



City of Whitehorse

MINUTES

Ordinary Council Meeting

Held in the
Council Chamber
Nunawading Civic Centre

379 Whitehorse Road Nunawading

on

Monday 11 December 2017

at 7.00pm

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

Ms Noelene Duff
Chief Executive Officer

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Meeting opened at 7.00pm

Present: Cr Davenport (Mayor), Cr Barker, Cr Bennett, Cr Carr, Cr Cutts, Cr Ellis, Cr Liu,
Cr Munroe, Cr Massoud, Cr Stennett

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 WELCOME AND APOLOGIES

The Mayor welcomed all

APOLOGIES: Nil

3 DISCLOSURE OF CONFLICT OF INTERESTS

None disclosed

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Council Meeting 20 November 2017 and Confidential Ordinary Council Meeting 20 November 2017.

COUNCIL RESOLUTION

Moved by Cr Bennett, Seconded by Cr Ellis

That the minutes of the Ordinary Council Meeting 20 November 2017 and Confidential Ordinary Council Meeting 20 November 2017 having been circulated now be confirmed.

CARRIED

5 RESPONSES TO QUESTIONS

None submitted

6 NOTICES OF MOTION

6.1 Notice of Motion No 106 - Cr Barker

COUNCIL RESOLUTION

Moved by Cr Barker, Seconded by Cr Liu

That Council:

With regard to the proposed Yarra Valley Water Doncaster Hill Recycled Water Project (or Sewerage Treatment Plant):

- 1. Write to Yarra Valley Water (YVW) Board Chair and advise that Whitehorse City Council does not support the site for the proposed project being located on any land within the City of Whitehorse including sites owned by Council***
- 2. Advise YVW of our disappointment with the consultation process undertaken during September and October, led by a three person independent panel***
- 3. Urge YVW to release its preferred site and results of the consultation process as soon as possible to enable community members to further comment.***

CARRIED

6.2 Notice of Motion No 107 - Cr Bennett

COUNCIL RESOLUTION

Moved by Cr Bennett, Seconded by Cr Liu

That Council:

- A. Opposes the State Government's decision to select North East Link Option A.***
- B. Write to the State Government and the North East Link Authority seeking additional Information on the proposed widening of the Eastern Freeway and the impact the project will have on surrounding parks, trails, wetlands and open space generally. Also request information on traffic modelling undertaken and additional public transport services planned that would be made available to the residents of the City of Whitehorse.***
- C. Notify the North East Link Authority, Eastern Transport Coalition, Local Members of Parliament and Whitehorse Leader of this motion.***

CARRIED UNANIMOUSLY

7 PETITIONS

8 URGENT BUSINESS

MOTION

Moved by Cr Massoud, Seconded by Cr Carr

That Council accept an item of Urgent Business in relation to a review of the application of the Residential Growth Zone to Frankcom Street Blackburn.

LOST

9 COUNCIL REPORTS

9.1 CITY DEVELOPMENT

Statutory Planning

9.1.1 826-834 Whitehorse Road, BOX HILL (LOTS 3 & 4 PS 434842D 5)– Buildings and works to construct a building comprising 30 storeys plus five levels of basement car parking (including dwellings and commercial uses), use of land for accommodation, and associated reduction of car parking requirements

ATTACHMENT

SUMMARY

This application was advertised, and a total of twenty one (21) objections were received. The objections raised issues with setback of the development from the south boundary, overlooking from south facing balconies at podium level, equitable development opportunities, parking and traffic, visual impact/height, shadowing, impact on infrastructure, population growth in Box Hill, maintaining Box Hill for business/employment, wind impacts, and safety of cladding.

A consultation forum was held on the 15 November 2017, chaired by Cr Barker. The forum was attended by applicant, five objectors (one with a planning representative), and a council planning officer. The issues were discussed and no resolution was reached.

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/2016/1149 for 826-834 Whitehorse Road, BOX HILL (LOTS 3 & 4 PS 434842D 5) to be advertised and having received and noted the objections is of the opinion that the granting of a Notice of Decision to Grant a Planning Permit for the Buildings and works to construct a building comprising 30 storeys plus five levels of basement car parking (including dwellings and commercial uses), and use of land for accommodation, 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 826-834 Whitehorse Road, BOX HILL (LOTS 3 & 4 PS 434842D 5) for the Buildings and works to construct a building comprising 30 storeys plus five levels of basement car parking (including dwellings and commercial uses), and use of land for accommodation, subject to the following conditions:*
- 1.** *Before the use and 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 but modified to show:*
 - a)** *Car parking associated with this development is to be fully compliant with Clause 45.09 Parking Overlay of the Whitehorse Planning Scheme.*
 - b)** *The 37 proposed small vehicle car parking spaces are to be converted to regular sized car parking spaces in accordance with Clause 52.06 Car Parking Design Standards of the Whitehorse Planning Scheme.*

9.1.1

(cont)

- c) All doors that open out onto Fairbank Lane over the carriageway easement must open internally or 180 degree flat against the building wall.*
- d) Provision of publically accessible artwork in the commercial and residential lobbies, in accordance with Condition 21.*
- e) All residential balconies must have a minimum area of 8 square metres uninterrupted by any plant or equipment, such as air-conditioner external units.*
- f) Provision of play equipment or playable elements for children, such as sculpture or seating elements in communal areas.*
- g) Notation that no part of the building is to encroach into the road reserve.*
- h) The provision and location of two showers and associated change rooms to be provided for staff of the various uses.*
- i) Provision of a minimum of five (5) dedicated motorcycle parking spaces within the basement.*
- j) Provision and location of a minimum of two car share spaces within the basement to be made available to building residents, staff, and the public.*
- k) Provision of a minimum of 20% of the required bicycle parking hoops in the front of the entrances to the retail areas in accordance with Condition 25.*
- l) Alterations to plans to show the requirements of the approved Parking Management Plan and Green Travel Plan, where relevant.*
- m) Demonstrate that a minimum 4.0 metre height clearance is provided at the entrance to the car park at the street level and the canopy above the entrance.*
- n) The height off the ground for the above bonnet storage provided for the residential parking spaces to be notated on the plans (to be provided at a height that complies with standards).*
- o) Provision of access to toilet facilities for all commercial tenancies.*
- p) Location of grease traps and exhaust flues serving all of the food and drink premises and connection points for the grease removal truck, from a parking space that will not block vehicular access to or from the site.*
- q) Development plans updated to include all of the relevant requirements of the Lighting Strategy in accordance with Condition 22.*
- r) A detailed schedule and samples of all external cladding materials, colours and finishes, including fine grain details of façade treatments such as door and window opening at all levels but particularly at the ground and first floor levels which interface with Whitehorse Road. Consideration should be given to energy efficiency properties, durability and maintenance requirements of selected colours and finishes.*
- s) Specification of glazing materials to be used on all external walls, including details demonstrating that they will not reflect unreasonable glare when viewed from any nearby road network, to the satisfaction of the Responsible Authority.*
- t) Development plans to reflect all sustainability features indicated in the updated Sustainability Management Plan required by Condition 18 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.).*
- u) Details of how 'back-of-house' access to the restaurant tenancies and café will be provided for deliveries and waste management.*

9.1.1

(cont)

- v) *Development plans updated to include the relevant requirements of the Vipac Engineers and Scientists Report, dated 12 December 2016, in accordance with Condition 13.*
- w) *Development plans to reflect requirements of the Acoustic Report in accordance with Condition 61.*
- x) *The following reports to be amended as required will form part of the endorsed documentation:*
 - i. *Landscape Plan in accordance with Condition 9*
 - ii. *Landscaping Maintenance Plan in accordance with Condition 10*
 - iii. *Amended Wind Report in accordance with Condition 13*
 - iv. *Amended Sustainability Management Plan in accordance with Condition 18*
 - v. *Art Strategy in accordance with Condition 21*
 - vi. *Lighting Strategy in accordance with Condition 22*
 - vii. *Traffic Impact Assessment in accordance with Condition 23*
 - viii. *Parking Management Plan in accordance with Condition 25*
 - ix. *Green Travel Plan in accordance with Condition 26*
 - x. *Amended Waste Management Plan in accordance with Condition 29*
 - xi. *Construction Management Plan in accordance with Condition 30*
 - xii. *Detailed Engineering Design Drawings for treatment of land within Fairbank Lane in accordance with Condition 33*
 - xiii. *Signage Strategy in accordance with Condition 57*
 - xiv. *Acoustic Report in accordance with Condition 61*

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.*
- 3. *The uses 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. *Notwithstanding signage that can be displayed as of right or as approved by a planning permit, any transparent glazing for the gymnasium and food and drink premises facades must be retained without visual obstruction, to the satisfaction of the Responsible Authority.*
- 5. *The communal areas, including gardens and recreational areas, must be available for use by all residents, and employees of the particular building.*
- 6. *This Planning Permit does not and should not be taken as authorizing the occupation of or carrying out of works upon or over land or airspace not under the ownership or control of the permit holder. The permit holder must satisfy itself that it holds the permissions or interests necessary to carry out the use and/or development.*

Affordable Housing

- 7. *A minimum of ten (10) dwellings within the development are to be made available in accordance with Condition 8 for the purpose of social or affordable housing to the satisfaction of the Responsible Authority.*
- 8. *Prior to the commencement of buildings and works the owner of the land must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 requiring:*

9.1.1
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- a) *The transfer to a registered Housing Association/ Provider of ten (10) dwellings for the provision for social or affordable housing in accordance with the requirements of the Housing Act 1983 or other applicable legislation as amended from time to time; or*
- b) *Ten (10) dwellings to be secured for the provision of affordable housing by a provider to the satisfaction of the Responsible Authority.*
- c) *The cost of preparing and registering the agreement is to be paid by the permit holder.*

Landscaping

9. *Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works 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 will form part of this permit. This plan shall show:*

- *Details of all street frontage features and footpath areas from the building façade to the kerb of Whitehorse Road. The design and materials must be consistent with the Box Hill Urban Landscape Design Guidelines Urban Core Treatment, to the satisfaction of the Responsible Authority.*
- *Further details and design work, to ensure that the retaining wall and associated landscaping located along the frontage of the site are appropriately integrated with the public realm out to the kerb line.*
- *Nomination of all proposed services, e.g. street lights and all existing infrastructure services, and street furniture.*
- *Details of all containerised planting infrastructure.*
- *Play equipment or playable elements such as sculptures for children residing or visiting the building.*
- *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.*

All of the above must be to the satisfaction of the Responsible Authority.

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

10. *Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works, 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 street trees and street level garden beds, including details of frequency and water delivery method.*
- b) *Details of the ongoing maintenance procedures to ensure that the indoor and outdoor 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.*

All of the above must be to the satisfaction of the Responsible Authority.

Once approved this plan will become part of the endorsed plans of this permit.

11. *Prior to occupation, the road reserve between the subject site and the kerb along the Whitehorse Road frontage must be constructed and laid out in accordance with the endorsed plans to the satisfaction of the Responsible Authority. The design and materials must be consistent with the Box Hill Urban Landscape Design Guidelines Urban Core Treatment, to the satisfaction of the Responsible Authority.*

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- 12. No street tree may be removed without the prior written consent of the Responsible Authority.**

Wind Report

- 13. Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works, the following modifications are to be made to the development in accordance with the Wind Report, prepared by Vipac Engineers and Scientists dated 12 December 2016, including:**
 - a) Canopy with a depth of 1.5 metres above the adjacent footpath;**
 - b) Setback entrances along the western Whitehorse Road frontage;**
 - c) Trees planted on the northern and southern end of the pedestrian thoroughfare;**
 - d) The removal of the 1.5 metre high impermeable screens along the north-eastern seating area; and**
 - e) The removal of the 1.5 metre high landscaping from the street level.**
- 14. The recommendations of the wind report must be implemented such that:**
 - a) There is no cost to the Responsible Authority,**
 - b) Not rely on the provision of street trees for wind mitigation.**
 - c) There is no reliance on the provision of vertical baffles on public land, except where all appropriate approvals have been obtained from all relevant authorities and land managers and approval also granted by the Responsible Authority.**
 - d) Consent and the appropriate approvals must be obtained from Whitehorse City Council for all wind amelioration features that protrude into or over the west, and east property boundaries.**

Building Services

- 15. All building plant and equipment on the roofs, balcony areas, common areas, public thoroughfares is 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, down pipes, aerials, satellite dishes, telecommunication facilities, 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.**
- 16. 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.**
- 17. Mail boxes are to be accessible for deliveries between the hours of 6am – 6p Monday to Friday.**

Environmentally Sustainable Development

- 18. Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works, an amended Sustainability Management Plan must be submitted to and approved by the Responsible Authority.**

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

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This Sustainability Management Plan must be generally in accordance with the SMP submitted with the application (prepared by JBA Consulting Engineers, dated 13 December 2016) but amended to include the following changes:

- a) A valid STORM Rating Report with a score of 100% or greater*
- b) A Green Star Design Review Submission. Alternately, provide a complete, valid BESS Report that exceeds a total score above 50%, four 'pass' marks and no less than 50% in six categories.*
- c) Include a preliminary sample set of NatHERS as per Guide to NatHERS Sample Sizes*
- d) A comprehensive, quantitative assessment of the non-residential building fabric thermal performance, such as the BCA Glazing Calculator for all non-residential building uses.*
- 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 16.5L/person/day for 4 star WELS rated toilet). Expected end uses to include toilet flushing (for at least 75 occupants), irrigation and general wash down. A new rainwater tank size should be selected based on the revised calculations, ensuring adequate reliability of supply is maintained. Alternatively, increase the size of the rainwater tank to 45 kL, which would enable a longer period of water security.*
- f) Commit to controlling all service and lift area lighting with occupancy sensors.*
- g) Commit to control common, service and lift area ventilation with occupancy sensors. It is strongly encouraged that where possible corridors have small operable openings, ie trickle vents.*
- h) Control car park ventilation with CO sensors.*
- i) Control car park lighting (at least 50% of lighting fixtures) with motion sensors.*

The requirements of the Sustainability Management Plan must be demonstrated on the plans and elevations submitted for endorsement, and the requirements of this plan must be implemented by the building manager, owners and occupiers of the site when constructing and fitting out the residential building, and for the duration of the building's operation in accordance with this permit, to the satisfaction of the Responsible Authority.

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

- 19. Prior to the occupation of any dwelling 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.*
- 20. 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.*

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Art Strategy

21. Prior to the occupation of the building, an Artwork Strategy must be prepared to the satisfaction of the Responsible Authority. The Artwork Strategy must provide details of a process to allow review of the conceptual design of the artwork at the façade/s of the podium by Council representatives, prior to the installation of the artwork, in order to ensure that the artwork achieves the following objectives:

- a) To activate the façade/s of the building and facilitate pedestrian activity at this interface,**
- b) To be constructed in a safe and structurally sound manner and of durable and appropriate materials,**
- c) To display appropriate content.**

The permit holder must convene a Review Committee comprising (but not limited to) an Arts Officer and a Planning Officer from Whitehorse City Council, a building surveyor/structural engineer, and representatives of the land owner, artist and architect. The Review Committee must review the artwork at concept stage to ensure it will comply with the objectives listed above. The final artwork must be consistent with the Review Committee's recommendations, and must also achieve structural certification by a suitably qualified structural engineer, as appropriate.

The artwork must be installed and maintained in accordance with the outcomes of the Artwork Strategy, to the satisfaction of the Responsible Authority.

Lighting Strategy

22. Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works, a Lighting Strategy must be prepared to the satisfaction of the Responsible Authority. The Lighting Strategy must provide details of proposed lighting of Whitehorse Road, and the pedestrian laneway to the east, and Fairbank Lane to the south, and must be prepared in accordance with the Safety By Design Guidelines to the satisfaction of the Responsible Authority.

All external lights must be of a limited intensity and must ensure no unreasonable nuisance is caused to adjoining or nearby residents.

This lighting must be maintained and operated for the life of the building to the satisfaction of the Responsible Authority.

Car Parking & Traffic

23. Prior to the commencement of the use a detailed Traffic Impact Assessment must be provided to the satisfaction of the Responsible Authority assessing the impact of the traffic associated with the development on:

- a) Fairbank Lane, Young Street, Nelson Road, Prospect Street, Elgar Road, and Whitehorse Road.**
- b) The intersections of:**
 - i. Fairbank Lane & Nelson Road;**
 - ii. Fairbank Lane & Young Street;**
 - iii. Young Street & Prospect Street;**
 - iv. Nelson Road & Prospect Street;**
 - v. Elgar Road and Prospect Street;**
 - vi. Whitehorse and Nelson Road;**
 - vii. Whitehorse and Elgar Road.**
- c) Investigate in detail potential options to alleviate the traffic impacts of the development to the local road network and to maintain pedestrian and cyclist priority.**

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- 24. 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.**
- 25. Prior to the commencement of buildings or works on the land, a Parking Management Plan, detailing how car and bicycle parking areas, accessways and loading bays 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 spaces generally in accordance with Traffic Impact Assessment prepared by MGA 3 May 2017.**
- b) Details of car share, accessible (disabled) or motorcycle parking spaces to be nominated within the basement car parking areas.**
- c) Allocation of all parking spaces (except short term, visitor, disabled, and car-share spaces) to individual dwellings and tenancies and commercial uses. Each space within any tandem parking bays must be allocated to the same unit / commercial tenancy.**
- d) Pedestrian access and movement within the car parking areas, including strategies to minimise the potential for conflict between pedestrians and vehicles. This may include line marking such as hatched shared areas, directions signs and/or physical barriers.**
- e) Allocation of bicycle spaces to tenancies and visitors.**
- f) Provision of some of the bicycle parking hoops in front of the entrances to the café, and retail areas.**
- g) As per the recent update to AS 2890.3:2015, Bicycle Parking Facilities are required to include a minimum of 20% of ground level (horizontal) Bicycle Parking Devices (BPD) in any bicycle parking facility. This is to provide for those riders unable to lift a bicycle to a hanging BPD and for parking of non-standard bicycles..**
- h) Location and face of bicycle parking signs in accordance with Clause 52.34-5.**
- i) Signage for car and bicycle parking spaces.**
- j) Line marking of car parking spaces.**
- k) Details of how access to car spaces, disabled car spaces and bicycle spaces will be achieved by visitors (i.e. an intercom) and how parking will be secured.**
- l) Details of the car share scheme.**
- m) Details of how access to the loading bay and waste collection area will be achieved by delivery vehicles and waste collection vehicles (i.e. an intercom) and how these areas will be secured.**
- n) How the car park will be managed to ensure that all vehicles exit the site in a forwards direction.**
- o) Details of signage or alternate measures to ensure that delivery and waste vehicles reverse into the loading area and exit the site in a forwards direction.**
- p) STOP/GIVE WAY Controls are to be provided at cross intersections within the car park, particularly at intersections with ramps where there is no control.**
- q) Centre lines to be provided along curved sections of the access ramp to guide motorists and keep vehicles to the left of the ramp.**
- r) Accessibility and parking for the grease removal truck, from a parking space that will not block vehicular access to or from the site.**

9.1.1
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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.

Green Travel Plan

26. Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works, a Green Travel Plan must be prepared by a suitably qualified person and must encourage the use of non-private vehicle transport modes by the occupiers of the land. The Plan must include the following:

- a) A description of the location in the context of alternative modes of transport and objectives for the Green Travel Plan;**
- b) Outline Green Travel Plan measures for the development including, but not limited to:**
 - i. Household welcome packs – tram, train and bus timetables relevant to the local area must be included in the pack of information provided to purchasers upon a purchaser's occupation of an apartment;**
 - ii. Include a zone one/ two myki pass and registration information to the value of one week travel;**
 - iii. Bicycle parking and facilities available on the land;**
 - iv. Pedestrian routes to key destinations.**

The Green Travel Plan must not be amended without written consent of the Responsible Authority following consultation with Public Transport Victoria.

Once submitted to and approved by the Responsible Authority, the Green Travel Plan will form part of the documents endorsed as part of this permit.

The requirements of the Green Travel Plan must be implemented by the 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.

Car Share

27. A minimum of two car-share spaces as shown on the endorsed plans must be retained onsite unless otherwise agreed in writing by the Responsible Authority. The share cars must be made available to building residents, staff and the public at all times.

Loading/unloading

28. The loading and unloading of goods from vehicles must only be carried out within the boundaries of the site or a dedicated loading bay and must not affect the function of Fairbank Lane.

Waste Management Plan

29. Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works, the Waste Management Plan prepared by Leigh Design and dated 2 May 2017, must be amended and submitted for approval to the satisfaction of the Responsible Authority. The Waste Management Plan must include:

- a) The collection vehicle must exit the development onto Fairbank Lane in an easterly direction.**
- b) Allocation of space for:**
 - i. Bin lifting equipment.**
 - ii. Show details/ locations to house this equipment.**
 - iii. Bin washing facilities with details/ locations/ area to house this equipment.**
 - iv. Balers for cardboard and soft plastic.**
 - v. Electronic waste disposal.**

9.1.1
(cont)

- vi. Details of how these materials will be stored/ removed from the site.*
- vii. Liquid waste and charitable materials. Reference to how these materials will be handled from within the development.*
- c) *The waste configuration of the development amended to implement the above waste components/ facilities to match the scale of the development and the variety of tenancies.***

The requirements and outcomes of the Waste Management Plan must be demonstrated on the plans and elevations submitted for endorsement.

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

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

- 30. *Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works, 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.***

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.

The Council owned Car Park at 8A Prospect Street, Box Hill is not available during construction for the purposes of site offices/ storage or any other construction related activities.

9.1.1 (cont)

Drainage and assets

31. *Any proposed awnings and facades that overhang into the road reserve need to comply with the relevant Building Act and Regulations and if approved then a suitable agreement must be entered into with Council.*
32. *The applicant will be required to fully reconstruct the pavement in Fairbank Lane, pending the determination of the scope of works required for this development and access routes endorsed in the Construction Management Plan.*
33. *Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works, detailed plans and specification for the reconstruction of Fairbank Lane shall be submitted and approved by the Responsible Authority. The plans must show existing and proposed works including surface and underground drainage, pavement and footpath details, concrete kerbs and channels and street lighting.*
34. *Council's existing stormwater pipe and pits within Fairbank Lane must be protected at all times. Any proposal to alter the Council drainage assets in any way must be submitted to Council for approval and if approved by Council be undertaken at the expense of the applicant.*
35. *Council requirements for reinstatement of civil assets are to be determined prior to approval of Construction Management Plan, and based on the approved Traffic Management Plan, to be confirmed with the developer/contractor. The developer/contractor is to contact the Engineering Asset Team to confirm the reinstatement of conditions.*
36. *The developer/contractor will be required to submit a Report regarding any pre-existing damage to Council assets (Dilapidation Report), prior to the Asset Protection Permit being issued and the Protection Work Notice is signed off (if required). Please note that this Report will have to show all of the Council assets adjoining to the property boundary, and will be based on the approved access routes, pending on the approved Traffic Management Plan.*

Additional information may be required once an assessment of the proposed protection work has been completed.
37. *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) 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*
38. *If any damage to Council trees occurs during the building works, full amenity value of the trees will be charged to the applicant. If any trees have to be removed as a part of this project, amenity value of the trees has to be paid in full to the Council Parkswide Department prior to the commencement of works. Please contact Parkswide Department on 9262 6289 if the removal of the trees is required or if any works related to this development is going to impact on trees. A security deposit for tree protection may be requested.*
39. *All stormwater drains must be connected to a point of discharge to the satisfaction of the Responsible Authority.*
40. *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.*

9.1.1

(cont)

- 41. 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 registered consulting engineer (who is listed on the Engineers Australia National Professional Engineer Register) and submitted for approval by the Responsible Authority prior to the commencement of any works. Dual certification by a registered consulting engineer (who is listed on the Engineers Australia National Professional Engineer Register) for design of the on-site detention must be provided to Council prior to the approval of the civil plan.**
- 42. Stormwater connection to the nominated point of discharge and stormwater on-site detention must be completed and approved to the satisfaction of the Responsible Authority prior to the occupation of the building.**
- 43. As constructed civil drawings that are computer drafted are to be provided to Council after the completion of civil works prior to the occupation of the building.**
- 44. Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.**
- 45. 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 or managed by Council as may be applicable.**
- 46. Access doors to the development should not open out onto Fairbank Lane.**
- 47. No alteration to existing interface levels will be permitted other than to maintain or introduce adequate and consistent road reserve (including laneway) cross fall and longitudinal fall all to the satisfaction of the Responsible Authority.**
- 48. 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 and other Public Authority assets.**
- 49. Any obstructions within the right of carriageway and/or laneway must permit vehicles and/or articulated vehicles to travel unimpeded safely through the rear laneway.**

Amenity

- 50. The amenity of the area must 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; or**
 - e) In any other way.**
- 51. The development and use of the site must not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard the emission of noise must comply with the provisions of the Environment Protection Act 1970 (as amended) and the policies of the Environment Protection Authority.**

9.1.1

(cont)

- 52. The commercial use and development of the site shall be so ordered and maintained so it will not prejudicially affect the amenity of the locality by reason of appearance to the satisfaction of the Responsible Authority.**
- 53. All external lights associated with the commercial use and development of the site allow by this Permit must be of a limited intensity to ensure no adjoining or nearby residents and must be provided with appropriate baffles, so that no direct light or glare is emitted outside the site to the satisfaction of the Responsible Authority.**
- 54. The deliveries to the commercial tenancies must occur between the following hours:**
 - a) 7.00am to 10.00pm Monday to Saturday.**
 - b) 9.00am to 10.00pm Sundays and Public Holidays**

Unless with the further written consent of the Responsible Authority.

Glazing

- 55. Glazing materials used on all external walls must be of a type that does not reflect more than 20% of visible light when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority.**

Mechanical Exhaust Systems

- 56. 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.**

Signage Strategy

- 57. Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works, a Signage Strategy must be submitted to and approved by the Responsible Authority. The strategy shall include details on signage 'zones' and typology on the building facades including maximum dimensions for future signage planning applications. Details are to include wayfinding and business identification signage.**

Disability Access

- 58. Prior to the commencement of development, excluding demolition, bulk excavation and site preparation works, a detailed report on the compliance with disability access shall be undertaken to the satisfaction of the Responsible Authority.**

Public Realm

- 59. 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.**
- 60. Prior to the commencement of any works the owner of the land shall enter into an agreement with the City of Whitehorse which will indemnify Council against any loss or damage it may incur as a result of any proposed buildings and works constructed on or over Council owned land.**

9.1.1 (cont)

Acoustic Treatment

- 61. Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works an Acoustic Report must be submitted to and be to the satisfaction of the Responsible Authority documenting acoustic mitigation measures to be implemented in the building to achieve compliance with the Australian Standards.**
- 62. Prior to the occupation of the development, a letter of confirmation from a suitably qualified Acoustic Consultant must be submitted for approval by the Responsible Authority to certify that the development is designed and constructed in accordance with the Acoustic Treatment Plan to ensure that noise measured in the proposed dwellings and existing residential dwellings surrounding the subject site does not exceed the levels set out under the Australian Standard.**

Public Transport Victoria

- 63. The existing bus stop and associated infrastructure on Whitehorse Road must not be altered without the prior consent of Public Transport Victoria. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder.**
- 64. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Whitehorse Road is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen (14) days prior. Any damage to public transport infrastructure must be rectified to the satisfaction of Public Transport Victoria at the full cost of the permit holder.**

Expiry

- 65. 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 gymnasium, shop, accommodation and food and drink premises use have 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

Engineering and Assets

- A. 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.**
- B. 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.**

9.1.1

(cont)

- C. All stormwater drainage within the development site and associated with the buildings (except for connection to the nominated point of discharge within the site) must be approved and completed to the satisfaction of the Building Surveyor prior to the occupation of any of the buildings, in accordance with the provisions of the Building Regulations (2006) Section 610.**
- D. 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.**

Street Trees

- E. Please contact Parkswide Department on 9262 6289 if the removal of the trees is required or if any works related to this development is going to impact on trees. A security deposit for tree protection may be requested.**

DDA Access

- F. 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 or managed by Whitehorse City Council as may be applicable.**

Property

- G. This is a town planning permit only. It does not and should not be taken as authorising the occupation of or carrying out of works upon or over land or airspace not under the ownership or control of the permit holder. The permit holder must satisfy that it holds the permissions or interests necessary to carry out the use and/or development. In respect to any intrusions into the adjacent Road Reserve, the owner of the property will be required to enter into a Section 173 Agreement with Council, acting as the Road Authority for Fairbank Lane. In respect to any intrusions into the Whitehorse Road Reserve, permission must be obtained from Vic Roads.**

Car Parking

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

MOTION

Moved by Cr Munroe, Seconded by Cr Ellis

That Council

- A. Being the Responsible Authority, having caused Application WH/2016/1149 for 826-834 Whitehorse Road, BOX HILL (LOTS 3 & 4 PS 434842D 5) to be advertised and having received and noted the objections is of the opinion that the granting of a Notice of Decision to Grant a Planning Permit for the Buildings and works to construct a building comprising 30 storeys plus five levels of basement car parking (including dwellings and commercial uses), and use of land for accommodation, 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 826-834 Whitehorse Road, BOX HILL (LOTS 3 & 4 PS 434842D 5) for the Buildings and works to construct a building comprising 30 storeys plus five levels of basement car parking (including dwellings and commercial uses), and use of land for accommodation, subject to the following conditions:**

9.1.1

(cont)

1. ***Before the use and 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 but modified to show:***
 - a) ***A minimum setback of 4.5m between the centre line of Fairbank Lane and the three apartments located at the western end of Level 5. This setback includes balconies.***
 - b) ***A minimum setback of 4.5m between the centre line of Fairbank Lane and the tower levels above the podium.***
 - c) ***Car parking associated with this development is to be fully compliant with Clause 45.09 Parking Overlay of the Whitehorse Planning Scheme.***
 - d) ***The 37 proposed small vehicle car parking spaces are to be converted to regular sized car parking spaces in accordance with Clause 52.06 Car Parking Design Standards of the Whitehorse Planning Scheme.***
 - e) ***All doors that open out onto Fairbank Lane over the carriageway easement must open internally or 180 degree flat against the building wall.***
 - f) ***Provision of publically accessible artwork in the commercial and residential lobbies, in accordance with Condition 21.***
 - g) ***All residential balconies must have a minimum area of 8 square metres uninterrupted by any plant or equipment, such as air-conditioner external units.***
 - h) ***Provision of play equipment or playable elements for children, such as sculpture or seating elements in communal areas.***
 - i) ***Notation that no part of the building is to encroach into the road reserve.***
 - j) ***The provision and location of two showers and associated change rooms to be provided for staff of the various uses.***
 - k) ***Provision of a minimum of five (5) dedicated motorcycle parking spaces within the basement.***
 - l) ***Provision and location of a minimum of two car share spaces within the basement to be made available to building residents, staff, and the public.***
 - m) ***Provision of a minimum of 20% of the required number of bicycle parking hoops in front of the entrances to the retail areas in accordance with Condition 25.***
 - n) ***Alterations to plans to show the requirements of the approved Parking Management Plan and Green Travel Plan, where relevant.***
 - o) ***Demonstrate that a minimum 4.0 metre height clearance is provided at the entrance to the car park at the street level and the canopy above the entrance.***
 - p) ***The height off the ground for the above bonnet storage provided for the residential parking spaces to be notated on the plans (to be provided at a height that complies with standards).***
 - q) ***Provision of access to toilet facilities for all commercial tenancies.***
 - r) ***Location of grease traps and exhaust flues serving all of the food and drink premises and connection points for the grease removal truck, from a parking space that will not block vehicular access to or from the site.***
 - s) ***Development plans updated to include all of the relevant requirements of the Lighting Strategy in accordance with Condition 22.***

9.1.1

(cont)

- t) A detailed schedule and samples of all external cladding materials, colours and finishes, including fine grain details of façade treatments such as door and window opening at all levels but particularly at the ground and first floor levels which interface with Whitehorse Road. Consideration should be given to energy efficiency properties, durability and maintenance requirements of selected colours and finishes.*
- u) Specification of glazing materials to be used on all external walls, including details demonstrating that they will not reflect unreasonable glare when viewed from any nearby road network, to the satisfaction of the Responsible Authority.*
- v) Development plans to reflect all sustainability features indicated in the updated Sustainability Management Plan required by Condition 18 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.).*
- w) Details of how 'back-of-house' access to the restaurant tenancies and café will be provided for deliveries and waste management.*
- x) Development plans updated to include the relevant requirements of the Vipac Engineers and Scientists Report, dated 12 December 2016, in accordance with Condition 13.*
- y) Development plans to reflect requirements of the Acoustic Report in accordance with Condition 61.*
- z) The following reports to be amended as required will form part of the endorsed documentation:*
 - i. Landscape Plan in accordance with Condition 9*
 - ii. Landscaping Maintenance Plan in accordance with Condition 10*
 - iii. Amended Wind Report in accordance with Condition 13*
 - iv. Amended Sustainability Management Plan in accordance with Condition 18*
 - v. Art Strategy in accordance with Condition 21*
 - vi. Lighting Strategy in accordance with Condition 22*
 - vii. Traffic Impact Assessment in accordance with Condition 23*
 - viii. Parking Management Plan in accordance with Condition 25*
 - ix. Green Travel Plan in accordance with Condition 26*
 - x. Amended Waste Management Plan in accordance with Condition 29*
 - xi. Construction Management Plan in accordance with Condition 30*
 - xii. Detailed Engineering Design Drawings for treatment of land within Fairbank Lane in accordance with Condition 33*
 - xiii. Signage Strategy in accordance with Condition 57*
 - xiv. Acoustic Report in accordance with Condition 61*

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.*
- 3. The uses 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.*

9.1.1

(cont)

4. *Notwithstanding signage that can be displayed as of right or as approved by a planning permit, any transparent glazing for the gymnasium and food and drink premises facades must be retained without visual obstruction, to the satisfaction of the Responsible Authority.*
5. *The communal areas, including gardens and recreational areas, must be available for use by all residents, and employees of the particular building.*
6. *This Planning Permit does not and should not be taken as authorizing the occupation of or carrying out of works upon or over land or airspace not under the ownership or control of the permit holder. The permit holder must satisfy itself that it holds the permissions or interests necessary to carry out the use and/or development.*

Affordable Housing

7. *A minimum of ten (10) dwellings within the development are to be made available in accordance with Condition 8 for the purpose of social or affordable housing to the satisfaction of the Responsible Authority.*
8. *Prior to the commencement of buildings and works the owner of the land must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 requiring:*
 - a) *The transfer to a registered Housing Association/ Provider of ten (10) dwellings for the provision for social or affordable housing in accordance with the requirements of the Housing Act 1983 or other applicable legislation as amended from time to time; or*
 - b) *Ten (10) dwellings to be secured for the provision of affordable housing by a provider to the satisfaction of the Responsible Authority.*
 - c) *The cost of preparing and registering the agreement is to be paid by the permit holder.*

Landscaping

9. *Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works 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 will form part of this permit. This plan shall show:*
 - *Details of all street frontage features and footpath areas from the building façade to the kerb of Whitehorse Road. The design and materials must be consistent with the Box Hill Urban Landscape Design Guidelines Urban Core Treatment, to the satisfaction of the Responsible Authority.*
 - *Further details and design work, to ensure that the retaining wall and associated landscaping located along the frontage of the site are appropriately integrated with the public realm out to the kerb line.*
 - *Nomination of all proposed services, e.g. street lights and all existing infrastructure services, and street furniture.*
 - *Details of all containerised planting infrastructure.*
 - *Play equipment or playable elements such as sculptures for children residing or visiting the building.*
 - *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.*

All of the above must be to the satisfaction of the Responsible Authority.

