 storey apartment buildings and reduction in car parking	Permit Amendment
13	07-03-17	Delegate NOD Issued	14 Stanley Grv, Blackburn	Central	Construction of three double storey dwellings	Multiple Dwellings
132	09-03-17	Delegate NOD Issued	27 Summit Rd, Burwood	Riversdale	Construction of three (3) double storey dwellings	Multiple Dwellings
206	06-03-17	Delegate NOD Issued	29 Romoly Drv, Forest Hill	Central	Amended application for construction of a double storey dwelling to the rear of the existing dwelling to provide access for both dwellings from Romoly Drive	Multiple Dwellings

10.4.4
(cont)

Appl No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
248	10-03-17	Delegate NOD Issued	78 Dorking Rd, Box Hill North	Elgar	Construction of three double storey dwellings	Multiple Dwellings
285	24-03-17	Delegate NOD Issued	14 La Frank St, Burwood	Riversdale	Construction four double storey dwellings	Multiple Dwellings
324	01-03-17	Delegate NOD Issued	14 Delany Ave, Burwood	Riversdale	Construction of three double storey dwellings	Multiple Dwellings
376	10-03-17	Delegate NOD Issued	543 Middleborough Rd, Box Hill North	Elgar	Construction of two (2) double storey dwellings	Multiple Dwellings
455	28-03-17	Delegate NOD Issued	603 Springvale Rd, Vermont South	Morack	Construction of two double storey dwellings on a lot	Multiple Dwellings
538	10-03-17	Delegate NOD Issued	18 Nandina St, Forest Hill	Springfield	Buildings and works associated with the construction of (2) double-storey part triple-storey dwellings	Multiple Dwellings
539	30-03-17	Delegate NOD Issued	14 Wridgway Ave, Burwood	Riversdale	Construction four double storey dwellings	Permit Amendment
546	21-03-17	Delegate NOD Issued	65 Katrina St, Blackburn North	Central	Construction of a three (3) storey mixed-use building comprising one shop, three dwellings, a rooftop terrace and a basement level and the waiver of loading bay requirements	Business
562	06-03-17	Delegate NOD Issued	11 Peacock St, Burwood	Riversdale	Construction of three (3) double storey dwellings	Multiple Dwellings
568	28-03-17	Delegate NOD Issued	18 Patricia Rd, Blackburn	Central	Construction of two double storey dwellings	Multiple Dwellings
573	17-03-17	Delegate NOD Issued	38 Roslyn St, Burwood	Riversdale	Development of two double storey dwellings	Multiple Dwellings
580	28-03-17	Delegate NOD Issued	62-64 Dunlavin Rd, Nunawading	Springfield	Construction of five double storey dwellings	Multiple Dwellings
583	07-03-17	Delegate NOD Issued	1 Lindau Drv, Vermont South	Morack	Part demolition of an existing dwelling and addition of a second dwelling	Multiple Dwellings

10.4.4
(cont)

Appl No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
640	17-03-17	Delegate NOD Issued	150 Elgar Rd, Box Hill South	Riversdale	Change of use to a Medical Centre, the construction of buildings and works to the existing dwelling associated with a Section 2 Use, and a reduction of the car parking rate pursuant to Clause 52.06-3.	Residential (Other)
653	06-03-17	Delegate NOD Issued	60 Heatherdale Rd, Mitcham	Springfield	Construction of two dwellings and a two lot subdivision	Multiple Dwellings
676	01-03-17	Delegate NOD Issued	8 Alexander St, Mitcham	Springfield	Construction of two double storey dwellings	Multiple Dwellings
696	27-03-17	Delegate NOD Issued	25 Dewrang Cres, Blackburn	Central	Construction of three double storey dwellings	Multiple Dwellings
699	20-03-17	Delegate NOD Issued	78 Burwood Hwy, Burwood East	Riversdale	The construction of six (6) three storey dwellings access and altering access to a road in Road Zone category 1	Multiple Dwellings
702	27-03-17	Delegate NOD Issued	57 Lexton Rd, Box Hill North	Elgar	Development and use of the land for three warehouses, two caretaker's houses and a place of worship	Industrial
704	27-03-17	Delegate NOD Issued	41 Shafer Rd, Blackburn North	Central	Consruction of two double storey dwellings	Multiple Dwellings
705	06-03-17	Delegate NOD Issued	2 Springfield Rd, Blackburn	Central	Use and development of the land for a convenience restaurant, advertising signage, the partial removal of easement E-1 as shown on PC360555F, a reduction to the required bicycle facilities and alteration of access to a road in a Road Zone (Category 1)	Residential (Other)

10.4.4
(cont)

