



City of Whitehorse

MINUTES

Council Meeting

In accordance with the COVID-19 Omnibus (Emergency Measures) Bill 2020 – Amendment of Local Government Act 2020.

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Please do not attend in person.

Meetings can be viewed via Council's live stream platform
<https://webcast.whitehorse.vic.gov.au/video.php>.

on

Monday 25 May 2020

at 7:00pm

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

Mr Simon McMillan
Chief Executive Officer

Recording of Meeting and Disclaimer

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Meeting opened at 7:00pm

Present: Cr Ellis (Mayor), Cr Barker, Cr Bennett, Cr Carr, Cr Cutts, Cr Davenport
Cr Liu, Cr Massoud, Cr Munroe, 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 Council Meeting 20 April 2020 and Confidential Council Meeting 20 April 2020.

COUNCIL RESOLUTION

Moved by Cr Stennett, Seconded by Cr Bennett

That the minutes of the Council Meeting 20 April 2020 and Confidential Council Meeting 20 April 2020 having been circulated now be confirmed.

CARRIED UNANIMOUSLY

5 RESPONSES TO QUESTIONS

None

6 NOTICES OF MOTION

6.1 Notice of Motion No 130 Cr Davenport

MOTION

Moved by Cr Davenport, Seconded by Cr Barker

That Council request Officers to prepare a report for the September Council Meeting cycle on the feasibility and practicality of making the South Side of Eyre Street 2hr parking (local permits excepted) for Council's further consideration.

LOST

A Division was called.

Division

For	Against
Cr Barker	Cr Bennett
Cr Davenport	Cr Carr
Cr Ellis	Cr Cutts
	Cr Liu
	Cr Massoud
	Cr Munroe
	Cr Stennett

On the results of the Division the motion was declared LOST

6.2 Notice of Motion No 131: Cr Bennett

That Council:

- 1. Having supported removal of the redundant Public Acquisition Overlay from the former Healesville Freeway reservation by the Minister for Planning at its meeting on the 18 March 2019 and having originally resolved on 21 February 2011 to request the Victorian government to provide the land as open space for the community, seek the Minister's urgent attention to appropriate zoning of the land including adjoining parcels forming the broader land corridor and in accordance with the Minister's letter dated 30 June 2019.*
- 2. Request that the boundary of the future regional park from Springvale Road, Forest Hill to Boronia Road, Vermont, in particular the section east of Terrara Road, be identified without delay and in consultation with Council.*
- 3. Request the Minister for Planning to intervene by urgently preparing and approving an amendment to the Whitehorse Planning Scheme under section 20 (4) of the Planning and Environment Act 1987:*
 - a) To give proper recognition to the intentions of State government by rezoning the future park to the Public Park and Recreation Zone*
 - b) To rezone any residual land parcels east of Terrara Road, Vermont obtained for the Healesville Freeway project from General Residential Zone, Schedule 5 to Neighbourhood Residential Zone, Schedule 3.*
- 4. Request that the properties at 42-50 and 37-43 Moore Road, Vermont be removed from public sale immediately until the land use zoning in item 3 is resolved.*

5. *Request that 42-50 Moore Road, Vermont be included in the future park for the community.*

COUNCIL RESOLUTION

Moved by Cr Bennett, Seconded by Cr Cutts

That Council:

1. *Having supported removal of the redundant Public Acquisition Overlay from the former Healesville Freeway reservation by the Minister for Planning at its meeting on the 18 March 2019 and having originally resolved on 21 February 2011 to request the Victorian government to provide the land as open space for the community, seek the Minister's urgent attention to appropriate zoning of the land including adjoining parcels forming the broader land corridor and in accordance with the Minister's letter dated 30 June 2019.*
2. *Request that the boundary of the future regional park from Springvale Road, Forest Hill to Boronia Road, Vermont, in particular the section east of Terrara Road, be identified without delay and in consultation with Council.*
3. *Request the Minister for Planning to intervene by urgently preparing and approving an amendment to the Whitehorse Planning Scheme under section 20 (4) of the Planning and Environment Act 1987:*
 - a) *To give proper recognition to the intentions of State government by rezoning the future park to the Public Park and Recreation Zone*
 - b) *To rezone any residual land parcels east of Terrara Road, Vermont obtained for the Healesville Freeway project from General Residential Zone, Schedule 5 to Neighbourhood Residential Zone, Schedule 3.*
4. *Request that the properties at 42-50 and 37-43 Moore Road, Vermont be removed from public sale immediately until the land use zoning in item 3 is resolved.*
5. *Request that 42-50 Moore Road, Vermont be included in the future park for the community.*
6. *Undertake the necessary strategic work and seek authorisation from the Minister for Planning under Section 8(a) of the Planning and Environment Act 1987 to prepare and exhibit an amendment to the Whitehorse Planning Scheme to implement the above rezoning of the former Healesville Freeway corridor, if the Minister does not progress the request in item 3b.*

CARRIED UNANIMOUSLY

6.3 Notice of Motion No 132 Cr Davenport

COUNCIL RESOLUTION

Moved by Cr Davenport, Seconded by Cr Cutts

That Council in developing further its webchat, customer engagement and artificial intelligence solutions, request a report from officers on the practicality and feasibility of any offering that can be made by Deakin University to these solutions.

CARRIED UNANIMOUSLY

7 PETITIONS

7.1 Glenburnie Road between Langford Avenue Mitcham and Canterbury Road Vermont

A petition signed by 73 signatories has been received requesting Council increase safety for pedestrians using Glenburnie Road between Langford Avenue, Mitcham and Canterbury Road, Vermont. This 620m section is a shared roadway used by pedestrians, cyclists, and motor vehicles.

COUNCIL RESOLUTION

Moved by Cr Bennett, Seconded by Cr Stennett

That the petition be received and referred to the General Manager City Development for appropriate action and response.

CARRIED

8 URGENT BUSINESS

None

9 COUNCIL REPORTS

9.1 CITY DEVELOPMENT

Statutory Planning

9.1.1 201 Canterbury Road, Blackburn (Lot 1 LP 87509) Use and Development of Land for the Purpose of a Medical Centre, Removal of Vegetation and Alteration of Access to a Road in a Road Zone, Category 1

FILE NUMBER: WH/2019/112
ATTACHMENT

SUMMARY

This application was advertised on 12 June 2019, following which a total of twenty six (26) objections were received. The objections raised issues relating to removal of vegetation, poor landscaping opportunities, extent of hard paving, traffic and parking impacts and lack of consistency with the Planning Scheme.

A Consultation Forum was held on 30 July 2019 and chaired by Councillor Munroe, during which the issues were explored, however no resolution was reached between the parties.

A Section 57A amendment to the application was lodged on 16th October 2019 which sought to address arboricultural and transport recommendations. The Section 57A amendment was readvertised to affected parties and objectors, with a further 1 submission received.

Following completion of re-advertising it was identified that the application did not seek approval for use of land for the purpose of a medical centre and as such a further Section 57A Amendment to the application was lodged on 11 February 2020 which sought to amend the application to include use of land for a medical centre and included further changes to achieve a better landscape response. This second Section 57A amendment was readvertised to affected properties and objectors with a further 2 objections being lodged. As a result of this third advertising period, a total of twenty-nine (29) objections have been received.

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 and a Notice of decision to Grant a Permit be granted, subject to conditions.

RECOMMENDATION

That Council:

- A Being the Responsible Authority, having caused Application WH/2019/112 for 201 Canterbury Road, BLACKBURN (LOT 1 LP 87509) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the 'Use and Development of Land for the Purpose of a Medical Centre, Removal of Vegetation and Alteration of Access to a Road in a Road Zone, Category 1' is acceptable and should not unreasonably impact the amenity of adjacent properties.***
- B Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 201 Canterbury Road, BLACKBURN (LOT 1 LP 87509) for the 'Use and Development of Land for the Purpose of a Medical Centre, Removal of Vegetation and Alteration of Access to a Road in a Road Zone, Category 1', subject to the following conditions:***
 - 1. Before any trees or vegetation is removed, amended plans must be submitted to and approved by the Responsible Authority in a digital form. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:***

9.1.1
(cont)

- a) The provision of a 'No Right Turn' sign located at the site frontage, adjacent to the access way.*
- b) An amended landscape plan showing the provision of at least two (2) Silver-leafed Stringybarks, (Eucalyptus cephalocarpa) in place of two (2) Lightwoods (Acacia implexa).*

All to the satisfaction of the Responsible Authority.

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

Landscaping

- 3. The provisions, recommendations and requirements of the landscape plan must be implemented and complied with to the satisfaction of the Responsible Authority.*
- 4. Prior to the occupation of the approved building, a Landscaping Maintenance Plan, prepared by a suitably qualified consultant, must be submitted and approved by the Responsible Authority. The landscaping maintenance plan must include, but is not limited to:*
 - a) Irrigation system/program 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 garden areas are healthy and well maintained to the satisfaction of the Responsible Authority. This must include:*
 - i. Irrigation frequency and delivery method.*
 - ii. Drainage.*
- 5. Before the building is occupied, or by a specified later date, as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must achieve at all times:*
 - a) Compliance with the provisions, recommendations and requirements of the endorsed Landscape Plan;*
 - b) Compliance so that areas set aside on the endorsed Landscape Plan for landscaping are not be used for any other purpose; and*
 - c) Replacement of any dead, diseased, dying or damaged plants, to the satisfaction of the Responsible Authority.*

At all times, the landscaping must be maintained to the satisfaction of the Responsible Authority.