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

9.1.1

(cont)

- 10. Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works, 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 street trees and street level garden beds, including details of frequency and water delivery method.**
- b) Details of the ongoing maintenance procedures to ensure that the indoor and outdoor 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.**

All of the above must be to the satisfaction of the Responsible Authority.

Once approved this plan will become part of the endorsed plans of this permit.

- 11. Prior to occupation, the road reserve between the subject site and the kerb along the Whitehorse Road frontage must be constructed and laid out in accordance with the endorsed plans to the satisfaction of the Responsible Authority. The design and materials must be consistent with the Box Hill Urban Landscape Design Guidelines Urban Core Treatment, to the satisfaction of the Responsible Authority.**
- 12. No street tree may be removed without the prior written consent of the Responsible Authority.**

Wind Report

- 13. Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works, the following modifications are to be made to the development in accordance with the Wind Report, prepared by Vipac Engineers and Scientists dated 12 December 2016, including:**
- a) Canopy with a depth of 1.5 metres above the adjacent footpath;**
 - b) Setback entrances along the western Whitehorse Road frontage;**
 - c) Trees planted on the northern and southern end of the pedestrian thoroughfare;**
 - d) The removal of the 1.5 metre high impermeable screens along the north-eastern seating area; and**
 - e) The removal of the 1.5 metre high landscaping from the street level.**
- 14. The recommendations of the wind report must be implemented such that:**
- a) There is no cost to the Responsible Authority,**
 - b) Not rely on the provision of street trees for wind mitigation.**
 - c) There is no reliance on the provision of vertical baffles on public land, except where all appropriate approvals have been obtained from all relevant authorities and land managers and approval also granted by the Responsible Authority.**
 - d) Consent and the appropriate approvals must be obtained from Whitehorse City Council for all wind amelioration features that protrude into or over the west, and east property boundaries.**

9.1.1
(cont)

Building Services

- 15. All building plant and equipment on the roofs, balcony areas, common areas, public thoroughfares is 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, down pipes, aerials, satellite dishes, telecommunication facilities, 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.**
- 16. 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.**
- 17. Mail boxes are to be accessible for deliveries between the hours of 6am – 6p Monday to Friday.**

Environmentally Sustainable Development

- 18. Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works, an amended Sustainability Management Plan must be submitted to and approved by the Responsible Authority.**

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

This Sustainability Management Plan must be generally in accordance with the SMP submitted with the application (prepared by JBA Consulting Engineers, dated 13 December 2016) but amended to include the following changes:

- a) A valid STORM Rating Report with a score of 100% or greater**
- b) A Green Star Design Review Submission. Alternately, provide a complete, valid BESS Report that exceeds a total score above 50%, four 'pass' marks and no less than 50% in six categories.**
- c) Include a preliminary sample set of NatHERS as per Guide to NatHERS Sample Sizes**
- d) A comprehensive, quantitative assessment of the non-residential building fabric thermal performance, such as the BCA Glazing Calculator for all non-residential building uses.**
- 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 16.5L/person/day for 4 star WELS rated toilet). Expected end uses to include toilet flushing (for at least 75 occupants), irrigation and general wash down. A new rainwater tank size should be selected based on the revised calculations, ensuring adequate reliability of supply is maintained. Alternatively, increase the size of the rainwater tank to 45 kL, which would enable a longer period of water security.**
- f) Commit to controlling all service and lift area lighting with occupancy sensors.**

9.1.1 (cont)

- g) Commit to control common, service and lift area ventilation with occupancy sensors. It is strongly encouraged that where possible corridors have small operable openings, ie trickle vents.*
- h) Control car park ventilation with CO sensors.*
- i) Control car park lighting (at least 50% of lighting fixtures) with motion sensors.*

The requirements of the Sustainability Management Plan must be demonstrated on the plans and elevations submitted for endorsement, and the requirements of this plan must be implemented by the building manager, owners and occupiers of the site when constructing and fitting out the residential building, and for the duration of the building's operation in accordance with this permit, to the satisfaction of the Responsible Authority.

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

- 19. Prior to the occupation of any dwelling 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.*
- 20. 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.*

Art Strategy

- 21. Prior to the occupation of the building, an Artwork Strategy must be prepared to the satisfaction of the Responsible Authority. The Artwork Strategy must provide details of a process to allow review of the conceptual design of the artwork at the façade/s of the podium by Council representatives, prior to the installation of the artwork, in order to ensure that the artwork achieves the following objectives:*
 - a) To activate the façade/s of the building and facilitate pedestrian activity at this interface,*
 - b) To be constructed in a safe and structurally sound manner and of durable and appropriate materials,*
 - c) To display appropriate content.*

The permit holder must convene a Review Committee comprising (but not limited to) an Arts Officer and a Planning Officer from Whitehorse City Council, a building surveyor/structural engineer, and representatives of the land owner, artist and architect. The Review Committee must review the artwork at concept stage to ensure it will comply with the objectives listed above. The final artwork must be consistent with the Review Committee's recommendations, and must also achieve structural certification by a suitably qualified structural engineer, as appropriate.

The artwork must be installed and maintained in accordance with the outcomes of the Artwork Strategy, to the satisfaction of the Responsible Authority.

9.1.1
(cont)

Lighting Strategy

- 22. Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works, a Lighting Strategy must be prepared to the satisfaction of the Responsible Authority. The Lighting Strategy must provide details of proposed lighting of Whitehorse Road, and the pedestrian laneway to the east, and Fairbank Lane to the south, and must be prepared in accordance with the Safety By Design Guidelines to the satisfaction of the Responsible Authority.**

All external lights must be of a limited intensity and must ensure no unreasonable nuisance is caused to adjoining or nearby residents.

This lighting must be maintained and operated for the life of the building to the satisfaction of the Responsible Authority.

Car Parking & Traffic

- 23. Prior to the commencement of the use a detailed Traffic Impact Assessment must be provided to the satisfaction of the Responsible Authority assessing the impact of the traffic associated with the development on:**

- a) Fairbank Lane, Young Street, Nelson Road, Prospect Street, Elgar Road, and Whitehorse Road.**
- b) The intersections of:**
 - i. Fairbank Lane & Nelson Road;**
 - ii. Fairbank Lane & Young Street;**
 - iii. Young Street & Prospect Street;**
 - iv. Nelson Road & Prospect Street;**
 - v. Elgar Road and Prospect Street;**
 - vi. Whitehorse and Nelson Road;**
 - vii. Whitehorse and Elgar Road.**
- c) Investigate in detail potential options to alleviate the traffic impacts of the development to the local road network and to maintain pedestrian and cyclist priority.**

- 24. 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.**

- 25. Prior to the commencement of buildings or works on the land, a Parking Management Plan, detailing how car and bicycle parking areas, accessways and loading bays 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 spaces generally in accordance with Traffic Impact Assessment prepared by MGA 3 May 2017.**
- b) Details of car share, accessible (disabled) or motorcycle parking spaces to be nominated within the basement car parking areas.**
- c) Allocation of all parking spaces (except short term, visitor, disabled, and car-share spaces) to individual dwellings and tenancies and commercial uses. Each space within any tandem parking bays must be allocated to the same unit / commercial tenancy.**
- d) Pedestrian access and movement within the car parking areas, including strategies to minimise the potential for conflict between pedestrians and vehicles. This may include line marking such as hatched shared areas, directions signs and/or physical barriers.**

9.1.1 (cont)

- e) *Allocation of bicycle spaces to tenancies and visitors.*
 - f) *Provision of some of the bicycle parking hoops in front of the entrances to the café, and retail areas.*
 - g) *As per the recent update to AS 2890.3:2015, Bicycle Parking Facilities are required to include a minimum of 20% of ground level (horizontal) Bicycle Parking Devices (BPD) in any bicycle parking facility. This is to provide for those riders unable to lift a bicycle to a hanging BPD and for parking of non-standard bicycles..*
 - h) *Location and face of bicycle parking signs in accordance with Clause 52.34-5.*
 - i) *Signage for car and bicycle parking spaces.*
 - j) *Line marking of car parking spaces.*

 - k) *Details of how access to car spaces, disabled car spaces and bicycle spaces will be achieved by visitors (i.e. an intercom) and how parking will be secured.*
 - l) *Details of the car share scheme.*
 - m) *Details of how access to the loading bay and waste collection area will be achieved by delivery vehicles and waste collection vehicles (i.e. an intercom) and how these areas will be secured.*
 - n) *How the car park will be managed to ensure that all vehicles exit the site in a forwards direction.*
 - o) *Details of signage or alternate measures to ensure that delivery and waste vehicles reverse into the loading area and exit the site in a forwards direction.*
 - p) *STOP/GIVE WAY Controls are to be provided at cross intersections within the car park, particularly at intersections with ramps where there is no control.*
 - q) *Centre lines to be provided along curved sections of the access ramp to guide motorists and keep vehicles to the left of the ramp.*
 - r) *Accessibility and parking for the grease removal truck, from a parking space that will not block vehicular access to or from the site.*
- 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.*

Green Travel Plan

26. *Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works, a Green Travel Plan must be prepared by a suitably qualified person and must encourage the use of non-private vehicle transport modes by the occupiers of the land. The Plan must include the following:*
- a) *A description of the location in the context of alternative modes of transport and objectives for the Green Travel Plan;*
 - b) *Outline Green Travel Plan measures for the development including, but not limited to:*
 - i. *Household welcome packs – tram, train and bus timetables relevant to the local area must be included in the pack of information provided to purchasers upon a purchaser's occupation of an apartment;*
 - ii. *Include a zone one/ two myki pass and registration information to the value of one week travel;*
 - iii. *Bicycle parking and facilities available on the land;*
 - iv. *Pedestrian routes to key destinations.*

9.1.1
(cont)

The Green Travel Plan must not be amended without written consent of the Responsible Authority following consultation with Public Transport Victoria.

Once submitted to and approved by the Responsible Authority, the Green Travel Plan will form part of the documents endorsed as part of this permit.

The requirements of the Green Travel Plan must be implemented by the 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.

Car Share

- 27. A minimum of two car-share spaces as shown on the endorsed plans must be retained onsite unless otherwise agreed in writing by the Responsible Authority. The share cars must be made available to building residents, staff and the public at all times.**

Loading/unloading

- 28. The loading and unloading of goods from vehicles must only be carried out within the boundaries of the site or a dedicated loading bay and must not affect the function of Fairbank Lane.**

Waste Management Plan

- 29. Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works, the Waste Management Plan prepared by Leigh Design and dated 2 May 2017, must be amended and submitted for approval to the satisfaction of the Responsible Authority. The Waste Management Plan must include:**

- a) The collection vehicle must exit the development onto Fairbank Lane in an easterly direction.**
- b) Allocation of space for:**
 - i. Bin lifting equipment.**
 - ii. Show details/ locations to house this equipment.**
 - iii. Bin washing facilities with details/ locations/ area to house this equipment.**
 - iv. Balers for cardboard and soft plastic.**
 - v. Electronic waste disposal.**
 - vi. Details of how these materials will be stored/ removed from the site.**
 - vii. Liquid waste and charitable materials. Reference to how these materials will be handled from within the development.**
- c) The waste configuration of the development amended to implement the above waste components/ facilities to match the scale of the development and the variety of tenancies.**

The requirements and outcomes of the Waste Management Plan must be demonstrated on the plans and elevations submitted for endorsement.

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

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.

9.1.1 (cont)

Construction Management Plan

30. *Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works, 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.*

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.

The Council owned Car Park at 8A Prospect Street, Box Hill is not available during construction for the purposes of site offices/ storage or any other construction related activities.

Drainage and assets

31. *Any proposed awnings and facades that overhang into the road reserve need to comply with the relevant Building Act and Regulations and if approved then a suitable agreement must be entered into with Council.*
32. *The applicant will be required to fully reconstruct the pavement in Fairbank Lane, pending the determination of the scope of works required for this development and access routes endorsed in the Construction Management Plan.*
33. *Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works, detailed plans and specification for the reconstruction of Fairbank Lane shall be submitted and approved by the Responsible Authority. The plans must show existing and proposed works including surface and underground drainage, pavement and footpath details, concrete kerbs and channels and street lighting.*
34. *Council's existing stormwater pipe and pits within Fairbank Lane must be protected at all times. Any proposal to alter the Council drainage assets in any way must be submitted to Council for approval and if approved by Council be undertaken at the expense of the applicant.*

9.1.1

(cont)

35. *Council requirements for reinstatement of civil assets are to be determined prior to approval of Construction Management Plan, and based on the approved Traffic Management Plan, to be confirmed with the developer/contractor. The developer/contractor is to contact the Engineering Asset Team to confirm the reinstatement of conditions.*
36. *The developer/contractor will be required to submit a Report regarding any pre-existing damage to Council assets (Dilapidation Report), prior to the Asset Protection Permit being issued and the Protection Work Notice is signed off (if required). Please note that this Report will have to show all of the Council assets adjoining to the property boundary, and will be based on the approved access routes, pending on the approved Traffic Management Plan.*

Additional information may be required once an assessment of the proposed protection work has been completed.

37. *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) 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*
38. *If any damage to Council trees occurs during the building works, full amenity value of the trees will be charged to the applicant. If any trees have to be removed as a part of this project, amenity value of the trees has to be paid in full to the Council Parkswide Department prior to the commencement of works. Please contact Parkswide Department on 9262 6289 if the removal of the trees is required or if any works related to this development is going to impact on trees. A security deposit for tree protection may be requested.*
39. *All stormwater drains must be connected to a point of discharge to the satisfaction of the Responsible Authority.*
40. *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.*
41. *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 registered consulting engineer (who is listed on the Engineers Australia National Professional Engineer Register) and submitted for approval by the Responsible Authority prior to the commencement of any works. Dual certification by a registered consulting engineer (who is listed on the Engineers Australia National Professional Engineer Register) for design of the on-site detention must be provided to Council prior to the approval of the civil plan.*
42. *Stormwater connection to the nominated point of discharge and stormwater on-site detention must be completed and approved to the satisfaction of the Responsible Authority prior to the occupation of the building.*
43. *As constructed civil drawings that are computer drafted are to be provided to Council after the completion of civil works prior to the occupation of the building.*
44. *Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.*
45. *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 or managed by Council as may be applicable.*

9.1.1

(cont)

- 46. Access doors to the development should not open out onto Fairbank Lane.**
- 47. No alteration to existing interface levels will be permitted other than to maintain or introduce adequate and consistent road reserve (including laneway) cross fall and longitudinal fall all to the satisfaction of the Responsible Authority.**
- 48. 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 and other Public Authority assets.**
- 49. Any obstructions within the right of carriageway and/or laneway must permit vehicles and/or articulated vehicles to travel unimpeded safely through the rear laneway.**

Amenity

- 50. The amenity of the area must 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; or**
 - e) In any other way.**
- 51. The development and use of the site must not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard the emission of noise must comply with the provisions of the Environment Protection Act 1970 (as amended) and the policies of the Environment Protection Authority.**
- 52. The commercial use and development of the site shall be so ordered and maintained so it will not prejudicially affect the amenity of the locality by reason of appearance to the satisfaction of the Responsible Authority.**
- 53. All external lights associated with the commercial use and development of the site allow by this Permit must be of a limited intensity to ensure no adjoining or nearby residents and must be provided with appropriate baffles, so that no direct light or glare is emitted outside the site to the satisfaction of the Responsible Authority.**
- 54. The deliveries to the commercial tenancies must occur between the following hours:**
 - a) 7.00am to 10.00pm Monday to Saturday.**
 - b) 9.00am to 10.00pm Sundays and Public Holidays**

Unless with the further written consent of the Responsible Authority.

Glazing

- 55. Glazing materials used on all external walls must be of a type that does not reflect more than 20% of visible light when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority.**

9.1.1 (cont)

Mechanical Exhaust Systems

56. *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.*

Signage Strategy

57. *Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works, a Signage Strategy must be submitted to and approved by the Responsible Authority. The strategy shall include details on signage 'zones' and typology on the building facades including maximum dimensions for future signage planning applications. Details are to include wayfinding and business identification signage.*

Disability Access

58. *Prior to the commencement of development, excluding demolition, bulk excavation and site preparation works, a detailed report on the compliance with disability access shall be undertaken to the satisfaction of the Responsible Authority.*

Public Realm

59. *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.*
60. *Prior to the commencement of any works the owner of the land shall enter into an agreement with the City of Whitehorse which will indemnify Council against any loss or damage it may incur as a result of any proposed buildings and works constructed on or over Council owned land.*

Acoustic Treatment

61. *Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works an Acoustic Report must be submitted to and be to the satisfaction of the Responsible Authority documenting acoustic mitigation measures to be implemented in the building to achieve compliance with the Australian Standards.*
62. *Prior to the occupation of the development, a letter of confirmation from a suitably qualified Acoustic Consultant must be submitted for approval by the Responsible Authority to certify that the development is designed and constructed in accordance with the Acoustic Treatment Plan to ensure that noise measured in the proposed dwellings and existing residential dwellings surrounding the subject site does not exceed the levels set out under the Australian Standard.*

Public Transport Victoria

63. *The existing bus stop and associated infrastructure on Whitehorse Road must not be altered without the prior consent of Public Transport Victoria. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder.*

9.1.1

(cont)

- 64. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Whitehorse Road is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen (14) days prior. Any damage to public transport infrastructure must be rectified to the satisfaction of Public Transport Victoria at the full cost of the permit holder.**

Expiry

- 65. 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 gymnasium, shop, accommodation and food and drink premises use have 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

Engineering and Assets

- A. 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.**
- B. 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.**
- C. All stormwater drainage within the development site and associated with the buildings (except for connection to the nominated point of discharge within the site) must be approved and completed to the satisfaction of the Building Surveyor prior to the occupation of any of the buildings, in accordance with the provisions of the Building Regulations (2006) Section 610.**
- D. 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.**

Street Trees

- E. Please contact Parkswide Department on 9262 6289 if the removal of the trees is required or if any works related to this development is going to impact on trees. A security deposit for tree protection may be requested.**

DDA Access

- F. 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 or managed by Whitehorse City Council as may be applicable.**

9.1.1

(cont)

Property

G. This is a town planning permit only. It does not and should not be taken as authorising the occupation of or carrying out of works upon or over land or airspace not under the ownership or control of the permit holder. The permit holder must satisfy that it holds the permissions or interests necessary to carry out the use and/or development. In respect to any intrusions into the adjacent Road Reserve, the owner of the property will be required to enter into a Section 173 Agreement with Council, acting as the Road Authority for Fairbank Lane. In respect to any intrusions into the Whitehorse Road Reserve, permission must be obtained from Vic Roads.

Car Parking

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

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.

AMENDMENT

Moved by Cr Liu, Seconded by Cr Bennett

That Council

A Being the Responsible Authority, having caused Application WH/2016/1149 for 826-834 Whitehorse Road, BOX HILL (LOTS 3 & 4 PS 434842D 5) to be advertised and having received and noted the objections is of the opinion that the granting of a Notice of Decision to Grant a Planning Permit for the Buildings and works to construct a building comprising 30 storeys plus five levels of basement car parking (including dwellings and commercial uses), and use of land for accommodation, 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 826-834 Whitehorse Road, BOX HILL (LOTS 3 & 4 PS 434842D 5) for the Buildings and works to construct a building comprising 30 storeys plus five levels of basement car parking (including dwellings and commercial uses), and use of land for accommodation, subject to the following conditions:

- 1. Before the use and 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 but modified to show:**
 - a) Incorporation of green walls into the buildings external design and function, to be designed to the satisfaction of the Responsible Authority. These green wall elements are to be designed having regard to the requirements contained in Conditions 9 and 10 as they relate to the provision of a Landscape Plan and Landscape Maintenance Plan.**
 - b) A Community Engagement Strategy in accordance with Condition 65.**
 - c) A minimum setback of 4.5m between the centre line of Fairbank Lane and the three apartments located at the western end of Level 5. This setback includes balconies.**
 - d) A minimum setback of 4.5m between the centre line of Fairbank Lane and the tower levels above the podium.**
 - e) Car parking associated with this development is to be fully compliant with Clause 45.09 Parking Overlay of the Whitehorse Planning Scheme.**
 - f) The 37 proposed small vehicle car parking spaces are to be converted to regular sized car parking spaces in accordance with Clause 52.06 Car Parking Design Standards of the Whitehorse Planning Scheme.**

9.1.1
(cont)

- g) All doors that open out onto Fairbank Lane over the carriageway easement must open internally or 180 degree flat against the building wall.*
- h) Provision of publically accessible artwork in the commercial and residential lobbies, in accordance with Condition 21.*
- i) All residential balconies must have a minimum area of 8 square metres uninterrupted by any plant or equipment, such as air-conditioner external units.*
- j) Provision of play equipment or playable elements for children, such as sculpture or seating elements in communal areas.*
- k) Notation that no part of the building is to encroach into the road reserve.*
- l) The provision and location of two showers and associated change rooms to be provided for staff of the various uses.*
- m) Provision of a minimum of five (5) dedicated motorcycle parking spaces within the basement.*
- n) Provision and location of a minimum of two car share spaces within the basement to be made available to building residents, staff, and the public.*
- o) Provision of a minimum of 20% of the required number of bicycle parking hoops in front of the entrances to the retail areas in accordance with Condition 25.*
- p) Alterations to plans to show the requirements of the approved Parking Management Plan and Green Travel Plan, where relevant.*
- q) Demonstrate that a minimum 4.0 metre height clearance is provided at the entrance to the car park at the street level and the canopy above the entrance.*
- r) The height off the ground for the above bonnet storage provided for the residential parking spaces to be notated on the plans (to be provided at a height that complies with standards).*
- s) Provision of access to toilet facilities for all commercial tenancies.*
- t) Location of grease traps and exhaust flues serving all of the food and drink premises and connection points for the grease removal truck, from a parking space that will not block vehicular access to or from the site.*
- u) Development plans updated to include all of the relevant requirements of the Lighting Strategy in accordance with Condition 22.*
- v) A detailed schedule and samples of all external cladding materials, colours and finishes, including fine grain details of façade treatments such as door and window opening at all levels but particularly at the ground and first floor levels which interface with Whitehorse Road. Consideration should be given to energy efficiency properties, durability and maintenance requirements of selected colours and finishes.*
- w) Specification of glazing materials to be used on all external walls, including details demonstrating that they will not reflect unreasonable glare when viewed from any nearby road network, to the satisfaction of the Responsible Authority.*
- x) Development plans to reflect all sustainability features indicated in the updated Sustainability Management Plan required by Condition 18 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.).*
- y) Details of how 'back-of-house' access to the restaurant tenancies and café will be provided for deliveries and waste management.*

9.1.1
(cont)

- z) Development plans updated to include the relevant requirements of the Vipac Engineers and Scientists Report, dated 12 December 2016, in accordance with Condition 13.*
- aa) Development plans to reflect requirements of the Acoustic Report in accordance with Condition 61.*
- bb) The following reports to be amended as required will form part of the endorsed documentation:*
 - i. Landscape Plan in accordance with Condition 9*
 - ii. Landscaping Maintenance Plan in accordance with Condition 10*
 - iii. Amended Wind Report in accordance with Condition 13*
 - iv. Amended Sustainability Management Plan in accordance with Condition 18*
 - v. Art Strategy in accordance with Condition 21*
 - vi. Lighting Strategy in accordance with Condition 22*
 - vii. Traffic Impact Assessment in accordance with Condition 23*
 - viii. Parking Management Plan in accordance with Condition 25*
 - ix. Green Travel Plan in accordance with Condition 26*
 - x. Amended Waste Management Plan in accordance with Condition 29*
 - xi. Construction Management Plan in accordance with Condition 30*
 - xii. Detailed Engineering Design Drawings for treatment of land within Fairbank Lane in accordance with Condition 33*
 - xiii. Signage Strategy in accordance with Condition 57*
 - xiv. Acoustic Report in accordance with Condition 61*
 - xv. Community Engagement Strategy in accordance with Condition 65.*

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.*
- 3. The uses 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. Notwithstanding signage that can be displayed as of right or as approved by a planning permit, any transparent glazing for the gymnasium and food and drink premises facades must be retained without visual obstruction, to the satisfaction of the Responsible Authority.*
- 5. The communal areas, including gardens and recreational areas, must be available for use by all residents, and employees of the particular building.*
- 6. This Planning Permit does not and should not be taken as authorizing the occupation of or carrying out of works upon or over land or airspace not under the ownership or control of the permit holder. The permit holder must satisfy itself that it holds the permissions or interests necessary to carry out the use and/or development.*

Affordable Housing

- 7. A minimum of ten (10) dwellings within the development are to be made available in accordance with Condition 8 for the purpose of social or affordable housing to the satisfaction of the Responsible Authority.*

9.1.1
(cont)

8. *Prior to the commencement of buildings and works the owner of the land must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 requiring:*
- a) *The transfer to a registered Housing Association/ Provider of ten (10) dwellings for the provision for social or affordable housing in accordance with the requirements of the Housing Act 1983 or other applicable legislation as amended from time to time; or*
 - b) *Ten (10) dwellings to be secured for the provision of affordable housing by a provider to the satisfaction of the Responsible Authority.*
 - c) *The cost of preparing and registering the agreement is to be paid by the permit holder.*

Landscaping

9. *Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works 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 will form part of this permit. This plan shall show:*
- *Details of all street frontage features and footpath areas from the building façade to the kerb of Whitehorse Road. The design and materials must be consistent with the Box Hill Urban Landscape Design Guidelines Urban Core Treatment, to the satisfaction of the Responsible Authority.*
 - *Further details and design work, to ensure that the retaining wall and associated landscaping located along the frontage of the site are appropriately integrated with the public realm out to the kerb line.*
 - *Nomination of all proposed services, e.g. street lights and all existing infrastructure services, and street furniture.*
 - *Details of all containerised planting infrastructure.*
 - *Play equipment or playable elements such as sculptures for children residing or visiting the building.*
 - *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.*
 - *For green walls and above ground containerised planting, include:*
 - i. *Plans and cross-sections of planting containers, and calculated soil volume per container.*
 - ii. *Structural engineering report and weight loading allowing for mature plant growth and potential flooding of containers.*
 - iii. *Irrigation frequency and delivery method.*
 - iv. *Drainage of planting containers.*
 - v. *Substrate: suitability for species selection in relation to nutrients and irrigation requirements.*
 - vi. *Mulch type, depth and weight.*
 - vii. *Anchoring of all containers and containerised plants above ground level to resist high winds.*
 - viii. *Microclimate and effect on plant health.*
 - ix. *Maintenance procedures, including access for staff and equipment, and safety/anchoring measures required to access landscaping above ground level.*

All of the above must be to the satisfaction of the Responsible Authority.