Appl No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
712	07-03-17	Delegate NOD Issued	5 Horfield Ave, Box Hill North	Elgar	Construction of two double storey dwellings	Multiple Dwellings
713	08-03-17	Delegate NOD Issued	20 Edwards St, Burwood	Riversdale	Development of three double storey dwellings	Multiple Dwellings
716	17-03-17	Delegate NOD Issued	44 Pendle St, Box Hill	Elgar	Construction of two double storey dwellings	Multiple Dwellings
728	06-03-17	Delegate NOD Issued	11 Haros Ave, Nunawading	Springfield	Construction of six double storey dwellings	Multiple Dwellings
732	24-03-17	Delegate NOD Issued	89 Koonung Rd, Blackburn North	Central	Construction of three double storey dwellings	Multiple Dwellings
756	27-03-17	Delegate NOD Issued	13 Malvern Rd, Mont Albert	Elgar	Construction of two double storey dwellings	Multiple Dwellings
786	30-03-17	Delegate NOD Issued	12 McComas Grv, Burwood	Riversdale	Construction of three double storey dwellings	Multiple Dwellings
845	30-03-17	Delegate NOD Issued	1 Banksia St, Blackburn	Central	Construction of two double storey dwellings	Multiple Dwellings
862	21-03-17	Delegate NOD Issued	938 Canterbury Rd, Box Hill South	Riversdale	The construction of two (2) double storey dwellings, use of the land for a dwelling under the Public Acquisition Overlay Schedule 4, and alteration of access to a road in a Road Zone, Category 1.	Multiple Dwellings
866	17-03-17	Delegate NOD Issued	15 McKeon Rd, Mitcham	Springfield	Alterations and additions to construct a three (3) storey mixed-use building comprising an existing medical centre and two dwellings	Business
868	22-03-17	Delegate NOD Issued	3 Farleigh Ave, Burwood	Riversdale	Construction of three (3) double storey dwellings	Multiple Dwellings
887	17-03-17	Delegate NOD Issued	11 Farleigh Ave, Burwood	Riversdale	Construction of three (3) double-storey dwellings	Multiple Dwellings
893	10-03-17	Delegate NOD Issued	3 The Ave, Blackburn	Central	Buildings and works to extend a dwelling	Special Landscape Area

10.4.4
(cont)

Appl No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
928	30-03-17	Delegate NOD Issued	1093 Riversdale Rd, Surrey Hills	Riversdale	Construction of three double storey dwellings above basement and alteration of acces to a road in a Road Zone, Category 1	Multiple Dwellings
940	21-03-17	Delegate NOD Issued	1 Orient Ave, Mitcham	Springfield	Two lot subdivision and tree removal in accordance with the attached plans	Subdivision
1069	20-03-17	Delegate NOD Issued	150 Central Rd, Nunawading	Springfield	Removal of vegetation	Special Landscape Area
1148	24-03-17	Delegate NOD Issued	39 Harrow St, Box Hill	Elgar	Construction of a four storey building with basement and a front fence	Multiple Dwellings
1169	22-03-17	Delegate NOD Issued	141 Canterbury Rd, Blackburn	Central	Works for a new car park (to the rear), the display of business identification signage and the alteration of access to a road in a Road Zone Category 1, associated with the use of the land for a medical centre (dental clinic)	Other
19	08-03-17	Delegate Permit Issued	201 Mahoneys Rd, Forest Hill	Morack	The development of two church bell towers	Residential (Other)
20	07-03-17	Delegate Permit Issued	7 Linum St, Blackburn	Central	Removal of two trees	Special Landscape Area
36	06-03-17	Delegate Permit Issued	2 Main St, Blackburn	Central	The construction of a new commercial range hood exhaust fan and new window to facade	Business
39	06-03-17	Delegate Permit Issued	1/29 Salisbury Ave, Blackburn	Central	Alterations and additions to six (6) existing units	Residential (Other)
46	06-03-17	Delegate Permit Issued	39 Boisdale St, Surrey Hills	Riversdale	Development of two double storey dwellings	Multiple Dwellings

10.4.4
(cont)

Appl No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
47	28-03-17	Delegate Permit Issued	337 Blackburn Rd, Burwood East	Morack	Use of land for a veterinary centre, buildings and works, an illuminated sign and floodlit business identification sign	Residential (Other)
50	31-03-17	Delegate Permit Issued	462-468 Middleborough Rd, Blackburn	Central	Construction of 27 two and three storey dwellings and the alteration of access to a road in a Road Zone Category 1.	Permit Amendment
65	27-03-17	Delegate Permit Issued	1 Elland Ave, Box Hill	Elgar	Display of one illuminated advertising sign	Advertising Sign
74	08-03-17	Delegate Permit Issued	14 Sheehans Rd, Blackburn	Central	Removal of vegetation and construction of spa and decking in Significant Landscape Overlay	Special Landscape Area
76	21-03-17	Delegate Permit Issued	55-65 Railway Rd, Blackburn	Central	Use of the land for sale and consumption of liquor associated with a restaurant	Liquor Licence
79	31-03-17	Delegate Permit Issued	109 Carrington Rd, Box Hill	Elgar	Fifty (50) lot subdivision	Subdivision
110	02-03-17	Delegate Permit Issued	31 Williamson Rd, Mont AlbertNorth	Elgar	Removal of one protected tree in a Vegetation Protection Overlay	VicSmart - General Application
116	23-03-17	Delegate Permit Issued	18-18A Laburnum St, Blackburn	Central	Two (2) lot subdivision	Subdivision
125	24-03-17	Delegate Permit Issued	24 Bennett St, Burwood	Riversdale	Three (3) lot subdivision	Subdivision
126	24-03-17	Delegate Permit Issued	14 Gunyah Rd, Blackburn North	Central	Two (2) lot subdivision	Subdivision
127	28-03-17	Delegate Permit Issued	1 Simla St, Mitcham	Springfield	Three (3) lot subdivision	Subdivision
128	28-03-17	Delegate Permit Issued	23 Orchard Cres, Mont AlbertNorth	Elgar	Two (2) lot subdivision	Subdivision
129	30-03-17	Delegate Permit Issued	5 Olympiad Cres, Box Hill North	Elgar	Three (3) lot subdivision	Subdivision

10.4.4
(cont)