- 6. Prior to the commencement of any building and or demolition works on the land, a Tree Protection Zone (TPZ) must be established and maintained during and until completion of all buildings and works including landscaping, around the following trees in accordance with the distances and measures specified below, to the satisfaction of the Responsible Authority:*
 - a) Tree protection zone distances:*
 - i. Tree 3 – 4.9 metre radius from the centre of the tree base.*
 - ii. Tree 5 – 2.8 metre radius from the centre of the tree base.*
 - iii. Tree 6 – 3.0 metre radius from the centre of the tree base.*
 - iv. Tree 7 – 2.6 metre radius from the centre of the tree base.*
 - v. Tree 8 – 2.0 metre radius from the centre of the tree base.*
 - vi. Tree 9 – 2.0 metre radius from the centre of the tree base.*

9.1.1
(cont)

- vii. Tree 10 – 12.0 metre radius from the centre of the tree base.*
- viii. Tree 12 – 6.7 metre radius from the centre of the tree base.*
- ix. Tree 13 – 3.6 metre radius from the centre of the tree base.*
- b) Tree protection zone measures are to be established in accordance to Australian Standard 4970-2009 and including the following:*
 - i. Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres held in place with concrete feet.*
 - ii. Signage placed around the outer edge of perimeter fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.*
 - iii. Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required.*
 - iv. No excavation, heavy machinery, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.*
 - v. All supports, and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.*
 - vi. No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.*
 - vii. Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.*
 - viii. Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ and must be restored in accordance with the above requirements at all other times.*
- 7. During the construction of any buildings or works, the following tree protection requirements must be carried out to the satisfaction of the responsible Authority:*
 - a) A project arborist must be appointed by the applicant or builder and Council must be informed in writing of who the project arborist is and their qualifications. Any Qualifications must read 'Arboriculture' for example 'Diploma in Horticulture (Arboriculture)'. The project arborist must have a minimum Diploma qualification in arboriculture to be appointed as the project arborist. The qualifications of the project arborist must be to the satisfaction of the Responsible Authority (RA).*
 - b) The Project Arborist must supervise all approved works within the TPZs of Trees 3, 5, 6, 7, 8, 9, 10, 12 and 13. The project Arborist must ensure that all buildings and works (including site demolition) within the TPZs of the trees do not adversely impact their health or stability now or into the future.*
 - c) All buildings and works for the demolition of the site and construction of the development (as shown on the endorsed plans) must not alter the existing ground level or topography of the land within greater than 10% of the TPZs of Trees 3, 5, 6, 7, 8, 9, 10, 12 and 13.*
 - d) Any root severance must be approved and undertaken by the Project Arborist using clean, sharp and sterilised tree root pruning equipment. There must be no root severance within the SRZ of any tree shown on the endorsed plans.*

9.1.1

(cont)

- e) The project arborist and builder must ensure that TPZ Fencing Conditions are being adhered to throughout the entire building process, including site demolition, levelling and landscape works.*
- 8. Provision must be made for the drainage of the land including landscaped and pavement areas, to the satisfaction of the Responsible Authority.**

Car Parking

- 9. Prior to the commencement of any buildings or works, a Car Parking Management Plan, detailing how car and bicycle parking areas, accessways and waste collection bays will be allocated and managed, must be submitted to and approved by Responsible Authority. This plan is to be to the satisfaction of the Responsible Authority and must include, but is not limited to, the following:**
 - a) Allocation of all parking spaces (except visitor spaces) to individual dwellings and procedures to allocate disabled car spaces to residents/visitors as required.*
 - b) 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, direction signs and/or physical barriers.*
 - c) Allocation of bicycle spaces to tenancies and visitors.*
 - d) Directional signs to car and bicycle parking spaces and facilities.*
 - e) Location of bicycle parking signs in accordance with Clause 52.34-5.*
 - f) Line marking of parking spaces.*
 - g) How parking will be secured and details of how access to car spaces, disabled car spaces and bicycle spaces will be achieved by visitors and delivery vehicles as required (via an intercom).*
 - h) Details of how access to the waste collection areas will be achieved by waste collection vehicles and how these areas will be secured.*
 - i) Advise where delivery vehicles and moving vans serving the dwellings will park. These vehicles must be able to park for a reasonable period of time in convenient locations.*
 - j) How the car park will be managed to ensure that all vehicles exit the site in a forwards direction.*

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

The requirements of the Car Parking Management Plan must be implemented by the building manager, owners and occupiers of the site for the life of the building, to the satisfaction of the Responsible Authority.

- 10. Before the building is occupied, the areas set-aside for the parking of vehicles, together with associated driveways and access lanes as shown on the endorsed plans must be:**
 - a) Constructed in accordance with the endorsed plans.*
 - b) Properly formed to such levels that they can be used in accordance with the plans.*
 - c) Surfaced with an all-weather sealcoat.*
 - d) Drained to the legal point of discharge.*
 - e) Line-marked to indicate each car space and all access lanes.*
- 11. Car parking spaces, access lanes and driveways must be maintained (including line marking) and kept available for these purposes at all times.**

9.1.1

(cont)

- 12. The car parking spaces for disabled persons designated on the endorsed plans must be clearly set aside for such a purpose and must not be used for any other purpose.**
- 13. The medical centre operator under this permit must make all reasonable attempts to ensure that no vehicles under their control, or those of medical centre staff, are parked in the streets near the land, to the satisfaction of the Responsible Authority.**
- 14. The car parking provided on the land must always be available for use by persons employed on, or visiting, the premises. Access to the car park must not be restricted for such persons.**
- 15. The car parking area must be lit if in use during hours of darkness. All lights must be designed, fitted with suitable baffles and located to prevent any adverse effect outside of the boundaries of the land to the satisfaction of the Responsible Authority.**
- 16. In areas set aside for car parking, measures must be taken to prevent damage to landscaped areas, to the satisfaction of the Responsible Authority.**

Department of Transport Condition (Department of Transport Reference: 29739/19-A)

- 17. All vehicles must enter and exit the site in a forward direction at all times.**

Waste Management Plan

- 18. Prior to the commencement of any buildings or works, an amended Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority. This WMP must be generally in accordance with the WMP submitted with the application but amended to show:**
 - a) MGB that allows access to all of the bins.**
 - b) Adequate size to allow easy movement/transfer of the required number of MGBs.**
 - c) Adequate space for MGB's and for bulk items cardboard etc).**
 - d) Secure location.**
 - e) Vermin proof.**
 - f) Adequate lighting.**
 - g) Adequate drainage.**
 - h) MGB washing facilities.**
 - i) Storage for MGB tug device.**
- 19. The requirements of the endorsed Waste Management Plan, forming part of this permit, must be implemented by the building manager, owners and occupiers of the site for the life of the building, to the satisfaction of the Responsible Authority.**

Amenity

- 20. The amenity of the area shall not be detrimentally affected by the use or development, through:**
 - a) Transportation of materials, goods or commodities to or from the land.**
 - b) Appearance of any building, works or materials.**
 - c) In any other way.**
- 21. 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. Noise emissions from the proposed development must not exceed the limits set out in the Environmental Protection Authority's State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No-N1. (Sepp N1).**

9.1.1
(cont)

Medical Centre Use

- 22. The use of land for the purpose of a medical centre can occur only between the following hours:**
- a) 9.00am to 7.00pm Monday to Friday.**
 - b) 9.00am to 1.00pm Saturday and Sundays.**
- 23. The maximum number of practitioners permitted on site at any one time is four (4).**

Expiry

- 24. This permit will expire if one of the following circumstances applies:**
- a) The development is not commenced within two (2) years from the date of issue of this permit;**
 - b) The use is not commenced within two (2) years from the date of issue of this permit;**
The development is not completed within five (5) years from the date of this permit;
- 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.**

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Munroe

That Council:

- A Being the Responsible Authority, having caused Application WH/2019/112 for 201 Canterbury Road, BLACKBURN (LOT 1 LP 87509) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the 'Use and Development of Land for the Purpose of a Medical Centre, Removal of Vegetation and Alteration of Access to a Road in a Road Zone, Category 1' is acceptable and should not unreasonably impact the amenity of adjacent properties.**
- B Issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 201 Canterbury Road, BLACKBURN (LOT 1 LP 87509) for the 'Use and Development of Land for the Purpose of a Medical Centre, Removal of Vegetation and Alteration of Access to a Road in a Road Zone, Category 1', subject to the following conditions:**
- 1. Before any trees or vegetation is removed, amended plans must be submitted to and approved by the Responsible Authority in a digital form. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:**
 - a) The provision of a 'No Right Turn' sign located at the site frontage, adjacent to the access way.**
 - b) The provision of a 600mm wide landscape buffer adjoining the western title boundary between car parking spaces 1 to 7.**
 - c) All car parking spaces (excluding the two disabled parking spaces) to be formed on a permeable surface.**
 - d) An amended landscape plan showing:**
 - i. The provision of at least two (2) Silver-leafed Stringybarks, (Eucalyptus cephalocarpa) in place of two (2) Lightwoods (Acacia implexa).**
 - ii. The removal of Tree 8 – Pittosporum undulatum (Sweet Pittosporum) and replacement planting of an Acacia melanoxylon (Blackwood)**

9.1.1
(cont)

- iii. The provision of a 600mm wide landscape buffer adjoining the western title boundary between car parks 1 to 7, provisional with screening vegetation capable of growing to a height of 1.8 metres at maturity.*
- iv. All car parking spaces (excluding the two disabled parking spaces) to be formed on a permeable surface.*

All to the satisfaction of the Responsible Authority.

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

Landscaping

- 3. The provisions, recommendations and requirements of the landscape plan must be implemented and complied with to the satisfaction of the Responsible Authority.*
- 4. Prior to the occupation of the approved building, a Landscaping Maintenance Plan, prepared by a suitably qualified consultant, must be submitted and approved by the Responsible Authority. The landscaping maintenance plan must include, but is not limited to:*
 - a) Irrigation system/program 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 garden areas are healthy and well maintained to the satisfaction of the Responsible Authority. This must include:*
 - i. Irrigation frequency and delivery method.*
 - ii. Drainage.*
- 5. Before the building is occupied, or by a specified later date, as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must achieve at all times:*
 - a) Compliance with the provisions, recommendations and requirements of the endorsed Landscape Plan;*
 - b) Compliance so that areas set aside on the endorsed Landscape Plan for landscaping are not be used for any other purpose; and*
 - c) Replacement of any dead, diseased, dying or damaged plants, to the satisfaction of the Responsible Authority.*

At all times, the landscaping must be maintained to the satisfaction of the Responsible Authority.