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

9.1.1

(cont)

10. *Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works, 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 street trees and street level garden beds, including details of frequency and water delivery method.*
 - b) *Details of the ongoing maintenance procedures to ensure that the indoor and outdoor 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.*
 - c) *Irrigation system/program for all common property landscaping and containerised plantings, including details of frequency and water delivery method.*
 - d) *Details of the ongoing maintenance procedures to ensure that the green walls remain healthy and well maintained to the satisfaction of the Responsible Authority. This must include:*
 - i. *Irrigation frequency and delivery method.*
 - ii. *Drainage.*
 - iii. *Maintenance frequency and procedures including how access will be achieved to the green wall, including scaffolding and/or access and parking location of a scissor lift or cherry picker or other access method as required.*
 - iv. *Use of recycled water and water tanks where possible.*

All of the above must be to the satisfaction of the Responsible Authority.

Once approved this plan will become part of the endorsed plans of this permit.

11. *Prior to occupation, the road reserve between the subject site and the kerb along the Whitehorse Road frontage must be constructed and laid out in accordance with the endorsed plans to the satisfaction of the Responsible Authority. The design and materials must be consistent with the Box Hill Urban Landscape Design Guidelines Urban Core Treatment, to the satisfaction of the Responsible Authority.*
12. *No street tree may be removed without the prior written consent of the Responsible Authority.*

Wind Report

13. *Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works, the following modifications are to be made to the development in accordance with the Wind Report, prepared by Vipac Engineers and Scientists dated 12 December 2016, including:*
 - a) *Canopy with a depth of 1.5 metres above the adjacent footpath;*
 - b) *Setback entrances along the western Whitehorse Road frontage;*
 - c) *Trees planted on the northern and southern end of the pedestrian thoroughfare;*
 - d) *The removal of the 1.5 metre high impermeable screens along the north-eastern seating area; and*
 - e) *The removal of the 1.5 metre high landscaping from the street level.*

9.1.1

(cont)

- 14. The recommendations of the wind report must be implemented such that:**
 - a) There is no cost to the Responsible Authority,**
 - b) Not rely on the provision of street trees for wind mitigation.**
 - c) There is no reliance on the provision of vertical baffles on public land, except where all appropriate approvals have been obtained from all relevant authorities and land managers and approval also granted by the Responsible Authority.**
 - d) Consent and the appropriate approvals must be obtained from Whitehorse City Council for all wind amelioration features that protrude into or over the west, and east property boundaries.**

Building Services

- 15. All building plant and equipment on the roofs, balcony areas, common areas, public thoroughfares is 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, down pipes, aerials, satellite dishes, telecommunication facilities, 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.**
- 16. 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.**
- 17. Mail boxes are to be accessible for deliveries between the hours of 6am – 6p Monday to Friday.**

Environmentally Sustainable Development

- 18. Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works, an amended Sustainability Management Plan must be submitted to and approved by the Responsible Authority.**

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

This Sustainability Management Plan must be generally in accordance with the SMP submitted with the application (prepared by JBA Consulting Engineers, dated 13 December 2016) but amended to include the following changes:

- a) A valid STORM Rating Report with a score of 100% or greater**
- b) A Green Star Design Review Submission. Alternately, provide a complete, valid BESS Report that exceeds a total score above 50%, four 'pass' marks and no less than 50% in six categories.**
- c) Include a preliminary sample set of NatHERS as per Guide to NatHERS Sample Sizes**
- d) A comprehensive, quantitative assessment of the non-residential building fabric thermal performance, such as the BCA Glazing Calculator for all non-residential building uses.**

9.1.1

(cont)

- 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 16.5L/person/day for 4 star WELS rated toilet). Expected end uses to include toilet flushing (for at least 75 occupants), irrigation and general wash down. A new rainwater tank size should be selected based on the revised calculations, ensuring adequate reliability of supply is maintained. Alternatively, increase the size of the rainwater tank to 45 kL, which would enable a longer period of water security.*
- f) *Commit to controlling all service and lift area lighting with occupancy sensors.*
- g) *Commit to control common, service and lift area ventilation with occupancy sensors. It is strongly encouraged that where possible corridors have small operable openings, ie trickle vents.*
- h) *Control car park ventilation with CO sensors.*
- i) *Control car park lighting (at least 50% of lighting fixtures) with motion sensors.*

The requirements of the Sustainability Management Plan must be demonstrated on the plans and elevations submitted for endorsement, and the requirements of this plan must be implemented by the building manager, owners and occupiers of the site when constructing and fitting out the residential building, and for the duration of the building's operation in accordance with this permit, to the satisfaction of the Responsible Authority.

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

- 19. *Prior to the occupation of any dwelling 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.*
- 20. *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.*

Art Strategy

- 21. *Prior to the occupation of the building, an Artwork Strategy must be prepared to the satisfaction of the Responsible Authority. The Artwork Strategy must provide details of a process to allow review of the conceptual design of the artwork at the façade/s of the podium by Council representatives, prior to the installation of the artwork, in order to ensure that the artwork achieves the following objectives:*
 - a) *To activate the façade/s of the building and facilitate pedestrian activity at this interface,*
 - b) *To be constructed in a safe and structurally sound manner and of durable and appropriate materials,*
 - c) *To display appropriate content.*

9.1.1
(cont)

The permit holder must convene a Review Committee comprising (but not limited to) an Arts Officer and a Planning Officer from Whitehorse City Council, a building surveyor/structural engineer, and representatives of the land owner, artist and architect. The Review Committee must review the artwork at concept stage to ensure it will comply with the objectives listed above. The final artwork must be consistent with the Review Committee's recommendations, and must also achieve structural certification by a suitably qualified structural engineer, as appropriate.

The artwork must be installed and maintained in accordance with the outcomes of the Artwork Strategy, to the satisfaction of the Responsible Authority.

Lighting Strategy

- 22. Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works, a Lighting Strategy must be prepared to the satisfaction of the Responsible Authority. The Lighting Strategy must provide details of proposed lighting of Whitehorse Road, and the pedestrian laneway to the east, and Fairbank Lane to the south, and must be prepared in accordance with the Safety By Design Guidelines to the satisfaction of the Responsible Authority.**

All external lights must be of a limited intensity and must ensure no unreasonable nuisance is caused to adjoining or nearby residents.

This lighting must be maintained and operated for the life of the building to the satisfaction of the Responsible Authority.

Car Parking & Traffic

- 23. Prior to the commencement of the use a detailed Traffic Impact Assessment must be provided to the satisfaction of the Responsible Authority assessing the impact of the traffic associated with the development on:**
- a) Fairbank Lane, Young Street, Nelson Road, Prospect Street, Elgar Road, and Whitehorse Road.**
 - b) The intersections of:**
 - i. Fairbank Lane & Nelson Road;**
 - ii. Fairbank Lane & Young Street;**
 - iii. Young Street & Prospect Street;**
 - iv. Nelson Road & Prospect Street;**
 - v. Elgar Road and Prospect Street;**
 - vi. Whitehorse and Nelson Road;**
 - vii. Whitehorse and Elgar Road.**
 - c) Investigate in detail potential options to alleviate the traffic impacts of the development to the local road network and to maintain pedestrian and cyclist priority.**
- 24. 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.**
- 25. Prior to the commencement of buildings or works on the land, a Parking Management Plan, detailing how car and bicycle parking areas, accessways and loading bays will be allocated and managed, must be submitted to and approved by Council.**

9.1.1 (cont)

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 spaces generally in accordance with Traffic Impact Assessment prepared by MGA 3 May 2017.*
- b) Details of car share, accessible (disabled) or motorcycle parking spaces to be nominated within the basement car parking areas.*
- c) Allocation of all parking spaces (except short term, visitor, disabled, and car-share spaces) to individual dwellings and tenancies and commercial uses. Each space within any tandem parking bays must be allocated to the same unit / commercial tenancy.*
- d) Pedestrian access and movement within the car parking areas, including strategies to minimise the potential for conflict between pedestrians and vehicles. This may include line marking such as hatched shared areas, directions signs and/or physical barriers.*
- e) Allocation of bicycle spaces to tenancies and visitors.*
- f) Provision of some of the bicycle parking hoops in front of the entrances to the café, and retail areas.*
- g) As per the recent update to AS 2890.3:2015, Bicycle Parking Facilities are required to include a minimum of 20% of ground level (horizontal) Bicycle Parking Devices (BPD) in any bicycle parking facility. This is to provide for those riders unable to lift a bicycle to a hanging BPD and for parking of non-standard bicycles..*
- h) Location and face of bicycle parking signs in accordance with Clause 52.34-5.*
- i) Signage for car and bicycle parking spaces.*
- j) Line marking of car parking spaces.*
- k) Details of how access to car spaces, disabled car spaces and bicycle spaces will be achieved by visitors (i.e. an intercom) and how parking will be secured.*
- l) Details of the car share scheme.*
- m) Details of how access to the loading bay and waste collection area will be achieved by delivery vehicles and waste collection vehicles (i.e. an intercom) and how these areas will be secured.*
- n) How the car park will be managed to ensure that all vehicles exit the site in a forwards direction.*
- o) Details of signage or alternate measures to ensure that delivery and waste vehicles reverse into the loading area and exit the site in a forwards direction.*
- p) STOP/GIVE WAY Controls are to be provided at cross intersections within the car park, particularly at intersections with ramps where there is no control.*
- q) Centre lines to be provided along curved sections of the access ramp to guide motorists and keep vehicles to the left of the ramp.*
- r) Accessibility and parking for the grease removal truck, from a parking space that will not block vehicular access to or from the site.*

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.

9.1.1 (cont)

Green Travel Plan

26. Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works, a Green Travel Plan must be prepared by a suitably qualified person and must encourage the use of non-private vehicle transport modes by the occupiers of the land. The Plan must include the following:

- a) A description of the location in the context of alternative modes of transport and objectives for the Green Travel Plan;**
- b) Outline Green Travel Plan measures for the development including, but not limited to:**
 - i. Household welcome packs – tram, train and bus timetables relevant to the local area must be included in the pack of information provided to purchasers upon a purchaser's occupation of an apartment;**
 - ii. Include a zone one/ two myki pass and registration information to the value of one week travel;**
 - iii. Bicycle parking and facilities available on the land;**
 - iv. Pedestrian routes to key destinations.**

The Green Travel Plan must not be amended without written consent of the Responsible Authority following consultation with Public Transport Victoria.

Once submitted to and approved by the Responsible Authority, the Green Travel Plan will form part of the documents endorsed as part of this permit.

The requirements of the Green Travel Plan must be implemented by the 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.

Car Share

27. A minimum of two car-share spaces as shown on the endorsed plans must be retained onsite unless otherwise agreed in writing by the Responsible Authority. The share cars must be made available to building residents, staff and the public at all times.

Loading/unloading

28. The loading and unloading of goods from vehicles must only be carried out within the boundaries of the site or a dedicated loading bay and must not affect the function of Fairbank Lane.

Waste Management Plan

29. Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works, the Waste Management Plan prepared by Leigh Design and dated 2 May 2017, must be amended and submitted for approval to the satisfaction of the Responsible Authority. The Waste Management Plan must include:

- a) The collection vehicle must exit the development onto Fairbank Lane in an easterly direction.**
- b) Allocation of space for:**
 - i. Bin lifting equipment.**
 - ii. Show details/ locations to house this equipment.**
 - iii. Bin washing facilities with details/ locations/ area to house this equipment.**
 - iv. Balers for cardboard and soft plastic.**
 - v. Electronic waste disposal.**
 - vi. Details of how these materials will be stored/ removed from the site.**
 - vii. Liquid waste and charitable materials. Reference to how these materials will be handled from within the development.**

9.1.1 (cont)

- c) *The waste configuration of the development amended to implement the above waste components/ facilities to match the scale of the development and the variety of tenancies.*

The requirements and outcomes of the Waste Management Plan must be demonstrated on the plans and elevations submitted for endorsement.

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

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

30. *Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works, 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.*

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.

The Council owned Car Park at 8A Prospect Street, Box Hill is not available during construction for the purposes of site offices/ storage or any other construction related activities.

Drainage and assets

31. *Any proposed awnings and facades that overhang into the road reserve need to comply with the relevant Building Act and Regulations and if approved then a suitable agreement must be entered into with Council.*

9.1.1

(cont)

- 32. The applicant will be required to fully reconstruct the pavement in Fairbank Lane, pending the determination of the scope of works required for this development and access routes endorsed in the Construction Management Plan.**
- 33. Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works, detailed plans and specification for the reconstruction of Fairbank Lane shall be submitted and approved by the Responsible Authority. The plans must show existing and proposed works including surface and underground drainage, pavement and footpath details, concrete kerbs and channels and street lighting.**
- 34. Council's existing stormwater pipe and pits within Fairbank Lane must be protected at all times. Any proposal to alter the Council drainage assets in any way must be submitted to Council for approval and if approved by Council be undertaken at the expense of the applicant.**
- 35. Council requirements for reinstatement of civil assets are to be determined prior to approval of Construction Management Plan, and based on the approved Traffic Management Plan, to be confirmed with the developer/contractor. The developer/contractor is to contact the Engineering Asset Team to confirm the reinstatement of conditions.**
- 36. The developer/contractor will be required to submit a Report regarding any pre-existing damage to Council assets (Dilapidation Report), prior to the Asset Protection Permit being issued and the Protection Work Notice is signed off (if required). Please note that this Report will have to show all of the Council assets adjoining to the property boundary, and will be based on the approved access routes, pending on the approved Traffic Management Plan.**

Additional information may be required once an assessment of the proposed protection work has been completed.
- 37. 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) 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**
- 38. If any damage to Council trees occurs during the building works, full amenity value of the trees will be charged to the applicant. If any trees have to be removed as a part of this project, amenity value of the trees has to be paid in full to the Council Parkswide Department prior to the commencement of works. Please contact Parkswide Department on 9262 6289 if the removal of the trees is required or if any works related to this development is going to impact on trees. A security deposit for tree protection may be requested.**
- 39. All stormwater drains must be connected to a point of discharge to the satisfaction of the Responsible Authority.**
- 40. 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.**

9.1.1

(cont)

41. *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 registered consulting engineer (who is listed on the Engineers Australia National Professional Engineer Register) and submitted for approval by the Responsible Authority prior to the commencement of any works. Dual certification by a registered consulting engineer (who is listed on the Engineers Australia National Professional Engineer Register) for design of the on-site detention must be provided to Council prior to the approval of the civil plan.*
42. *Stormwater connection to the nominated point of discharge and stormwater on-site detention must be completed and approved to the satisfaction of the Responsible Authority prior to the occupation of the building.*
43. *As constructed civil drawings that are computer drafted are to be provided to Council after the completion of civil works prior to the occupation of the building.*
44. *Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.*
45. *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 or managed by Council as may be applicable.*
46. *Access doors to the development should not open out onto Fairbank Lane.*
47. *No alteration to existing interface levels will be permitted other than to maintain or introduce adequate and consistent road reserve (including laneway) cross fall and longitudinal fall all to the satisfaction of the Responsible Authority.*
48. *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 and other Public Authority assets.*
49. *Any obstructions within the right of carriageway and/or laneway must permit vehicles and/or articulated vehicles to travel unimpeded safely through the rear laneway.*

Amenity

50. *The amenity of the area must 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; or*
 - e) *In any other way.*
51. *The development and use of the site must not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard the emission of noise must comply with the provisions of the Environment Protection Act 1970 (as amended) and the policies of the Environment Protection Authority.*

9.1.1

(cont)

52. *The commercial use and development of the site shall be so ordered and maintained so it will not prejudicially affect the amenity of the locality by reason of appearance to the satisfaction of the Responsible Authority.*
53. *All external lights associated with the commercial use and development of the site allow by this Permit must be of a limited intensity to ensure no adjoining or nearby residents and must be provided with appropriate baffles, so that no direct light or glare is emitted outside the site to the satisfaction of the Responsible Authority.*
54. *The deliveries to the commercial tenancies must occur between the following hours:*
 - a) *7.00am to 10.00pm Monday to Saturday.*
 - b) *9.00am to 10.00pm Sundays and Public Holidays*

Unless with the further written consent of the Responsible Authority.

Glazing

55. *Glazing materials used on all external walls must be of a type that does not reflect more than 20% of visible light when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority.*

Mechanical Exhaust Systems

56. *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.*

Signage Strategy

57. *Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works, a Signage Strategy must be submitted to and approved by the Responsible Authority. The strategy shall include details on signage 'zones' and typology on the building facades including maximum dimensions for future signage planning applications. Details are to include wayfinding and business identification signage.*

Disability Access

58. *Prior to the commencement of development, excluding demolition, bulk excavation and site preparation works, a detailed report on the compliance with disability access shall be undertaken to the satisfaction of the Responsible Authority.*

Public Realm

59. *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.*
60. *Prior to the commencement of any works the owner of the land shall enter into an agreement with the City of Whitehorse which will indemnify Council against any loss or damage it may incur as a result of any proposed buildings and works constructed on or over Council owned land.*

9.1.1 (cont)

Acoustic Treatment

- 61. Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works an Acoustic Report must be submitted to and be to the satisfaction of the Responsible Authority documenting acoustic mitigation measures to be implemented in the building to achieve compliance with the Australian Standards.**
- 62. Prior to the occupation of the development, a letter of confirmation from a suitably qualified Acoustic Consultant must be submitted for approval by the Responsible Authority to certify that the development is designed and constructed in accordance with the Acoustic Treatment Plan to ensure that noise measured in the proposed dwellings and existing residential dwellings surrounding the subject site does not exceed the levels set out under the Australian Standard.**

Public Transport Victoria

- 63. The existing bus stop and associated infrastructure on Whitehorse Road must not be altered without the prior consent of Public Transport Victoria. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder.**
- 64. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Whitehorse Road is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen (14) days prior. Any damage to public transport infrastructure must be rectified to the satisfaction of Public Transport Victoria at the full cost of the permit holder.**

Community Engagement Strategy

- 65. Prior to the occupation of the building, a Strategy must be prepared to the satisfaction of the Responsible Authority. This Strategy must provide details how the holder of the permit/owner is going to undertake engagement with local community groups, not-for-profit organisations, government bodies and business interests to encourage up take of the commercial space by uses that will benefit the broader community, and residents and workers within the municipality, including but not limited to health and education sectors.**

Expiry

- 66. 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 gymnasium, shop, accommodation and food and drink premises use have 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.

9.1.1

(cont)

PERMIT NOTES

Engineering and Assets

- A. 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.**
- B. 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.**
- C. All stormwater drainage within the development site and associated with the buildings (except for connection to the nominated point of discharge within the site) must be approved and completed to the satisfaction of the Building Surveyor prior to the occupation of any of the buildings, in accordance with the provisions of the Building Regulations (2006) Section 610.**
- D. 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.**

Street Trees

- E. Please contact Parkswide Department on 9262 6289 if the removal of the trees is required or if any works related to this development is going to impact on trees. A security deposit for tree protection may be requested.**

DDA Access

- F. 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 or managed by Whitehorse City Council as may be applicable.**

Property

- G. This is a town planning permit only. It does not and should not be taken as authorising the occupation of or carrying out of works upon or over land or airspace not under the ownership or control of the permit holder. The permit holder must satisfy that it holds the permissions or interests necessary to carry out the use and/or development. In respect to any intrusions into the adjacent Road Reserve, the owner of the property will be required to enter into a Section 173 Agreement with Council, acting as the Road Authority for Fairbank Lane. In respect to any intrusions into the Whitehorse Road Reserve, permission must be obtained from Vic Roads.**

Car Parking

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

The amendment was put and CARRIED which became the substantive motion

9.1.1

(cont)

AMENDMENT

Moved by Cr Barker

That Council:

- A** *Being the Responsible Authority, having caused Application WH/2016/1149 for 826-834 Whitehorse Road, BOX HILL (LOTS 3 & 4 PS 434842D 5) to be advertised and having received and noted the objections is of the opinion that the granting of a Notice of Decision to Grant a Planning Permit for the Buildings and works to construct a building comprising 30 storeys plus five levels of basement car parking (including dwellings and commercial uses), and use of land for accommodation, 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 826-834 Whitehorse Road, BOX HILL (LOTS 3 & 4 PS 434842D 5) for the Buildings and works to construct a building comprising 30 storeys plus five levels of basement car parking (including dwellings and commercial uses), and use of land for accommodation, subject to the following conditions:*
- 1.** *Before the use and 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 but modified to show:*
 - a)** *Incorporation of green/living treatments/plantings into the buildings external design and function (including vertical surfaces). This design treatment is to achieve increased ESD outcomes and improved visual interest, and be designed to articulate an harmonious design outcome that reflects the landscape values of the surrounding areas, (and at maturation be clearly visible to surrounding areas) to the satisfaction of the Responsible Authority. These green living treatment/planting elements are to be designed having regard to the requirements contained in Conditions 9 and 10 as they relate to the provision of a Landscape Plan and Landscape Maintenance Plan.*
 - b)** *A minimum setback of 4.5m between the centre line of Fairbank Lane and the three apartments located at the western end of Level 5. This setback includes balconies.*
 - c)** *A minimum setback of 4.5m between the centre line of Fairbank Lane and the tower levels above the podium.*
 - d)** *Car parking associated with this development is to be fully compliant with Clause 45.09 Parking Overlay of the Whitehorse Planning Scheme.*
 - e)** *The 37 proposed small vehicle car parking spaces are to be converted to regular sized car parking spaces in accordance with Clause 52.06 Car Parking Design Standards of the Whitehorse Planning Scheme.*
 - f)** *All doors that open out onto Fairbank Lane over the carriageway easement must open internally or 180 degree flat against the building wall.*
 - g)** *Provision of publically accessible artwork in the commercial and residential lobbies, in accordance with Condition 65.*
 - h)** *All residential balconies must have a minimum area of 8 square metres uninterrupted by any plant or equipment, such as air-conditioner external units.*
 - i)** *Provision of play equipment or playable elements for children, such as sculpture or seating elements in communal areas.*
 - j)** *Notation that no part of the building is to encroach into the road reserve.*
 - k)** *The provision and location of two showers and associated change rooms to be provided for staff of the various uses.*

9.1.1

(cont)

- l) Provision of a minimum of five (5) dedicated motorcycle parking spaces within the basement.*
- m) Provision and location of a minimum of two car share spaces within the basement to be made available to building residents, staff, and the public.*
- n) Provision of a minimum of 20% of the required number of bicycle parking hoops in front of the entrances to the retail areas in accordance with Condition 25.*
- o) Alterations to plans to show the requirements of the approved Parking Management Plan and Green Travel Plan, where relevant.*
- p) Demonstrate that a minimum 4.0 metre height clearance is provided at the entrance to the car park at the street level and the canopy above the entrance.*
- q) The height off the ground for the above bonnet storage provided for the residential parking spaces to be notated on the plans (to be provided at a height that complies with standards).*
- r) Provision of access to toilet facilities for all commercial tenancies.*
- s) Location of grease traps and exhaust flues serving all of the food and drink premises and connection points for the grease removal truck, from a parking space that will not block vehicular access to or from the site.*
- t) Development plans updated to include all of the relevant requirements of the Lighting Strategy in accordance with Condition 22.*
- u) A detailed schedule and samples of all external cladding materials, colours and finishes, including fine grain details of façade treatments such as door and window opening at all levels but particularly at the ground and first floor levels which interface with Whitehorse Road. Consideration should be given to energy efficiency properties, durability and maintenance requirements of selected colours and finishes.*
- v) Specification of glazing materials to be used on all external walls, including details demonstrating that they will not reflect unreasonable glare when viewed from any nearby road network, to the satisfaction of the Responsible Authority.*
- w) Development plans to reflect all sustainability features indicated in the updated Sustainability Management Plan required by Condition 18 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.).*
- x) Details of how 'back-of-house' access to the restaurant tenancies and café will be provided for deliveries and waste management.*
- y) Development plans updated to include the relevant requirements of the Vipac Engineers and Scientists Report, dated 12 December 2016, in accordance with Condition 13.*
- z) Development plans to reflect requirements of the Acoustic Report in accordance with Condition 61.*
- aa) The following reports to be amended as required will form part of the endorsed documentation:*
 - i. Landscape Plan in accordance with Condition 9*
 - ii. Landscaping Maintenance Plan in accordance with Condition 10*
 - iii. Amended Wind Report in accordance with Condition 13*
 - iv. Amended Sustainability Management Plan in accordance with Condition 18*

9.1.1
(cont)

- v. Greening Strategy in accordance with Condition 21*
- vi. Lighting Strategy in accordance with Condition 22*
- vii. Traffic Impact Assessment in accordance with Condition 23*
- viii. Parking Management Plan in accordance with Condition 25*
- ix. Green Travel Plan in accordance with Condition 26*
- x. Amended Waste Management Plan in accordance with Condition 29*
- xi. Construction Management Plan in accordance with Condition 30*
- xii. Detailed Engineering Design Drawings for treatment of land within Fairbank Lane in accordance with Condition 33*
- xiii. Signage Strategy in accordance with Condition 57*
- xiv. Acoustic Report in accordance with Condition 61*
- xv. Art Strategy in accordance with Condition 65*

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.*
- 3. The uses 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. Notwithstanding signage that can be displayed as of right or as approved by a planning permit, any transparent glazing for the gymnasium and food and drink premises facades must be retained without visual obstruction, to the satisfaction of the Responsible Authority.*
- 5. The communal areas, including gardens and recreational areas, must be available for use by all residents, and employees of the particular building.*
- 6. This Planning Permit does not and should not be taken as authorizing the occupation of or carrying out of works upon or over land or airspace not under the ownership or control of the permit holder. The permit holder must satisfy itself that it holds the permissions or interests necessary to carry out the use and/or development.*

Affordable Housing

- 7. A minimum of ten (10) dwellings within the development are to be made available in accordance with Condition 8 for the purpose of social or affordable housing to the satisfaction of the Responsible Authority.*
- 8. Prior to the commencement of buildings and works the owner of the land must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 requiring:*
 - a) The transfer to a registered Housing Association/ Provider of ten (10) dwellings for the provision for social or affordable housing in accordance with the requirements of the Housing Act 1983 or other applicable legislation as amended from time to time; or*
 - b) Ten (10) dwellings to be secured for the provision of affordable housing by a provider to the satisfaction of the Responsible Authority.*
 - c) The cost of preparing and registering the agreement is to be paid by the permit holder.*

9.1.1
(cont)

Landscaping

9. *Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works 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 will form part of this permit. This plan shall show:*

- *Details of all street frontage features and footpath areas from the building façade to the kerb of Whitehorse Road. The design and materials must be consistent with the Box Hill Urban Landscape Design Guidelines Urban Core Treatment, to the satisfaction of the Responsible Authority.*
- *Further details and design work, to ensure that the retaining wall and associated landscaping located along the frontage of the site are appropriately integrated with the public realm out to the kerb line.*
- *Nomination of all proposed services, e.g. street lights and all existing infrastructure services, and street furniture.*
- *Details of all containerised planting infrastructure.*
- *Play equipment or playable elements such as sculptures for children residing or visiting the building.*
- *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.*
- *For green walls and above ground containerised planting, include:*
 - i. *Plans and cross-sections of planting containers, and calculated soil volume per container.*
 - ii. *Structural engineering report and weight loading allowing for mature plant growth and potential flooding of containers.*
 - iii. *Irrigation frequency and delivery method.*
 - iv. *Drainage of planting containers.*
 - v. *Substrate: suitability for species selection in relation to nutrients and irrigation requirements.*
 - vi. *Mulch type, depth and weight.*
 - vii. *Anchoring of all containers and containerised plants above ground level to resist high winds.*
 - viii. *Microclimate and effect on plant health.*
 - ix. *Maintenance procedures, including access for staff and equipment, and safety/anchoring measures required to access landscaping above ground level.*

All of the above must be to the satisfaction of the Responsible Authority.

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

10. *Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works, 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) *Details in relation to the transportation of substrates and proposed species for all proposed garden or landscaping areas.*
- b) *Irrigation system for street trees and street level garden beds, including details of frequency and water delivery method.*
- c) *Irrigation system/program for all common property landscaping and containerised plantings, including details of frequency and water delivery method.*

9.1.1
(cont)

- d) *Details of the ongoing maintenance procedures to ensure that the green walls remain healthy and well maintained to the satisfaction of the Responsible Authority. This must include:*
 - i. *Irrigation frequency and delivery method.*
 - ii. *Drainage.*
 - iii. *Maintenance frequency and procedures including how access will be achieved to the green wall, including scaffolding and/or access and parking location of a scissor lift or cherry picker or other access method as required.*
 - iv. *Use of recycled water and water tanks where possible.*
- e) *Details of the ongoing maintenance procedures to ensure that the indoor and outdoor 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.*

All of the above must be to the satisfaction of the Responsible Authority.

Once approved this plan will become part of the endorsed plans of this permit.

- 11. *Prior to occupation, the road reserve between the subject site and the kerb along the Whitehorse Road frontage must be constructed and laid out in accordance with the endorsed plans to the satisfaction of the Responsible Authority. The design and materials must be consistent with the Box Hill Urban Landscape Design Guidelines Urban Core Treatment, to the satisfaction of the Responsible Authority.*
- 12. *No street tree may be removed without the prior written consent of the Responsible Authority.*

Wind Report

- 13. *Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works, the following modifications are to be made to the development in accordance with the Wind Report, prepared by Vipac Engineers and Scientists dated 12 December 2016, including:*
 - a) *Canopy with a depth of 1.5 metres above the adjacent footpath;*
 - b) *Setback entrances along the western Whitehorse Road frontage;*
 - c) *Trees planted on the northern and southern end of the pedestrian thoroughfare;*
 - d) *The removal of the 1.5 metre high impermeable screens along the north-eastern seating area; and*
 - e) *The removal of the 1.5 metre high landscaping from the street level.*
- 14. *The recommendations of the wind report must be implemented such that:*
 - a) *There is no cost to the Responsible Authority,*
 - b) *Not rely on the provision of street trees for wind mitigation.*
 - c) *There is no reliance on the provision of vertical baffles on public land, except where all appropriate approvals have been obtained from all relevant authorities and land managers and approval also granted by the Responsible Authority.*
 - d) *Consent and the appropriate approvals must be obtained from Whitehorse City Council for all wind amelioration features that protrude into or over the west, and east property boundaries.*

9.1.1
(cont)

Building Services

- 15. All building plant and equipment on the roofs, balcony areas, common areas, public thoroughfares is 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, down pipes, aerials, satellite dishes, telecommunication facilities, 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.**
- 16. 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.**
- 17. Mail boxes are to be accessible for deliveries between the hours of 6am – 6p Monday to Friday.**

Environmentally Sustainable Development

- 18. Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works, an amended Sustainability Management Plan must be submitted to and approved by the Responsible Authority.**

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

This Sustainability Management Plan must be generally in accordance with the SMP submitted with the application (prepared by JBA Consulting Engineers, dated 13 December 2016) but amended to include the following changes:

- a) A valid STORM Rating Report with a score of 100% or greater**
- b) A Green Star Design Review Submission. Alternately, provide a complete, valid BESS Report that exceeds a total score above 50%, four 'pass' marks and no less than 50% in six categories.**
- c) Include a preliminary sample set of NatHERS as per Guide to NatHERS Sample Sizes**
- d) A comprehensive, quantitative assessment of the non-residential building fabric thermal performance, such as the BCA Glazing Calculator for all non-residential building uses.**
- 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 16.5L/person/day for 4 star WELS rated toilet). Expected end uses to include toilet flushing (for at least 75 occupants), irrigation and general wash down. A new rainwater tank size should be selected based on the revised calculations, ensuring adequate reliability of supply is maintained. Alternatively, increase the size of the rainwater tank to 45 kL, which would enable a longer period of water security.**
- f) Commit to controlling all service and lift area lighting with occupancy sensors.**
- g) Commit to control common, service and lift area ventilation with occupancy sensors. It is strongly encouraged that where possible corridors have small operable openings, ie trickle vents.**

9.1.1 (cont)

- h) Control car park ventilation with CO sensors.*
- i) Control car park lighting (at least 50% of lighting fixtures) with motion sensors.*

The requirements of the Sustainability Management Plan must be demonstrated on the plans and elevations submitted for endorsement, and the requirements of this plan must be implemented by the building manager, owners and occupiers of the site when constructing and fitting out the residential building, and for the duration of the building's operation in accordance with this permit, to the satisfaction of the Responsible Authority.