Appl No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
132	06-03-17	Delegate Permit Issued	5/10-40 Burwood Hwy, Burwood East	Riversdale	Addition of the flue for the exhaust canopy	VicSmart - General Application
133	31-03-17	Delegate Permit Issued	6 Eve Crt, Forest Hill	Central	Four (4) lot subdivision	Subdivision
134	31-03-17	Delegate Permit Issued	23 Shady Grv, Nunawading	Springfield	Two (2) lot Subdivision	Subdivision
135	17-03-17	Delegate Permit Issued	27 Landale St, Box Hill	Elgar	Demolition and construction of front fence	VicSmart - General Application
145	27-03-17	Delegate Permit Issued	40 Albany Cres, Surrey Hills	Elgar	Shed and pool	VicSmart - General Application
148	27-03-17	Delegate Permit Issued	820-824 Whitehorse Rd, Box Hill	Elgar	Display of illuminated advertising signage	Advertising Sign
149	21-03-17	Delegate Permit Issued	22 Frank St, Box Hill South	Riversdale	Two (2) lot subdivision	VicSmart - Subdivision
151	29-03-17	Delegate Permit Issued	820-824 Whitehorse Rd, Box Hill	Elgar	Display of real estate advertising signs on construction hoarding.	Advertising Sign
157	15-03-17	Delegate Permit Issued	11 Rishon Ave, Blackburn South	Riversdale	Two (2) lot Subdivision	VicSmart - Subdivision
164	22-03-17	Delegate Permit Issued	12 Clare St, Blackburn	Central	Construction of a front fence on a lot less than 300m2	VicSmart - General Application
175	07-03-17	Delegate Permit Issued	2 Premier Ave, Vermont	Springfield	Construction of two (2) double storey side by side dwellings and the subdivision of the land into two (2) lots	Multiple Dwellings
176	31-03-17	Delegate Permit Issued	47 Canterbury Rd, Blackburn	Central	Two (2) lot subdivision	Subdivision
191	27-03-17	Delegate Permit Issued	9 Wellesley St, Mont Albert	Elgar	Construction of two double storey dwellings	Multiple Dwellings
194	29-03-17	Delegate Permit Issued	5 Christina St, Burwood	Riversdale	Two (2) lot Subdivision	Subdivision
195	29-03-17	Delegate Permit Issued	30 Pine St, Surrey Hills	Riversdale	Two (2) lot subdivision	Subdivision
197	30-03-17	Delegate Permit Issued	2 Aberdeen Rd, Blackburn South	Central	Two (2) lot subdivision	Subdivision
206	30-03-17	Delegate Permit Issued	5 Willcyrus St, Surrey Hills	Elgar	Two (2) lot subdivision	Subdivision
207	30-03-17	Delegate Permit Issued	41 Piedmont St, Box Hill South	Riversdale	Two (2) lot subdivision	VicSmart - Subdivision
211	30-03-17	Delegate Permit Issued	934-940 Whitehorse Rd, Box Hill	Elgar	Buildings and works for alteration to the shop front	VicSmart - General Application

10.4.4
(cont)

Appl No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
213	30-03-17	Delegate Permit Issued	521 Belmore Rd, Mont AlbertNorth	Elgar	Buildings and works to extend existing shed (for storage of miniature railway equipment) and removal of native vegetation	Other
217	31-03-17	Delegate Permit Issued	66 Rostrevor Pde, Mont AlbertNorth	Elgar	Two (2) lot subdivision	VicSmart - Subdivision
227	20-03-17	Delegate Permit Issued	18 Gordon St, Mont Albert	Elgar	Construction of two (2) double storey side by side dwellings	Permit Amendment
349	27-03-17	Delegate Permit Issued	17 Blenheim Ave, Mont Albert	Elgar	Alterations and additions to the existing dwelling for an upper level addition	Heritage
360	16-03-17	Delegate Permit Issued	13 Wolseley Close Mont Albert	Elgar	Addition of a carport and garage in a HO102	Heritage
367	08-03-17	Delegate Permit Issued	28 High St, Mont Albert	Elgar	Alterations and Additions to an existing dwelling within a Heritage Overlay (HO102)	Heritage
380	16-03-17	Delegate Permit Issued	64 Luckie St, Nunawading	Springfield	Construction of two dwellings on a lot comprising a new dwelling to the rear of the existing dwelling, and associated subdivision of the land into two lots	Multiple Dwellings
387	28-03-17	Delegate Permit Issued	11 Johnston St, Burwood	Riversdale	Construction of three double storey dwellings and front fence	Multiple Dwellings
415	15-03-17	Delegate Permit Issued	78 Middleborough Rd, Burwood East	Riversdale	Creation and alteration of access to roads in a road Zone Category 1	Other
511	06-03-17	Delegate Permit Issued	5 Anthony Crt, Burwood East	Morack	Construction of two double storey dwellings	Multiple Dwellings
512	21-03-17	Delegate Permit Issued	39 Katrina St, Blackburn North	Central	Construction of a double storey dwelling to the rear of an existing single storey dwelling	Multiple Dwellings
552	09-03-17	Delegate Permit Issued	27 Pembroke St, Surrey Hills	Riversdale	Construction of two (2) double storey dwellings	Multiple Dwellings

10.4.4
(cont)