- 6. Prior to the commencement of any building and or demolition works on the land, a Tree Protection Zone (TPZ) must be established and maintained during and until completion of all buildings and works including landscaping, around the following trees in accordance with the distances and measures specified below, to the satisfaction of the Responsible Authority:*
 - a) Tree protection zone distances:*
 - i. Tree 3 – 4.9 metre radius from the centre of the tree base.*
 - ii. Tree 5 – 2.8 metre radius from the centre of the tree base.*
 - iii. Tree 6 – 3.0 metre radius from the centre of the tree base.*
 - iv. Tree 7 – 2.6 metre radius from the centre of the tree base.*
 - v. Tree 9 – 2.0 metre radius from the centre of the tree base.*

9.1.1
(cont)

- vi. Tree 10 – 12.0 metre radius from the centre of the tree base.*
 - vii. Tree 12 – 6.7 metre radius from the centre of the tree base.*
 - viii. Tree 13 – 3.6 metre radius from the centre of the tree base.*
- 7. During the construction of any buildings or works, the following tree protection requirements must be carried out to the satisfaction of the responsible Authority:**
- a) A project arborist must be appointed by the applicant or builder and Council must be informed in writing of who the project arborist is and their qualifications. Any Qualifications must read 'Arboriculture' for example 'Diploma in Horticulture (Arboriculture)'. The project arborist must have a minimum Diploma qualification in arboriculture to be appointed as the project arborist. The qualifications of the project arborist must be to the satisfaction of the Responsible Authority (RA).**
 - b) The Project Arborist must supervise all approved works within the TPZs of Trees 3, 5, 6, 7, 9, 10, 12 and 13. The project Arborist must ensure that all buildings and works (including site demolition) within the TPZs of the trees do not adversely impact their health or stability now or into the future.**
 - c) All buildings and works for the demolition of the site and construction of the development (as shown on the endorsed plans) must not alter the existing ground level or topography of the land within greater than 10% of the TPZs of Trees 3, 5, 6, 7, 9, 10, 12 and 13.**
 - d) Any root severance must be approved and undertaken by the Project Arborist using clean, sharp and sterilised tree root pruning equipment. There must be no root severance within the SRZ of any tree shown on the endorsed plans.**
 - e) The project arborist and builder must ensure that TPZ Fencing Conditions are being adhered to throughout the entire building process, including site demolition, levelling and landscape works.**
- 8. Provision must be made for the drainage of the land including landscaped and pavement areas, to the satisfaction of the Responsible Authority.**

Car Parking

- 9. Prior to the commencement of any buildings or works, a Car Parking Management Plan, detailing how car and bicycle parking areas, accessways and waste collection bays will be allocated and managed, must be submitted to and approved by Responsible Authority. This plan is to be to the satisfaction of the Responsible Authority and must include, but is not limited to, the following:**
- a) Allocation of all parking spaces (except visitor spaces) to individual dwellings and procedures to allocate disabled car spaces to residents/visitors as required.**
 - b) 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, direction signs and/or physical barriers.**
 - c) Allocation of bicycle spaces to tenancies and visitors.**
 - d) Directional signs to car and bicycle parking spaces and facilities.**
 - e) Location of bicycle parking signs in accordance with Clause 52.34-5.**
 - f) Line marking of parking spaces.**
 - g) How parking will be secured and details of how access to car spaces, disabled car spaces and bicycle spaces will be achieved by visitors and delivery vehicles as required (via an intercom).**
 - h) Details of how access to the waste collection areas will be achieved by waste collection vehicles and how these areas will be secured.**

9.1.1
(cont)

- i) Advise where delivery vehicles and moving vans serving the dwellings will park. These vehicles must be able to park for a reasonable period of time in convenient locations.*
- j) How the car park will be managed to ensure that all vehicles exit the site in a forwards direction.*

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

The requirements of the Car Parking Management Plan must be implemented by the building manager, owners and occupiers of the site for the life of the building, to the satisfaction of the Responsible Authority.

- 10. Before the building is occupied, the areas set-aside for the parking of vehicles, together with associated driveways and access lanes as shown on the endorsed plans must be:*
 - a) Constructed in accordance with the endorsed plans.*
 - b) Properly formed to such levels that they can be used in accordance with the plans.*
 - c) Surfaced with an all-weather sealcoat.*
 - d) Drained to the legal point of discharge.*
 - e) Line-marked to indicate each car space and all access lanes.*
- 11. Car parking spaces, access lanes and driveways must be maintained (including line marking) and kept available for these purposes at all times.*
- 12. The car parking spaces for disabled persons designated on the endorsed plans must be clearly set aside for such a purpose and must not be used for any other purpose.*
- 13. The medical centre operator under this permit must make all reasonable attempts to ensure that no vehicles under their control, or those of medical centre staff, are parked in the streets near the land, to the satisfaction of the Responsible Authority.*
- 14. The car parking provided on the land must always be available for use by persons employed on, or visiting, the premises. Access to the car park must not be restricted for such persons.*
- 15. The car parking area must be lit if in use during hours of darkness. All lights must be designed, fitted with suitable baffles and located to prevent any adverse effect outside of the boundaries of the land to the satisfaction of the Responsible Authority.*
- 16. In areas set aside for car parking, measures must be taken to prevent damage to landscaped areas, to the satisfaction of the Responsible Authority.*

Department of Transport Condition (Department of Transport Reference: 29739/19-A)
- 17. All vehicles must enter and exit the site in a forward direction at all times.*

Waste Management Plan

- 18. Prior to the commencement of any buildings or works, an amended Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority. This WMP must be generally in accordance with the WMP submitted with the application but amended to show:*
 - a) MGB that allows access to all of the bins.*
 - b) Adequate size to allow easy movement/transfer of the required number of MGBs.*
 - c) Adequate space for MGB's and for bulk items cardboard etc).*
 - d) Secure location.*

9.1.1

(cont)

- e) Vermin proof.*
- f) Adequate lighting.*
- g) Adequate drainage.*
- h) MGB washing facilities.*
- i) Storage for MGB tug device.*

19. The requirements of the endorsed Waste Management Plan, forming part of this permit, must be implemented by the building manager, owners and occupiers of the site for the life of the building, to the satisfaction of the Responsible Authority.

Amenity

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

- a) Transportation of materials, goods or commodities to or from the land.*
- b) Appearance of any building, works or materials.*
- c) In any other way.*

21. 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. Noise emissions from the proposed development must not exceed the limits set out in the Environmental Protection Authority's State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No-N1. (Sepp N1).

Medical Centre Use

22. The use of land for the purpose of a medical centre can occur only between the following hours:

- a) 9.00am to 7.00pm Monday to Friday.*
- b) 9.00am to 1.00pm Saturday and Sundays.*

23. The maximum number of practitioners permitted on site at any one time is four (4).

Expiry

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

- a) The development is not commenced within two (2) years from the date of issue of this permit;*
- b) The use is not commenced within two (2) years from the date of issue of this permit;*

The development is not completed within five (5) years from the date of this permit;

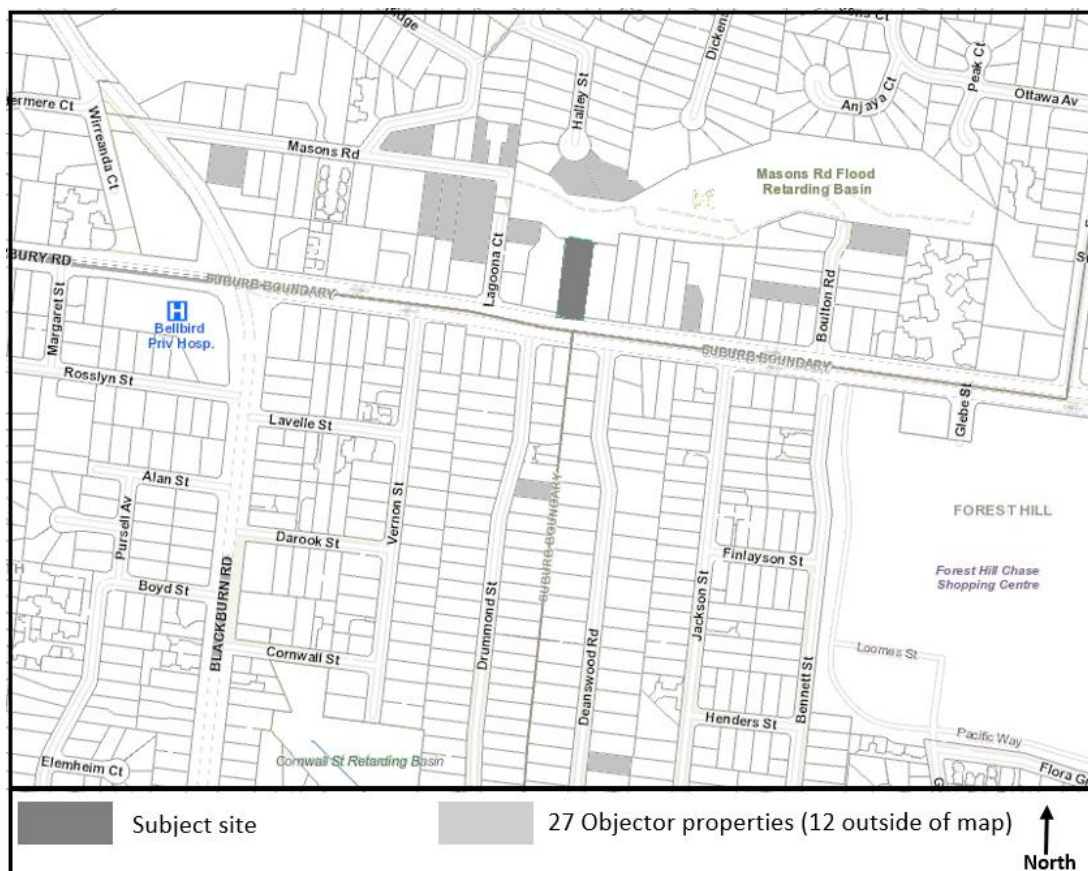
C Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the Planning and Environment Act 1987.