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

- 19. Prior to the occupation of any dwelling 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.*
- 20. 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.*

Greening Strategy

- 21. Prior to the occupation of the building, a Strategy must be prepared to the satisfaction of the Responsible Authority. This Strategy must provide details of how live plantings are to be incorporated into the lobby and the façade/s of the podium:*

- d) To activate the façade/s, lobby, and public realm of the building and facilitate pedestrian engagement at this interface,*
- e) To be constructed in a safe and structurally sound manner and of durable and appropriate materials.*

The green living plantings must be installed prior to occupation and maintained in accordance with the outcomes of the Strategy, to the satisfaction of the Responsible Authority.

Lighting Strategy

- 22. Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works, a Lighting Strategy must be prepared to the satisfaction of the Responsible Authority. The Lighting Strategy must provide details of proposed lighting of Whitehorse Road, and the pedestrian laneway to the east, and Fairbank Lane to the south, and must be prepared in accordance with the Safety By Design Guidelines to the satisfaction of the Responsible Authority.*

All external lights must be of a limited intensity and must ensure no unreasonable nuisance is caused to adjoining or nearby residents.

This lighting must be maintained and operated for the life of the building to the satisfaction of the Responsible Authority.

9.1.1
(cont)

Car Parking & Traffic

23. Prior to the commencement of the use a detailed Traffic Impact Assessment must be provided to the satisfaction of the Responsible Authority assessing the impact of the traffic associated with the development on:

- a) Fairbank Lane, Young Street, Nelson Road, Prospect Street, Elgar Road, and Whitehorse Road.**
- b) The intersections of:**
 - i. Fairbank Lane & Nelson Road;**
 - ii. Fairbank Lane & Young Street;**
 - iii. Young Street & Prospect Street;**
 - iv. Nelson Road & Prospect Street;**
 - v. Elgar Road and Prospect Street;**
 - vi. Whitehorse and Nelson Road;**
 - vii. Whitehorse and Elgar Road.**
- c) Investigate in detail potential options to alleviate the traffic impacts of the development to the local road network and to maintain pedestrian and cyclist priority.**

24. 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.

25. Prior to the commencement of buildings or works on the land, a Parking Management Plan, detailing how car and bicycle parking areas, accessways and loading bays 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 spaces generally in accordance with Traffic Impact Assessment prepared by MGA 3 May 2017.**
- b) Details of car share, accessible (disabled) or motorcycle parking spaces to be nominated within the basement car parking areas.**
- c) Allocation of all parking spaces (except short term, visitor, disabled, and car-share spaces) to individual dwellings and tenancies and commercial uses. Each space within any tandem parking bays must be allocated to the same unit / commercial tenancy.**
- d) Pedestrian access and movement within the car parking areas, including strategies to minimise the potential for conflict between pedestrians and vehicles. This may include line marking such as hatched shared areas, directions signs and/or physical barriers.**
- e) Allocation of bicycle spaces to tenancies and visitors.**
- f) Provision of some of the bicycle parking hoops in front of the entrances to the café, and retail areas.**
- g) As per the recent update to AS 2890.3:2015, Bicycle Parking Facilities are required to include a minimum of 20% of ground level (horizontal) Bicycle Parking Devices (BPD) in any bicycle parking facility. This is to provide for those riders unable to lift a bicycle to a hanging BPD and for parking of non-standard bicycles..**
- h) Location and face of bicycle parking signs in accordance with Clause 52.34-5.**
- i) Signage for car and bicycle parking spaces.**
- j) Line marking of car parking spaces.**
- k) Details of how access to car spaces, disabled car spaces and bicycle spaces will be achieved by visitors (i.e. an intercom) and how parking will be secured.**

9.1.1

(cont)

- l) Details of the car share scheme.*
- m) Details of how access to the loading bay and waste collection area will be achieved by delivery vehicles and waste collection vehicles (i.e. an intercom) and how these areas will be secured.*
- n) How the car park will be managed to ensure that all vehicles exit the site in a forwards direction.*
- o) Details of signage or alternate measures to ensure that delivery and waste vehicles reverse into the loading area and exit the site in a forwards direction.*
- p) STOP/GIVE WAY Controls are to be provided at cross intersections within the car park, particularly at intersections with ramps where there is no control.*
- q) Centre lines to be provided along curved sections of the access ramp to guide motorists and keep vehicles to the left of the ramp.*
- r) Accessibility and parking for the grease removal truck, from a parking space that will not block vehicular access to or from the site.*

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.

Green Travel Plan

26. Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works, a Green Travel Plan must be prepared by a suitably qualified person and must encourage the use of non-private vehicle transport modes by the occupiers of the land. The Plan must include the following:

- a) A description of the location in the context of alternative modes of transport and objectives for the Green Travel Plan;*
- b) Outline Green Travel Plan measures for the development including, but not limited to:*
 - i. Household welcome packs – tram, train and bus timetables relevant to the local area must be included in the pack of information provided to purchasers upon a purchaser's occupation of an apartment;*
 - ii. Include a zone one/ two myki pass and registration information to the value of one week travel;*
 - iii. Bicycle parking and facilities available on the land;*
 - iv. Pedestrian routes to key destinations.*

The Green Travel Plan must not be amended without written consent of the Responsible Authority following consultation with Public Transport Victoria.

Once submitted to and approved by the Responsible Authority, the Green Travel Plan will form part of the documents endorsed as part of this permit.

The requirements of the Green Travel Plan must be implemented by the 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.

Car Share

27. A minimum of two car-share spaces as shown on the endorsed plans must be retained onsite unless otherwise agreed in writing by the Responsible Authority. The share cars must be made available to building residents, staff and the public at all times.

9.1.1
(cont)

Loading/unloading

- 28. The loading and unloading of goods from vehicles must only be carried out within the boundaries of the site or a dedicated loading bay and must not affect the function of Fairbank Lane.**

Waste Management Plan

- 29. Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works, the Waste Management Plan prepared by Leigh Design and dated 2 May 2017, must be amended and submitted for approval to the satisfaction of the Responsible Authority. The Waste Management Plan must include:**

- a) The collection vehicle must exit the development onto Fairbank Lane in an easterly direction.**
- b) Allocation of space for:**
 - i. Bin lifting equipment.**
 - ii. Show details/ locations to house this equipment.**
 - iii. Bin washing facilities with details/ locations/ area to house this equipment.**
 - iv. Balers for cardboard and soft plastic.**
 - v. Electronic waste disposal.**
 - vi. Details of how these materials will be stored/ removed from the site.**
 - vii. Liquid waste and charitable materials. Reference to how these materials will be handled from within the development.**
- c) The waste configuration of the development amended to implement the above waste components/ facilities to match the scale of the development and the variety of tenancies.**

The requirements and outcomes of the Waste Management Plan must be demonstrated on the plans and elevations submitted for endorsement.

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

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

- 30. Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works, 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.**

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; construction worker parking, 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.

9.1.1 (cont)

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

- 31. Any proposed awnings and facades that overhang into the road reserve need to comply with the relevant Building Act and Regulations and if approved then a suitable agreement must be entered into with Council.*
- 32. The applicant will be required to fully reconstruct the pavement in Fairbank Lane, pending the determination of the scope of works required for this development and access routes endorsed in the Construction Management Plan.*
- 33. Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works, detailed plans and specification for the reconstruction of Fairbank Lane shall be submitted and approved by the Responsible Authority. The plans must show existing and proposed works including surface and underground drainage, pavement and footpath details, concrete kerbs and channels and street lighting.*
- 34. Council's existing stormwater pipe and pits within Fairbank Lane must be protected at all times. Any proposal to alter the Council drainage assets in any way must be submitted to Council for approval and if approved by Council be undertaken at the expense of the applicant.*
- 35. Council requirements for reinstatement of civil assets are to be determined prior to approval of Construction Management Plan, and based on the approved Traffic Management Plan, to be confirmed with the developer/contractor. The developer/contractor is to contact the Engineering Asset Team to confirm the reinstatement of conditions.*
- 36. The developer/contractor will be required to submit a Report regarding any pre-existing damage to Council assets (Dilapidation Report), prior to the Asset Protection Permit being issued and the Protection Work Notice is signed off (if required). Please note that this Report will have to show all of the Council assets adjoining to the property boundary, and will be based on the approved access routes, pending on the approved Traffic Management Plan.*

Additional information may be required once an assessment of the proposed protection work has been completed.

- 37. 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) 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*

9.1.1

(cont)

38. *If any damage to Council trees occurs during the building works, full amenity value of the trees will be charged to the applicant. If any trees have to be removed as a part of this project, amenity value of the trees has to be paid in full to the Council Parkswide Department prior to the commencement of works. Please contact Parkswide Department on 9262 6289 if the removal of the trees is required or if any works related to this development is going to impact on trees. A security deposit for tree protection may be requested.*
39. *All stormwater drains must be connected to a point of discharge to the satisfaction of the Responsible Authority.*
40. *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.*
41. *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 registered consulting engineer (who is listed on the Engineers Australia National Professional Engineer Register) and submitted for approval by the Responsible Authority prior to the commencement of any works. Dual certification by a registered consulting engineer (who is listed on the Engineers Australia National Professional Engineer Register) for design of the on-site detention must be provided to Council prior to the approval of the civil plan.*
42. *Stormwater connection to the nominated point of discharge and stormwater on-site detention must be completed and approved to the satisfaction of the Responsible Authority prior to the occupation of the building.*
43. *As constructed civil drawings that are computer drafted are to be provided to Council after the completion of civil works prior to the occupation of the building.*
44. *Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.*
45. *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 or managed by Council as may be applicable.*
46. *Access doors to the development should not open out onto Fairbank Lane.*
47. *No alteration to existing interface levels will be permitted other than to maintain or introduce adequate and consistent road reserve (including laneway) cross fall and longitudinal fall all to the satisfaction of the Responsible Authority.*
48. *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 and other Public Authority assets.*
49. *Any obstructions within the right of carriageway and/or laneway must permit vehicles and/or articulated vehicles to travel unimpeded safely through the rear laneway.*

9.1.1 (cont)

Amenity

- 50. The amenity of the area must 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; or**
 - e) In any other way.**
- 51. The development and use of the site must not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard the emission of noise must comply with the provisions of the Environment Protection Act 1970 (as amended) and the policies of the Environment Protection Authority.**
- 52. The commercial use and development of the site shall be so ordered and maintained so it will not prejudicially affect the amenity of the locality by reason of appearance to the satisfaction of the Responsible Authority.**
- 53. All external lights associated with the commercial use and development of the site allow by this Permit must be of a limited intensity to ensure no adjoining or nearby residents and must be provided with appropriate baffles, so that no direct light or glare is emitted outside the site to the satisfaction of the Responsible Authority.**
- 54. The deliveries to the commercial tenancies must occur between the following hours:**
- a) 7.00am to 10.00pm Monday to Saturday.**
 - b) 9.00am to 10.00pm Sundays and Public Holidays**
- Unless with the further written consent of the Responsible Authority.**

Glazing

- 55. Glazing materials used on all external walls must be of a type that does not reflect more than 20% of visible light when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority.**

Mechanical Exhaust Systems

- 56. 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.**

Signage Strategy

- 57. Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works, a Signage Strategy must be submitted to and approved by the Responsible Authority. The strategy shall include details on signage 'zones' and typology on the building facades including maximum dimensions for future signage planning applications. Details are to include wayfinding and business identification signage.**

Disability Access

- 58. Prior to the commencement of development, excluding demolition, bulk excavation and site preparation works, a detailed report on the compliance with disability access shall be undertaken to the satisfaction of the Responsible Authority.**

9.1.1
(cont)

Public Realm

59. *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.*
60. *Prior to the commencement of any works the owner of the land shall enter into an agreement with the City of Whitehorse which will indemnify Council against any loss or damage it may incur as a result of any proposed buildings and works constructed on or over Council owned land.*

Acoustic Treatment

61. *Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works an Acoustic Report must be submitted to and be to the satisfaction of the Responsible Authority documenting acoustic mitigation measures to be implemented in the building to achieve compliance with the Australian Standards.*
62. *Prior to the occupation of the development, a letter of confirmation from a suitably qualified Acoustic Consultant must be submitted for approval by the Responsible Authority to certify that the development is designed and constructed in accordance with the Acoustic Treatment Plan to ensure that noise measured in the proposed dwellings and existing residential dwellings surrounding the subject site does not exceed the levels set out under the Australian Standard.*

Public Transport Victoria

63. *The existing bus stop and associated infrastructure on Whitehorse Road must not be altered without the prior consent of Public Transport Victoria. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder.*
64. *The permit holder must take all reasonable steps to ensure that disruption to bus operation along Whitehorse Road is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen (14) days prior. Any damage to public transport infrastructure must be rectified to the satisfaction of Public Transport Victoria at the full cost of the permit holder.*

Art Strategy

65. *Prior to the occupation of the building, an Artwork Strategy must be prepared to the satisfaction of the Responsible Authority. The Artwork Strategy must provide details of a process to allow review of the conceptual design of the artwork at the façade/s of the podium by Council representatives, prior to the installation of the artwork, in order to ensure that the artwork achieves the following objectives:*
 - a) *To activate the façade/s of the building and facilitate pedestrian activity at this interface,*
 - b) *To be constructed in a safe and structurally sound manner and of durable and appropriate materials,*
 - c) *To display appropriate content.*

9.1.1 (cont)

The permit holder must convene a Review Committee comprising (but not limited to) an Arts Officer and a Planning Officer from Whitehorse City Council, a building surveyor/structural engineer, and representatives of the land owner, artist and architect. The Review Committee must review the artwork at concept stage to ensure it will comply with the objectives listed above. The final artwork must be consistent with the Review Committee's recommendations, and must also achieve structural certification by a suitably qualified structural engineer, as appropriate.

The artwork must be installed and maintained in accordance with the outcomes of the Artwork Strategy, to the satisfaction of the Responsible Authority.

Expiry

66. 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 gymnasium, shop, accommodation and food and drink premises use have 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

Engineering and Assets

- A. 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.**
- B. 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.**
- C. All stormwater drainage within the development site and associated with the buildings (except for connection to the nominated point of discharge within the site) must be approved and completed to the satisfaction of the Building Surveyor prior to the occupation of any of the buildings, in accordance with the provisions of the Building Regulations (2006) Section 610.**
- D. 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.**

Street Trees

- E. Please contact Parkswide Department on 9262 6289 if the removal of the trees is required or if any works related to this development is going to impact on trees. A security deposit for tree protection may be requested.**

DDA Access

- F. 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 or managed by Whitehorse City Council as may be applicable.**

9.1.1

(cont)

Property

G. This is a town planning permit only. It does not and should not be taken as authorising the occupation of or carrying out of works upon or over land or airspace not under the ownership or control of the permit holder. The permit holder must satisfy that it holds the permissions or interests necessary to carry out the use and/or development. In respect to any intrusions into the adjacent Road Reserve, the owner of the property will be required to enter into a Section 173 Agreement with Council, acting as the Road Authority for Fairbank Lane. In respect to any intrusions into the Whitehorse Road Reserve, permission must be obtained from Vic Roads.

Car Parking

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

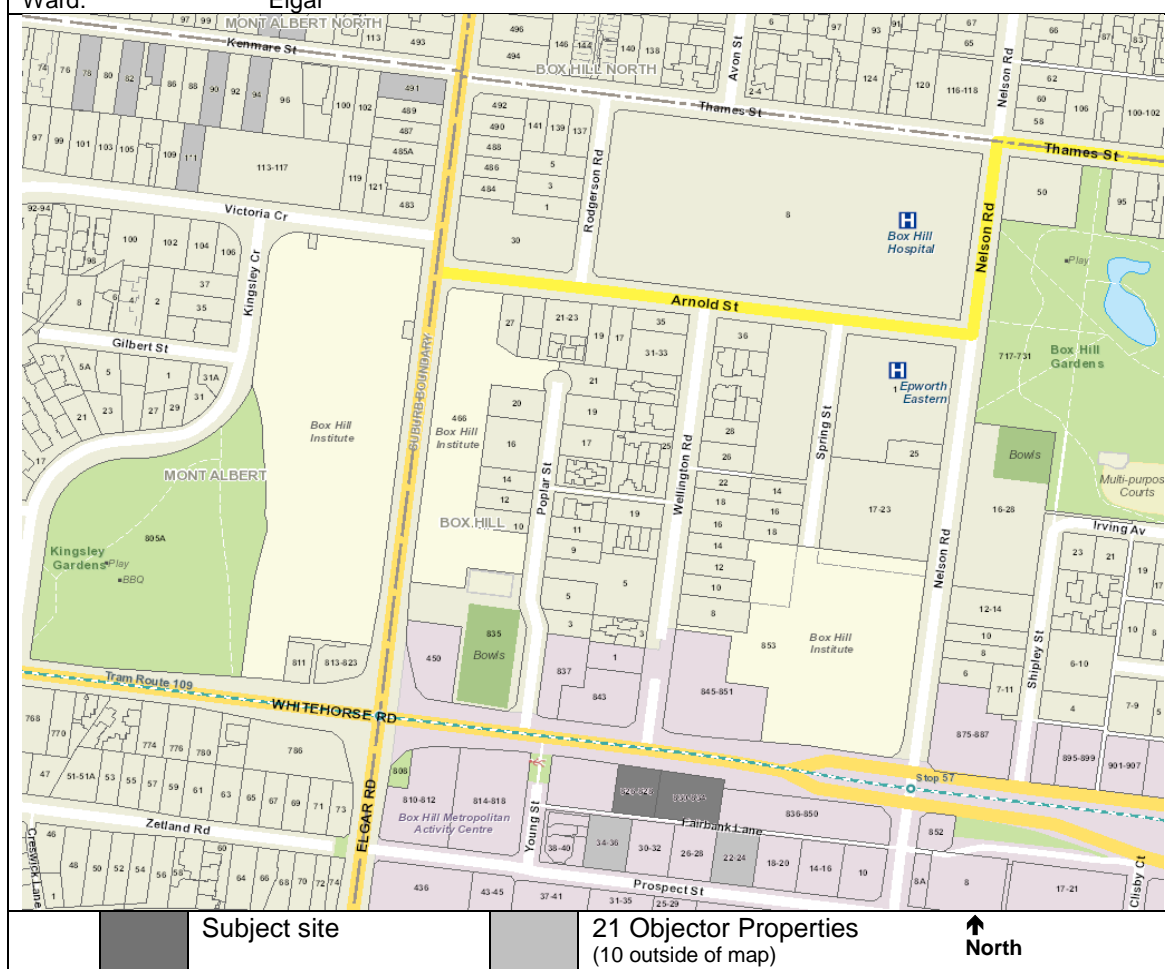
The amendment lapsed for want of a Seconder

The Motion moved by Cr Munroe, Seconded by Cr Ellis as amended was then put and
CARRIED

9.1.1
(cont)

MELWAYS REFERENCE 47 B/C9

Applicant:	Panorama Investment (Box Hill) Pty Ltd
Zoning:	Commercial 1 Zone
Overlays:	Parking Overlay
Relevant Clauses:	
Clause 11	Settlement
Clause 12	Environment and Landscape Values
Clause 15	Built Environment and Heritage
Clause 17	Economic Development
Clause 18	Transport
Clause 19	Infrastructure
Clause 21.05	Environment
Clause 21.06	Housing
Clause 21.07	Economic Development
Clause 22.06	Activity Centres
Clause 22.07	Box Hill Central Activities Area
Clause 34.01	Commercial 1 Zone
Clause 45.09	Parking Overlay
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 52.36	Integrated Public Transport Planning
Clause 65	Decision Guidelines
Ward:	Elgar



9.1.1

(cont)

BACKGROUND

History

No previous planning permit applications have been received for this site.

The Site and Surrounds

The subject site comprises two adjoining parcels of land located mid-block on the southern side of Whitehorse Road in Box Hill, west of the Whitehorse Road/ Nelson Road intersection. The subject sites also have a frontage to Fairbank Lane to the rear (south). The land is rectangular in shape with a frontage to Whitehorse Road (north) of 76 metres, and a cumulative site area of 2,650 square metres.

Existing easements (shown on the titles for the land as 'E-3' and 'E-4') run parallel with the southern boundary of the site, and are in favour of the City of Box Hill. In addition, an easement of Way (shown as 'R3' and 'R4' on title) are contained toward the northern boundary, and are in favour of the subject site.

The site has a fall of more than 4.0 metres extending from its eastern (side) boundary to the western (side) boundary, and down to Elgar Road.

Existing easements 'E-3' and 'E-4' run parallel with the southern boundary of the site, and is in favour of the City of Box Hill. In addition, a Way easement 'R3' and 'R4' are contained toward the northern boundary, and are in favour of the subject site.

In terms of immediate interfaces:

- Whitehorse Road to the north is classified as a 'Road Zone – Category 1', and within the vicinity of the site contains two lanes of traffic in either direction, with auxiliary turn lanes and a central median containing tram tracks.
- A 6.0m wide laneway (Fairbank Lane) extends along the southern boundary, which connects Nelson Road to Elgar Road, via a deviation to Prospect Street. On the opposite side of the lane, 34-36 Prospect Street, is currently occupied by a two level commercial building which is serviced by an undercroft car park, accessible via a crossover to Fairbank Lane. Council considered a Planning Permit Application at 34-36 Prospect Street (Planning Application WH/2016/1156) for the development of a thirty (30) storey mixed use building, use of land for dwellings and waiver of loading and unloading of vehicle requirements at its meeting held 16 October 2017, and resolved to issue a Notice of Decision to Grant a Permit.
- Immediately to the east, construction is complete for Whitehorse Towers at 850 Whitehorse Road (Planning Permit WH/2014/763), which has two towers of 36 and 26 levels respectively.
- To the west, at 820-824 Whitehorse Road, the site accommodates a two storey commercial building. Planning Permit WH/2016/68 was issued on 12 December 2016, and allowed the use of the land for accommodation, buildings and works for the construction of a 29 storey building, comprising 301 dwellings, with basement car parking and variations to requirements under Clause 52.14 (Motor Vehicle, Boat or Caravan Sales). On 7 July 2017, following consideration by VCAT of an appeal against a number of conditions the Tribunal directed that Permit No WH/2016/68 be varied, including amendment to the permit preamble to read "Use of the land for accommodation, buildings and works for the construction of a multi-storey building comprising up to 280 dwellings, with basement car parking and a reduction in car parking requirements". The primary consent was not changed.

9.1.1

(cont)

The site is a commercially zoned area located within the Major Development Precinct designated by the Box Hill Activity Centre Transit City Structure Plan 2007. The Box Hill Metropolitan Activity Centre (MAC) provides retail, education, office, civic, medical, community facilities, entertainment, dining and recreational opportunities for the regional population, as well as a hub for local community activities. It is strategically located along the Melbourne to Lilydale and Belgrave rail line, Whitehorse Road and the 109 tram route, which jointly form the spine of an area of intensive economic activity that extends through Melbourne's eastern suburbs. The Box Hill Train Station and Bus Interchange (servicing 17 bus routes) are located approximately 400 metres by pedestrian routes to the south-east of the subject site.

Box Hill Gardens are located approximately 400 metres to the north-east of the subject site, and Kingsley Gardens are located approximately 300 metres to the north-west. Surrey Park, located approximately 500 metres to the south of the site, includes both formal and informal recreation activities.

The Box Hill MAC is experiencing significant redevelopment, with the following sites in the vicinity of the subject land either approved (planning permission), under construction, or completed:

- 820-824 Whitehorse Road – mixed use development comprising one 29 storey (99.7 metres) tower
- 836-850 Whitehorse Road (Whitehorse Towers – “The Chen”) – mixed use development comprising two towers of 36 storeys (114 metres) and 26 storeys (83 metres)
- 845-851 Whitehorse Road (formerly Spotlight) – mixed use development comprising three towers of 17 storeys (57 metres), 30 storeys (94 metres), and 37 storeys (117 metres)
- 913 Whitehorse Road (Australian Taxation Office) – office development of 20 storeys (81 metres)
- 545 Station Street (“Sky One”) – mixed use development of 36 storeys (123 metres)
- 12-14 Nelson Road – mixed use development of part 19 and 20 storeys (61 metres)

Planning Controls

Clause 11 (Metropolitan Melbourne)

Planning Scheme Amendment VC134 was gazetted in March 2017 which restructured Clause 11 (Metropolitan Melbourne) and continues to reinforce Box Hill's Role as a Metropolitan Activity Centre. Clause 11 seeks to support the development and growth of Metropolitan Activity Centres for a broad range of land uses; with appropriate infrastructure; high levels of amenity; and are hubs for public transport services with regional connectivity.

Clause 34.01 (Commercial 1 Zone)

The site is within the Commercial 1 Zone. The purpose of the zone 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 planning permit triggers are as follows:

- To use land for the purposes of accommodation (as the residential component has more than 2 metres of frontage at ground level); and
- To construct a building or construct or carry out works.

It is noted that the use of the land for the purposes of retail, and office do not require a permit as they are ‘as of right’ in the Commercial 1 Zone.

9.1.1

(cont)

Clause 45.09 (Parking Overlay) and Clause 52.06 (Car Parking)

The site is within the Parking Overlay. The purpose of the overlay is to facilitate an appropriate provision of car parking spaces in an area, and to identify areas and uses where local car parking rates apply.

Planning permission is required to reduce (including to zero) the minimum number of car parking spaces required for a use specified in Schedule 1 to Clause 45.09.

This will be discussed in greater detail later in this report.

Clause 52.07 Loading and Unloading Facilities

Clause 52.07 (Loading and Unloading of Vehicles) requires that no buildings or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless space is provided on the land for the loading and unloading of vehicles.

A permit may be granted to reduce or waive the loading and unloading requirements.

Clause 52.29 Land adjacent to a Road Zone Category 1

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

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.

Clause 52.35 Urban Context Report and Design Response for Residential Development of Five or More Storeys

Clause 52.35 (Urban Context Report and Design Response for Residential Development of Five or More Storeys) deals with building design, and amenity considerations. It is noted that whilst these provisions within the Planning Scheme are now obsolete for new developments above four storeys, they are still relevant in the consideration for this development as it was lodged prior to the introduction of the new Clause 58 Apartment Development standards.

Clause 52.36 Integrated Public Transport Planning

Clause 52.36 (Integrated Public Transport Planning) seeks to ensure that development supports public transport usage, and ensure that easily accessible public transport networks, which are appropriate to the scale of the development, and high quality public transport infrastructure are provided as part of new development.

Other Provisions

Clause 55 (ResCode) of the Whitehorse Planning Scheme does not apply to a development of five or more storeys.

Clause 58 (Apartment Developments) of the Whitehorse Planning Scheme does not apply to an application for a planning permit lodged before the approval date of Amendment VC136 (13 April 2017).

9.1.1

(cont)

PROPOSAL

It is proposed to construct a mixed-use development comprising 382 apartments, commercial uses (retail and office) within a part thirty (30), part twenty nine (29) storey tower and podium development, above four basement levels of car parking. The proposal includes a lower ground floor, five podium levels and 22 tower levels. The tower component exclusively contains residential uses.

The key features of the proposal include:

Building Form

- Commercial tenancies totalling 6,300sqm, comprising:
 - Retail 572sqm at lower ground and ground floor level.
 - Office 5,728sqm spread between the ground floor and podium level 7.
- The 382 apartments proposed within the development include a mix of 54 one bedroom, 278 two bedroom, and 50 three bedroom apartments, and will be located between levels 5 and 22. Of these ten will be set aside for affordable housing in the podium with their own entrance.
- A commercial lobby is located in the north-eastern corner with lift and stair access linking this space to upper level commercial office tenancies flanking both the adjoining lane and the Whitehorse Road frontage.
- The central residential lobby is accessed by pedestrian lift and stair from Whitehorse Road, with the forecourt area also incorporating access to restaurant and office tenancies from this elevated podium.
- At ground level, hospitality activities in the form of restaurant and café facilities link an elevated north-eastern active frontage to both Whitehorse Road and interfacing north-south 2.1 metre wide pedestrian link. This north facing plaza connects directly between Fairbank Lane to the south and Whitehorse Road to the north. This pedestrian link has been designed to adjoin a similar pedestrian link created as part of the Whitehorse Towers building, and will form a wider and functional pedestrian linkage. This will result in a total width of between 4.1 to 5.2m.
- The residential lobby is accessed by pedestrian lift and stair from Whitehorse Road, with the forecourt area also incorporating access to restaurant and office tenancies from this elevated position.
- Levels 1 to 5 contain commercial office spaces together with podium car parking to the northern and eastern public street interface.
- At Level 6, while commercial offices are continued in the eastern portion of the site, the above podium residential activity commences in the western portion of the frontage, with a V-shaped arrangement of a north and south wing of residential occupancy around a central landscaped courtyard.
- A walking network providing for tree planting into this podium, separating small front garden zones for apartments is provided through this interstitial central zone.
- A similar arrangement is seen on Level 7 with commercial activity in the eastern end of the frontage and residential forms in the western end within V-shaped arrangement from the central lift core and stairs. Elevated bridges link a primary southern walkway through a central atrium space, to pairs of apartments north of the atrium.
- Levels 8 to 19 adopt a common footprint and have a more typical tower form, with the shaping of the tower form to create the large central atriums to the east and west sides of the central core, providing for a layout that expresses four separate tower forms. At each level there is the provision of nineteen (19) apartments. A central lift core provides access east and west; to the east on to the podium landscape and to the west to a repeat of the air bridge provisions proposed for lower levels. The southern elements form a more symmetrical arrangement either side of the central core, with the northern form skewed to open up greater opportunity for light and view for the southern apartments and to ensure reduced conflict across the central void between apartments.

9.1.1

(cont)

- Levels 20 to 27 vary, with the deletion of the apartments north of the proposed centralised lift core, creating a distinct separation between east and west towers fronting Whitehorse Road. Similar separation is more pronounced to the southern interface, to create a significant indent between east and west south-facing forms. At the east and west ends of development, setbacks are increased from the west and east neighbours to typically in excess of 8 metres from the adjoining boundaries.
- Level 28 contains a roof garden in lieu of apartments with an adjoining gym at its south-eastern end, while at Level 29 the south-western form is removed, providing a dedicated function room opening to an external roof garden to be enjoyed by the broader occupancy of the building.
- Each apartment has access to a minimum of one balcony, ranging in size from 8.0sqm to 16.0sqm.
- The atrium will contain openable glazed roof vents across the roof, with openable awning windows to each apartment facing the internal atrium, to aid in cross flow ventilation.
- Setbacks to the street frontages vary considerably, with the tapering form of the western tower built to almost touch the northern interface and, at this lower level, to do so to the north eastern frontage. To the south a minimum setback of approximately 1.8 metres to habitable rooms at the east and west end of the frontage is achieved with a greater setback of 4.5 metres to habitable rooms in the remainder of this area. This ensures equitable development opportunities exist for development to the south of Fairbank Lane.
- It is proposed to incorporate a pedestrian link through the development between the proposal and the adjoining Whitehorse Tower to the east.
- A large retaining wall is proposed along the length of the front boundary, and is necessary to treat the substantial topographic fall of the site.