Appl No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
585	28-03-17	Delegate Permit Issued	904 Station St, Box Hill North	Elgar	Construction of two dwelllings and alteration of access to a Road Zone	Multiple Dwellings
628	06-03-17	Delegate Permit Issued	293 Elgar Rd, Surrey Hills	Riversdale	Construction of two double storey dwellings and access to a road in a Road Zone Category 1	Multiple Dwellings
648	30-03-17	Delegate Permit Issued	692 Whitehorse Rd, Mont Albert	Elgar	Display of advertising signage	Advertising Sign
674	27-03-17	Delegate Permit Issued	32 The Mews Vermont	Morack	Alterations and additions to the existing dwelling	Special Landscape Area
707	28-03-17	Delegate Permit Issued	8 Sunnyside Ave, Nunawading	Springfield	Construction of two (2) double storey dwellings on a lot	Multiple Dwellings
730	30-03-17	Delegate Permit Issued	8 Lawford St, Box Hill North	Elgar	Construction of two double storey dwellings	Multiple Dwellings
738	20-03-17	Delegate Permit Issued	6 Edwards St, Burwood	Riversdale	Four townhouse development	Multiple Dwellings
760	27-03-17	Delegate Permit Issued	22 Gerald St, Blackburn	Springfield	Buildings and works to construct a double storey dwelling and tree removal	Special Landscape Area
761	24-03-17	Delegate Permit Issued	77 Elgar Rd, Burwood	Riversdale	Use and development for student accommodation reduction in car parking requirements and alteration of access to a road in a road zone category 1	Multiple Dwellings
772	06-03-17	Delegate Permit Issued	4 Fankhauser Drv, Vermont South	Morack	Construction of two dwellings	Multiple Dwellings
781	20-03-17	Delegate Permit Issued	2 Pickford St, Burwood East	Morack	The construction of four double storey dwellings	Multiple Dwellings
785	21-03-17	Delegate Permit Issued	37 Boondara Rd, Mont AlbertNorth	Elgar	Construction of three double storey dwellings	Multiple Dwellings
789	28-03-17	Delegate Permit Issued	80 Heatherdale Rd, Mitcham	Springfield	Construction of two dwellings	Multiple Dwellings
791	06-03-17	Delegate Permit Issued	42 Robinlee Ave, Burwood East	Morack	Construction of two double storey dwellings	Multiple Dwellings

10.4.4
(cont)

Appl No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
806	06-03-17	Delegate Permit Issued	16 Cadorna St, Box Hill South	Riversdale	Construction of two double storey dwellings on a lot	Multiple Dwellings
808	21-03-17	Delegate Permit Issued	9 Rotherwood Ave, Mitcham	Springfield	Construction of two double storey dwellings and removal of three trees	Multiple Dwellings
813	06-03-17	Delegate Permit Issued	8 Norris Crt, Blackburn	Central	Buildings and works comprising alterations and additions to an existing dwelling and the removal of vegetation	Special Landscape Area
814	08-03-17	Delegate Permit Issued	17 Pendle St, Box Hill	Elgar	Construction of two double storey dwellings	Multiple Dwellings
826	21-03-17	Delegate Permit Issued	390 Mont Albert Rd, Mont Albert	Elgar	Construction of one (1) double storey dwelling to the rear of the existing dwelling	Multiple Dwellings
834	02-03-17	Delegate Permit Issued	35 Boondara Rd, Mont AlbertNorth	Elgar	Construction of two double storey, side by side dwellings	Multiple Dwellings
838	08-03-17	Delegate Permit Issued	19 Royton St, Burwood East	Riversdale	Alterations and additions to construct a two storey mixed-use building comprising an existing shop and one dwelling above	Business
844	21-03-17	Delegate Permit Issued	482 Springvale Rd, Forest Hill	Morack	Installation of light box signage	Business
881	21-03-17	Delegate Permit Issued	17 Mont Crt, Vermont South	Morack	Double storey dwelling at the back of existing property	Multiple Dwellings
882	28-03-17	Delegate Permit Issued	26 Rochdale Drv, Burwood East	Riversdale	Construction of two (2) double-storey dwellings	Multiple Dwellings
938	28-03-17	Delegate Permit Issued	3 Gillies St, Mitcham	Springfield	Construction of one new dwelling (to replace existing)	Single Dwelling < 300m2
950	06-03-17	Delegate Permit Issued	2/11 Birdwood St, Box Hill South	Riversdale	Construction of a dwelling on a lot less than 500 square metres	Single Dwelling < 300m2
982	17-03-17	Delegate Permit Issued	11-13 Moncrief Rd, Nunawading	Springfield	Buildings and works and reduction in car parking	Industrial

10.4.4
(cont)

Appl No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
990	06-03-17	Delegate Permit Issued	14 Langford Ave, Mitcham	Springfield	Two unit development	Multiple Dwellings
997	17-03-17	Delegate Permit Issued	10 Clydesdale St, Box Hill	Elgar	Extension to dwelling	Heritage
1005	31-03-17	Delegate Permit Issued	10 Monomeeth Drv, Mitcham	Springfield	Construction of 18 warehouses and reduction in car parking and loading bay widths	Industrial
1019	06-03-17	Delegate Permit Issued	653-661 Elgar Rd, Mont AlbertNorth	Elgar	Alterations of existing pavilion and the construction of a new pavilion and waiver of bicycle facilities requirements	Public Open Space
1035	31-03-17	Delegate Permit Issued	452 Whitehorse Rd, Mitcham	Springfield	To store and sell used vehicles and new cars	Business
1063	22-03-17	Delegate Permit Issued	15 Irving Ave, Box Hill	Elgar	Ninety-six (96) lot subdivision of existing building	Subdivision
1078	01-03-17	Delegate Permit Issued	9 Bottle Bend Forest Hill	Morack	Construct a verandah at rear. The overall height to be 3.4 m. The roof will be similar to property next door	Single Dwelling < 300m2
1095	10-03-17	Delegate Permit Issued	Shop G 31/172-210 Burwood Hwy, Burwood East	Riversdale	Application for a license for the sale and consumption of alcohol to accompany our food offer	Liquor Licence
1096	22-03-17	Delegate Permit Issued	Shop M 2-5/1 Main St, Box Hill	Elgar	Display of business identification signage	Advertising Sign
1126	21-03-17	Delegate Permit Issued	1 Charlnet Drv, Vermont South	Morack	Display Advertising Sign	Advertising Sign
1188	22-03-17	Delegate Permit Issued	1115 Riversdale Rd, Surrey Hills	Riversdale	Display of one double sided internally illuminated advertising sign	Advertising Sign
1191	31-03-17	Delegate Permit Issued	7 Boyd St, Blackburn South	Central	Construction of a building and carrying out of works in a Significant Landscape Overlay, removal of vegetation in a Significant Landscape Overlay	Special Landscape Area