CARRIED UNANIMOUSLY

9.1.1 (cont)

MELWAYS REFERENCE 62 B1

Applicant:	Ario Arc Pty Ltd
Zoning:	Neighbourhood Residential Zone – Schedule 1 (NRZ1)
Overlays:	Significant Landscape Overlay – Schedule 2 (SLO2)
<u>Relevant Clauses:</u>	
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 21.03	A Vision for the City of Whitehorse
Clause 21.03	Strategic Directions
Clause 21.05	Environment
Clause 22.04	Tree Conservation
Clause 22.05	Non-Residential Uses in Residential Areas
Clause 32.09	Neighbourhood Residential Zone – Schedule 1
Clause 42.03	Significant Landscape Overlay – Schedule 2
Clause 52.06	Car Parking
Clause 52.29	Land Adjacent to a Road in a Road Zone, Category 1
Clause 65	Decision Guidelines
Ward:	Central



9.1.1

(cont)

BACKGROUND

History

Planning Permit application WH/2017/856 was lodged on 23 October 2017 and sought approval for the 'Construction of Three (3) Double Storey Dwellings, Alterations of Access to a Road Zone, Category 1 and Vegetation Removal. 'This application was subsequently withdrawn on 18 April 2018 at the request of the applicant.

The Site and Surrounds

The subject site is located on the north side of Canterbury Road in Blackburn, approximately 320 metres east of the intersection with Blackburn Road and 1.1 kilometres west of intersection with Springvale Road. The Forest Hill Chase Shopping Centre is located on Canterbury Road, approximately 250 metres to the east of the site.

The site has a total site area of 1,457 square metres with a frontage of 20.534 metres to Canterbury Road and a maximum depth of 71.27 metres. The site maintains a moderate slope of approximately 3 metres from front (south) to rear (north) and is encumbered by a 2.44 metre wide drainage easement located along the eastern boundary of the property.

The site currently contains a detached, single storey brick dwelling with a pitched tile roof, located towards the rear of the site, as well as a number of detached outbuildings and in-ground swimming pool. The site is accessed via an existing crossover located centrally to the frontage, with a gravel permeable driveway into Canterbury Road.

The Masons Road Flood Retarding Basin adjoins the site to the immediate north (rear) comprising a significant open space area running from Lagoon Court in the west to Forest Road in the east. The Masons Road Flood Retarding Basin contains a significant number of indigenous plant species and canopy trees.

The surrounding properties are residential in nature comprising of single and double storey dwellings set on large allotments with the majority of these containing relatively substantive canopy trees and canopy coverage.

The arborist report prepared for the applicant by Tree Space in July 2019 provides an assessment of fourteen (14) trees. Of these eleven (11) trees are located within the subject site, and these are mainly of good health and fair structure. Two trees are in excess of 20 metres in height which are as follows:

- *Tree 1 - Corymbia maculata* (Spotted Gum) – 27 metres in height, 20+ years ULE, located within the site frontage.
- *Tree 12 - Eucalutpus tricarpa* (Red Iron Bark) – 20 metres in height, 20+ years ULE, located within the site frontage.

Three (3) canopy trees are located on adjoining residential properties. Most notably there is a well-established *Eucalyptus botryoides* (Southern Mahogany) located within the south-western quadrant of No. 203 Canterbury Road.

Trees numbered 1, 2, 3 (adjoining property), 4, 5, 6, 7, 8, 9, 10 (adjoining property), 12 and 13 (adjoining property) are protected under the Significant Landscape Overlay- Schedule 2. A table summarising the affected trees on the subject site and adjacent lots are included under the Planning Controls heading below.

9.1.1 (cont)

Planning Controls

The proposal triggers the need for a Planning Permit under the following clauses of the Whitehorse Planning Scheme:

Neighbourhood Residential Zones (Schedule 1)

Pursuant to Clause 32.09-2 (Neighbourhood Residential Zone) a permit is required to use land for the purpose of a medical centre.

Significant Landscape Overlay (Schedule 2)

Pursuant to Clause 42.03:

- A permit is required to remove, destroy or lop a tree (subject to exemptions);
- A permit is required to construct a front fence that is within 4 metres of any protected vegetation (subject to exemptions); and
- A permit is required to construct or carry out buildings and works (subject to exemptions).

The proposal impacts protected trees as summarised in the table below:

Tree No.	Botanical Name	Common Name	Height	Trigger under SLO2
1	<i>Corymbia maculata</i>	Spotted Gum	27m	Removal
2	<i>Pittosporum undulatum</i>	Sweet Pittosporum	6m	Removal
3	<i>Eucalyptus leucoxylon</i>	Yellow Gum	7m	Buildings and works within 4m (adjoining property)
4	<i>Eucalyptus botryoides</i>	Southern Mahogany	9m	Removal
5	<i>Eucalyptus floribunda</i>	Rough Barked Apple	5m	Buildings and works within 4m
6	<i>Eucalyptus botryoides</i>	Southern Mahogany	12m	Buildings and works within 4m
7	<i>Eucalyptus botryoides</i>	Southern Mahogany	14m	Buildings and works within 4m
8	<i>Pittosporum undulatum</i>	Sweet Pittosporum	4m	Buildings and works within 4m
10	<i>Eucalyptus botryoides</i>	Southern Mahogany	22m	Buildings and works within 4m (adjoining property)
12	<i>Eucalyptus tricarpa</i>	Red Ironbark	20m	Buildings and works within 4m
13	<i>Lophostemon confertus</i>	Brush Box	12m	Buildings and works within 4m (adjoining property)
14	<i>Lophostemon confertus</i>	Brush Box	5m	Removal

9.1.1 (cont)

Schedule 2 to the Significant Landscape Overlay, as well as triggers for impacts to vegetation, sets out a number of permit triggers for buildings and works,

The following triggers are relevant to the current application

Permit trigger	Proposal
The building is no higher than two storeys or 9 metres.	The new building addition is no higher than two storeys or 9 metres. No permit required.
The building is set back at least 9 metres from the front boundary for a single storey building or 11 metres for a two-storey building.	The new building addition is setback in addition of 11 metres from street frontage. No permit required.
The building (except for a garage) is set back at least 1.2 metres from any other boundary for a building wall height of no more than 3.6 metres or 1.5 metres plus half the building wall height if the building wall height is more than 3.6 metres	The new building addition is setback 1.2 metres from the side boundary. No permit required.
The building is less than 33 per cent of the site area at ground level and 25 per cent of the site area at first floor level, excluding hard surfaces and impervious areas.	The building (inclusive of addition) is less than 33 per cent of the site area. No permit required.
Hard surfaced and impervious areas (including tennis courts and swimming pools, but excluding buildings) are less than 17 per cent of the site area.	Hard surfacing and impervious areas (excluding buildings) exceed 17 per cent of the site area Permit required.
The total area of all buildings and hard surfaces and impervious areas (including tennis courts and swimming pools are less than 50 per cent of the site area.	The total area of all buildings and hard surfaces exceeds 50 per cent of the site area. Permit required.

Road Zone, Category 1

Pursuant to Clause 52.29 (Land Adjacent to a Road Zone, Category 1) a permit is required to create or alter access to a road in a Road Zone, Category 1.

PROPOSAL

The application proposes the use of the land for a medical centre, the extension to the existing building, the provision of hard-stand for car parking, the removal of trees from the site, other buildings and works and associated landscaping.

Use

The application seeks to convert the existing dwelling into a medical centre, comprising of four practitioners at any given time, as well as two receptionists. The medical centre will operate Monday to Friday 9:00am to 6:00pm and Saturday and Sunday 9:00am to 1:00pm.

The medical centre will provide general physician services, as well as offering on site specialist services.

9.1.1

(cont)

Buildings and Works

The application proposes a variety of buildings and works across the site, including:

- Alterations and additions to the existing building, including the provision of an exercise and physiotherapist room; a ramp and refined entry point and internal alterations to cater for the proposed medical centre land use;
- The provision of 12 car parking spaces (including two disabled spaces) to the site frontage and rear, with associated access way and turning areas;
- The provision of a bicycle parking space to the northern side of the building; and
- The provision of a permeable pedestrian pathway and timber sleeper retaining wall to the eastern side of the building. The application seeks to retain the existing swimming pool at the rear of the site.

The proposed works maintain existing building setbacks from the site frontage, with the northern boundary hard stand being located 7.62 metres from the frontage; the southern boundary hardstand being located 19.81 metres from the frontage and the proposed building extension being 27.87 metres from the frontage.

Tree Removal and Landscaping

The application proposes the removal of four (4) trees from the site, each requiring a planning permit for removal under the Significant Landscape Overlay – Schedule 2. The trees are nominated as follows:

- Tree 01 – *Corymbia maculata*
- Tree 02 – *Pittosporum undulatum*
- Tree 04 – *Eucalyptus botryoides*
- Tree 14 – *Lophostemon confertus*

The application proposes revegetation of the site through the provision of significant canopy and shrubbery landscaping. This includes a number of large trees with established heights in excess of 15 metres as well as some small and medium height shrubbery with established heights between 1 metre and 3 metres at maturity.

CONSULTATION

Public Notice

This application was advertised on 12 June 2019, following which a total of twenty six (26) objections were received. The objections raised issues relating to:

- Removal of vegetation,
- Landscaping opportunities,
- Extent of hard paving,
- Traffic and parking impacts; and
- Lack of consistency with the Significant Landscape Overlay – Schedule 2.

A Consultation Forum was held on 30th July 2019 and chaired by Councillor Munroe, at which the issues were explored, however no resolution was reached between the parties.

9.1.1

(cont)

Following this, a Section 57A amendment to the application was lodged on 16th October 2019 which sought to address recommendations made by Council's arborist and concerns raised by Council's transport department. The Section 57A amendment and relevant documentation was re-notified to affected parties with one (1) additional objection and further submissions from existing objectors. The additional objection and further submissions received did not raise additional issues from those originally raised however expressed significant concern toward the proposed removal of Tree 1.

Following completion of re-notification it was identified that the application did not seek approval for use of land for the purpose of a medical centre and as such a further Section 57A Amendment to the application was lodged on 11 February 2020 which sought to amend application so as to allow for use of land for the purpose of a medical centre and a greater landscape response. The Section 57A amendment and relevant documentation and relevant documentation was re-notified to affected parties with two (2) additional objections and further submissions received, taking the total number of objections received against application to twenty-nine (29) objections.