Vehicle access and basement levels

- The four basement and five levels of podium car park levels contain a total of 445 car spaces including 37 small car bays, 3 disabled spaces, and 2 car share spaces on the ground level, and 170 bicycle spaces.
- Typical basement floors incorporate a centralised circulation core with storage lining the western end of development and the north eastern end of the basement form. Storage is also located above the bonnet along the central and southern spines of car parking along with the north-western corner area.
- Vehicle access to the site is proposed via two separate connections off Fairbank Lane, and no internal connection between them. Given the level differences at either end of the site, the access points connect to different levels within the car park. The eastern access connects to the ground level with the western access connecting to the lower ground level.
- Waste collection will be undertaken by a private contractor, with bins collected from the bin store located on the ground level at the rear of the Loading Bay using either a 6.4m or 8.8m long service vehicle.
- A loading bay has been provided on the ground level which meets these requirements except for the height clearance which is not shown. Swept path analysis of both a 6.4 metre long and an 8.8 metre long service vehicle accessing the loading bay have been provided.
- A total of 170 bicycle parking spaces are proposed to be provided across the 7 levels of car parking, with additional hoops provided along the Whitehorse Road frontage.

9.1.1

(cont)

General

- The design of the building incorporates a tower form that is part thirty (30), twenty-nine (29), with seven storey podium at the base.
- A 2.1 metre pedestrian plaza link is provided at Ground Floor Level maintaining setbacks above, throughout podium levels.
- A 1.5 metre wide service lane is provided along Fairbank Lane.
- A wedge shaped atrium will be provided in the centre of the building mass, to provide better amenity (by way of daylight exposure, and fresh air) to the proposed residential apartments.
- The proposed building will present a softer built form through the use of curved edges and walls.
- The materials and colour palette has been chosen to give the tower two distinct forms, one light grey and one dark grey, and includes a mixture of glazing, louvres, render, and aluminium.
- The maximum overall height is approximately 94.6 metres to Fairbank Lane. By way of comparison, the approved maximum overall height of Tower 1 of the approved development at 845-851 Whitehorse Road is 117.1 metres, while the maximum height of the development at 850 Whitehorse Road is 116.75 metres (to the lift over run).

CONSULTATION

Public Notice

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting notices to both the Whitehorse Road and Fairbank Lane frontages. Following the advertising period twenty one (21) objections were received.

The issues raised are summarised as follows:

- Setback of the development from the south boundary;
- Overlooking from the south facing balconies at podium level;
- Equitable development opportunities;
- Parking and traffic;
- Visual impact/height;
- Shadowing;
- Impact on infrastructure;
- Population growth in Box Hill;
- Maintaining Box Hill for business/employment;
- Wind impacts; and
- Safety of cladding.

Two of the objections were prepared by a Planning Consultant, who noted that their client had no fundamental objections to the redevelopment, nor were they opposed to the concept of a mixed use, high rise building. Their concerns are reflected in the first three points listed above.

A consultation forum was held on the 15 November 2017, chaired by Cr Barker. The forum was attended by applicant, five objectors (one with a planning representative), and a council planning officer. The issues were discussed and no resolution was reached.

9.1.1

(cont)

Referrals

External

VicRoads

The application was referred to Vic Roads (under s.55 of the *Planning and Environment Act 1987*) who advise that they do not object to the proposal and do not require the inclusion of conditions.

Public Transport Victoria

The application was referred to the Director of Public Transport under s.55 of the *Planning and Environment Act 1987* who advise that they do not object to the proposal and require the inclusion of conditions relating to the retention of the existing bus stop on Whitehorse Road.

Internal

Engineering and Environmental Services Department

- Transport Engineer

The proposal was referred to Council's Transport Engineers who advised that they support the proposal 'in principle', subject to the resolution of several issues. One of the key issues was that the car parking dispensation of 12 spaces is not supported. The second was the allocation of 37 small car parking spaces to one and two bedroom dwellings, which is not supported as it restricts future residents on the size and type of vehicle they can own. Both these matters have been addressed via conditions.

- Waste Engineer

The proposal was referred to Council's Waste Services Engineers who advised that it was understood that waste collection would be undertaken by a private contractor, with bins collected from the bin store located on the ground level at the rear of the Loading Bay using either a 6.4 metre or 8.8 metre long service vehicle. There is no objection to these proposed arrangements, however the Waste Management Plan, prepared by Leigh Design is not approved. Changes and additional information will be required to finalise the WMP, which will be included as conditions on any approval issued.

- Assets Engineer

The proposal was referred to Council's Asset Engineers who advised on 16 February 2017 that they do not object subject to the inclusion of the conditions on any approval.

ESD Advisor

The proposal was referred to Council's ESD Advisor who does not object subject to the inclusion of conditions on any approval issued.

Building

The applicant/ builder will be required to provide a public protection proposal under Regulation 604 of the Building Regulations 2017, along Whitehorse Road and Fairbank Lane.

Environmental Health

Proposed restaurants / cafes will be required to comply with the requirements enforced by the Environmental Health Unit. Applicants are to be advised to submit floor plans for approval by Health Department.

9.1.1

(cont)

Urban Design Advisor

The proposal was reviewed on a number of occasions by MGS Architects on behalf of Council, with feedback provided to both Council Officers and the Applicant's design team. The advice concludes that the proposed tower form provides an interesting alternative typology that will diversify the nature of housing form within the Box Hill Activity Centre. The ensemble of separated but related tower elements in conjunction with the stepped podium strategy indicates a sound basis for architectural development and potential support. The proposed light court arrangements are considered to be an interesting design alternative, providing greater levels of amenity and enhanced potential for outlook for occupants. Balcony scale appears to be adequate, and common areas are generally satisfactory throughout the development. The inclusion of generously proportioned and separate function and gym areas in an eroded roofscape is similarly welcomed.

A few issues were raised in the advice, and design modifications have been suggested. The manner in which acoustic treatments are handled to the adjoining walkways and amenity is not at this stage clear in the drawings proposed and should be provided to the satisfaction of the responsible authority.

The advice has indicated that the proposal should also demonstrate that ground level street retail interfaces to both the Whitehorse Road and eastern laneway are suitable for sitting. Upper level shared terrace areas and atrium spaces at podium level will require similar standards to be achieved. This has been addressed by permit conditions.

Proposed design modifications recommended by MGS Architects include the removal of Levels 21 and 22 to ensure that at its uppermost level the project forms a more integrated streetscape than is currently proposed. Secondly, affordable and diverse housing in the tower levels should also be incorporated. In other developments, the inclusion of some affordable housing in support of this taller built form and as part of a strategy to build increased housing diversity through the precinct is desirable. As such, the retention of Levels 21 and 22 could be considered in conjunction with the requirement to provide a minimum of ten (10) apartments for affordable housing. The applicant has commissioned an Affordable Housing Report and agreed to this being addressed by way of planning permit conditions.

A condition will also be included requiring weather protection for the entries to the commercial lobby and café facing the laneway,

Property and Rates

The proposal was referred to Council's Property and Rates Department who do not object, however noted that the Council owned Car Park at 8A Prospect Street, Box Hill is not available during construction for the purposes of site offices/ storage or any other construction related activities. The Council owned Car Park at 8A Prospect Street, Box Hill, should not be included in any Construction Management Plan.

DISCUSSION

Consistency with State and Local Planning Policies

Plan Melbourne – The Metropolitan Planning Strategy identifies Box Hill as a major regional centre and amongst one of Melbourne's largest centres for activity with a wide variety of uses and functions including commercial, retail, housing, highly specialized personal services, education, government and tourism. State policies encourage the intensification of Box Hill as a commercial and employment hub, supported by one of Melbourne's biggest transport interchanges.

9.1.1

(cont)

Clause 11 of the SPPF encourages more intensive development in Activity Centres. Clause 11.01-2 (Activity Centre Planning) encourages the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community.

Clause 16 (Housing) of the State planning policy framework also strongly advocates the need to provide substantial new housing (in a diversity of housing types) ensuring developments are integrated with infrastructure and services. Higher density housing is to be located in or close to activity centres, employment corridors and public transport. Such new development is to match changing demand by widening housing choice, and improving affordability.

Clause 17 (Economic development) further encourages development which meets community needs for office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities within existing or planned activity centres.

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. Clause 18.02-1 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 development and Clause 19-03-05 seeks to minimise waste and encourage recycling within new development.

In terms of State planning policy, the subject site represents a significant strategic redevelopment opportunity to deliver higher density residential uses and complementary commercial activity given its location within the Box Hill Metropolitan Activity Centre, its frontages to Whitehorse Road and Fairbank Lane and its proximity to a broad range of urban infrastructure including public transport services, employment opportunities and commercial facilities.

Local Planning Policy Framework

Clause 21.06 (Housing), notes that the City of Whitehorse is under increased pressure to accommodate more people who are attracted to the area due to its strategic location, high amenity residential areas and quality services and facilities. The Box Hill Metropolitan Activity Centre is identified to accommodate increased housing growth while providing high levels of amenity for residents. In this regard the proposal meets the policy objectives and will contribute to the overall diversity of housing in the area, including a mix of one, two and three bedroom tenures. The applicant has also agreed to include a component of 'affordable housing' which will comprise ten dwellings within the podium of the building. This will also achieve the objective of Clause 16.01-5 (Housing affordability), which seeks to, 'deliver more affordable housing closer to jobs, transport and services'.

Council's *Housing Strategy 2014* identifies areas of substantial, natural and limited growth. The subject site is included within a Substantial Change area which will provide for housing growth with increased densities, in accordance with the Box Hill Transit City Activity Centre Structure Plan 2007 (Box Hill Structure Plan).

Clause 21.07 (Economic Development), identifies Box Hill as a Central Activities Area (CAA), which provides significant opportunities for investment in terms of retail, public transport, entertainment and higher density residential development. Although the overall use of the site is largely residential, it does include an office component of 5,728 sqm, and retail premises at 572 sqm at lower ground and ground floor level. The existing buildings have a commercial office area of 2,271 sqm, so this proposal more than doubles the existing office space.

9.1.1

(cont)

Clause 22.04 (Tree Conservation) seeks to encourage the retention and regeneration of significant vegetation. The development proposes the retention of all trees along the Whitehorse Road frontage, with substantial in-ground landscaping areas made available along the north, east and western boundaries to enhance the tree coverage and landscape character.

Clause 22.06 (Activity Centres Policy) includes objectives to ensure that new development maintains and enhances the role of the activity centre as a community focus and to improve the appearance and amenity of the activity centre.

Clause 22.07 (Box Hill Central Activities Area Policy), expands upon Clause 22.06 in providing policy direction relating to open spaces, pedestrian mobility and bicycle spaces, road traffic management, car parking, land use mix and built form. The policy further seeks to implement the Box Hill Structure Plan. The vision for the Centre is that *'Box Hill will be sustainable, safe and accessible to all. It will be a distinctive, vibrant, diverse, inclusive, participatory, caring and healthy community where you live, work and enjoy – day and night'*.

The structure plan establishes precinct areas that seek to more specifically identify areas for different forms of use and development. The subject site is located within Activity Precinct B (Prospect Street Precinct) and Built Form Precinct F (Major Development Precinct).

Precinct B (Prospect Street Precinct) is identified for:

- *Consolidation as the primary office precinct in the activity centre*

Precinct F (Major Development Precinct) seeks to achieve the following:

- *Major Development Precinct: Taller buildings permitted, enabling increased density. Heights must not cause overshadowing of Key Open Spaces, Residential Precincts A or B or residential areas beyond the study area. Transitional heights to be provided at edges of the precinct to respect the scale of neighbouring precincts.*

Other Considerations

Amendment C175/ Draft Box Hill Metropolitan Activity Centre Built Form Guidelines

Amendment C175 proposes to implement the *Box Hill Metropolitan Activity Centre Built Form Guidelines* ('the Guidelines') into the Planning Scheme by introducing a new schedule 6 to the Design and Development Overlay and applying it to land identified within the Box Hill Structure Plan area. The Amendment also proposes rezoning various sites identified within the Structure Plan and making changes to planning policy to include the Guidelines as a reference document to the Planning Scheme

The Amendment was publically exhibited from 16 February 2017 to 17 March 2017. A total of 206 submissions and pro-forma responses were received. At its meeting on 15 May 2017 Council considered the submissions received and resolved to request the Minister for Planning to appoint an Independent Panel to consider the Amendment and submissions. An independent Planning Panel was appointed by the Minister for Planning. The Panel Hearing was heard in July 2017, and the Panel Report has recently been made publicly available.

The report by the Panel highlights a number of matters for consideration by Council, and until such time as Council has had the opportunity to thoroughly review the recommendations made and identify its next steps, the Guidelines will continue to give weight to the strategic guidance for built form outcomes within the Box Hill MAC. The Amendment is considered to be a serious planning proposal and must be considered by decision makers until such time as Council determines its position.

9.1.1

(cont)

The *Box Hill MAC Built Form Guidelines* for sites within 'Precinct F4 – Whitehorse Road and Prospect Street' can be summarised as:

- 5 storey podium
- Preferred maximum building height 20 storeys
- 5m setback to all sides above podium
- 1.5m setback from laneway for vehicular access as required
- Progressive building separation:
 - Up to 5 storeys – 0m
 - 6 to 20 storeys – 5m
 - 20 to 30 storeys – 8 metres

In terms of compliance with current Planning Scheme Policy, the proposed development is considered to be, in principle, appropriate for the location. The subject site and its immediate environs are earmarked for major development with taller buildings and increased densities. Precinct F is the only precinct within the Box Hill MAC where no specific preferred or maximum height limit applies. This area therefore represents a significant opportunity to deliver the proposed mixed-use development without impacting on the amenity of any residential neighbourhood or identified key public open space. The intensification of the core of the Activity Centre with uses that support its strategic status and role is supported in principle, and the proposed uses are an appropriate fit.

Design and Built Form

The applicant's Urban Context Report, prepared by ProUrban and dated 4 May 2017 indicates, the urban context of the surrounding area is due to undergo significant change in order to meet the vision and objectives of the Box Hill Structure Plan. The subject sites are sufficiently large enough to accommodate a tower building form, whilst also addressing both street frontages and the adjacent privately owned laneway.

The development involves the amalgamation of two sites, which allows for a higher density of development to be achieved.

The graduated commercial podium height has been largely informed by the proposed and approved adjoining towers (820 Whitehorse Road which consists of a single 29 level tower, and 850 Whitehorse Road which consists of two towers at 26 and 36 levels). The graduation in height intends to fit together the eventual continuity of podium form, to build upon the emerging commercial and retail boulevard along Whitehorse Road.

Setbacks to the street frontage vary considerably, with the tapering form of the western tower built to almost touch the northern interface and, at this lower level, to do so to the north-eastern frontage. To the south a minimum setback of approximately 1.8m to habitable rooms at the east and west end of the frontage with a greater setback of 4.5m to habitable rooms is provided in the remainder of this area. This ensures equitable development opportunities exist for development to the south of Fairbank Lane.

At the east and west ends of the development setbacks are increased from the west and east neighbours to typically in excess of 8 metres from the adjoining boundaries.

Further setbacks of the mid-block southern interface arrangements are provided at Levels 24 to 27. At Level 28 the south eastern tower form is substantially eroded to create an upper level roof garden with adjoining gym, whilst at level 29 the north-easternmost form is discontinued and at the southwestern end a similar erosion to that of its south eastern neighbour, this time providing for function space opening to an external roof garden form to be enjoyed by the broader occupancy of the building.

The proposed development will not have a detrimental impact on existing development within the surrounding locale, nor any existing significant landmarks, views or vistas.

9.1.1

(cont)

Commercial components, including hospitality activities in the form of restaurant and café facilities have been added to the Ground Floor to heighten activation and promote pedestrian activity along Whitehorse Road, and also within the pedestrian link plaza that has been provided along the site's eastern interface. Both this proposal and the adjacent development at 850 Whitehorse Road have provided for a laneway from Whitehorse Road to Fairbank Lane, which will have a total width of between 4.1 to 5.2 metres.

Pedestrian access to the retail spaces, office, and residential lobbies, are easily identifiable and access from Whitehorse Road. Similarly, the provision of the pedestrian link plaza, contained within the eastern interface, aid in enhancing the pedestrian experience within the public realm.

Services required by the proposal are generally contained within the rear section of the podium levels within the building and concealed from view.

Amenity

Overlooking and Interlooking

The proposed development has been designed with regard given to ensure that overlooking between new apartments and existing residential properties is avoided. This has been achieved through upper level setbacks, the provision of visual screens, and high-level windows in locations where overlooking could potentially occur.

The proposed upper level setbacks will create an 'equitable development' outcome for future buildings on the adjoining sites. This is particularly relevant as it was a matter raised through one of the objections. The overall building design and its unique angling of the building elements enable appropriate setbacks across the site to achieve the necessary equity for future development on adjoining lots.

Interlooking (internal views) have been avoided by the use of highlight windows facing the internal atrium.

Overshadowing

The extent of overshadowing largely extends across other commercial frontages.

The shadowing plans include areas of private open space of dwellings located on Hopetoun Parade, which is the only peripheral residential precinct for consideration. At 11am there is some shadow spill to the properties located at 19-21, 25, 27, and 29 Hopetoun Parade, moving almost completely clear by 12pm. The equinox shadows are not considered to result in any unreasonable detrimental impact.

The shadow diagrams show 9am to 3pm on June 22nd in accordance with the requirements of the Box Hill Transit Activity Centre Structure Plan rather than the usual September Equinox. These demonstrate that the shadow implications are acceptable, having regard to the preferred built form character and streetscape vision for the site and the surrounding area. The proposed development does not result in any shadow being cast onto any key public open space or other spaces identified in the Structure Plan.

It is however recognised that buildings of this form and height will cast shadow to properties to the south. The Structure Plan identifies this by requiring additional shadow modelling beyond what would ordinarily be required for a more typical multi-level residential building. This type of development will cast shadows, however the assessment reflects what is considered reasonable in the context of the broader strategic direction for the central areas of Box Hill.

9.1.1

(cont)

Wind Impact

Vipac Engineers and Scientists Ltd have prepared an assessment of the future wind conditions for the ground level, adjacent areas, and outdoor amenity areas of the proposed development to determine wind conditions around the site. The results were outlined in a report dated 12 December 2016.

Prevailing winds are noted as being predominantly from the north, and south-west.

The test results show the proposed development would generate wind conditions exceeding the walking criterion at the North Western corner on Whitehorse Road, along the Whitehorse Road frontage, along the pedestrian thoroughfare located along the eastern side of the proposed development as well as the south-western corner on Fairbank Lane.

All entrances, except for the entrances into the residential lobby, will experience wind speeds above the recommended standing criterion. To improve the ground level wind environment and meet the wind comfort criteria, recommendations have been made which are to be included in conditions of any permit issued.

The terraces at Level 6, Level 8, Level 28 and Level 29 met the recommended walking comfort criterion for the proposed design. Most locations also met the more stringent standing or sitting comfort criteria.

The report finds that with the proposed design (and recommended wind control measures) the proposal will meet the criterion for walking in all directions for both current and future surrounding conditions. The proposed development is not expected to generate significantly worse wind conditions than the existing conditions for these areas.

Balconies would be expected to have an acceptable wind environment (i.e. within the walking comfort criterion). The report recommends educating occupants about wind conditions at open terrace/ balcony areas during high-wind events and fixing loose, lightweight furniture on the terrace.

Energy Efficiency

A Sustainability Management Plan, prepared by JBA Consulting Engineers and dated 13 December 2016, was submitted with the application.

The geometry of the proposed development, together with the proposed floor plan layout, provides all apartments with two and sometimes three exposed facades. This design approach improves the level of amenity offered by the development compared to a typical multi-residential apartment building where the majority of units have only one exposed façade.

The proposed atrium is a space for circulation, a mechanism to promote cross flow ventilation through the floor plates and a generator of interaction between residents. It is unconventional compared to typical apartment building designs that often use landlocked central corridors without access to ambient (external) influences of ventilation, daylight and temperature.

The proposed atrium will give residents a direct connection to outside conditions. They will know the time of day and the weather conditions (albeit with rain and strong wind protection). They will have access to fresh air.

Council's ESD Officer has reviewed the Sustainability Management Plan. The development has been assessed as being able to achieve an acceptable level of energy efficiency, subject to amendments to this plan which include the provision of a Stormwater Treatment Objective Relative Measure (STORM) Rating Report, a preliminary set of NatHERS, an assessment of the non-residential building fabric thermal performance, submitting a water balance calculation justifying rainwater tank capacity, and committing to controlling lighting, and ventilation with occupancy sensors.

9.1.1

(cont)

Internal Amenity

The development will deliver a good level of internal amenity to future occupants of the residential apartments. All apartments are provided with an efficient, functional layout that maximizes daylight access and avoids habitable rooms which are reliant on artificial light.

By using the dual aspect afforded to each apartment through the inclusion of the wedge shaped atrium component allows the design to capitalise on opportunities for daylight, and cross flow ventilation.

Each apartment is provided with a balcony area that is directly accessible off the main living room that all achieve an area greater than 8 square metres in size. The areas of private open space are further supplemented by the communal open space. The proposed development provides generous communal spaces, including a gym, rooftop garden, and internal atrium.

At ground floor level, separate entry to the residential building, and separate entry to the retail and office areas are provided.

Privacy between apartments, in particular balcony locations and separation have been addressed through the adoption of setbacks from boundaries which obviate the need to apply heavy screening devices.

Alternate lift and stair access linking all floor levels including the car parking is provided.

Each apartment is afforded with storage areas within the secured car parking areas in the form of either cages of 6 cubic metres, or above bonnet storage.

The dwellings include a mix of one, two and three bedroom dwellings. The indicative furniture layouts demonstrate that there are a range of layout options possible for the rooms.

Landscaping and Urban Art

The landscape concept plan proposes an in-ground and on-structure landscape and tree planters, as well as artificial turf and vertical planter elements. The concept at this stage is only high-level and requires further detailed design. As the proposal includes internal atrium component between the northern and southern tower elements, an opportunity exists for landscaping to be established inside the building.

All garden beds are proposed to be installed with fully automatic irrigation system that are fitted with moisture sensors to adjust levels accordingly, and assist the Owners Corporation with the ongoing maintenance.

The atrium spaces on Levels 6 and 8 will have some shady areas and species selection has considered this. Within the Atrium Space, there are planters shown fixed to the south walkway and are to run up the full extent of the Atrium Space to extend the green landscape to the roof.

Rooftop Communal spaces are deliberately simple and open, keeping their use flexible to cater for a few or many people. Plant species chosen are sun loving, long lived and hardy to withstand the harsh conditions.

At ground floor, a portion of the area between buildings will accommodate generously landscaped pedestrian linkages to be activated by commercial and retail spaces.

The proposed development does not include recreation space for children, and it is therefore recommended that play equipment or playable elements such as sculpture or seating elements are included within this open space, as listed in conditions for any approval.

9.1.1

(cont)

Tract Consultants have been engaged by the permit applicant to prepare the landscape plan for this project. Tract Consultants also prepared the landscape plans for the adjoining development at 850 Whitehorse Road, and have been encouraged to incorporate landscape treatments similarly employed for the adjoining development. It is hoped that this will develop a continuous landscape strip and treatment along Whitehorse Road.

It is considered that in order to be consistent with other approvals of the scale in this locality in terms of activation of the streetscape, community benefit, and high quality built finish outcomes that the proposal should include an element of integrated urban art to the ground level, an especially to the pedestrian link to the east of the building.. As such, it is recommended that Council impose an Integrated Art Plan by way of condition, in a manner that is consistent with other approvals granted along Whitehorse Road.

Uses

It is noted that the use of the land for retail and office within the Commercial 1 Zone are as-of-right, and no limitation is required on operating hours, although a general amenity condition will be included on the permit. As previously detailed the proposal includes 572 square metres of retail/café and 5,728 square metres of office space, which is a substantial increase over the existing office area of 2,271 square metres.

Planning approval is required for the residential uses. The provision of ground level lobby areas is acceptable, as these provide for a sense of address and street presentation to the residential uses.

Consistent with other recent approvals, a condition of the permit will require the provision of ten (10) residential apartments to be designated as 'affordable housing units'.

Car Parking

The application was submitted with a Transport Impact Assessment Report, dated 3 May 2017, and prepared by MGA Traffic Pty Ltd.

The site is located within the Box Hill Central Activities Area and is therefore subject to the Box Hill Activity Centre Parking Overlay, Clause 45.09 of the Whitehorse Planning Scheme. Accordingly, the proposal requires the following parking provision for the proposed development:

Land Use	Number/ Area	Statutory Parking Rate	Car Spaces Required by Planning Scheme	Proposed Car Spaces
Apartments:				
• 1 bedroom	54	0.5 spaces per dwelling	27	27
• 2 bedroom	278	0.75 spaces per dwelling	208	208
• 3 bedroom	50	1 space per dwelling	50	50
• Visitor Parking		0.2 spaces for the first 5 dwellings plus 0.1 spaces to each subsequent dwelling	1 37	38
Office	5,728sqm	2 spaces per 100sqm of net floor area	114	114
Restaurant/Cafe	572sqm	3.5 spaces per 100sqm of net floor area	20	6
Car Share				2
Disabled Parking				3
Motorcycle Parking				(7)
		Total Parking Requirement	457	445

The development proposal has a statutory car parking requirement of 285 resident car spaces, 38 visitor car spaces, and 134 car spaces for the commercial component equating to a total of 457 spaces.

9.1.1

(cont)

The applicant is proposing to provide 445 on-site car parking spaces, which does not meet the statutory requirement, and planning permission is sought to reduce the on-site parking requirement associated with the short-term customers for the restaurant/ café components. All residential, visitor, and office parking requirements are fully met.

Overall, there is a parking shortfall of 12 car space on the total provision of parking for this proposal against the Clause 45.09 and 52.06 requirements. The parking dispensation is not supported by Council's Transport Engineers. It is however noted that the applicant has volunteered that a condition be applied to any planning permit issued, requiring that car parking is to be provided in accordance with Clause 45.09 Parking Overlay of the Whitehorse Planning Scheme.

In addition, it is proposed to allocate 37 small car spaces to one and two bedroom dwellings. This is not supported as it restricts future residents on the size and type of vehicle they can own. While some car spaces could be considered as 'small spaces', the provision of 37 small spaces is considered to be excessive, and is not supported by Council's Traffic Engineers. A condition will be applied to any planning permit issued, requiring that the 37 small car spaces be converted into regular sized car parking spaces in accordance with Clause 52.06 Car Parking Design Standards of the Whitehorse Planning Scheme.

A Parking Management Plan will need to be provided, which will include allocating parking spaces to individual uses, signing of parking spaces, line marking of parking spaces and how parking will be secured, including the provision of an intercom for visitor parking.

In terms of traffic generation, a number of recent developments have either been approved or are being considered, include access onto Fairbank Lane. As such, a detailed traffic impact assessment of the proposed development needs to be undertaken which shall take into account approved developments or current development applications that involve access onto Fairbank Lane. The report must also detail any proposed mitigating works in the area. This is consistent with the approach taken on other recent approvals.

Council's Traffic Engineers have recommended that, in terms of conditions to be applied to the planning permit, similar conditions to those applied to the mixed use development at 820 Whitehorse Road that relate to traffic impact be placed upon this development. These have been included as part of this recommendation.

Bicycle Facilities

In accordance with Clause 52.34 of the Whitehorse Planning Scheme, the number of bicycle parking spaces required is:

Usage	Number/ Area	Employee Rate	Visitor Rate	Required Spaces
Dwellings (4 or more storeys)	382 dwellings	1 space per 5 dwellings	1 space per 10 dwellings	76 38
Office >1000sqm	5,728sqm	1 space per 300sqm NFL	1 space per 1000sqm NFL	24
Restaurant/ Café	572sqm	1 space per 100sqm NFL	2 plus 1 to each 200sqm	11
			Total spaces	149

9.1.1

(cont)

The proposal indicates that the provision of 180 bicycle parking spaces are to be provided over 7 levels, of which 76 spaces are allocated for residents and 51 spaces for visitors within the basement and ground levels respectively. There are 42 bicycle spaces proposed within the podium levels, which are most likely for office use but not indicated on the plans, with a further 11 unallocated bicycle spaces available on the ground level both within the building and outdoors within the pedestrian link plaza. The bicycle parking provision is considered satisfactory.

As per the recent update to AS2890.3:2015, Bicycle Parking Facilities are required to include a minimum of 20% of ground level (horizontal) Bicycle Parking Devices (BPD) in any bicycle parking facility. This can be required by way of condition on any permit issued.

End of trip facilities will be provided, with a shower and change room facilities provided on Lower Ground Floor Plan, and shower facility provided with a toilet on Level 2, Level 3 and Level 4, adjacent to a bicycle storage room.

Loading Facilities

Clause 52.07 of the Whitehorse Planning Scheme requires a loading bay to be provided for the Office use. A loading bay has been provided on the ground level which meets these requirements except for the height clearance, which is not shown. Swept path analysis of both a 6.4 metre long and an 8.8 metre long service vehicle accessing the loading bay has been provided. Although the analysis demonstrates that service vehicles can access the loading bay and manoeuvre to exit in a forward manner, the swept path does show that the doors providing access to the gas meter room will be struck if left open when the truck is manoeuvring, which is unlikely to occur.

Objectors Concerns not Previously Addressed

Equitable Development

The site is surrounded by potential development sites that share a similar policy context to the subject site. The design response of the proposed development incorporates an intelligently recessed and articulated façade and internal atrium component that provides an appropriate setback and relationship to each of the property boundaries.

With regards to properties to the south of Fairbank Lane, whilst it is acknowledged that the corners of the building do not provide for a setback of 4.5m from the centre of Fairbank Lane, it is noted that this is confined to a small portion of the built form and generally is in excess of the minimum. It is considered on balance that the proposal makes reasonable provision for equitable development.

Visual impact/height

It is acknowledged that the building will be readily visible in the emerging skyline of Box Hill. The building is consistent in height with the recently completed building at 850 Whitehorse Road, and the approved building at 820 Whitehorse Road. The built form is considered to be appropriately articulated with a clear podium and tower, and seeks to break the tower into two differing forms, through use of setbacks and material and colour palettes.

Impact on infrastructure

The planning scheme enables consideration of public works infrastructure such as provision of appropriate drainage, sewerage etc, which has been assessed by Council's Transport, Assets, and Sustainability teams. However the ability to require the provision of larger social infrastructure such as schools and public transport sits within the remit of the State Government. It is reasonable to infer, that through the broader strategic push for the development of Box Hill, the State Government recognises the need to future plan for this growing population and their needs.

9.1.1

(cont)

Population growth in Box Hill

Box Hill is a designated Metropolitan Activity Centre, and the proposal is consistent with State Planning Policy to see additional housing accommodated with existing Urban Areas, and higher density development in Activity Centres.