10.4.4
(cont)

Appl No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
654	24-03-17	Delegate Refusal - S72 Amendment	20 Tyrrell Ave, Blackburn	Central	Construction of four dwellings on the lot	Permit Amendment
58	28-03-17	Delegate Refusal Issued	Opposite, 171 Burwood Hwy, Burwood (Bus Shelter)	Riversdale	One (1) single sided illuminated electronic promotion sign on an existing bus shelter (stop id 30846)	Advertising Sign
71	24-03-17	Delegate Refusal Issued	1/39 Victoria Cres, Mont Albert	Elgar	New carport and internal alterations	Single Dwelling < 300m2
530	21-03-17	Delegate Refusal Issued	35 Hay St, Box Hill South	Riversdale	Construction of nine triple storey dwellings	Multiple Dwellings
586	22-03-17	Delegate Refusal Issued	47 Percy St, Mitcham	Springfield	AMENDMENT TO WH/2014/586 (ISSUED FOR CONSTRUCTION OF TWO DOUBLE STOREY DWELLINGS) TO ALTER SIDE SETBACKS	Permit Amendment
654	30-03-17	Delegate Refusal Issued	9 Cresswell Cres, Mitcham	Springfield	Construction of two double storey dwellings	Multiple Dwellings
682	09-03-17	Delegate Refusal Issued	21 Renown St, Burwood	Riversdale	Construction of six (6) double storey dwellings	Multiple Dwellings
737	20-03-17	Delegate Refusal Issued	129A Canterbury Rd, Blackburn	Central	Reduction in car parking for use as a medical centre (dentist) and alteration of access (intensification) to a road in a Road Zone, Category 1	Business
776	24-03-17	Delegate Refusal Issued	19 View St, Mont Albert	Elgar	Construction of a single storey dwelling to the side of an existing double storey dwelling and two lot subdivision	Multiple Dwellings
784	08-03-17	Delegate Refusal Issued	7 Davor Crt, Burwood East	Morack	Construction of two (2) double-storey dwellings.	Multiple Dwellings
1002	27-03-17	Delegate Refusal Issued	21 Howard St, Box Hill	Elgar	Construction of a multi-dwelling development (five attached dwellings)	Multiple Dwellings
1114	22-03-17	Delegate Refusal Issued	32 Royton St, Burwood East	Riversdale	Installation of satelitte Dish	Residential (Other)

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Appl No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
518	31-03-17	Permit Corrected	1 Linden St, Blackburn	Central	Construction of two double storey dwellings and subdivision	Multiple Dwellings
3	07-03-17	Withdrawn	1 Graham Place Box Hill	Elgar	Double storey building to be used as VCE Learning Centre, College Maintenance facility and car park at 1 Graham Place, Box Hill	CMP Process
759	5-03-17	Withdrawn	5 Fuchsia St, Blackburn	Central	Construction of a dwelling	Single Dwelling < 300m2
846	30-03-17	Withdrawn	22 Dunlavin Rd, Nunawading	Springfield	Construction of 3 double storey dwellings	Multiple Dwellings
937	09-03-17	Withdrawn	12 Molleton St, Blackburn	Central	Buildings and works for the construction of two (2) dwellings on a lot	Permit Amendment

BUILDING DISPENSATIONS/APPLICATIONS MARCH 2017

Address	Date	Ward	Result
1 Queen Street, BLACKBURN	03-03-17	Central	Consent Granted R604
1/18 Ellison Street, BLACKBURN	31-03-17	Central	Consent Granted R415, R414, R420
13 Marchiori Road, BLACKBURN NORTH	06-03-17	Central	Consent Granted R411
16 Simon Street, BLACKBURN NORTH	17-03-17	Central	Consent Granted R409
19 Edinburgh Road, BLACKBURN SOUTH	30-03-17	Central	Consent Granted R415
22 Shawlands Avenue, BLACKBURN SOUTH	27-03-17	Central	Consent Granted R411, R414, R420
29 Canora Street, BLACKBURN SOUTH	21-03-17	Central	Consent Granted R414, R411
31 Deanswood Road, FOREST HILL	31-03-17	Central	Consent Granted R414
31 Faulkner Street, BLACKBURN SOUTH	21-03-17	Central	Consent Granted R411
40 Indra Road, BLACKBURN SOUTH	10-03-17	Central	Consent Granted R414
48 Koonung Road, BLACKBURN NORTH	03-03-17	Central	Consent Granted R414
5 Kalang Street, BLACKBURN	27-03-17	Central	Consent Granted R411, R414
55 Holland Road, BLACKBURN SOUTH	10-03-17	Central	Consent Granted R414, R409, R411
65 Koonung Road, BLACKBURN NORTH	03-03-17	Central	Consent Granted R409
8 Harris Street, BLACKBURN NORTH	03-03-17	Central	Consent Granted R416
12 Clare Street, BLACKBURN	03-03-17	Central	Consent Refused R424
19 Edinburgh Road, BLACKBURN SOUTH	30-03-17	Central	Consent Refused R410
33 Koonung Road, BLACKBURN NORTH	06-03-17	Central	Consent Refused R409
14 Gordon Street, MONT ALBERT	24-03-17	Elgar	Amendment Approved R409
1 Regan Street, BOX HILL NORTH	03-03-17	Elgar	Consent Granted R427, R408