Referrals

External

VicRoads

No objections, subject to planning permit conditions

Internal

Transport

No objections, subject to planning permit conditions

Planning Arborist

No objections, subject to planning permit conditions

DISCUSSION

Clause 71.02-3 recognises that planning aims to meet the needs and expectations of societies by addressing aspects of economic, environmental and social wellbeing affected by land use and development.

Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

The application has been assessed against the relevant objectives of the Planning Policy Framework and on balance, with consideration of all relevant policies and provisions, plus objectives received through the notification period, is considered to respond appropriately to the key objectives within the policy context.

Consistency with Planning Policy Framework and Local Planning Policy Framework

Planning Policy Framework

The policy at Clause 11.01-1S (Settlement) seeks to promote sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements. To achieve this objective, the policy has developed strategies that seeks to promote and capitalise on opportunities for urban renewal and infill redevelopment as well as ensure retail, office-based employment, community facilities and services are concentrated in central locations.

9.1.1

(cont)

Important to this application are the objectives of Clause 12.05-2S (Landscapes) which seek to protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments. To achieve this objective, the policy has developed strategies that seek to ensure that development does not detract from the natural qualities of significant landscape areas and recognise the natural landscape for its aesthetic value and as a fully functioning system.

The retention of existing trees and additional canopy planting proposed around the sites front and rear setback areas improves upon the landscape value attributed to the site and surrounds recognised under Clause 12.05-2S and the Significant Landscape Overlay.

Clause 15.01-1S (Urban Design) and Clause 15.01-2S (Building Design) both seek to ensure that the built environment contributes positively to the local context and public realm. Important to this objective are strategies that seek to protect sensitive environs from inappropriate development, and encourage new development to retain existing vegetation.

Clause 17.01-1S (Diversified Economy) seeks to strengthen and diversify the economy by facilitating growth in a range of employment sections, which includes health as well as improving access to jobs closer to where people live.

At a local level, the proposal responds to the policy objectives at Clause 17.01-1S by facilitating growth in the health sector and providing potential local job opportunities for the municipality.

Clause 18.02-4S (Car Parking) seeks to ensure an adequate supply of car parking that is appropriately design and located. This is of particular importance for this application, noting that the car park must be designed to minimise the impact of existing vegetation whilst provide an adequate supply of spaces that are safe and efficient to manoeuvre.

The proposal seeks to supply the required number of car parking spaces on the site in association with a medical centre, meeting the objective of Clause 18.02-4S.

Finally, Clause 19.02-1S (Health Facilities) seeks to assist the integration of health facilities with local and regional communities. To achieve this objective, the policy has developed strategies that seek to facilitate the location of health and health-related facilities taking into account demographic trends, the existing and future demand requirements and the integration of services into communities as well as provide adequate car parking for staff and visitors of health facilities.

The proposal seeks to provide health services through the provision of a medical facility along a key arterial road (Canterbury Road), improving access to health facilities within the local community in accordance with Clause 19.02-1S.

Local Planning Policy Framework

The Strategic Framework Plan at Clause 21.04 (Strategic Directions) of the Municipal Strategic Statement (MSS) identifies the site and its surrounds as being within a 'significant landscape area'

Clause 21.05 (Environment) sets out a number of strategies in respect of the environment. Amongst others, these seek to ensure that development is of a high quality design that is compatible with the character of the area; adequate open space and landscaping is provided for new development; and that upper canopy trees are planted to enhance the character. Appropriate development which responds to environmental characteristics is encouraged.

9.1.1 (cont)

The MSS addresses non-residential uses at Clause 21.06-7 (Non-Residential Uses). The key issues include ensuring development is designed in a manner which integrates the use and the built form into the residential environment, and ensuring there is no detriment to the community or surrounding residential amenity. The objectives refer to buildings integrating with and respecting the surrounding neighbourhood character. A related strategy is to apply the Neighbourhood Character Precinct Brochures with Preferred Character Statements and Design Guidelines to provide guidance for future non-residential development in residential areas

The *Whitehorse Neighbourhood Character Study* (2014) includes the site within a Bush Environment Precinct. The preferred character statement for this precinct reads:

The streetscapes will be dominated by vegetation with subservient buildings frequently hidden from view behind vegetation and tall trees. The buildings will nestle into the topography of the landscape and be surrounded by bush-like native and indigenous gardens, including large indigenous trees in the private and public domains. Buildings and hard surfaces will occupy a very low proportion of the site. They will be sited to reflect the prevailing front, rear and side setbacks. The larger rear setbacks will accommodate substantial vegetation including large canopy trees. The bushy environs are complemented by a lack of front fencing and street trees. Properties abutting and close to creeks and lake environs will contain more indigenous trees and shrubs that act in part as wildlife corridors. This precinct is identified for the lowest scale of intended residential growth in Whitehorse (Limited Change area) and the preservation of its significant landscape character and environmental integrity is the highest priority

The Tree Conservation Policy at Clause 22.04 (Tree Conservation) in its objectives refer to minimising the loss of significant trees; ensuring new development does not detract from the natural environment and ecological systems; and promoting the regeneration of tall trees through the provision of adequate open space and landscaping areas in new development. Policy and performance standards in respect of tree retention and tree regeneration are provided within the Clause and will be discussed within the assessment section of this report.

The removal of Tree 1, has been assessed as acceptable on the basis that it results in an improved car parking layout; improved area for substantial planting and lastly the retention of tree 12, which is considered to offer moderate amenity value and achieves the objectives outlined under Clause 22.04. It is this balance between tree retention, appropriate buildings and works and replanting that the Clause seeks to achieve.

Direction for non-residential uses in the municipality's residential areas is provided at Clause 22.05 (Non-Residential Uses in Residential Areas). The objectives of this policy are:

- *To make provision for services and facilities demanded by local communities in a way that does not detract from the amenity of the area.*
- *To avoid the concentration of non-residential uses where it would:*
 - *Have off-site effects which are detrimental to residential amenity.*
 - *Create a defacto commercial area.*
 - *Isolate residential properties between non-residential uses.*
 - *To ensure that the design, scale and appearance of non-residential premises reflects the residential character and streetscape of the area.*
 - *To ensure that the location of the use is appropriate to the role and function of the road network and that adequate provision is made for onsite car parking.*

The significant front and rear setbacks proposed on the site maintain a sense of spaciousness around the periphery of the site, ensuring that the building responds positively to the existing low-scale context of the 'bush environs' precinct whilst providing opportunity for substantial planting, all in accordance with the policy provisions of Clause 22.05.

9.1.1 (cont)

Upon maturity the proposed tree canopy, together with the existing tree canopy, will create a native bushland garden setting and soften the built form from the streetscape, achieving consistency with Clause 21.06-4, Clause 22.04 and Clause 22.05 by meeting the preferred character statement which seeks to hide building form behind vegetation and tall trees, ensuring that visual amenity impacts to the street are mitigated.

Buildings and Works

The proposal includes various works associated with the medical centre land use on the site.

The works specifically include the following:

- Alterations and additions to the existing building, including the provision of an exercise and physiotherapist room; a ramp and refined entry point and internal alterations to cater for the proposed medical centre land use;
- The provision of 12 car parking spaces (including two disabled spaces) to the site frontage and rear, with associated access way and turning areas;
- The provision of a bicycle parking space to the northern side of the building; and
- The provision of a permeable pedestrian pathway and timber sleeper retaining wall to the eastern side of the building.

Overall, it is considered that the works proposed are suitable for the site within the SLO2, with the building maintaining a significant front setback from the frontage and inconspicuous profile due to the contemporary form and single storey height of the proposed extension to limit dominance within the existing landscaping setting.

The proposed access way and car parking area within the site frontage and rear has been sited appropriately to minimise impact to vegetation where possible, with the removal of three (3) trees from the frontage only. Whilst this includes the removal of a large *Corymbia maculata* (identified as a *Corymbia citriodora* by the Blackburn and District Tree Preservation Society Inc.), this is not considered unreasonable as it allows for the retention of the mature *Eucalyptus tricarpa*. Further, the replanting response as demonstrated within the landscape plan includes the provision of significant canopy replacement across the site within well-proportioned setback areas to improve growth to maturity.

Whilst the proposed car parking and access way exceeds the minimum permit trigger threshold for permeability, this is not considered unreasonable on the basis that the spaces are sited to avoid excessive dominance to the streetscape and to the rear boundary interface with the retarding basin.

The impact of tree removal and proposed landscaping will be discussed separately below.

Tree Removal

The application proposes the removal of three trees from the site, each requiring a planning permit for removal under the SLO2. The trees are nominated as follows:

- Tree 01 – *Corymbia maculata*;
- Tree 02 – *Pittosporum undulatum*
- Tree 04 – *Eucalyptus botryoides*
- Tree 14 – *Lophostemon confertus*

9.1.1 (cont)

The specific details of each tree (based on the submitted arborist report) is identified below:

Tree	Botanical name	DBH (cm)	Height (m)	Canopy Width	Age / ULE	Health	Structure	Condition/ Description	Amenity value
1	<i>Corymbia maculate</i> (Spotted gum)	76	27m	10m	Mature 20+	Good	Good/fair	Irregular form. Numerous large failures.	High-Moderate
2	<i>Pittosporum Undulatum</i> (Sweet Pittosporum)	37	6m	8m	Mature 0	Good	Fair	Self-seeded weed species located beside west boundary and Tree 1 within site.	Low
4	<i>Eucalyptus botryoides</i> (Southern Mahogany)	51	9m	6m	Over-mature 1-5	Fair	Poor	Poorly formed tree with numerous failures located beside entry.	Medium
14	<i>Lophostemon confertus</i> (Brush Box)	20	5m	3m	Semi-mature 20+	Good	Good	Centrally located within the site adjacent to northern side of dwelling.	Moderate

These trees are all located within the site frontage, and required for removal due to the works proposed for the car park and access way. Trees 2 and 4 are not considered to be of high amenity value, and are much smaller in height and spread, thus not providing a density in foliage that would enhance or form part of the significant landscape character of the wider area and streetscape setting.

Tree 1 however is of particular significance due to its high-moderate amenity value, 27m height and 10m spread. Tree 1 is a native species that forms part of the significant landscape character of the wider area and streetscape setting.