Maintaining Box Hill for business/employment

The proposal is for a mixed use building with retail and food and drink at the lower ground and ground level, and office space within the podium, which more than doubles the amount of office space currently provided within the existing buildings on the site. This is consistent with State and Local Planning Policy which encourages a range of activities to occur within major activity centres such as Box Hill.

Safety of cladding.

Council's primary concern is the safety of its residents and council is awaiting additional guidance and/or development announcements from the State government before taking additional action. The materials and cladding used within such buildings will be appropriately assessed and regulated through the building permit process.

CONCLUSION

The proposal for 'construction of buildings and works to construct a building comprising 30 storeys plus five levels of basement car parking (including dwellings and commercial uses), use of land for accommodation, and associated reduction of car 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 Commercial 1 Zone, and the Parking Overlay.





The development addresses the strategic directions and policy objectives by supporting urban consolidation, increasing housing choice, enhancing the quality of the urban and built environment, and encouraging opportunities for higher-density housing in close proximity to Box Hill existing infrastructure.

The building has been designed to respond to the site's varying interfaces, to provide a high level of amenity for future residents and to activate the street frontages. The design of the building has been assessed by Council's Urban Design Consultant, and provides an appropriate built form outcome. The proposal provides community benefits in the form of the provision of ten (10) affordable dwellings to be given to a registered housing provider.

A total of twenty one (21) objections were received as a result of public notice and all of the issues raised have been considered.

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

ATTACHMENT

- 1 Advertised Plans - Part 1  
- 2 Advertised Plans - Part 2  

9.1.2 345 Whitehorse Road, Nunawading - Amend Permit from erection and display of a floodlit major promotion sky sign to an electronic major promotion sky sign

FILE NUMBER: WH/2012/669/A
ATTACHMENT

SUMMARY

This application was advertised, and a total of five objections were received. The objections raised issues with distraction to drivers, visual pollution, and precedent. A Consultation Forum was held on 15 November 2017 chaired by Councillor Cutts, 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. The application has been called in by Councillor Cutts to be determined by Council. It is recommended that the application be refused.

COUNCIL RESOLUTION

Moved by Cr Cutts, Seconded by Cr Stennett

That Council:

- A. Being the Responsible Authority, having caused application WH/2012/669/A for 345 Whitehorse Road, NUNAWADING to be advertised and having received and noted the objections is of the opinion that the granting of approval to amend the Planning Permit from erection and display of a floodlit major promotion sky sign to an electronic major promotion sky sign is unacceptable and will unreasonably impact the surrounding area and road network.***
- B. Issue a Refusal to Grant a Planning Permit under the Whitehorse Planning Scheme to the land described as 345 Whitehorse Road, NUNAWADING to amend the planning permit from erection and display of a floodlit major promotion sky sign to an electronic major promotion sky sign, on the following grounds:***
 - 1. The proposal is contrary to the Local Planning Policies at Clause 21.05 (Environment) and Clause 22.02 (Visual amenity and advertising signs) of the Whitehorse Planning Scheme by failing to be considerate of the amenity and visual appearance of the area.***
 - 2. The proposal is contrary to the purpose and decision guidelines of Clause 52.05 (Advertising Signs) of the Whitehorse Planning Scheme as it will distract drivers at a location where particular concentration is required.***
 - 3. The proposal will have a detrimental impact on the amenity and safety of the area and fails to satisfy the decision guidelines at Clause 65 of the Whitehorse Planning Scheme.***
- 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.***


CARRIED UNANIMOUSLY

9.1.2 (cont)

MELWAYS REFERENCE 48 F9

Applicant:	Insight Planning Consultants Pty Ltd
Zoning:	Commercial 2 Zone
Overlays:	Nil
Relevant Clauses:	
Clause 15	Built environment and heritage
Clause 21.05	Environment
Clause 22.02	Visual amenity and advertising sign
Clause 34.01	Commercial 2 Zone
Clause 52.05	Advertising signs
Clause 65	Decision guidelines
Ward:	Springfield



		Subject site		5 Objector Properties (5 outside of map)	 North
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9.1.2

(cont)

BACKGROUND

History

Planning Application WH/2012/669 for erection and display of a floodlit major promotion sky sign was refused under delegation, without advertising, on 14 December 2012 on the following grounds:

1. The proposal is contrary to the Local Planning Policies at Clause 21.05 (Environment) and Clause 22.02 (Visual amenity and advertising signs) of the Whitehorse Planning Scheme.
2. The proposal is contrary to the purpose and decision guidelines of Clause 52.05 (Advertising Signs) of the Whitehorse Planning Scheme.
3. The location of the proposed signage is inappropriate and fails to meet the location principles for Major Promotion Signs set out at Clause 52.05-6 (Major promotion sign) of the Whitehorse Planning Scheme.
4. The proposal will have a detrimental impact on the amenity of the area and fails to satisfy the decision guidelines at Clause 65 of the Whitehorse Planning Scheme.

An Application for Review was lodged with VCAT and the application was advertised at the direction of VCAT by means of advertising boards onsite and letters to immediate surrounding properties. The permit was issued at the direction of VCAT on 20 December 2013 and contains the following conditions:

1. Before any approved works start, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:
 - a) The maximum height of the sign above NGL at 12.65 metres, with consequential reductions to the support structure and/or some minor shift in the siting if required to avoid any direct conflict with the curved corner element of the host building; and
 - b) Screening to the support structure on all elevations.
2. The location and details of the sign shown on the endorsed plan must not be altered without the written consent of the Responsible Authority.
3. Before any approved works start, the permit holder must submit a lighting plan to the responsible authority to its satisfaction for approval, including details of lighting and baffling to avoid light spill. The lighting plan must contain the following measures, at minimum:
 - Details of the location and type of lighting including relevant lux levels;
 - Details of baffling and verification of the extent of light spill so as not to cause distraction of motorists in adjoining streets or loss of amenity in the surrounding area; and
 - A timer to prevent illumination of the sign with any effect on the residential area to the north (i.e. the south west facing panel) between 11pm and 6am the next day.

Once approved, the plan will form part of this permit and all requirements must be complied with.

4. The sign must be located on the building approved in Planning Permit No. WH/2011/274. The sign must not be erected on the subject land until the approved building has been constructed to the satisfaction of the Responsible Authority. The sign and associated support structure/s must be removed from the land (subject to any further permission that may be granted) if the approved building in Permit No. WH/2011/274 is demolished or increased in height.

9.1.2

(cont)

5. The advertising sign and panels must be constructed and maintained to the satisfaction of Responsible Authority. Any sign in a state of disrepair must be removed at the direction of the Responsible Authority.
6. No bunting, streamers or festooning may be displayed.
7. The sign must not contain any flashing light.
8. The sign must not move in part or whole.
9. The approved signage must not:
 - a) Dazzle or distract drivers due to its colouring;
 - b) Be able to be mistaken for a traffic signal because it has, for example, red circles, octagons, crosses or triangles; or
 - c) Be able to be mistaken as an instruction to drivers.
10. Subject to conditions of this permit, this permit expires 15 years from the date of issue, at which time the sign and all supporting structures must be removed and the site made good to the satisfaction of the Responsible Authority subject to any further planning permission that may be granted by that time.

The Site and Surrounds

The subject site is located on the north-west corner of Whitehorse Road and Springvale Road in Nunawading, which is the intersection of two major arterial roads within the municipality that are both zoned Road Zone, Category 1.

The site is irregular in shape with a frontage to Springvale Road of 26.9m and frontage to Whitehorse Road of 36.6m, with a site area of approximately 1070m². No covenants or easements are registered on Title. The land is currently used as a 'Bob Jane' tyre service centre. The existing building is located on the western side of the property with car parking in the eastern frontage to Springvale Road. The support frame for the existing approved floodlit major promotion sky sign has already been constructed on the top of the existing building.

The subject site forms part of the Nunawading Mega Mile along Whitehorse Road, which is predominantly characterised by retail and showroom uses. Adjoining the site to the north at 130 Springvale Road is a General Residential zoned property on which is located the Nunawading Ambulance Station. Further north along Springvale Road is a group of shops, also in a General Residential Zone, containing a chemist and a convenience store (7 Eleven).

To the north-west of the site is public open space (Feiglin Park) that has frontage to Burnt Street. To the west of the park is a medium-density housing development. To the west of the subject site is a restricted retail premises. On the north-east corner of Whitehorse and Springvale Road is a convenience restaurant (Mc Donald's) and on the south-east corner of this intersection is another convenience restaurant (KFC). To the south-west there is a petrol station that is located on the corner and restricted retail showrooms/outlets extend westward along Whitehorse Road with access from the service road.

Planning Controls

The State Planning Policies at Clause 15 (Built environment and heritage) aims to achieve high quality urban design and architecture that contributes positively to local urban character and sense of place; reflects the particular characteristics, aspirations and cultural identity of the community; enhances amenity and safety of the public realm; and promotes attractiveness of towns and cities within broader strategic contexts.

9.1.2

(cont)

The Local Planning Policies at Clauses 21.05 (Environment) and 22.02 (Visual amenity and advertising signs) seeks to develop main thoroughfares as attractive boulevards with improved advertising signage, landscaping and building design; and to ensure that signage is located and designed with regard to the safe operation of the road network.

A permit is required under Clause 52.05 (Advertising signs) to erect a major promotion sign, a sky sign, and an electronic sign within the Commercial 2 Zone.

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.

Clause 73 (Outdoor advertising terms) defines an electronic sign as a sign that can be updated electronically. It includes screens broadcasting still or moving images.

PROPOSAL

The application seeks to amend the existing approved major promotion sky sign on the site from being floodlit to electronic. Specifically, it is proposed to amend the permit preamble to erection and display of an electronic major promotion sky sign.

Details of the existing sign are:

- The sign has two panels, each with an advertising area of 3.35 metres high by 12.65 metres wide for a total of 42.38m².
- The panels are V-shaped with advertising areas facing south-east and south-west, allowing the sign to appear as 9.4 metres wide to Whitehorse Road. The southern-most point of the sign is in line with the south elevation of the building, 1 metre from the southern boundary of the site.
- The sign is 12.65 metres from natural ground level to its highest point, inclusive of 8 metres of building height, 1.3 metres of support structure height and 3.35 metres of sign height.
- The sign is currently approved with lighting to enable it to be floodlit.
- The sign is not currently fully erected and is to be used for third party advertising material, but may be used to advertise the current business on the site.

Details of the amendment are:

- To change the sign from floodlit to electronic.
- Each panel will display a cycle of ten 'units' comprising eight advertising signs and two public service information units (such as weather forecasts, traffic conditions and news updates).
- The brightness of the sign will be automatically calibrated to reflect the ambient operating conditions of day and night.

9.1.2

(cont)

CONSULTATION

Public Notice

The application was advertised by mail to the adjacent and surrounding property owners and occupiers, by erecting notices to the Whitehorse Road and Springvale Road frontages, and the inclusion of a notice in the local newspaper. Following the advertising period 5 objections were received.

The issues raised are summarised as follows:

- Distraction to drivers at an intersection that already has a high level of red light infringements and accidents mixed with a high volume of pedestrians.
- Will increase ugliness and clutter/visual pollution.
- Will set a precedent.

Consultation Forum

A Consultation Forum was held on 15 November 2017. One objector attended the meeting.

Matters discussed at the Consultation Forum included:

- The limited extent of notice of the original application during the VCAT process and subsequent lack of Statements of Grounds submitted to VCAT.
- Historic policy in Nunawading to refuse sky signs.
- Impacts to road safety for both vehicles and pedestrians at such a high volume intersection with short time periods for turning.
- Volume and accident data for the intersection.
- The precedent that has been set by the existing approved sign and the change in precedent should it be changed to an electronic sign.
- Whether the current incomplete erection of the externally illuminated sign reflects an original intent of the owner to amend the sign after 'locking in' the location and size of the sign, particularly given that the frame for the sign was erected in 2015. To this matter, the applicant advised that the proposed technology was not available at the time that the original permit was granted.

Referrals

External

VicRoads

No objection subject to the following conditions:

1. No advertisement may be displayed for less than 30 seconds.
2. The lighting output of the sign must be managed at all times such that the veiling luminance does not exceed 0.25 cd/m^2 throughout the approach to the sign.
3. The transition between images displayed must be instantaneous.
4. The advertising content of the sign must not:
 - a) Consist of more than one static image, including a sequence of connected or related images separated by the required dwell time.
 - b) Contain or consist of video, movie or television broadcast.
 - c) Contain any flashing or blinking contents or create the illusion of movement.
 - d) Be capable of being mistaken for a traffic signal or traffic control device. This includes the use of red, amber or green circles, octagon, crosses or triangles.

9.1.2

(cont)

- e) Be an instruction, or be capable of being mistaken as, an instruction to a road user. This includes use of the wording stop, give way, slow, turn left or turn right.
 - f) Be predominantly green, amber or red.
5. The signs and advertising content must not dazzle or distract road users due to its colouring.
 6. In the event of a malfunction of the electronic sign or advertising content, the electronic sign must be shut down and cease visual output until the malfunction is rectified.
 7. Prior to commencement of the construction of the advertising sign a lighting report from a suitably qualified lighting engineer demonstrating how the lighting output prescribed at condition 2 will be achieved must be provided to the Roads Corporation for approval. When approved, the report will form part of the planning permit and the sign must at all times operate in accordance with the report.
 8. In the event of an attack by a computer hacker or similar resulting in unauthorised display of visual images or any other display malfunction, the electronic sign is to shut down and cease any form of visual output until the malfunction is repaired.

Internal

Engineering and Environmental Services Department

- Transport Engineers

Advised that they have no authority to comment on road safety on either Whitehorse Road or Springvale Road, as VicRoads are the authority for arterial roads under the Road Management Act 2004.

DISCUSSION

When considering the original permit application, Council officers formed the view that the proposed sign was contrary to the objectives of Clause 21.05 (Environment), Clause 22.02 (Visual amenity and advertising signs), and Clause 52.05 (Advertising signs).

A particular concern of officers is that the proposed sign is contrary to the objectives of Clauses 21.05 (Advertising signs) and 22.02 (Visual amenity and advertising signs) to develop main thoroughfares as attractive boulevards with improved advertising signage design, and to be considerate of the amenity and visual appearance of the area.

The VCAT member disagreed with Council officers that the proposed signs were excessive in scale and not in proportion to the proposed building where it is to be displayed. In particular, the member stated that *'it would be reasonable to assume that over time [the area] would evolve taller buildings being constructed along this strip of conceivably 3-4 of 5 storeys ... such that this particular sign may well be viewed within a backdrop of taller buildings in future.'* [23]

The change of the sign from floodlit to electronic however changes the impact that the sign will have on the amenity of the area. It is a policy of Clause 22.02 (Visual amenity and advertising signs) that bunting, promotional, high wall, sky, panel, animated and reflective signs are discouraged due to the resultant visual clutter and detriment to the amenity of the area. While it is noted that this policy does not refer to electronic signs, this is because when this policy was written in 2006, the potential for this type of sign was not contemplated. Notwithstanding this, it is clear from the fact that the policy discourages other similar types of signs (animated and reflective signs) that the policy intent is to discourage electronic signs also.

9.1.2 (cont)

Specifically in respect to the matter of floodlit signage versus electronic, it is noted that the VCAT member stated:

[38] I find that the proposed floodlighting of the sign would be a form of illumination that would be less obtrusive than internal illumination, and far less obtrusive than if the sign were electronic and/or animated. I consider that it would be quite straightforward to provide a requirement in the permit conditions to submit a lighting plan for approval by the responsible authority. This would enable detailed issues to be considered to avoid excessive illumination or unreasonable light spill.

It is not unreasonable to interpret that the Member found the sign to be acceptable because it was not 'electronic and/or animated', and therefore would likely **not** have approved the sign if it was one of these types of sign.

Clause 22.02 (Visual amenity and advertising signs) also seeks to ensure that signage is located and designed with regard to the safe operation of the road network. Clause 52.05 (Advertising signs) also seeks to ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

Specifically Clause 52.05 requires the responsible authority to consider the impact on road safety, and states that a sign is a safety hazard if:

- The sign could dazzle or distract drivers due to its size, design or colouring, or it being illuminated, reflective, animated or flashing; or
- Is at a location where particular concentration is required, such as a high pedestrian volume intersection.

While VicRoads has a long history of objecting to this type of signage on grounds of impacts to road safety, it appears in recent times to have become more reticent on the issue following a large number of VCAT losses. VicRoads has not objected to this application and has instead formulated a suite of proposed permit conditions which aim to reduce, if not control, the impacts that the sign will have on Whitehorse Road and Springvale Road.

The intersection of Whitehorse Road and Springvale Road has a very high volume of traffic, and local road users, who have objected to this application, know that the intersection experiences a high number of both actual and near accidents on a regular basis. Data collected from Council's Transport team shows that there have been 25 crashes in total at the intersection in the last five years, including 1 fatal, 1 serious injury and 23 other injury crashes. During that same period 75 red light camera infringements were issued for west bound traffic on Whitehorse Road, and 2,160 red light camera infringements were issued for Whitehorse Road west bound traffic turning north into Springvale Road.

There is no question that the purpose of a promotion sign is to attract attention, and that changing the sign from floodlit to electronic will increase the ability of the sign to do this. Also, the orientation of the sign is designed for maximum exposure to west bound traffic on Whitehorse Road, and in particular traffic turning north into Springvale Road. Furthermore, the inclusion of 'public service information' is another technique of the signage operators to attract attention to the sign, in preparation for the next advertising panel. Similarly, it is a fact that the highest number of people who will see the sign will be either vehicle drivers, whose main responsibility is to operate the vehicle safely, or pedestrians crossing the intersection.

It is noted that VicRoads has proposed a number of conditions aimed at reducing the level of distraction to drivers, including that no advertisement may be displayed for less than 30 seconds. The purpose of this condition appears to be specifically aimed at reducing the impacts to drivers either going through or approaching the intersection. There will however be multiple changes to the sign while vehicles are stopped at the red light, particularly for those vehicles turning north in Springvale Road.

9.1.2

(cont)

We are now in an era when distractions to drivers and pedestrians are becoming an ever increasing cause of accidents on our roads. In this environment Council has a responsibility to eliminate, and not increase, distractions to drivers and pedestrians, as a part of its continued efforts to protect the safety of the local community. This is particularly important when the intersection is already a high accident location.

Objectors Concerns not Previously Addressed

- Will set a precedent.

Ordinarily objections regarding precedent are responded to by reference to the fact that decisions on developments are not made on precedents, but instead on consideration of how the proposal addresses site constraints and complies with the Planning Scheme. However, this is not a development application, and the applicants themselves have argued that this amendment should be supported because of the number of precedents that have been established for this type of signage across Melbourne.

The City of Whitehorse however has its own precedents, having been successful in both refusing and defending refusals for this type of signage in other locations in the municipality. There are currently no signs of this type on Whitehorse Road. There is no doubt, that just as the applicant has sought to refer to precedents to defend this application, should this amendment be approved other applicants will seek to use it as a precedent to support this type of signage in other locations within the municipality.

CONCLUSION

The proposal to amend the Planning Permit from erection and display of a floodlit major promotion sky sign to an electronic major promotion sky sign is an unacceptable response and fails to satisfy the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies and Clause 52.05, Advertising signs.

The change of the sign from floodlit to electronic will unreasonably affect the amenity and visual appearance of the area and will increase distraction to drivers and pedestrians, impacting on the safety of an already dangerous intersection.

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

It is considered that the application should be refused.

ATTACHMENT

- 1 Advertised plans  

9.2 INFRASTRUCTURE

9.2.1 Tender Evaluation Report (Contract 30014) Box Hill Town Hall Community Kitchen Refurbishment

SUMMARY

In 2015 an Occupational Health and Safety audit was conducted in the main kitchen area which identified various hazards and noncompliance items in relation to current statutory regulations, building standards, health and environmental criteria. Community consultation was undertaken with user groups, caterers, event chefs, council support staff and event planners to consider the functionality of the kitchen. The noncompliance and limited functionality of the existing kitchen now requires a significant upgrade to address and improve the catering capabilities and to align with current Health, Safety and Building standards.

Tenders received for the provision of building services for the Box Hill Town Hall Community Kitchen Refurbishment and a recommendation for the acceptance of the tender received from Ducon Maintenance Pty Ltd, trading as Ducon Building Solutions, for the amount of \$506,530.20, including GST and to consider the overall project expenditure.

COUNCIL RESOLUTION

Moved by Cr Liu, Seconded by Cr Ellis

That Council accept the tender and sign the formal contract document for Contract 30014 for the Box Hill Town Hall Community Kitchen Refurbishment received from Ducon Maintenance Pty Ltd, ABN 79 150 941 174, of 2/55 Whiteside Road, Clayton South VIC 3169, trading as Ducon Building Solutions, for the tendered amount of \$506,530.20, including GST; as part of the total expected project expenditure of \$792,000.00 including GST (\$720,000.00 excluding GST).

CARRIED UNANIMOUSLY

BACKGROUND

The building is located at 1022 Whitehorse Road, Box Hill. The vision of the Box Hill Town Hall is to be an operational centre which meets the needs of the Whitehorse community and to provide a high level, quality service venue for functions, events and meetings.

Funding was provided in 2015/16 Capital Works Program to undertake the redesign documentation of the main kitchen and obtain accurate cost estimates. The redesign documentation incorporates a more adaptable design to meet future needs for the cultural diversity at the function centre and within the community, also providing solutions to existing hazards and noncompliance items.

The proposed refurbishment of the main kitchen will provide Council with a kitchen area that complies with the relevant standards to provide an appropriate hiring venue similar to other facilities located in and around Melbourne.

9.2.1

(cont)

The scope of works for the Box Hill Town Hall Community Kitchen Refurbishment will include;

- Removal of all asbestos containing material
- New 5000L Grease Waste Trap
- Structural remedial works to subfloors
- New Flooring including Floor levelling and Control Joints
- New Waste Points to flooring
- Commercial Grade Non-slip Vinyl
- New Extraction Hoods and Ventilation System
- Waterproofing Barrier
- Replacement of Switchboard
- New cabling and wiring
- Sustainable LED Lighting
- New appliances and stainless steel benches
- Ceiling and Wall fire rated wall linings
- Additional Hand Washing locations

Construction works onsite are scheduled to commence in January 2018 and hand over of completed building works in April 2018. The onsite works have been programmed in around the blocked out time period when the existing commercial kitchen will not be in use to minimise any disruption to the operation of the Town Hall.

DISCUSSION

All the tenderers were prequalified specialised commercial builders, selected from the State Government's Construction Supplies Register (CSR). Tenders were invited on the 27 September 2017 and closed on the 18 October 2017. Three tenders were received.

The tenders were evaluated against the following criteria:

- Financial benefit to Council;
- Contractors quality of work;
- Contractors ability to meet Council's time frame for the project;
- Contractors specified resources for the project; and
- Occupational Health & Safety, Equal Opportunity and Business Viability (Pass/Fail).

A detailed evaluation was conducted on the tenderers and Ducon Building Solutions has demonstrated considerable past experience in delivering similar projects for other councils, specifically working around live environments. A reference check was conducted together with a financial viability report. The tender received from Ducon Building Solutions is considered to provide the best value for money for this Contract.

CONSULTATION

Council officers consulted with broader community user groups during the design stage, along with various internal council departments regarding functionality and compliance requirements.

9.2.1

(cont)

FINANCIAL IMPLICATIONS

	Budget	Expenditure
Capital Works Funding Account No.(U638 6708)	\$ 720,000.00	
Total Budget	\$ 720,000.00	
Preferred tenderer's lump sum offer (including GST)		\$ 506,530.20
Less GST		-\$ 46,048.20
Net cost to Council		\$ 460,482.00
Plus Contingencies		\$ 80,000.00
Allowance for Consultant Fees		\$ 40,000.00
Estimated costs for additional External Works and Mains Service Upgrades		\$ 75,000.00
Plus Project Management Fee		\$ 64,518.00
Total Expenditure		\$ 720,000.00

The tender is within the approved budget provision for the project with adequate allowance for contingencies that may arise during construction.

9.2.2 Tender Evaluation Report (Contract 30024) Concrete Paving & Kerbing Services

FILE NUMBER: SF17/712

SUMMARY

Council has a significant amount of concrete footpaths, kerb and channel and other concrete paving surfaces throughout the municipality that require funds to be allocated in the capital and operational budget each financial year for maintenance and renewal. These assets are managed in accordance with Council's Asset Management Policy, asset management plan for roads and Road Management Plan.

This report is to consider tenders received for the provision of concrete paving and kerbing services and to recommend the acceptance of a panel of six contractors: The Trustee for Civil Asset Management Services Trust, trading as Civil Asset Management Services Pty Ltd; Parente Family Trust, trading as Parente Paving Pty Ltd; Pavers Plus Pty Ltd; Roma Bros Pty Ltd; Jasper Civil Pty Ltd; MFP Enterprises (Vic) Pty Ltd, trading as Tiama Constructions on a Schedule of Rates basis for a period of 3 years commencing on 14 February 2018 with an option to extend the contract for a further 2 years or less at Council's discretion and to consider the estimated expenditure over the life of the contract.

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Carr

That Council:

- 1. Accept the tender and sign the formal contract document for Contract 30024 for Concrete Paving and Kerbing Services received from:**
 - **The Trustee for Civil Asset Management Services Trust (ABN 98 552 701 184), of 3 Luckie Street Nunawading 3131, trading as Civil Asset Management Services Pty Ltd;**
 - **Parente Family Trust (ABN 94 297 335 323), of 5 Argent Place Ringwood 3134, trading as Parente Paving Pty Ltd;**
 - **Pavers Plus Pty Ltd, (ABN 45 053 807 015), of 389 Maroondah Highway Ringwood 3134;**
 - **Roma Bros Pty Ltd, (ABN 29 004 334 114), of 25 Rainbow Valley Road Park Orchards 3114;**
 - **Jasper Civil Pty Ltd, (ABN 83 006 268 328), of 1/38-40 Access Way Carrum Downs 3201;**
 - **MFP Enterprises (VIC) Pty Ltd, (ABN 34 154 882 907), of PO Box 331 Kerrimuir 3129, trading as Tiama Constructions;**

on a Schedule of Rates basis for a period of 3 years commencing on 14 February 2018 with an option to extend the contract for a further 2 years or less at Council's discretion.
- 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.**

CARRIED UNANIMOUSLY

BACKGROUND

Council has a significant amount of concrete footpaths, kerb and channel and other concrete paving surfaces throughout the municipality that require funds to be allocated in the capital and operational budget each financial year for maintenance and renewal.

There is an allocation in Council's operational budget each financial year to undertake various concrete works to address issues such as cracked, displaced and hazardous footpaths and kerb and channel as well as an allocation in Council's capital works budget each financial year for the renewal and upgrade of these assets.

9.2.2

(cont)

Council currently has a contract for the provision of concrete and kerbing services that will expire on 13 February 2018. This contract is to continue these services to undertake planned renewal and risk mitigation works in accordance with Council's Asset Management Policy, asset management plan for roads and Road Management Plan. The Road Management Plan determines the level of service that Council is required to deliver for the maintenance of the 1,717 kilometres of footpaths, 1,183 kilometres of kerb and channel and 611 kilometres of roads.

The contract is a Schedule of Rates contract with annual rise and fall Consumer Price Index adjustments. The term of the contract is 3 years commencing on 14 February 2018 with an option to extend the contract for a further 2 years or less at Council's discretion subject to satisfactory performance by the contractor.

To maximise cost effectiveness and provide flexibility of service, it is considered appropriate to appoint a panel of contractors. Some projects will be more suited to a specialised contractor. It is common for this type of work that contractors are required at short notice to address urgent issues and it is therefore preferable to appoint a panel of contractors.

DISCUSSION

Tenders were advertised in The Age newspaper on Saturday 7 October 2017 and were closed on Wednesday 1 November 2017. A total of eleven tenders were received.

The tenders were evaluated against the following criteria:

- The Tender Offer;
- Tenderer's experience in undertaking similar work;
- The quality of the Tenderer's work;
- The resources (equipment and Staff) available for the Contract; and
- Occupational Health & Safety and Equal Opportunity (Pass/Fail).

The preference for Council is to appoint multiple contractors to ensure the services can be delivered in a timely manner and to have a broad range of services to complete all aspects of the contract. Expenditure for the contract will be shared across the panel of contractors. All the tenderers were evaluated by applying the tendered rates to typical projects that would be awarded in a year.

The recommended tenderers are experienced in the provision of the type, range and quality of services that will be required under the contract and have successfully completed similar contracts for Councils in the past. These tenderers are considered to provide the best value for money for the contract.

CONSULTATION

The scope and requirements of the contract were developed with all relevant internal stakeholders including officers from City Works and Engineering and Environmental Services.

There was no external community consultation required as part of the tender evaluation. Residents will be notified as required in advance of the works completed under this contract.

Reference checks were undertaken as part of the tender evaluation. The preferred tenderer's business viability has been considered.

FINANCIAL IMPLICATIONS

The contract for the provision of concrete paving and kerbing services is based on a Schedule of Rates. The rates are subject to a CPI adjustment on each anniversary of the contract.

9.2.2

(cont)

The financial advantage of each tender submission was determined by comparing rates for services that are used most frequently by Council. The tenderers were evaluated by applying the tendered rates to typical projects that would be awarded in a year. The estimated expenditure under the contract over the initial contract term is approximately \$9,000,000, including GST. Expenditure will increase to approximately \$15,000,000, including GST if the options to extend the contract are exercised. The expenditure will be allocated among the recommended tenderers in accordance with the schedule of rates, availability and capability considerations.

The costs incurred under the contract will be charged to the relevant recurrent operating budget for maintenance works and the relevant capital works budget for renewal and upgrade works.

9.2.3 Tender Evaluation Report (Contract 30026) Minor Asphalt Works

FILE NUMBER: SF17/813

SUMMARY

Council has a significant amount of asphalt road pavements and footpaths throughout the municipality that require funds to be allocated in the capital and operational budget each financial year for maintenance and renewal. These assets are managed in accordance with Council's Asset Management Policy, asset management plan for roads and Road Management Plan.

This report is to consider tenders received for the provision of minor asphalt works and to recommend the acceptance of the tender received from AA Asphalt Constructions Pty Ltd on a Schedule of Rates basis for a period of 3 years commencing on 14 February 2018 with an option to extend the contract for a further 2 years or less at Council's discretion and to consider the estimated expenditure over the life of the contract.

COUNCIL RESOLUTION

Moved by Cr Ellis, Seconded by Cr Carr

That Council:

- 1. Accept the tender and sign the formal contract document for Contract 30026 for Minor Asphalt Works received from:**
 - AA Asphalt Constructions Pty Ltd, (ABN 27 116 015 733), of 35 Davey's Lane Hoddles Creek 3139;*****on a Schedule of Rates basis for a period of 3 years commencing on 14 February 2018 with an option to extend the contract for a further 2 years or less at Council's discretion.***
- 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.**

CARRIED UNANIMOUSLY

BACKGROUND

Council has a significant amount of asphalt road pavements and footpaths throughout the municipality that require funds to be allocated in the capital and operational budget each financial year for maintenance and renewal.

There is an allocation in Council's operational budget each financial year to undertake various asphalt works to patch and repair failed sections of asphalt road pavements and footpaths as well as an allocation in Council's capital works budget each financial year for the renewal and upgrade of these assets.