10.4.4
(cont)

Address	Date	Ward	Result
1/9 Box Hill Crescent, MONT ALBERT NORTH	17-03-17	Elgar	Consent Granted R409, R420
1A Agnes Street, MONT ALBERT	21-03-17	Elgar	Consent Granted R410
24 Peter Street, BOX HILL NORTH	17-03-17	Elgar	Consent Granted R414, R415
26 Serpentine Street, MONT ALBERT	06-03-17	Elgar	Consent Granted R411
34A Rostrevor Parade, MONT ALBERT NORTH	29-03-17	Elgar	Consent Granted R414
38 Valda Avenue, MONT ALBERT NORTH	29-03-17	Elgar	Consent Granted R414, R411
511A Belmore Road, MONT ALBERT NORTH	03-03-17	Elgar	Consent Granted R414, R409
545-563 Station Street, BOX HILL	17-03-17	Elgar	Consent Granted
8 Halifax Street, MONT ALBERT NORTH	01-03-17	Elgar	Consent Refused R415
15 Lusk Drive, VERMONT	21-03-17	Morack	Consent Granted R411, R414, R418
20 Beddoe Road, VERMONT	21-03-17	Morack	Consent Granted R409
28 Ansett Crescent, FOREST HILL	29-03-17	Morack	Consent Granted R411, R424
35 Cosgrove Street, VERMONT	27-03-17	Morack	Consent Granted R414, R411
5 Weron Court, VERMONT SOUTH	31-03-17	Morack	Consent Granted R414
73 Vanbrook Street, FOREST HILL	17-03-17	Morack	Consent Granted R410, R415, R409
8 Beaumont Street, VERMONT	31-03-17	Morack	Consent Granted R409
8 Crawley Court, VERMONT SOUTH	10-03-17	Morack	Consent Granted R415
9 Hylton Crescent, FOREST HILL	29-03-17	Morack	Consent Granted R409
104 Roslyn Street, BURWOOD	31-03-17	Riversdale	Consent Granted R415
11 Glenice Avenue, BLACKBURN SOUTH	29-03-17	Riversdale	Consent Granted R414
13 Rochdale Drive, BURWOOD EAST	30-03-17	Riversdale	Consent Granted R411
16 Park Road, SURREY HILLS	20-03-17	Riversdale	Consent Granted R414, R415
370 Station Street, BOX HILL SOUTH	17-03-17	Riversdale	Consent Granted R415
12 Scott Grove, BURWOOD	03-03-17	Riversdale	Consent Refused R424
2 Warrina Court, BURWOOD EAST	20-03-17	Riversdale	Consent Refused R409
370 Station Street, BOX HILL SOUTH	17-03-17	Riversdale	Consent Refused R410
41 Fuller Street, MITCHAM	24-03-17	Springfield	Amendment Approved R416
12 Evandale Avenue, NUNAWADING	08-03-17	Springfield	Consent Granted
15 Howard Street, MITCHAM	10-03-17	Springfield	Consent Granted R414
16 Owen Street, MITCHAM	29-03-17	Springfield	Consent Granted R414
21 Mountainview Road, NUNAWADING	17-03-17	Springfield	Consent Granted R414
3 Alern Court, NUNAWADING	29-03-17	Springfield	Consent Granted R415
40 Carinya Road, VERMONT	29-03-17	Springfield	Consent Granted R411
589 Canterbury Road, VERMONT	08-03-17	Springfield	Consent Granted R409
6 Browns Road, NUNAWADING	17-03-17	Springfield	Consent Granted R409, R414
61 Alwyn Street, MITCHAM	29-03-17	Springfield	Consent Granted R415
4 Erskine Street, NUNAWADING	03-03-17	Springfield	Consent Refused R414
40 Carinya Road, VERMONT	29-03-17	Springfield	Consent Refused R409

10.4.4
(cont)

DELEGATED DECISIONS MADE ON STRATEGIC PLANNING MATTERS – MARCH 2017

Under the Planning and Environment Act 1987

Nil

REGISTER OF CONTRACTS SIGNED BY CEO DELEGATION MARCH 2017

Contract	Service
20013	Local Newspaper Advertising Services

REGISTER OF PROPERTY DOCUMENTS EXECUTED MARCH 2017

Property Address	Document Type	Document Detail
Leases		
63-65 Pakenham Street, Blackburn - Blackburn Bowls Club Incorporated	Lease	Whitehorse City Council as Landlord (expires 28-Feb-2026)
16A King Street, Blackburn - Nicholas Papastergiadis	Deed of Renewal of Lease	Whitehorse City Council as Landlord (expires 26-Mar-2022)
Licences		
Part 1228 Riversdale Road, Box Hill South - Eastern Health	Licence	Whitehorse City Council as Licensor (expires 31-Dec-2017)
Rateability Changes (Section 154 of Local Government Act 1989		
44 Salisbury Avenue, Blackburn	Exempt - Minister's Residence	This Property is now occupied by a minister of religion. (Owned by the Baptist Union of Victoria)