Council's arborist has noted that tree 1 has experienced large tree failures in the past resulting in a top heavy structure with a portion of the upper canopy being made up of epicormic growth. It is further explained that the epicormic growth will increase the likelihood of branch failures and together with the encroachment into the TPZ, will only further increase risk associated with retention.

Council's arborist has recommended greater effort should be placed into protecting tree 12, a *Eucalyptus tricarpa*, with a height of 20m and spread of 13m, and moderate amenity value. It has been suggested that with an appropriate layout, this tree could last for a period of 30+ years, providing ongoing character and ecological benefits.

Officers recognise and acknowledge that Tree 1 is of particular significance to objectors, and this has been strongly stated in submissions. It is further acknowledged that the retention of this tree would be preferable if it were of a health and structure that enabled its long term growth and retention. In this circumstance, officers, on arboricultural advice, also consider that tree 12 offers the greater long term landscape impact and efforts to ensure its retention outweigh the ability to retain Tree 1, given its assessment rating.

9.1.1

(cont)

With the provision of additional replanting and growth, this is considered an appropriate outcome that achieves consistency with the landscape character outcomes sought under the Significant Landscape Overlay (Schedule 2) for vegetation density and protection of habitat.

Landscaping

As described above, the application proposes a number of replacement canopy trees across the site. The table below indicates the tree species proposed for the site, including the quantity and mature height and spread, taken from the proposed landscape plan:

CODE	BOTANICAL NAME	COMMON NAME	QTY	SUPPLY SIZE	MATURE H x W
AIM	<i>Acacia implexa</i>	Lightwood	3	40ltr / min 1.8m high	5-15m x 4-7m
AM	<i>Acacia melanoxylon</i>	Blackwood	2	40ltr / min 1.8m high	5-20m x 4-15m
CAS	<i>Callistemon sieberi</i>	River Bottlebrush	4	40ltr / min 1.8m high	3-10m x 2-6m
ERD	<i>Elaeocarpus reticulatus</i> 'Prima Donna'	Dwarf Blueberry Ash	1	40ltr / min 1.8m high	6m x 4m
EA	<i>Eucalyptus radiata</i>	Narrow Leaved Peppermint	3	40ltr / min 1.8m high	10-20m x 6-15m
EUY	<i>Eucalyptus yarraensis</i>	Yarra Gum	1	40ltr / min 1.8m high	10-20m x 5-10m

At the frontage, the two (2) *Acacia melanoxylon* (Blackwood) trees proposed are considered to be adequate replacement trees with mature height of up to 15 metres, which is generally consistent with the height and scale of the *Eucalyptus tricarpa* tree proposed to be retained as well as others within the streetscape of Canterbury Road at maturity. Notwithstanding this and to ensure an even greater species diversity, a condition will be placed on permit requiring the provision of at least two (2) Silver-leafed Stringybarks, (*Eucalyptus cephalocarpa*) which are native to the Blackburn area, in place of two (2) of the four (4) Lightwoods (*Acacia implexa*) proposed to be planted.

At the rear, the two (2) *Eucalyptus radiata* (Narrow Leaved Peppermint) and one (1) *Elaeocarpus reticulatus* (Dwarf Blueberry Ash) proposed are appropriate canopy additions where there was previously no significant landscaping at the rear of the site. These trees are located to form a nexus between the site and abutting retarding basin, creating a distinct spine of open space with native species. The proposed trees maintain a consistent height and scale to those within the retarding basin to form a distinct canopy view line from the Canterbury Road streetscape at maturity.

In addition to the larger sized canopy trees, the proposal also affords a number of other tree species such as the Lightwood or Bottlebrush, with an understorey layer of small to medium sized shrubbery. These are all located within well-proportioned setback areas, to improve growth to maturity.

The proposal meets the tree density guideline under the Significant Landscape Overlay, with 9 trees over 15 metres in height required and 10 trees over 15 metres provided. Whilst it is noted that not all trees are proposed to be planted within an area that is capable of providing for a planting envelope of 50sqm as sought under Clause 22.04 of the Whitehorse Planning Scheme, the landscape plan provides for a well-designed bushland environment with adequate planting envelopes provided throughout the site and a planting scheme that significantly improves the existing landscaping and tree canopy on site.

Car Parking and Road Zone Access

Pursuant to Clause 52.06-5, the car parking rate for a medical centre located within the Principal Public Transport Network is 3.5 spaces to each 100sqm of leasable floor area. As such, a total of 8 car parking spaces are required, with a total of 12 provided on the site (including the provision of two DDA compliant disabled spaces). The proposal exceeds the minimum requirement for car parking under Clause 52.06, and no planning permit is required.

Council's Transport Engineers have reviewed the submitted plans and assessed that compliance is achieved with the design standards outlined at Clause 52.06-9, ensuring that vehicles can appropriately manoeuvre through the site and enter / exit in a forwards direction.

9.1.1 (cont)

The provisions of Clause 52.29 applies to land adjacent to a Road Zone, Category 1. The purpose outlined at Clause 52.29 is nominated as follows:

- *To ensure appropriate access to identified roads.*
- *To ensure appropriate subdivision of land adjacent to identified roads.*

A permit is required to create or alter access to a road in a road zone, category 1. In *Peninsula Blue Developments Pty Ltd v Frankston CC*, VCAT considered that clause 52.29 not only applied to a physical change to access, but also to any change to the use or development that may result in changes to the opportunity for traffic to approach or enter the road differently.

This has been a long-standing precedence that is still currently applicable. Whilst the application does not seek to physically alter the current site access, the change in opportunity for traffic to approach or enter the site in terms of volume and frequency due to the proposed medical centre use triggers consideration and thus a planning permit pursuant to Clause 52.29.

The alteration to the site access resultant from the proposal has been reviewed by VicRoads, with no concerns raised subject to planning permit conditions.



CONCLUSION

The proposal for Use and Development of Land for the Purpose of a Medical Centre, Removal of Vegetation and Alteration of Access to a Road in a Road Zone, Category 1 is an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the Planning Policy Framework, Local Planning Policies and the Significant Landscape Overlay – Schedule 2.

The application is consistent with the relevant objectives and Decision Guidelines of clauses 22.04 and 42.03. The trees to be removed have been assessed as acceptable for removal based on poor health, structure or amenity value, noting that the loss of Tree 1 will have an impact on how the site presents to Canterbury Rd. The proposal seeks to maintain other significant vegetation on the site, with adequate replanting of large canopy trees, ensuring that the proposal will contribute in the medium to longer term to the existing landscape setting of the bush environment area.

A total of twenty-nine (29) objections were received as a result of public notice and all of the issues raised have been discussed in the report as required.
It is considered that the application should be approved.

ATTACHMENT

- 1 Architectural Plans 
- 2 Landscape Plans 

**9.1.2 26-28 Wellington Road, BOX HILL (LOT 1 & 2 LP 1974 4)–
Development of the land for a 17 storey building containing
dwellings and ground floor Food and Drinks Premises (Cafe)
and associated buildings and works.**

FILE NUMBER: WH/2018/743
ATTACHMENT

SUMMARY

This application was advertised, and a total of 7 objections were received. The objections raised issues with overdevelopment of the site; traffic impacts; overshadowing; overlooking & loss of privacy; wind impacts; impact on existing services; noise associated with construction and glare from building materials. A Consultation Forum was held on 18/12/2019 chaired by Councillor Barker, at which the issues were explored, however no resolution was reached between the parties. This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as the objector concerns. It is recommended that the application be supported, subject to conditions.

MOTION

Moved by Cr Liu, Seconded by Cr Barker

That Council:

- A** *Being the Responsible Authority, having caused Application WH/2018/743 for 26-28 Wellington Road, BOX HILL (LOT 1 & 2 LP 1974 4) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the Development of the land for a 17 storey building containing dwellings and ground floor Food and Drinks Premises (Cafe) and associated buildings and works 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 26-28 Wellington Road, BOX HILL (LOT 1 & 2 LP 1974 4) for the Development of the land for a 17 storey building containing dwellings and ground floor Food and Drinks Premises (Cafe) and associated buildings and works subject to the following conditions:*
- 1.** *Before the development starts, but excluding the works detailed in the Early Works Plan, amended plans must be submitted to and approved by the Responsible Authority in a digital format. Once approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale, with dimensions, and be generally in accordance with the decision plans but modified to show:*
 - a)** *The following changes as shown in the discussion plans from Peddle Thorp Architects dated February, 2020 (Revision 4):*
 - i.** *Communal laundry facilities located in Basement level 1;*
 - ii.** *Provision for informal delivery arrival/parking areas adjacent to southern laneway;*
 - iii.** *Communal space at rooftop level amended to include meeting room space;*
 - iv.** *HVAC systems provided for levels 10-15;*
 - v.** *Six electric vehicle parking bays and associated charging facilities;*
 - vi.** *Revised colours and materials schedule.*
 - But further modified to show:*
 - b)** *The northern boundary delineated with a 1.8m high, visual solid fence;*
 - c)** *East-facing bedroom windows associated with the north-western corner of the development treated with fixed, obscure glazing to a height of 1.7m*

9.1.2
(cont)

or otherwise designed to avoid unreasonable overlooking to the satisfaction of the Responsible Authority;