Council currently has a contract for the provision of road pavement repair services that will expire on 13 February 2018. This contract is to continue these services to undertake planned renewal and risk mitigation works in accordance with Council's Asset Management Policy, asset management plan for roads and Road Management Plan. The Road Management Plan determines the level of service that Council is required to deliver for the maintenance of the 1,717 kilometres of footpaths and 611 kilometres of roads.

The contract is a Schedule of Rates contract with annual rise and fall Consumer Price Index adjustments. The term of the contract is 3 years commencing on 14 February 2018 with an option to extend the contract for a further 2 years or less at Council's discretion subject to satisfactory performance by the contractor.

9.2.3

(cont)

At its meeting on 18 September 2017, Council accepted tenders for a panel of providers of the provision of road resurfacing and associated services to a group of Councils in the eastern region of Melbourne. This contract is used for larger asphalt projects as part of the planned rehabilitation program for local roads that includes periodically applying an asphalt overlay to maintain the integrity of the road pavement. The current contract being evaluated, Contract 30026 is for minor asphalt works that will be used for smaller asphalt projects including patching and repair of small sections of asphalt pavements. A separate contractor is required for the smaller asphalt projects to ensure Council has a dedicated contractor who can respond quickly to repair road damage at short notice.

DISCUSSION

Tenders were advertised in The Age newspaper on Saturday 7 October 2017 and were closed on Wednesday 1 November 2017. A total of seven tenders were received.

The tenders were evaluated against the following criteria:

- The Tender Offer;
- Tenderer's experience in undertaking similar work;
- The quality of the Tenderer's work;
- The resources (equipment and Staff) available for the Contract; and
- Occupational Health & Safety and Equal Opportunity (Pass/Fail).

The preference for Council is to appoint a contractor that can provide services in a timely manner and is able to complete all aspects of the contract.

The recommended tenderer is experienced in the provision of the type, range and quality of services that will be required under the contract and has successfully completed similar contracts for Councils in the past. This tenderer is considered to provide the best value for money for the contract.

CONSULTATION

The scope and requirements of the contract were developed with all relevant internal stakeholders including officers from City Works and Engineering and Environmental Services.

There was no external community consultation required as part of the tender evaluation. Residents will be notified as required in advance of the works completed under this contract.

Reference checks were undertaken as part of the tender evaluation. The preferred tenderer's business viability has been considered.

FINANCIAL IMPLICATIONS

The contract for the minor asphalt works is based on a Schedule of Rates. The rates are subject to a CPI adjustment on each anniversary of the contract.

The financial advantage of each tender submission was determined by comparing rates for services that are used most frequently by Council. The tenderers were evaluated by applying the tendered rates to typical projects that would be awarded in a year. The estimated expenditure under the contract over the initial contract term is \$1,350,000, including GST. Expenditure will increase to approximately \$2,250,000, including GST if the options to extend the contract are exercised.

The costs incurred under the contract will be charged to the relevant recurrent operating budget for maintenance works and the relevant capital works budget for renewal and upgrade works.

9.3 HUMAN SERVICES

9.3.1 Tender Evaluation Report (Contract 30013) Supply & Delivery of Sandwiches, Finger Food & Meals

SUMMARY

To consider and appoint two catering tenderers for the supply and delivery of sandwiches, finger food and light meals at various Council locations through-out the municipality. Catering services generate income back to Council through the provision of function services at Council facilities as well as providing for Council and community catered events. It is recommended Council contract two tenderers for this service to reduce risk to Council and accept Tenders received from Smart Brown Catering and G'Day Chef on a Schedule of Rates basis for a period of 2 years.

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Barker

- 1. Accept the tender and sign the formal contract document for Contract 30013 for the supply and delivery of sandwiches, finger food and light meals received from Smart Brown Catering on a Schedule of Rates basis for a period of 2 years.***
- 2. Accept the tender and sign the formal contract document for Contract 30013 for the supply and delivery of sandwiches, finger food and light meals received from G'Day Chef on a Schedule of Rates basis for a period of 2 years.***
- 3. Authorise the Chief Executive Officer to award an extension of these contracts, subject to a review of the Contractors' performance and Council's business needs, at the conclusion of the initial 2 year contract term.***

CARRIED UNANIMOUSLY

BACKGROUND

This contract is for the timely provision of catering services including quality sandwiches, finger food, and light meals at various Council locations throughout the municipality.

Catering services generate income for Council through the function services offered primarily at the Whitehorse Centre and the Box Hill Town Hall. These facilities both have function rooms available for hire to external clients who can engage Council's catering services as part of their hire. The scope of these services can range from morning and afternoon teas to fully catered dinners. The catering cost for these services is entirely on-charged to the client with no cost to Council. External client catering returns an income to Council for the provision of these services.

Catering services are also provided for certain community and Council events each year through-out the municipality.

The tender is for the provision of catering services 12 months of the year. The contract is awarded to two tenderers to mitigate risk to Council from engaging a sole provider and thereby ensures a continuity of service is maintained across Council facilities. The contract is for a 2 year period commencing on the date of the letter of acceptance. An optional 1 year contract extension available via Chief Executive Officer authorisation based on performance and business need.

9.3.1

(cont)

DISCUSSION

Tenders were advertised in The Age Newspaper on Saturday 9 September 2017 and were closed on Wednesday 27 September 2017 at 3pm. Nine tenders were received.

The tenders were evaluated against the following criteria:

- Financial benefit to Council;
- Experience of the tenderer in the provision of similar services over the last two years;
- Understanding of, and demonstrated compliance with relevant food handling legislation;
- Quality of food and services to be provided;
- Food presentation;
- Occupational Health & Safety, Equal Opportunity and Business Viability (Pass/Fail).

The recommended two tenderers are based upon the above criteria and provide the best value for money for this Contract:

Smart Brown Catering

Smart Brown Catering has extensive catering experience with local government and corporate clients. They have held Council's catering contract for the previous 12 years and demonstrate a sound understanding and knowledge of Council's food service provision expectations as well as compliance with relevant legislative requirements.

G'Day Chef

G'Day Chef has extensive catering experience with both local government and corporate clients. They have held Council's previous catering contract for five years. The company has been operating for 15 years and is well resourced with highly qualified and experienced staff to provide services 12 months of the year. In addition, they offer a wide range of catering options and are introducing a comprehensive ordering system.

Both tenderers operate from commercial kitchens within the City of Whitehorse.

CONSULTATION

Consultation has been undertaken with relevant Council stakeholders and reference checks completed.

FINANCIAL IMPLICATIONS

The recommended two tenderers provide the best value for money for this Contract.

The cost of this contract is based upon the level of catering activity and a Schedule of Rates, subject to CPI adjustment after the first 12 months. (For comparison purposes, the rates tendered by each Tenderer were applied to a selection of the most commonly ordered food including meals to obtain an average price.)

9.3.2 2017 Annual Food Hygiene Assessment Award

SUMMARY

To inform Council of the results of the 5 Star Food Hygiene Assessment (FHA) program for 2017 and to recommend three food businesses for the Food Premises of the Year Awards for 2017.

COUNCIL RESOLUTION

Moved by Cr Bennett, Seconded by Cr Barker

That Council:

1. **Endorses the following businesses as the recipients of the 5 Star Food Hygiene Assessment Award for 2017: -**
 - a) **Class 1:**
Starfish Early Learning Centre (Nunawading) - 24 Mountainview Road NUNAWADING
 - b) **Class 2:**
Via Matta Ristorante - 602 Canterbury Road, VERMONT
 - c) **Community Groups:**
Vermont South Community House - 1 Karobran Drive VERMONT SOUTH

CARRIED UNANIMOUSLY

BACKGROUND

The Food Hygiene Assessment (FHA) program was adopted by Council in 1996 as its principal method of food safety assessment. The aim of the FHA program is to improve the safety of food being manufactured, handled, stored and sold in the municipality. The FHA program provides meaningful and relevant information to Council, food business proprietors and consumers about the standard of food safety being achieved in the municipality.

The FHA program assesses medium to high risk food premises (as per Department of Health Risk Classification) against national food safety standards and provides a range of incentives aimed at encouraging proprietors to maintain and improve food safety in their premises.

One of these incentives is the provision of an annual FHA Award to acknowledge food businesses achieving the highest level of excellence in food hygiene during the year. There are three categories of food business which are awarded the "Food Premises of the Year: -

- Class 1 (eg Aged Care, Child Care, Hospitals etc)
- Class 2 (eg Restaurant, Cafe, Take-Away, Delicatessen, Bakery, Supermarket)
- Community Groups (eg School Canteens)

The recipients of the Food Premises of the Year 2017 for the categories outlined above are to be awarded a plaque and a cheque (\$600 for Class 1 and 2 premises and \$300 for community groups) which will be presented by the Mayor.

9.3.2

(cont)

Results

There were 781 food safety assessments conducted during 2017 which incorporated 37 (5%) additional food premises compared to the 2016 year. The comparative results for 2017 and previous four years are provided in the table below: -

Council Star Rating	Compliance Rating	2017	2016	2015	2014	2013
Five Stars – Excellent (Incorporating Best Practice)	Compliant	208 (26.6%)	203 (27.3%)	187 (25.5%)	213 (28.4%)	223 (30.6%)
Four Stars – Excellent		337 (43.2%)	283 (38.0%)	288 (39.3%)	285 (38.1%)	238 (32.6%)
Three Stars – Satisfactory		182 (23.3%)	202 (27.2%)	199 (27.1%)	191 (25.5%)	198 (27.1%)
Two Stars – Unsatisfactory	Major Non-Compliance	42 (5.4%)	48 (6.4%)	49 (6.7%)	54 (7.2%)	51 (7.0%)
One Star – Poor	Critical Non-Compliance	12 (1.5%)	8 (1.1%)	10 (1.4%)	6 (0.8%)	20 (2.7%)
Total		781	744	733	730	749

The businesses recommended for the “Food Premises of the Year” award for 2017 under the three categories are as follows: -

Class 1: *Starfish Early Learning Centre (Nunawading) located at 24 Mountainview Road, Nunawading*

Class 2: *Via Matta Ristorante located at 602 Canterbury Road, Vermont*

Community Groups: *Vermont South Community House 1 Karobran Drive Vermont South*

Certificates of commendation in recognition of excellence in food safety standards are also to be awarded to 39 (5.0%) food businesses achieving a 5 star rating with a maximum assessment result of 100%. (Refer to Appendix A).

Star Ratings Defined:

- A food premise achieving either a 5 star or 4 star rating demonstrates a high standard of compliance with legislative requirements and achieves a FHA score assessment between 91% and 100%. A food premise achieving the 5 star rating also demonstrates best practice through implementing processes and maintaining records above and beyond legislative requirements.
- A food premise achieving a 3 star rating demonstrates satisfactory compliance with legislative requirements while achieving a score assessment between 81% and 90%.
- A food premise achieving a 2 star or 1 star rating demonstrates a lower standard of compliance with legislative requirements, including the Food Standards Code and Food Safety Program. A 2 star rating incorporates an assessment score of between 71% and 80% while a 1 star rating incorporates an assessment score of 70% or less.

9.3.2

(cont)

DISCUSSION

The results for the FHA Rating Program for food premises achieving the 5 or 4 star ratings (26.6 % and 43.2% respectively) highlight that almost 70% of all food premises assessed achieved the excellence rating. This is a positive result with an improvement of 4.5% relative to the result for 2016.

Overall, food safety performance for food premises within the Whitehorse municipality continues to remain high with 93.1% of premises being compliant. The result compares favourably against the state average of 78% of premises being compliant (based on 2016 data).

A total of 54 premises (6.9%) achieved a FHA rating that was below satisfactory with 5.4% receiving 2 Stars and 1.5% receiving 1 Star. While the objective of the FHA system is to have zero percent of premises achieving less than 3 stars unfortunately a small percentage of premises each year are assessed as being below the threshold. The result shows a decrease in the proportion of these premises over the past 5 years with the aim of continuing the trend into the future.

Unsatisfactory food safety performance is managed through Council's non-compliance policy. The aim of the policy is to ensure that food premises rated as unsatisfactory do not pose a risk to public health. The policy consists of a number of strategies aimed at ensuring food premises (assessed as unsatisfactory) quickly achieve compliance. These strategies include the issuing of Food Act orders (a legal requirement to remedy identified non-compliance matters), increased education forums, the seizing of any unsafe food, initiating closure of a premises where there is a risk to public health, increasing the number and frequency of inspections, issuing of penalty infringement notices and instigating prosecution when deemed appropriate.

Two prosecutions were completed and six Penalty Infringement Notices (PIN's) issued during the year. PINs are used in situations where there is continued failure to comply with the requirements of the Food Act, and where the seriousness of the offence does not warrant legal prosecution.

Overall Council's Environmental Health Officers (EHOs) conducted nearly 400 non-compliance / follow up inspections to ensure that identified food safety risks were managed, compliance achieved and acceptable food hygiene standards are maintained. Council's EHOs work closely with the food industry to support compliance. They provide on-going advice to businesses and promote the importance of maintaining food safety standards to build consumer confidence within the community.

Council's new on-line eHealth portal was successfully implemented in November 2016 which has enabled consumers to access up-to-date star ratings of food business located within the City of Whitehorse. The portal also allowed registered food businesses to renew and pay their Food Act registrations online.

In conjunction with the Asian Business Association of Whitehorse (ABAW) Council hosted an information session mid-year to promote the importance of food safety to food businesses and on the new eHealth portal.

The state Department of Health and Human Services (DHHS) conducted market research on council's FHA program during the year to assess whether such a system should be mandated across the state. Recommendations include the development of a state-wide 'scores on doors' program to be supported by broader promotion and a consistent identity. We are awaiting further information from DHHS regarding these recommendations.

9.3.2

(cont)

CONSULTATION

The Environmental Health Unit conducts annual Food Hygiene Assessment workshops. The purpose of the workshops is to report on results of food safety performance of businesses, discuss common non-compliance issues and to update proprietors on changes and requirements of the Food Hygiene Assessment System for the forthcoming year. The forum also provides an opportunity to update businesses on changes to legislative requirements.

The Environmental Health Unit produces and distributes Guides on the 5 Star program to all registered premises annually. The Guides provide information on the FHA System that includes assessment criteria and how to achieve the 5 Star rating, as well as Best Practice records.

BUDGET IMPLICATIONS

The total budgeted expenditure of Council's Food Safety Management Program is \$805,000. Council receives about \$595,000 in income which provides a total net cost to Council of \$210,000 for the program.

9.3.2 (cont)

Appendix A – Food Businesses receiving Certificates of Commendation

Trading Name	Address
Beacon Street Children's Centre Kindergarten	465 Burwood Highway, VERMONT SOUTH VIC 3133
Baking Mummas	38 Junction Road, BLACKBURN NORTH VIC 3130
The Ginger Mill	14 Lichfield Grove, MONT ALBERT NORTH VIC 3129
Cake Love by Sarah Helena	1/6 Park Road, SURREY HILLS VIC 3127
Delishness	20 Somers Street, BURWOOD 3125
www.thecaterers.com.au	3 Kerr Lane, BOX HILL NORTH VIC 3129
Starfish Early Learning Centre (Nunawading)	24 Mountainview Road, NUNAWADING 3131
12 Ovens	3/12 Ovens Street, BOX HILL NORTH VIC 3129
Cupcakes By Linda	17 Linden Street, BOX HILL SOUTH 3128
Blackburn High School Canteen	58-62 Springfield Road, BLACKBURN 3130
Zagar's Charcoal Grill	9 Royton Street, BURWOOD EAST 3151
Salvation Army Staff Canteen	91-99 Railway Road, BLACKBURN VIC 3130
Kangerong Centre	79 Thames Street, BOX HILL 3128
Casa Bambini Blackburn	502-504 Middleborough Road, BLACKBURN 3130
Rugratz Retreat Early Learning Centre	440 Middleborough Road, BLACKBURN 3130
Fat & Skinny Fabulous Food	2 Andrew Street, FOREST HILL 3131
Vermont Primary School OSHC	4-6 Nurlendi Road, VERMONT 3133
Meals On Wheels Silver Grove	22 Silver Grove, NUNAWADING VIC 3131
Vermont Secondary College	27-63 Morack Road, VERMONT 3133
Box Hill South Neighbourhood House	47 Kitchener Street, BOX HILL SOUTH 3128
Livingstone Primary School	25-29 Livingstone Road, VERMONT SOUTH 3133
Uniting East Burwood	220 Burwood Highway, BURWOOD EAST 3151
Presbyterian Ladies College	1/141-155 Burwood Highway, BURWOOD 3125
Box Hill Hospital Kiosk	8 Arnold Street, BOX HILL VIC 3128
Sissy's Bix	7 Canterbury Road, BLACKBURN 3130
St Benedict's Tuckshop	3-9 Central Avenue, BURWOOD 3125
Box Hill High School	1180 Whitehorse Road, BOX HILL 3128
Blackburn Children's Services Centre	15 Central Road, BLACKBURN 3130
Kingswood College Tuckshop	355 Station Street, BOX HILL SOUTH 3128
Mountainview Cottage	25 Mountainview Road, NUNAWADING 3131
Sweetland Road Early Learning Centre	24 Sweetland Road, BOX HILL VIC 3128
Central Box Hill Children's Services Centre	517 Station Street, BOX HILL 3128
Deakin & Community Childcare Co-operative Ltd	Deakin University, 213-243 Burwood Highway, BURWOOD 3125
Ron & Sue's Malaysian Delights	Vermont South Shopping Centre, Shop 2B/495-511 Burwood Highway, VERMONT SOUTH 3133
Bakers Delight Brentford Square	Brentford Square, 8 Brentford Square, FOREST HILL 3131
Box Hill Early Learning Child Care Centre & Kinder	152 Dorking Road, BOX HILL NORTH 3129
Via Matta Ristorante	602 Canterbury Road, VERMONT VIC 3133
Nunawading Christian College Primary Campus	161 Central Road, NUNAWADING VIC 3131

9.4 CORPORATE REPORTS

9.4.1 Delegated Decisions October 2017

SUMMARY

The following activity was undertaken by officers under delegated authority during October 2017.

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Cutts

That the report of decisions made by officers under Instruments of Delegation for the month of October 2017 be noted.

CARRIED UNANIMOUSLY

DELEGATION	FUNCTION	Number for October 2016	Number for October 2017
Planning and Environment Act 1987	Delegated Decisions	170	135
	Strategic Planning Decisions	Nil	Nil
Telecommunications Act 1997		Nil	Nil
Subdivision Act 1988		34	17
Gaming Control Act 1991		Nil	Nil
Building Act 1993	Dispensations & Applications to Building Control Commission	93	86
Liquor Control Reform Act 1998	Objections and Prosecutions	Nil	2
Food Act 1984	Food Act Orders	7	8
Public Health & Wellbeing Act 2008	Improvement / Prohibition Notices	3	5
Local Government Act 1989	Temporary Road Closures	12	5
Other Delegations	CEO Signed Contracts between \$150,000 - \$500,000	Nil	1
	Property Sales and Leases	12	12
	Documents to which Council seal affixed	1	1
	Vendor Payments	931	1012
	Parking Amendments	4	4
	Parking Infringements written off (not able to be collected)	327	415

9.4.1

(cont)

DELEGATED DECISIONS MADE ON PLANNING APPLICATIONS OCTOBER 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
WH/2017/70	27-10-17	Delegate Approval - S72 Amendment	2/9 Game St, Blackburn	Central	Amendment to Planning Permit WH/2017/70 (issued for Buildings and works to existing garage) to add a bay window to the dining room	Permit Amendment
WH/2014/106	17-10-17	Delegate Approval - S72 Amendment	19 Devon Drv, Blackburn North	Central	Construction of three double storey dwellings	Permit Amendment
WH/2016/194	18-10-17	Delegate Approval - S72 Amendment	31 Neville St, Box Hill South	Riversdale	Amendment to the endorsed plans to Planning Permit WH/2016/194 issued for the construction of two (2) double storey dwellings	Permit Amendment
WH/2016/224	11-10-17	Delegate Approval - S72 Amendment	660 Whitehorse Rd, Mont Albert	Elgar	Construction of one double storey dwelling and extensions to an existing dwelling	Permit Amendment
WH/2013/234	11-10-17	Delegate Approval - S72 Amendment	49 Hanover Rd, Vermont South	Morack	Construction of two double storey dwellings and buildings and works within a Special Building Overlay	Permit Amendment
WH/2016/275	27-10-17	Delegate Approval - S72 Amendment	33 Twyford St, Box Hill North	Elgar	Construction of two double storey dwellings (AMENDMENT TO PROPOSAL TO VARY LAYOUT OF BOTH DWELLINGS)	Permit Amendment
WH/2014/287	16-10-17	Delegate Approval - S72 Amendment	40 Eram Rd, Box Hill North	Elgar	Amendment of Planning Permit WH/2014/287 (issued for: construction of a single storey dwelling at the rear of an existing dwelling) to extend the rear dwelling to two storeys	Permit Amendment

9.4.1
(cont)

Appl No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2015/405	24-10-17	Delegate Approval - S72 Amendment	997-1003 Whitehorse Rd, Box Hill	Elgar	Amendment to Condition 21 of Planning Permit WH/2015/405 (issued for the construction of a 12 Storey building, comprising 108 apartments, a restaurant and three (3) shops and reduction in standard car parking requirement)	Permit Amendment
WH/2017/409	31-10-17	Delegate Approval - S72 Amendment	1 Marlborough St, Mont Albert	Elgar	Construction of an outbuilding ancillary to an existing dwelling in a Heritage Overlay	Permit Amendment
WH/2014/532	19-10-17	Delegate Approval - S72 Amendment	220 Middleborough Rd, Blackburn South	Central	Amendment to WH/2014/532 (issued for- Buildings and works to the existing retirement village (accommodation) comprising construction of 4 x four to six storey buildings, and associated reduction of car parking requirements, and creation and alteration of access to a road in a Road Zone Category 1) to alter the layout and presentation of Block D, including reduction in number of dwellings from 78 to 60, increase in parking spaces from 78 to 121, and removal of Tree 78.	Permit Amendment
WH/2014/620	24-10-17	Delegate Approval - S72 Amendment	58 Melrose St, Mont AlbertNorth	Elgar	Construction of two dwellings	Permit Amendment
WH/2016/650	17-10-17	Delegate Approval - S72 Amendment	163-165 Central Rd, Nunawading	Springfield	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	Permit Amendment

9.4.1
(cont)

Appl No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2016/683	26-10-17	Delegate Approval - S72 Amendment	934-940 Whitehorse Rd, Box Hill	Elgar	Reduction in car parking associated with the use of the land for a medical centre	Permit Amendment
WH/2014/763	05-10-17	Delegate Approval - S72 Amendment	836-850 Whitehorse Rd, Box Hill	Elgar	Buildings and works to construct a building comprising two towers of 36 storeys and 26 storeys plus rooftop plant and four levels of basement car parking (including a residential hotel, dwellings and commercial uses), use of land for accommodation and a restricted recreation facility (gym), and associated reduction of car parking requirements	Permit Amendment
WH/2013/764	10-10-17	Delegate Approval - S72 Amendment	25 Simpsons Rd, Box Hill	Elgar	Construction of four double storey dwellings	Permit Amendment
WH/2016/960	03-10-17	Delegate Approval - S72 Amendment	43 Salisbury Ave, Blackburn	Central	Building extension to existing dwelling	Permit Amendment
WH/2016/1089	11-10-17	Delegate Approval - S72 Amendment	8 Jeffery St, Blackburn	Central	Buildings and works to extend a dwelling (carport, upper floor, decking and in-ground swimming pool) and removal of one tree.	Permit Amendment
WH/2014/1235	16-10-17	Delegate Approval - S72 Amendment	800 Station St, Box Hill North	Elgar	Development and use of a Child Care Centre, buildings and works in a Heritage Overlay and reduction in car parking requirements	Permit Amendment
WH/2005/15503	11-10-17	Delegate Approval - S72 Amendment	430 Elgar Rd, Box Hill	Elgar	Construction of three double storey dwellings on one lot	Permit Amendment
WH/2014/1052	27-10-17	Delegate NOD - S72 Amendment	17 Acacia St, Box Hill	Elgar	Amendment to plans to Planning Permit WH/2014/1052 issued for the construction of two double storey dwellings	Permit Amendment
WH/2017/94	23-10-17	Delegate NOD Issued	253 Springvale Rd, Nunawading	Springfield	Construction of three double storey dwellings and alteration of access to Road in a Road Zone Category 1	Multiple Dwellings

9.4.1
(cont)

Appl No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2017/141	03-10-17	Delegate NOD Issued	105 Main St, Blackburn	Central	The construction of two (2) double storey dwellings	Multiple Dwellings
WH/2015/165	31-10-17	Delegate NOD Issued	12 Elm St, Surrey Hills	Riversdale	Construction of two (2) double storey dwellings	Permit Amendment
WH/2014/182	17-10-17	Delegate NOD Issued	2 Foch St, Box Hill South	Riversdale	Construction of two double storey dwellings	Permit Amendment
WH/2017/210	23-10-17	Delegate NOD Issued	9 Skene St, Burwood East	Riversdale	Construction of two (2) double storey dwellings	Multiple Dwellings
WH/2017/214	23-10-17	Delegate NOD Issued	4 Cumming St, Burwood	Riversdale	Construction of two (2) double storey dwellings	Multiple Dwellings
WH/2017/220	23-10-17	Delegate NOD Issued	62 Relowe Cres, Mont Albert North	Elgar	Construction of three double storey dwellings and front fence higher than 1.2 metres	Multiple Dwellings
WH/2017/238	24-10-17	Delegate NOD Issued	18 Slater Ave, Blackburn North	Central	Construction of two double storey dwellings	Multiple Dwellings
WH/2017/260	11-10-17	Delegate NOD Issued	7 Davor Crt, Burwood East	Morack	Construction of two double storey dwellings	Multiple Dwellings
WH/2017/319	03-10-17	Delegate NOD Issued	21 Forest Rd, Forest Hill	Springfield	Buildings and works associated with a ground floor extension and tree removal	Special Landscape Area
WH/2017/362	25-10-17	Delegate NOD Issued	40 Winfield Rd, Balwyn North	Elgar	Construction of two (2) double storey dwellings	Multiple Dwellings
WH/2017/372	31-10-17	Delegate NOD Issued	85 Watts St, Box Hill North	Elgar	Two double storey dwellings	Multiple Dwellings
WH/2017/388	23-10-17	Delegate NOD Issued	21 Fuchsia St, Blackburn	Central	The construction of buildings and works including one (1) double storey dwelling, including works within 4 metres of trees, a front fence, and removal of trees under the Significant Landscape Overlay	Special Landscape Area
WH/2017/405	23-10-17	Delegate NOD Issued	16 Jenner St, Blackburn South	Riversdale	Construction of two (2) Double storey dwellings	Multiple Dwellings
WH/2017/410	27-10-17	Delegate NOD Issued	6 James Ave, Mitcham	Springfield	Constuction of three double storey dwellings	Multiple Dwellings
WH/2017/444	11-10-17	Delegate NOD Issued	1/39 Victoria Cres, Mont Albert	Elgar	Internal alterations to dwelling resulting in an increase in external wall height and the conversion of a garage to a bedroom.	Single Dwelling < 300m2

9.4.1
(cont)

Appl No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2017/550	24-10-17	Delegate NOD Issued	69 Rostrevor Pde, Mont AlbertNorth	Elgar	Construction of 3 double storey dwellings	Multiple Dwellings
WH/2017/552	27-10-17	Delegate NOD Issued	7 Vivian St, Blackburn North	Central	Proposed Dual Occupancy (construction of Two(2) double storey detached dwellings)	Multiple Dwellings
WH/2016/618	20-10-17	Delegate NOD Issued	30 Canterbury Rd, Blackburn South	Central	Construction of two (2) double storey dwellings and alteration of access to a road in a Road Zone Category 1	Multiple Dwellings
WH/2016/811	30-10-17	Delegate NOD Issued	452 Middleborough Rd, Blackburn	Central	Construction of two double storey dwellings and access to a Road Zone Category 1.	Multiple Dwellings
WH/2013/829	23-10-17	Delegate NOD Issued	23 Mitchell Rd, Mont AlbertNorth	Elgar	Amendment to plans for construction of three double storey dwellings to change all dwellings from 3-bedroom to 4-bedroom dwellings	Permit Amendment
WH/2017/10	03-10-17	Delegate Permit Issued	1-2/35 Rooks Rd, Mitcham	Springfield	Buildings and works comprising the construction of an internal mezzanine floor for an existing warehouse use.	Industrial
WH/2017/75	20-10-17	Delegate Permit Issued	142 Burwood Hwy, Burwood East	Riversdale	Construction of five 3-storey dwellings and alteration of access to a road in a Road Zone Category 1	Multiple Dwellings
WH/2017/81	31-10-17	Delegate Permit Issued	16 Milford Ave, Burwood	Riversdale	The construction of two (2) double storey dwellings	Multiple Dwellings
WH/2017/113	17-10-17	Delegate Permit Issued	1 Iris St, Burwood	Riversdale	Construction of a double storey dwelling to the rear of an existing double storey dwelling.	Multiple Dwellings

9.4.1
(cont)

Appl No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2012/146	11-10-17	Delegate Permit Issued	101/712 Station St, Box Hill	Elgar	Development of a nine (9) storey building plus basement car park, use for office, licensed food and drink premises (cafe), food and drink premises (cafe), and convenience store, access to a Road Zone Category 1, reduction in the parking requirements of Clause 52.06 and waiver of loading bay requirements at Clause 52.07	Permit Amendment
WH/2017/166	06-10-17	Delegate Permit Issued	1 Corlett St, Mont AlbertNorth	Elgar	Construction of two double storey dwellings	Multiple Dwellings
WH/2017/179	27-10-17	Delegate Permit Issued	11 Norway Ave, Blackburn	Central	Construction of two double storey dwellings	Multiple Dwellings
WH/2017/188	16-10-17	Delegate Permit Issued	53 Tyne St, Box Hill North	Elgar	Construction of two (2) dwellings	Multiple Dwellings
WH/2017/228	12-10-17	Delegate Permit Issued	42 Linlithgow St, Mitcham	Springfield	Construction of two double storey dwellings	Multiple Dwellings
WH/2017/245	16-10-17	Delegate Permit Issued	8 Phyllis Crt, Vermont	Morack	Construction of two (2) double storey dwellings on a lot	Multiple Dwellings
WH/2016/295	19-10-17	Delegate Permit Issued	165-167 Blackburn Rd, Blackburn South	Central	Buildings and works and use of the land for a place of assembly (Cultural centre) and residential building and alteration of access to a road in a Road Zone, Category 1	Residential (Other)
WH/2017/300	06-10-17	Delegate Permit Issued	10/494-498 Mitcham Rd, Mitcham	Springfield	Buildings and works on a lot less than 300 sqm (Retrospective)	Single Dwelling < 300m2
WH/2017/325	23-10-17	Delegate Permit Issued	1 Salisbury Ave, Blackburn	Central	Buildings and works, a reduction in the car parking requirements of Clause 52.06, waiver of the loading bay requirements of Clause 52.06 and allow for the the sale and consumption of liquor associated with the as of right use of land for a restaurant (cafe).	Business

9.4.1
(cont)