REGISTER OF DOCUMENTS AFFIXED WITH THE COUNCIL SEAL – MARCH 2017

Instrument of Sub-Delegation CEO to Staff (Resolution 20-03-17)
Instrument of Appointment of Authorised Officer under the Planning & Environment Act 1987 (Resolution 20-03-17)

10.4.4
(cont)

PARKING RESTRICTIONS APPROVED BY DELEGATION MARCH 2017

Address:	**Shepherd Street, Surrey Hills:** from 15m west of Elgar Road to 20m west of Elgar Road – south side
Previously:	1 'Unrestricted' parking space
Now:	1 'No Stopping, 8am to 9.15am and 3pm to 4pm, School Days' parking space
Address:	**Irving Avenue, Box Hill:** from 52m east of Shipley Street to northern boundary of 88m east of Shipley Street – north side
Previously:	6 'P, Ticket, 8.30am to 6pm, Monday to Saturday' parking space
Now:	6 'Works Zone, 7am to 5pm, Monday to Saturday' parking space
Address:	**Irving Avenue, Box Hill:** from western boundary of 17 Irving Avenue to eastern boundary of 15 Irving Avenue – south side
Previously:	4 '2-Hour, 7.30am to 7.30pm, Monday to Friday' parking spaces
Now:	4 'Works Zone, 7am to 5pm, Monday to Saturday' parking spaces
Address:	**Carrington Road, Box Hill:** from the west side of 111 Carrington Road to east side of 109 Carrington Road – south side
Previously:	4 '2-Hour, 7.30am to 7.30pm, Monday to Saturday' parking spaces
Now:	4 'Works Zone, 7am to 5pm, Monday to Saturday' parking spaces
Address:	**Wellington Road, Box Hill:** from southern boundary of 6-8 Wellington Road to northern boundary of 6-8 Wellington Road – east side
Previously:	4 'Works Zone, 7am to 5pm, Monday to Saturday' parking spaces
Now:	4 '2-Hour, Ticket, 8.30am to 9pm, Monday to Saturday' parking spaces
Address:	**Whitehorse Road, Box Hill:** from west side of 1045 Whitehorse Road to east side of 1047 Whitehorse Road – south side
Previously:	2 '2-Hour, 7.30am to 7.30pm, Monday to Friday' parking spaces
Now:	2 'Works Zone, 7am to 5pm, Monday to Saturday' parking spaces
Address:	**Thames Street, Box Hill North:** from West boundary of 120 Thames Street to East boundary of 120 Thames Street – north side
Previously:	2 'Works Zone, 7am to 5pm, Monday to Saturday' parking spaces
Now:	2 '2-Hour, Ticket, 8.30am to 9pm, Monday to Saturday' parking spaces
Address:	**Peacock Street, Burwood:** from north boundary of 34 Peacock Street to 4m south of the southern boundary of 34 Peacock Street – west side
Previously:	1 '1/2-Hour, 8am to 6pm, Monday to Friday' parking restriction' parking spaces
Now:	1 'No Stopping' parking spaces

10.4.4
(cont)

VENDOR PAYMENT SUMMARY – SUMS PAID DURING MARCH 2017

02/03/2017	$6,997.96	11	EFC
02/03/2017	$243,590.23	66	CHQ
02/03/2017	$651,403.23	49	EFT
03/03/2017	$165.00	1	CHQ
09/03/2017	$55,287.46	1	EFT
09/03/2017	$13,823.20	20	EFC
09/03/2017	$56,500.25	57	CHQ
09/03/2017	$3,389,888.27	383	EFT
16/03/2017	$13,963.59	15	EFC
16/03/2017	$13,963.59	15	EFC
16/03/2017	$93,248.32	29	CHQ
16/03/2017	$431,504.10	32	EFT
16/03/2017	$1,100.00	1	EFT
17/03/2017	$12,292.89	14	EFC
23/03/2017	$5,667.80	11	EFC
23/03/2017	$30,905.14	22	CHQ
23/03/2017	$6,958,637.25	1	EFT
23/03/2017	$454,281.11	52	EFT
24/03/2017	$3,080.00	1	EFT
24/03/2017	$8,384.84	1	EFT
30/03/2017	$6,787.41	16	EFC
30/03/2017	$1,382,046.33	1	EFT
30/03/2017	$5,841,541.71	489	EFT
30/03/2017	$52,113.68	93	CHQ
Monthly Lease	$73,000.00		DD
GROSS	$19,800,173.36	1381	
CANCELLED PAYMENTS	-$47,294.53	-55	
NETT	**$19,752,878.83**	**1326**	

11. REPORTS FROM DELEGATES, SPECIAL COMMITTEE RECOMMENDATIONS AND ASSEMBLY OF COUNCILLORS RECORDS

11.1 Reports by Delegates

(NB: Reports only from Councillors appointed by Council as delegates to community organisations/committees/groups)

RECOMMENDATION

That the reports from delegates be received and noted.