- d) At first floor and above, any north-facing habitable room windows or balconies located less than 4.5m from the northern boundary treated with 1.7m high, fixed obscure glazing or other treatments to avoid unreasonable overlooking to the satisfaction of the Responsible Authority;*
- e) At first floor and above, any south-facing habitable room windows or balconies located less than 4.5m from the center line of the adjoining laneway treated with 1.7m high, fixed obscure glazing or other treatments to avoid unreasonable overlooking to the satisfaction of the Responsible Authority;*
- f) At first floor and above, any east-facing habitable room windows or balconies located less than 4.5m from the eastern boundary treated with 1.7m high, fixed obscure glazing or other treatments to avoid unreasonable overlooking to the satisfaction of the Responsible Authority;*
- g) Balconies to meet the dimensions under Standard D19 – Private open space at clause 58 of the Whitehorse Planning Scheme. Any changes required to achieve compliance with this condition must not result in living room areas which trigger a variation to Standard D24 – Functional layout to the satisfaction of the Responsible Authority;*
- h) No additional overshadowing to the concrete footpath on the western side of Wellington Road by 10:00am on the 22nd of September to the satisfaction of the Responsible Authority. The changes to achieve this outcome must not result in the loss of any communal facilities from the building;*
- i) All tandem car parking spaces being allocated to a single tenancy or dwelling;*
- j) Detailed drawings, reports or other material for the north-facing, on-boundary wall to demonstrate a high-quality outcome which may include, but is not necessarily limited to murals or mosaic treatments;*
- k) Any changes required to reflect the approved Façade Strategy under condition 6 of this permit;*
- l) Any changes required to reflect the approved Wind Impact Assessment under condition 9 of this permit;*
- m) Development plans to reflect all sustainability features indicated in the submitted amended Sustainability Management Plan (SMP). Where features cannot be visually shown, include a notes table / 'ESD Schedule' providing details of the requirements. The plans are to be generally in accordance with the plans submitted with the application but modified to show:
 - i. Water-sensitive urban design measures as required to achieve a STORM Rating of at least 100% or equivalent, including a rainwater tank sufficiently sized, plumbed to all toilets and laundry areas, as well as, indicative pump and maintenance access shown on Development Plans.*
 - ii. Design measures as identified in the BESS Report, as required to exceed an acceptable overall 50% score and exceed the 'pass' marks in the categories of Water, Energy Stormwater and Indoor Environment Quality (IEQ).*
 - iii. Floor plans for all floors.**

9.1.2
(cont)

- iv. *All operable windows, doors, winter garden openings and vents in elevation drawings.*
 - v. *Include glazing specifications for all residential glazing, including solar heat gain coefficient (SHGC), visual light transmittance (VLT) and U-value. Ensure that such values are consistent with Daylight Modelling, Preliminary Section J / JV3 and Preliminary NatHERS Energy Efficiency Modelling inputs.*
 - vi. *Any exterior building services equipment, including any heating, cooling, ventilation, hot water and renewable energy systems.*
 - viii. *Include an annotation of the timber species intended for use as decking or outdoor timber, noting that unsustainably harvested imported timbers must not be used.*
2. *The use and development as shown on the endorsed plans must not be altered (unless the Whitehorse Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.*

Landscaping

3. *Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:*
- a) *Implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;*
 - b) *Not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and*
 - c) *Replacing any dead, diseased, dying or damaged plants, to the satisfaction of the Responsible Authority.*

Car Park Management Plan

4. *Before the development commences, but excluding the works detailed in the Early Works Plan, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:*
- a) *Parking allocations to demonstrate no reduction to car parking rates under clause 52.06 or Schedule 1 to the Parking Overlay under clause 45.09 of the Whitehorse Planning Scheme for the approved development;*
 - b) *Identifying (including number and location) any tandem parking spaces which must be allocated to a single tenancy or dwelling;*
 - c) *The management of visitor car parking spaces and security arrangements for occupants of the development, including details on how residential visitors are to access car parking;*
5. *The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.*

Façade strategy

6. *Prior to the endorsement of plans under condition 1, a Façade Strategy must be submitted to and be to the satisfaction of the Responsible Authority. When approved this will form part of the endorsed plans. All materials, finishes and colours must be in conformity with the approved Façade Strategy to the satisfaction of the Responsible Authority. The Façade Strategy for the development must be generally in accordance with plans prepared by Peddle Thorp Architect dated June 2019 and detail:*

9.1.2
(cont)

- a) *A concise description by the architect of the building design concept and how the façade works to achieve this.*
- b) *Schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. This can be demonstrated in coloured elevations or renders from key viewpoints, to show the materials and finishes linking them to a photographic quality sample board with clear coding.*
- c) *External building materials and finishes not resulting in hazardous or uncomfortable glare to pedestrians, public transport operators and commuters, motorists, aircraft, or occupants of surrounding buildings and public spaces to the satisfaction of the Responsible Authority;*
 - i. *Issues relating to glare and reflectivity of chosen building materials must be addressed within a report prepared by a suitably qualified engineer to qualify the outcomes under condition 6(c) of this permit.*
- d) *Elevation details generally at a scale of 1:50 illustrating typical podium details, entries and doors, typical privacy screening and utilities, typical tower detail, glazing, soffit details, window detail and any special features which are important to the building's presentation.*
- e) *Cross sections or other method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and/or material.*
- f) *Information about how the façade will be accessed and maintained and cleaned, including planting where proposed.*
- g) *Example prototypes and/or precedents that demonstrate the intended design outcome indicated on plans and perspective images to produce a high quality built outcome in accordance with the design concept.*

Sustainability Management Plan

- 7. *Prior to the endorsement of plans under Condition 1 of this permit, an amended Sustainability Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainability Management Plan must be generally in accordance with the Sustainability Management Plan prepared by Sustainable Built Environments and dated 24/6/2019, but modified to include, show or address:*
 - a) *A STORM Rating Report or equivalent with a score of at least 100% or equivalent.*
 - b) *A complete, published BESS Report, with an acceptable overall score that exceeds 50% and exceed the 'pass' marks in the categories of Water, Energy Stormwater and Indoor Environment Quality (IEQ).*
 - c) *Provide Preliminary NatHERS Assessments for 10% of the total amount of dwellings a part of the development.*
 - d) *Preliminary NatHERS performance to indicate that maximum cooling loads are ≤ 21 MJ/m²/annum per dwelling.*
 - e) *Preliminary BCA Section J / JV3 modelling indicating a commitment to achieve at least a 10% improvement on minimum energy efficiency requirements with respect to non-residential areas.*
 - f) *Provide glazing specifications including SHGC, VLT and U-values and ensure that such values are consistent with Daylight Modelling, Preliminary Section J / JV3 and Preliminary NatHERS Energy Efficiency Modelling inputs, as well as, Development Plans.*
 - g) *Control car park ventilation with CO sensors.*
 - h) *Control car park lighting (at least 75% of lighting fixtures) with motion sensors.*

9.1.2
(cont)

- i) Commit to controlling all common, service and lift area lighting with sensors/timers.*
 - j) Commit to controlling common, service and lift area ventilation with sensors/timers.*
 - k) Commit to the inclusion of improved energy efficient heating, cooling and hot water systems indicating the associated COP and EER values and star ratings.*
 - l) Commit to the inclusion of water efficient fixtures and appliances indicating the associated WELS ratings.*
 - m) Connect the rainwater tanks to 50% of toilet flushing systems (approximately 130 bedrooms and all non-residential areas) throughout the development.*
 - n) Commit to diverting at least 80% of construction/demolition waste from landfill.*
 - o) Submit a water balance calculation considering integrated water management which justifies the rainwater tank capacity, based on long-term average rainfall data, collection areas and expected end uses, which is in compliance with AS/NZS 6400:2016 of 1 full- and 4 half-flushes per person per day (providing 17.5 L/person/day for a 4 star WELS rated toilet).*
 - i. Rainwater tank size must be selected based on calculations, ensuring adequate reliability of supply is maintained with respect to managing potential overflow and considering the development's potable water demand, as well as, facilitating requirements for on-site detention to control peak discharge and flow. The rainwater tank must cater for at least 50% of toilet flushing systems – approximately 130 bedrooms and non-residential systems.*
- 8. The provisions, recommendations and requirements of the endorsed Sustainability Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.**

Wind impact assessment

- 9. Prior to the endorsement of plans under Condition 1 of this permit, a Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The report must include Wind tunnel testing to demonstrate the approved design achieving:**
- a) Walking comfort along Wellington Road and the adjoining laneway;*
 - b) Standing comfort at relevant entrances along Wellington Road;*
 - c) Sitting comfort at where seating is or intended to be provided – particularly at the retail tenancy food and drink area at ground floor;*
- 10. The recommendations within the Wind Impact Assessment Report must be implemented to the satisfaction of the Responsible Authority such that:**
- a) There is no cost to the Responsible Authority.*
 - b) There is no reliance on the provision of street trees for wind mitigation.*
 - c) There is no reliance on the provision of 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.*
- 11. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.**

9.1.2
(cont)

Lighting plan

12. *Before the development commences, a Public Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Lighting Plan must address lighting along the southern adjoining laneway between Wellington Road and the south-eastern corner of the subject site. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must provide for:*
- a) *Lighting to the adjoining laneway for the length of the subject site;*
 - b) *A lighting scheme designed for both public highway and new open public area/road/open space within the curtilage of the property that complies with uniformity requirements as per standard AS1158.3.1;*
 - c) *The control of light spillage into the windows of existing and proposed residences to comply with the requirements of AS 4282 – 1997, "Control of the obtrusive effects of outdoor lighting";*
 - d) *Lighting to all pedestrian access points to a residential property to satisfy at least level P4 as per AS 1158.3.1;*
 - e) *A maintenance regime for the lighting scheme within the curtilage of the property.*
 - f) *The use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission if possible.*
13. *The provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority.*

Waste Management Plan

14. *Before the development commences, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Waste Management Plan will be endorsed and will form part of this permit.*

Use conditions

15. *Except with the prior written consent of the Responsible Authority the Food and drinks premises authorised by this permit may only operate between the hours of 7:00am to 10:00pm – Monday to Sunday.*
16. *The amenity of the area must not be detrimentally affected by the use or development, including through:*
- a) *The transport of materials, goods or commodities to or from land;*
 - b) *The appearance of any buildings, works or materials;*
 - c) *The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or*
 - d) *The presence of vermin;*
- to the satisfaction of the Responsible Authority.*
17. *The use must comply at all times with the State Environment Protection Policy – Control of Noise from commercial, Industry and Trade (SEPP N-1).*

General conditions

18. *Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.*

9.1.2
(cont)