Appl No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2017/335	27-10-17	Delegate Permit Issued	4 Begonia St, Box Hill South	Riversdale	Construction of two double storey dwellings	Multiple Dwellings
WH/2017/363	27-10-17	Delegate Permit Issued	4/10 Clarice Rd, Box Hill South	Riversdale	Use of premises as an Indoor Recreation Facility and a reduction to the car parking requirements	Industrial
WH/2017/376	27-10-17	Delegate Permit Issued	11 Athol Crt, Blackburn	Central	Addition to dwelling	Single Dwelling < 300m2
WH/2017/386	30-10-17	Delegate Permit Issued	27 Linden St, Blackburn	Central	Construction of two double storey dwellings and buildings and works within a Design and Development Overlay - Schedule 8 (DDO8)	Multiple Dwellings
WH/2017/493	03-10-17	Delegate Permit Issued	1-3 Ruby St, Burwood East	Morack	Six (6) lot subdivision	Subdivision
WH/2017/502	06-10-17	Delegate Permit Issued	124 Fulton Rd, Blackburn South	Riversdale	Use of land for a store and construction of an extension to the existing building	Business
WH/2017/507	18-10-17	Delegate Permit Issued	10 Jackson Ave, Mont AlbertNorth	Elgar	Tree removal within VPO2	Vegetation Protection Overlay
WH/2017/515	16-10-17	Delegate Permit Issued	Shop F 1-2/172-210 Burwood Hwy, Burwood East	Riversdale	Construction and display of an illuminated business identification sign	Advertising Sign
WH/2017/528	11-10-17	Delegate Permit Issued	36 Arnott St, Mont AlbertNorth	Elgar	Construction of a second dwelling on a lot. Buildings and works in Special Building Overlay	Multiple Dwellings
WH/2017/535	17-10-17	Delegate Permit Issued	3 Beatrice Crt, Blackburn	Central	The construction of buildings and works (double garage and deck)	Special Landscape Area
WH/2017/559	16-10-17	Delegate Permit Issued	1 Queen St, Blackburn	Central	86 lot Subdivision	Subdivision
WH/2017/584	05-10-17	Delegate Permit Issued	11 Bronte Ave, Burwood	Riversdale	Three (3) lot subdivision	Subdivision
WH/2017/585	23-10-17	Delegate Permit Issued	20-22 Canterbury Rd, Blackburn South	Central	Twenty-one (21) lot subdivision	Subdivision
WH/2017/588	23-10-17	Delegate Permit Issued	514-518 Whitehorse Rd, Mitcham	Springfield	Indoor recreation facility	Business
WH/2017/590	13-10-17	Delegate Permit Issued	18 Gillard St, Burwood	Riversdale	Three (3) lot subdivision	Subdivision
WH/2017/597	27-10-17	Delegate Permit Issued	245 Burwood Hwy, Burwood	Riversdale	Buildings and works (construction of flood lighting and light poles in an existing carpark)	Education

9.4.1
(cont)

Appl No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2017/601	10-10-17	Delegate Permit Issued	610-612 Station St, Box Hill	Elgar	Two (2) lot subdivision	Subdivision
WH/2017/603	11-10-17	Delegate Permit Issued	18 Gordon Cres, Blackburn	Central	Construction of spa and associated decking	Heritage
WH/2017/608	17-10-17	Delegate Permit Issued	27 Clyde St, Box Hill North	Elgar	Six (6) lot subdivision	Subdivision
WH/2017/610	17-10-17	Delegate Permit Issued	301/270 Canterbury Rd, Forest Hill	Central	The sale and consumption of liquor in association with an existing cinema	Liquor Licence
WH/2017/625	23-10-17	Delegate Permit Issued	49 Ranfurlye Crt, Forest Hill	Morack	Three (3) lot subdivision	Subdivision
WH/2017/626	03-10-17	Delegate Permit Issued	1/109 Station St, Burwood	Riversdale	Additions / alterations to existing single storey dwelling	Single Dwelling < 300m2
WH/2017/627	23-10-17	Delegate Permit Issued	8 Trinian St, Vermont	Morack	Two (2) lot subdivision	Subdivision
WH/2017/630	24-10-17	Delegate Permit Issued	110 Brunswick Rd, Mitcham	Springfield	Two (2) lot subdivision	Subdivision
WH/2017/644	30-10-17	Delegate Permit Issued	1 McGhee Ave, Mitcham	Springfield	Three (3) lot subdivision	Subdivision
WH/2017/654	31-10-17	Delegate Permit Issued	88 Dorking Rd, Box Hill North	Elgar	Three (3) lot subdivision	Subdivision
WH/2017/666	31-10-17	Delegate Permit Issued	26 Eugenia St, Nunawading	Springfield	Two (2) lot subdivision	Subdivision
WH/2017/680	31-10-17	Delegate Permit Issued	215 Elgar Rd, Surrey Hills	Riversdale	Three (3) lot subdivision	Subdivision
WH/2017/681	24-10-17	Delegate Permit Issued	6 Prince Edward Ave, Mitcham	Springfield	Three (3) lot subdivision	Subdivision
WH/2017/685	24-10-17	Delegate Permit Issued	1/77 Holland Rd, Blackburn South	Central	Two (2) lot subdivision of vacant land	Subdivision
WH/2017/705	24-10-17	Delegate Permit Issued	3/134A Canterbury Rd, Blackburn South	Central	Buildings and works (construction of a flue) associated with the use of the land for a food and drink premises.	Business
WH/2017/715	03-10-17	Delegate Permit Issued	929 Whitehorse Rd, Box Hill	Elgar	Reduction in the standard carparking requirement	VicSmart - General Application
WH/2017/717	31-10-17	Delegate Permit Issued	48 Station St, Burwood	Riversdale	Three (3) lot subdivision	Subdivision
WH/2016/724	31-10-17	Delegate Permit Issued	17 Arnold St, Box Hill	Elgar	Buildings and works for the construction of a 14 storey building (plus basement) containing two or more dwellings and a medical centre, use of land for medical centre and reduction of statutory car parking requirements	Multiple Dwellings

9.4.1
(cont)

Appl No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2016/725	23-10-17	Delegate Permit Issued	257 Whitehorse Rd, Blackburn	Central	Construction of 15 dwellings with basement car park and alteration of access to a road in a Road Zone, Category 1	Multiple Dwellings
WH/2017/728	02-10-17	Delegate Permit Issued	20 Rutland Rd, Box Hill	Elgar	Building and works associated with the external refurbishment of the existing building for a restaurant	VicSmart - General Application
WH/2017/733	23-10-17	Delegate Permit Issued	399 Blackburn Rd, Burwood East	Morack	Erection of business identification signage	Advertising Sign
WH/2017/738	03-10-17	Delegate Permit Issued	14 Boyle St, Forest Hill	Springfield	2 Lot residential subdivision	VicSmart - Subdivision
WH/2017/747	03-10-17	Delegate Permit Issued	27 Erasmus St, Surrey Hills	Riversdale	Removal of one (1) tree.	VicSmart - General Application
WH/2017/748	03-10-17	Delegate Permit Issued	27 Erasmus St, Surrey Hills	Riversdale	Removal of one (1) tree	VicSmart - General Application
WH/2017/751	20-10-17	Delegate Permit Issued	42 Mill Ave, Forest Hill	Morack	Two lot subdivision	VicSmart - Subdivision
WH/2017/756	26-10-17	Delegate Permit Issued	1/12 Orchard Cres, Mont AlbertNorth	Elgar	Construction of an extension to an existing dwelling (steps and landings)	Single Dwelling < 300m2
WH/2017/759	05-10-17	Delegate Permit Issued	19 Casella St, Mitcham	Springfield	Removal of Vegetation (1 Tree) within a Significant Landscape Overlay (Schedule 6)	VicSmart - General Application
WH/2016/762	19-10-17	Delegate Permit Issued	60 Heatherdale Rd, Mitcham	Springfield	Construction of two double storey dwellings and two lot subdivision	Multiple Dwellings
WH/2017/773	10-10-17	Delegate Permit Issued	18 Bass St, Box Hill	Elgar	Buildings and works to construct a shed	VicSmart - General Application
WH/2017/779	20-10-17	Delegate Permit Issued	11 Hood St, Mont Albert	Elgar	Fence in a heritage overlay	VicSmart - General Application
WH/2017/783	16-10-17	Delegate Permit Issued	5 Cloverlea Crt, Blackburn	Central	Tree removal	VicSmart - General Application
WH/2017/784	24-10-17	Delegate Permit Issued	G06/ 55-65 Railway Rd, Blackburn	Central	Carparking Waiver in association with New Use (Restaurant)	VicSmart - General Application
WH/2017/785	23-10-17	Delegate Permit Issued	G03/ 55-65 Railway Rd, Blackburn	Central	Reduction in Car Parking in association with a New Use (Office)	VicSmart - General Application
WH/2017/794	19-10-17	Delegate Permit Issued	26 Dunlavin Rd, Nunawading	Springfield	2 lot subdivision	VicSmart - Subdivision
WH/2017/795	19-10-17	Delegate Permit Issued	51-53 Norcal Rd, Nunawading	Springfield	Boundary realignment	VicSmart - Subdivision

9.4.1
(cont)

Appl No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2017/799	24-10-17	Delegate Permit Issued	19 Alwyn St, Mitcham	Springfield	Removal of tree within VPO4	VicSmart - General Application
WH/2017/802	18-10-17	Delegate Permit Issued	23 Stanley St, Box Hill South	Riversdale	2 lot subdivision	VicSmart - Subdivision
WH/2017/833	31-10-17	Delegate Permit Issued	447 Springfield Rd, Mitcham	Springfield	2 lot subdivision	VicSmart - Subdivision
WH/2017/837	31-10-17	Delegate Permit Issued	16 Wellington Ave, Blackburn	Central	Removal of one (1) tree	VicSmart - General Application
WH/2016/854	05-10-17	Delegate Permit Issued	16-28 Nelson Rd, Box Hill	Elgar	Buildings and works to construct a multi-level car park and a modified building facade, provision of more than the maximum car parking requirement and increase in licensed area	Residential (Other)
WH/2016/908	11-10-17	Delegate Permit Issued	5 Mitta St, Box Hill North	Elgar	Two double storey dwellings on a lot	Multiple Dwellings
WH/2016/924	23-10-17	Delegate Permit Issued	19 Loraine Ave, Box Hill North	Elgar	The construction of two (2) double storey dwellings	Multiple Dwellings
WH/2016/988	16-10-17	Delegate Permit Issued	34 Peter St, Box Hill North	Elgar	Buildings and works to construct two double storey dwellings	Multiple Dwellings
WH/2016/1041	06-10-17	Delegate Permit Issued	371 Elgar Rd, Mont Albert	Elgar	Construction of two double storey dwellings	Multiple Dwellings
WH/2016/1051	11-10-17	Delegate Permit Issued	8 Central Rd, Blackburn	Central	Construction of a carport in the backyard, construction of a 1.2m high paling fence & folding gate	Residential (Other)
WH/2016/1086	23-10-17	Delegate Permit Issued	8 Williamson Rd, Mont AlbertNorth	Elgar	Construction of two double storey dwellings	Multiple Dwellings
WH/2016/1099	27-10-17	Delegate Permit Issued	50 Boisdale St, Surrey Hills	Riversdale	Construction of two(2) double storey dwellings and subdivision of the land into two lots	Multiple Dwellings
WH/2016/1152	23-10-17	Delegate Permit Issued	52 Bonview Cres, Burwood East	Riversdale	Two (2) lot subdivision	Subdivision
WH/2016/1157	30-10-17	Delegate Permit Issued	6 Goold St, Burwood	Riversdale	Construction of three double storey dwellings	Multiple Dwellings
WH/2016/1200	05-10-17	Delegate Permit Issued	81 Broughton Rd, Surrey Hills	Riversdale	To construct two double storey dwellings and to subdivide the land into two lots	Multiple Dwellings

9.4.1
(cont)

Appl No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2016/1202	26-10-17	Delegate Permit Issued	32 Begonia St, Box Hill South	Riversdale	Construction of a double storey dwelling to the rear of existing dwelling.	Multiple Dwellings
WH/2017/91	20-10-17	Delegate Refusal - S72 Amendment	109/645-647 Burwood Hwy, Vermont South	Morack	Advertising Signs	Permit Amendment
WH/2011/681	03-10-17	Delegate Refusal - S72 Amendment	220 Hawthorn Rd, Vermont South	Morack	Construction of a double storey dwelling at the rear of an existing dwelling	Permit Amendment
WH/2017/317	20-10-17	Delegate Refusal Issued	17 Vivianne Ave, Mont AlbertNorth	Elgar	Construction of two double storey dwellings and tree removal	Multiple Dwellings
WH/2016/572	25-10-17	Delegate Refusal Issued	32 Kent Rd, Box Hill	Elgar	Construction of ten double storey dwellings	Multiple Dwellings
WH/2016/582	10-10-17	Delegate Refusal Issued	412 Burwood Hwy, Vermont South	Morack	Construction of two or more dwellings on a lot, reduction in car parking, alter access to a road in a Road Zone Category 1	Multiple Dwellings
WH/2017/651	23-10-17	Delegate Refusal Issued	97 Rostrevor Pde, Mont AlbertNorth	Elgar	Construction of seven (7) dwellings (including a reduction in car parking)	Multiple Dwellings
WH/2017/672	23-10-17	Delegate Refusal Issued	836-850 Whitehorse Rd, Box Hill	Elgar	Display of a Major Promotion Sign	Advertising Sign
WH/2016/1165	03-10-17	Delegate Refusal Issued	249 Warrigal Rd, Burwood	Riversdale	Construction of a double storey dwelling to the rear of the existing dwelling and alteration of access to a road zone	Multiple Dwellings
WH/2017/694	02-10-17	No Permit Required	9 Boongarry Ave, Blackburn	Central	Alfresco style verandah roof and open pergola	Special Landscape Area
WH/2016/68	03-10-17	Permit Corrected	820-824 Whitehorse Rd, Box Hill	Elgar	Use of land for accommodation, buildings and works for the construction of a 29 storey building, comprising 301 dwellings, with basement car parking, reduction in standard car parking requirements and variations to requirements under Clause 52.14 (Motor Vehicle, Boat or Caravan Sales)	Multiple Dwellings

9.4.1
(cont)

Appl No.	Dec. Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2017/255	23-10-17	Withdrawn	6A Dawe Rd, Mitcham	Springfield	Construction of buildings and works for a double storey dwelling and removal of trees	Special Landscape Area
WH/2017/574	26-10-17	Withdrawn	2 Kerr St, Blackburn	Central	Construction of single double storey residential building containing self-contained accommodation (10 dwelling units)	Residential (Other)
WH/2014/1067	18-10-17	Withdrawn	153-155 Rooks Rd, Vermont	Springfield	20 lot subdivision with removal of easements	Subdivision
WH/2016/1130	25-10-17	Withdrawn	364 Burwood Hwy, Burwood	Riversdale	Construction of a four storey building containing 23 dwellings, reduction in the statutory car parking requirement and alteration of access to a Road Zone Category 1	Multiple Dwellings

BUILDING DISPENSATIONS/APPLICATIONS OCTOBER 2017

Address	Date	Ward	Result
1 Oliver Avenue, BLACKBURN	30-10-17	Central	Consent Granted R417
1 Queen Street, BLACKBURN	18-10-17	Central	Consent Granted R604
10 Marchiori Road, BLACKBURN NTH	09-10-17	Central	Consent Granted R414, R417
21 Lee Ann Street, BLACKBURN STH	18-10-17	Central	Consent Granted R409
25 Main Street, BLACKBURN	23-10-17	Central	Consent Granted R414
26 Aldinga Street, BLACKBURN STH	27-10-17	Central	Consent Granted R414
27 Dixon Grove, BLACKBURN	18-10-17	Central	Consent Granted R409
2A Hamilton Avenue, BLACKBURN	24-10-17	Central	Consent Granted R409,410
3 Queen Street, BLACKBURN	18-10-17	Central	Consent Granted R604
30 Edinburgh Road, BLACKBURN STH	18-10-17	Central	Consent Granted R411,R414
35 Larch Street, BLACKBURN	23-10-17	Central	Consent Granted R417
4 Pope Road, BLACKBURN	23-10-17	Central	Consent Granted R409
47 Drummond Street, BLACKBURN STH	10-10-17	Central	Consent Granted R417
48 Bindy Street, FOREST HILL	20-10-17	Central	Consent Granted R410
5 Queen Street, BLACKBURN	18-10-17	Central	Consent Granted R604
5A Queen Street, BLACKBURN	18-10-17	Central	Consent Granted R604
84 Lake Road, BLACKBURN	09-10-17	Central	Consent Granted R414
18 Aberdeen Road, BLACKBURN STH	10-10-17	Central	Consent Refused R414
52 Morrie Crescent, BLACKBURN NTH	06-10-17	Central	Expired R409
11 Serpentine Street, MONT ALBERT	02-10-17	Elgar	Consent Granted R409
12 Jackson Avenue, MONT ALBERT NTH	09-10-17	Elgar	Consent Granted R411
12 Williamson Road, MONT ALBERT NTH	19-10-17	Elgar	Consent Granted R424
19 Acacia Street, BOX HILL	30-10-17	Elgar	Consent Granted R426
24 Kerrimuir Street, BOX HILL NTH	04-10-17	Elgar	Consent Granted R409, R415

9.4.1

(cont)

Address	Date	Ward	Result
35 Kingsley Crescent, MONT ALBERT	23-10-17	Elgar	Consent Granted R414, R409
42 Mersey Street, BOX HILL NTH	30-10-17	Elgar	Consent Granted R417
5 Milne Road, MONT ALBERT NTH	20-10-17	Elgar	Consent Granted R409
50 Rostrevor Parade, MONT ALBERT NTH	23-10-17	Elgar	Consent Granted R414, R409
8 Mary Street, BOX HILL NORTH	30-10-17	Elgar	Consent Granted R409
959-963 Whitehorse Road, BOX HILL	27-10-17	Elgar	Consent Granted R604
20 Kneale Drive, BOX HILL NTH	31-10-17	Elgar	Consent Refused R409
6 Chessell Street, MONT ALBERT NTH	20-10-17	Elgar	Consent Refused R409
687 Whitehorse Road, MONT ALBERT	05-10-17	Elgar	Consent Refused R604
22 Rutland Road, BOX HILL	06-10-17	Elgar	Expired R604
4/10 Camelia Street, BOX HILL	06-10-17	Elgar	Expired R411
12 Hampshire Road, FOREST HILL	18-10-17	Morack	Consent Granted R409
16 Barnesdale Drive, VERMONT	20-10-17	Morack	Consent Granted R408,R411
31 Woodcrest Road, VERMONT	05-10-17	Morack	Consent Granted R415
39 Stanley Road, VERMONT STH	04-10-17	Morack	Consent Granted R409
5 Timbertop Drive, VERMONT	13-10-17	Morack	Consent Granted R409
6 Box Avenue, FOREST HILL	10-10-17	Morack	Consent Granted R409
61 Vanbrook Street, FOREST HILL	27-10-17	Morack	Consent Granted R416
13 Trinian Street, VERMONT	27-10-17	Morack	Consent Refused R409
14 Penillyne Avenue, VERMONT	18-10-17	Morack	Consent Refused R424
3 Carver Street, BURWOOD EAST	27-10-17	Riversdale	Amendment Approved R424
1 Kemp Street, BURWOOD	23-10-17	Riversdale	Consent Granted R409
15 Oak Street, SURREY HILLS	10-10-17	Riversdale	Consent Granted R424
24 Kildare Street, BURWOOD	12-10-17	Riversdale	Consent Granted R409
32 Grange Road, BLACKBURN STH	23-10-17	Riversdale	Consent Granted R411
4 Hilltop Crescent, BURWOOD EAST	10-10-17	Riversdale	Consent Granted R409
5 Begonia Street, BOX HILL STH	27-10-17	Riversdale	Consent Granted R416
6 Monash Street, BOX HILL STH	20-10-17	Riversdale	Consent Granted R415,R416
6 Sitar Court, BURWOOD EAST	18-10-17	Riversdale	Consent Granted R409
6 Brook Crescent, BOX HILL STH	27-10-17	Riversdale	Consent Refused R415
1 Middleborough Road, BURWOOD	06-10-17	Riversdale	Expired R604
3 Middleborough Road, BURWOOD	06-10-17	Riversdale	Expired R604
11 Sandy Street, NUNAWADING	10-10-17	Springfield	Consent Granted R409,R415
14/2 Chippewa Avenue, MITCHAM	10-10-17	Springfield	Consent Granted R414,R411
15 Lasiandra Avenue, NUNAWADING	10-10-17	Springfield	Consent Granted R411
3 Lynne Court, NUNAWADING	27-10-17	Springfield	Consent Granted R414
34 Diosma Crescent, NUNAWADING	18-10-17	Springfield	Consent Granted R411
41 Gerald Street, BLACKBURN	05-10-17	Springfield	Consent Granted R416
5 Cecil Court, MITCHAM	04-10-17	Springfield	Consent Granted R414, R409
55 Alwyn Street, MITCHAM	30-10-17	Springfield	Consent Granted R409,R411, R414
55 Purches Street, MITCHAM	10-10-17	Springfield	Consent Granted R417, R414
61 Alwyn Street, MITCHAM	27-10-17	Springfield	Consent Granted R415
8 Churinga Avenue, MITCHAM	10-10-17	Springfield	Consent Granted R414
9 O'Shannessy Street, NUNAWADING	30-10-17	Springfield	Consent Granted R411,R420
34 Diosma Crescent, NUNAWADING	18-10-17	Springfield	Consent Refused R409, R415
55 Alwyn Street, MITCHAM	30-10-17	Springfield	Consent Refused R415

9.4.1

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DELEGATED DECISIONS MADE ON STRATEGIC PLANNING MATTERS – OCTOBER 2017

Under the Planning and Environment Act 1987

Nil

REGISTER OF CONTRACTS SIGNED BY CEO DELEGATION OCTOBER 2017

Contract	Service
Contract 20053	Laurel Grove North, Blackburn Road Reconstruction

REGISTER OF PROPERTY DOCUMENTS EXECUTED OCTOBER 2017

Property Address	Document Type	Document Detail
Leases		
38 Kett Street, Nunawading - Warekila Pre School Association	Deed of Transfer	New tenant - Bestchance Child Family Care
Licenses		
8A Prospect Street, Box Hill - Ace Parking Pty Ltd	Licence	Landlord (1 year expires 30-Nov-18)
Land Transfers		
2A and 2-4 Bruce Street and 7 Elland Avenue, Box Hill	Vendor's Statement	Purchaser: MAB Bruce Street Pty Ltd
2 Carrington Road, Box Hill	Transfer Document	Prepared in accordance with the Transfer of Land Act 1958
Fire Services Property Levy (FSPL)		
First Remittance to State Revenue Office - 2017/18	Quarterly remittance by EFT	N/A
Rateability Changes (Section 154 of the Local Government Act 1989)		
PhoneTower - 1201 Riversdale Road, Box Hill South	Property Now Rateable	Small part of Church property leased as telecommunication tower made rateable
PhoneTower: 1-19 Burwood Highway, Burwood East	Property Now Rateable	Small part of RSPCA property leased as telecommunication tower made rateable
PhoneTower - 141 Central Road, Nunawading	Property Now Rateable	Small part of Church property leased as telecommunication tower made rateable
Café: 182-186 Surrey Road, Blackburn	Property Now Rateable	Small part of Church property leased as café made rateable
Subdivision		
Adjacent 55 Dorking Road, Box Hill	Subdivision or consolidation Section 22 Subdivision Act 1988	Application for registration of Plan of Subdivision PS812390G to subdivide the land into two allotments.
Agreements		
Creation of carriageway easement - 2 Carrington Road, Box Hill	Section 173 Agreement	City of Whitehorse & Golden Age (registered on title)
Other		
Foreign Resident Capital Gains Withholding application	Required by the Australian Taxation Office	N/A

9.4.1

(cont)

REGISTER OF DOCUMENTS AFFIXED WITH THE COUNCIL SEAL – OCTOBER 2017

Acknowledgement & Consent Deed National Australia Trustees LTD & Whitehorse City Council (Under CEO Delegation 17.10.2017)

PARKING RESTRICTIONS APPROVED BY DELEGATION OCTOBER 2017

Address: **Jolimont Road, Forest Hill:** from west boundary of 69 Jolimont Road to Longbrae Avenue – north side

Previously: 10 'Unrestricted' parking spaces

Now: 10 '2-Hour, 8am to 6pm, Monday to Friday' parking spaces

Address: **Arnold Street, Box Hill:** from 20m east of Elgar Road to 32m east of Elgar Road – south side

Previously: 2 '2-Hour, Ticket, 8.30am to 9pm, Monday to Saturday' parking spaces

Now: 2 '2-Hour, Ticket, 8.30am to 3pm, Monday to Saturday and No Stopping 3pm to 6pm, Monday to Saturday' parking spaces

Address: **Erilyn Court, Vermont:** from Scott Street to 15m west of Scott Street – north side

Previously: 1 'Unrestricted' parking space

Now: 1 'No Stopping' parking space

Address: **Erilyn Court, Vermont:** from Scott Street to 15m west of Scott Street – south side

Previously: 1 'Unrestricted' parking space

Now: 1 'No Stopping' parking space

9.4.1

(cont)

VENDOR PAYMENT SUMMARY – SUMS PAID DURING OCTOBER 2017

Date	Total Issued	Payments (direct debit, cheques or electronic funds transfer)	Transaction Type EFT/CHQ/DD
05/10/2017	\$4,463.20	22	EFC
05/10/2017	\$4,463.20	22	EFC
05/10/2017	\$1,834,851.32	45	EFT
05/10/2017	\$171,207.85	22	CHQ
06/10/2017	\$4,675.00	1	EFT
12/10/2017	\$5,529.92	12	EFC
12/10/2017	\$128,432.94	34	CHQ
12/10/2017	\$1,906,104.07	307	EFT
12/10/2017	\$490.00	1	EFT
12/10/2017	\$5,529.92	12	EFC
19/10/2017	\$23,871.89	11	EFC
19/10/2017	\$36,473.79	33	CHQ
19/10/2017	\$343,764.51	38	EFT
26/10/2017	\$8,838.33	18	EFC
26/10/2017	\$45,456.39	41	CHQ
26/10/2017	\$5,503,136.75	390	EFT
26/10/2017	\$2,998,919.28	1	EFT
31/10/2017	\$20,405.33	1	EFT
31/10/2017	\$6,123.61	1	EFT
GROSS	\$13,052,737.30	1012	
Monthly Lease Payments	\$34,406.33		
Direct Debit Payments	\$93,362.65		
CANCELLED PAYMENTS	-\$18,258.32	-39	
NETT	\$13,162,247.96	973	

10 REPORTS FROM DELEGATES, SPECIAL COMMITTEE RECOMMENDATIONS AND ASSEMBLY OF COUNCILLORS RECORDS

Attendance

Cr Carr left the Chamber at 8.38pm, returning at 8.41pm.

Cr Liu left the Chamber at 8.39pm returning at 8.40pm.

10.1 Reports by Delegates

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Ellis

That the reports from delegates be received and noted.

CARRIED UNANIMOUSLY

- 10.1.1 Cr Barker reported on his attendance at the Visual Arts Committee meeting held on the 22 November 2017.
- 10.1.2 Cr Bennett reported on his attendance at the Municipal Association of Victoria (MAV) Environment Committee meeting held in early December.
- 10.1.3 Cr Carr reported on her attendance at the Visual Art Committee Meeting held on the 22 November 2017.
- 10.1.4 Cr Massoud reported on her attendance at the Whitehorse Disability Advisory Committee meeting held on the 6 December 2017.
- 10.1.5 Cr Munroe reported on his attendance at the:
 - Municipal Association of Victoria (MAV) Regional meeting held on the 22 November 2017.
 - Metropolitan Transport forum held on the 6 December 2017.

10.2 Recommendation from the Special Committee of Council Meeting of 4 December 2017

Nil

10.3 Record of Assembly of Councillors

Meeting Date	Matter/s Discussed	Councillors Present	Officers Present	Disclosures of Conflict of Interest	Councillor /Officer attendance following disclosure
20.-11-17 5.30-6.00pm	Graffiti Management <ul style="list-style-type: none"> Councils Graffiti Management Program 	Cr Davenport (Mayor & Chair) Cr Barker Cr Bennett Cr Cutts Cr Liu Cr Massoud	N Duff J Green P Warner P Smith A De Fazio S Kinsey M Worsey	Nil	Nil
20-11-17 6.30-7.30pm	Councillor Informal Briefing Session <ul style="list-style-type: none"> Item 9.1.1 13-15 Thames Street, Box Hill Item 9.1.2 10.-12 Costello Street, Mont Albert North Item 12.1 Contractual Matter Councillor Appointments to Organisations & Community Bodies 	Cr Davenport (Mayor & Chair) Cr Barker Cr Bennett Cr Carr Cr Cutts Cr Ellis Cr Liu Cr Massoud Cr Munroe Cr Stennett	N Duff J Green P Warner T Wilkinson P Smith A De Fazio S Freud J Russell	Nil	Nil
04-11-17 5.30-6.00pm	Yarra Valley Water Recycling Plant Update	Cr Davenport (Mayor & Chair) Cr Barker Cr Bennett Cr Carr Cr Cutts Cr Liu Cr Massoud Cr Munroe (arrived at 5.50pm)	N Duff J Green P Warner T Wilkinson P Smith A De Fazio S Freud T Peak	Nil	Nil
04-11-17 6.30-10.45pm	Councillor Briefing Session <ul style="list-style-type: none"> Council Budget 2018-19 Planning Process Capital Works Financial Report as at 31 October 2017 Special Committee/Other Business Draft Council Agenda 11 December 2017 	Cr Davenport (Mayor & Chair) Cr Barker Cr Bennett Cr Carr Cr Cutts Cr Ellis Cr Liu Cr Massoud Cr Munroe Cr Stennett (arrived at 6.40pm)	N Duff J Green P Warner T Wilkinson P Smith A De Fazio S Freud J Russell S Cann S Hewett J Hansen I Kostopolous T Johnson S Price	Nil	Nil

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Massoud

That the record of Assembly of Councillors be received and noted.

CARRIED UNANIMOUSLY

11 REPORTS ON CONFERENCES/SEMINARS ATTENDANCE

- 11.1 Cr Ellis reported on her attendance at the
- Metro Mayors and CEOs Seminar held on the 11 December 2017
 - ICTC Conference Innovation, Collaboration and Leadership held on the 26 - 27 October 2017.

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Liu

That the record of reports on conferences/seminars attendance be received and noted.

CARRIED UNANIMOUSLY

12 CONFIDENTIAL REPORTS

COUNCIL RESOLUTION

Moved by Cr Bennett, Seconded by Cr Cutts

That in accordance with Section 89(2) (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 any other matter which the Council or special committee considers would prejudice the Council or any person.

CARRIED UNANIMOUSLY

The meeting was closed to the public at 8.46pm.

Attendance

Cr Barker left the Chambers at 8.46, returning at 8.47pm

12.1 City of Whitehorse Australia Day Civic Awards 2018

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Bennett

That the meeting move out of camera and be reopened to the public.

CARRIED UNANIMOUSLY

The meeting was reopened to the public at 8.50pm.

13 CLOSE MEETING

Meeting closed at 8.52pm

Confirmed this 29th day of January 2018

CHAIRPERSON