11.2 Recommendations from the Special Committee of Council Meeting of 8 May 2017

11.2.1 Major Projects Councillor Reference Group

Moved by Cr Davenport, Seconded by Cr Cutts

1. ***That Council establish a Major Projects Councillor Reference Group, to be chaired by the Mayor, comprising all Councillors, for the currently approved projects, including the Whitehorse Centre and the Nunawading Community Hub.***
2. ***That the purpose of the Major Projects Councillor Reference Group be to:***
   - ***Monitor progress on overall implementation against approved project plans***
   - ***Provide strategic and financial oversight***
   - ***Receive reports on approved project expenditure including contingency allocations***
   - ***Receive updates on project risks including the impact on existing tenants and relocation plans***
3. ***That the Councillor Reference Group meet at least quarterly and receive reports on the projects as outlined above.***

CARRIED UNANIMOUSLY

11.2.2 Interim Extension to Significant Landscape Overlay

Moved by Cr Ellis, Seconded by Cr Carr

That Council request the Minister for Planning to approve an amendment, without exhibition, to extend the Significant Landscape Overlay to all residential zoned land in the municipality on an interim basis while Council pursues permanent controls to protect trees in the municipality in accordance with Council's resolution at its meeting on 18 July 2016.

CARRIED

11.2.3 Municipal and Industrial Landfill Levy

Moved by Cr Bennett, Seconded by Cr Davenport

That Council:

a) Write to the Minister for Energy, Environment and Climate Change requesting that funding generated through the collection of the Municipal and Industrial Landfill Levy be constrained to the purposes for which the Levy was introduced;

b) Copy the letter to Members of Eastern Metropolitan Region, and the Member for Burwood, Forest Hill, Ringwood and Box Hill;

c) Issue a media release to the local newspapers outlining the impact on Whitehorse ratepayers, by not having funds available for landfill management within the City of Whitehorse

d) Write and publish a story on Council's website and the Whitehorse News on the topic raised in (c).

CARRIED UNANIMOUSLY

RECOMMENDATION

That the recommendations from the Special Committee of Council Meeting of 8 May 2017 Items 11.2.1-11.2.3 (inclusive) be received and adopted.

11.3 Record of Assembly of Councillors

Meeting Date	Matter/s Discussed	Councillors Present	Officers Present	Disclosures of Conflict of Interest	Councillor /Officer attendance following disclosure
18-04-17 6.30-7.00pm	**Councillor Informal Briefing Session** • Item 9.1.1 182-186 Burwood Highway, Burwood • Item 9.1.2 229-231 Blackburn Road, Blackburn South • Item 3.1 Petition – 229-231 Blackburn Road Blackburn South • Heatherdale Community Action Group meeting	Cr Massoud (Mayor & Chair) Cr Bennett Cr Carr Cr Cutts Cr Davenport Cr Ellis Cr Liu Cr Munroe Cr Stennett	N Duff J Green P Warner T Wilkinson P Smith A De Fazio S Freud J Russell	Nil	Nil
24-04-17 6.00- 6.44pm	**Councillor Informal Briefing Session** • 2017/18 Council Budget and Council Plan	Cr Massoud (Mayor & Chair) Cr Bennett Cr Carr Cr Cutts Cr Davenport Cr Ellis Cr Liu Cr Munroe Cr Stennett	N Duff J Green P Warner T Wilkinson P Smith A De Fazio S Freud J Blythe D Cavanagh M Tate	Nil	Nil
01-05-17 6.30-9.00pm	**Strategic Planning Session** • Box Hill Affordable Housing Project • Capital Works • Plan Melbourne 2017-2050 Update • Amendment C175	Cr Massoud (Mayor & Chair) Cr Bennett Cr Carr Cr Cutts Cr Davenport Cr Ellis Cr Liu Cr Munroe Cr Stennett	N Duff J Green P Warner T Wilkinson P Smith A De Fazio D Seddon J White D Comazzetto V McLean	Nil	Nil
08-05-17 6.30-9.30pm	**Councillor Briefing Session** • Confidential Agenda Items • Quarterly Performance Report • Special Committee Agenda/Other Business • Draft Council Agenda 15 May 2017	Cr Massoud (Mayor & Chair) Cr Bennett Cr Carr Cr Cutts Cr Davenport Cr Ellis Cr Liu Cr Munroe Cr Stennett	N Duff J Green P Warner T Wilkinson P Smith A De Fazio S Freud J Russell A Egan J Hansen V McLean T Peak L Hall A Ghastine K Kwong S Cann J White	Nil	NIl

RECOMMENDATION

That the record of Assembly of Councillors be received and noted.

12. REPORTS ON CONFERENCES/SEMINARS ATTENDANCE

RECOMMENDATION

That the record of reports on conferences/seminars attendance be received and noted.

13. CONFIDENTIAL REPORTS

RECOMMENDATION

THAT IN ACCORDANCE WITH SECTION 89 (2) (D), (E) AND (H) OF THE LOCAL GOVERNMENT ACT 1989 THE COUNCIL SHOULD RESOLVE TO GO INTO CAMERA AND CLOSE THE MEETING TO THE PUBLIC AS THE MATTERS TO BE DEALT WITH RELATE TO CONTRACTUAL MATTERS, PROPOSED DEVELOPMENTS AND ANY OTHER MATTER WHICH THE COUNCIL OR SPECIAL COMMITTEE CONSIDERS WOULD PREJUDICE THE COUNCIL OR ANY PERSON.

13.1 COUNCIL OWNED LAND

13.2 COUNCIL OWNED LAND BOX HILL

13.3 ENVIRONMENTAL LAND MANAGEMENT UPDATE

14. CLOSE MEETING