- 19. The development must be provided with external lighting capable of illuminating access to each the basement ramp and pedestrian areas at ground floor. Lighting must be located, directed and shielded and of limited intensity that no nuisance or loss of amenity is caused to any person within and beyond the site.**
- 20. The Applicant/Owner must be responsible to meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The Applicant/Owner shall be responsible to obtain an "Asset Protection Permit" from Council at least 7 days prior to the commencement of any works on the land and obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets.**
- 21. Treatments to prevent overlooking must not include 'Translucent film' on windows and must be generally in line with the treatments under Standard B22 – Overlooking of Clause 55.**
- 22. Prior to the occupation of the development, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.**
- 23. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:**
 - a) At the permit holder's cost; and**
 - b) To the satisfaction of the Responsible Authority.**
- 24. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.**
- 25. Except with the prior written consent of the Responsible Authority, council assets must not be altered in any way.**
- 26. Existing street trees must not be removed or damaged except with the written consent of the Responsible Authority.**
- 27. The subject land must be drained to the satisfaction of the Responsible Authority.**
- 28. All stormwater drains and on-site detention systems are to be connected to the legal point of discharge to the satisfaction of the Responsible Authority prior to the occupation of the building/s. The requirement for on- site detention will be noted on your stormwater point of discharge report, or it might be required as part of the civil plans approval.**
- 29. Detailed stormwater drainage and/or civil design for the proposed development are to be prepared by a suitably qualified civil engineer and submitted to the Responsible Authority for approval prior to occupation of the development. Plans and calculations are to be submitted with the application with all levels to Australian Height Datum (AHD). All documentation is to be signed by the qualified civil engineer.**
- 30. Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.**
- 31. Prior to works commencing the Applicant/Owner is to submit design plans for all proposed engineering works external to the site. The plans are to be submitted as separate engineering drawings for assessment by the Responsible Authority.**

9.1.2
(cont)

Early works plan

32. *Except with the prior written consent of the Responsible Authority, prior to the commencement of any buildings and works, an Early Works Plan must be prepared to the satisfaction of the Responsible Authority. The Early Works Plan must provide details of all works which comprise the 'early works', including but not limited to:*
- a) Piling works (Bored Piers), including Capping Beams;*
 - b) Retention system including structural columns, shotcrete walls and rock anchors;*
 - c) Bulk excavation;*
 - d) Detailed excavation;*
 - e) Excavation and pouring of pad footings, pile caps and basement slabs;*
 - f) Civil drainage retention system; and*
 - g) Crane pad footing system.*

Green Travel Plan

33. *Before the development commences, but excluding the works detailed in the Early Works Plan, A Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel Plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to the following:*
- a) Information for residents and visitors about public transport options in the area;*
 - b) Measures to encourage uptake of public transport to and from the approved development.*

Construction Management

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

The Construction Management Plan must be prepared and managed by a suitably qualified person who is experienced in preparing Construction Management Plans in accordance with the City of Whitehorse Construction Management Plan Guidelines.

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

35. *The provisions, recommendations and requirements of the endorsed Construction Management Plans must be implemented and complied with to the satisfaction of the Responsible Authority.*

Expiry

36. *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 five (5) years from the date of this permit;*
 - c) If the approved use is not commenced within five (5) years from the date of this permit.*

9.1.2
(cont)

The Responsible Authority may extend the periods referred to in Condition 35 if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

- 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 Bennett, Seconded by Cr Davenport

That Council:

- A.** *Being the Responsible Authority, having caused Application WH/2018/743 for 26-28 Wellington Road, BOX HILL (LOT 1 & 2 LP 1974 4) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the Development of the land for a 17 storey building containing dwellings and ground floor Food and Drinks Premises (Cafe) and associated buildings and works 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 26-28 Wellington Road, BOX HILL (LOT 1 & 2 LP 1974 4) for the Development of the land for a 17 storey building containing dwellings and ground floor Food and Drinks Premises (Cafe) and associated buildings and works subject to the following conditions:*
- 1.** *Before the development starts, but excluding the works detailed in the Early Works Plan, amended plans must be submitted to and approved by the Responsible Authority in a digital format. Once approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale, with dimensions, and be generally in accordance with the decision plans but modified to show:*
 - a)** *The following changes as shown in the discussion plans from Peddle Thorp Architects dated February, 2020 (Revision 4):*
 - i.** *Communal laundry facilities located in Basement level 1;*
 - ii.** *Provision for informal delivery arrival/parking areas adjacent to southern laneway;*
 - iii.** *Communal space at rooftop level amended to include meeting room space;*
 - iv.** *HVAC systems provided for levels 10-15;*
 - v.** *Six electric vehicle parking bays and associated charging facilities;*
 - vi.** *Revised colours and materials schedule.**But further modified to show:*
 - b)** *The northern boundary delineated with a 1.8m high, visual solid fence;*
 - c)** *East-facing bedroom windows associated with the north-western corner of the development treated with fixed, obscure glazing to a height of 1.7m or otherwise designed to avoid unreasonable overlooking to the satisfaction of the Responsible Authority;*
 - d)** *At first floor and above, any north-facing habitable room windows or balconies located less than 4.5m from the northern boundary treated with 1.7m high, fixed obscure glazing or other treatments to avoid unreasonable overlooking to the satisfaction of the Responsible Authority;*

9.1.2
(cont)

- e) *At first floor and above, any south-facing habitable room windows or balconies located less than 4.5m from the center line of the adjoining laneway treated with 1.7m high, fixed obscure glazing or other treatments to avoid unreasonable overlooking to the satisfaction of the Responsible Authority;*
- f) *At first floor and above, any east-facing habitable room windows or balconies located less than 4.5m from the eastern boundary treated with 1.7m high, fixed obscure glazing or other treatments to avoid unreasonable overlooking to the satisfaction of the Responsible Authority;*
- g) *Balconies to meet the dimensions under Standard D19 – Private open space at clause 58 of the Whitehorse Planning Scheme. Any changes required to achieve compliance with this condition must not result in living room areas which trigger a variation to Standard D24 – Functional layout to the satisfaction of the Responsible Authority;*
- h) *No additional overshadowing to the concrete footpath on the western side of Wellington Road by 10:00am on the 22nd of September to the satisfaction of the Responsible Authority. The changes to achieve this outcome must not result in the loss of any communal facilities from the building;*
- i) *All tandem car parking spaces being allocated to a single tenancy or dwelling;*
- j) *Detailed drawings, reports or other material for the north-facing, on-boundary wall to demonstrate a high-quality outcome which may include, but is not necessarily limited to murals or mosaic treatments;*
- k) *Any changes required to reflect the approved Façade Strategy under condition 6 of this permit;*
- l) *Any changes required to reflect the approved Wind Impact Assessment under condition 9 of this permit;*
- m) *Development plans to reflect all sustainability features indicated in the submitted amended Sustainability Management Plan (SMP). Where features cannot be visually shown, include a notes table / 'ESD Schedule' providing details of the requirements. The plans are to be generally in accordance with the plans submitted with the application but modified to show:*
 - i. *Water-sensitive urban design measures as required to achieve a STORM Rating of at least 100% or equivalent, including a rainwater tank sufficiently sized, plumbed to all toilets and laundry areas, as well as, indicative pump and maintenance access shown on Development Plans.*
 - ii. *Design measures as identified in the BESS Report, as required to exceed an acceptable overall 50% score and exceed the 'pass' marks in the categories of Water, Energy Stormwater and Indoor Environment Quality (IEQ).*
 - iii. *Floor plans for all floors.*
 - iv. *All operable windows, doors, winter garden openings and vents in elevation drawings.*
 - v. *Include glazing specifications for all residential glazing, including solar heat gain coefficient (SHGC), visual light transmittance (VLT) and U-value. Ensure that such values are consistent with Daylight Modelling, Preliminary Section J / JV3 and Preliminary NatHERS Energy Efficiency Modelling inputs.*

9.1.2
(cont)

- vi. Any exterior building services equipment, including any heating, cooling, ventilation, hot water and renewable energy systems.*
 - viii. Include an annotation of that the timber species intended for use as decking or outdoor timber are not unsustainably harvested imported timbers (such as Merbau, Oregon, Western Red Cedar, Meranti, Luan, Teak etc.) and meet either Forest Stewardship Council or Australian Forestry Standard criteria with a commitment provided as an annotation on Development Plans.*
- 2. The use and development as shown on the endorsed plans must not be altered (unless the Whitehorse Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.**

Landscaping

- 3. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:**
- a) Implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;*
 - b) Not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and*
 - c) Replacing any dead, diseased, dying or damaged plants, to the satisfaction of the Responsible Authority.*

Car Park Management Plan

- 4. Before the development commences, but excluding the works detailed in the Early Works Plan, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:**
- a) Parking allocations to demonstrate no reduction to car parking rates under clause 52.06 or Schedule 1 to the Parking Overlay under clause 45.09 of the Whitehorse Planning Scheme for the approved development;*
 - b) Identifying (including number and location) any tandem parking spaces which must be allocated to a single tenancy or dwelling;*
 - c) The management of visitor car parking spaces and security arrangements for occupants of the development, including details on how residential visitors are to access car parking;*
- 5. The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.**

Façade strategy

- 6. Prior to the endorsement of plans under condition 1, a Façade Strategy must be submitted to and be to the satisfaction of the Responsible Authority. When approved this will form part of the endorsed plans. All materials, finishes and colours must be in conformity with the approved Façade Strategy to the satisfaction of the Responsible Authority. The Façade Strategy for the development must be generally in accordance with plans prepared by Peddle Thorp Architect dated June 2019 and detail:**
- a) A concise description by the architect of the building design concept and how the façade works to achieve this.*

9.1.2
(cont)

- b) Schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. This can be demonstrated in coloured elevations or renders from key viewpoints, to show the materials and finishes linking them to a photographic quality sample board with clear coding.*
- c) External building materials and finishes not resulting in hazardous or uncomfortable glare to pedestrians, public transport operators and commuters, motorists, aircraft, or occupants of surrounding buildings and public spaces to the satisfaction of the Responsible Authority;
 - i. Issues relating to glare and reflectivity of chosen building materials must be addressed within a report prepared by a suitably qualified engineer to qualify the outcomes under condition 6(c) of this permit.**
- d) Elevation details generally at a scale of 1:50 illustrating typical podium details, entries and doors, typical privacy screening and utilities, typical tower detail, glazing, soffit details, window detail and any special features which are important to the building's presentation.*
- e) Cross sections or other method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and/or material.*
- f) Information about how the façade will be accessed and maintained and cleaned, including planting where proposed.*
- g) Example prototypes and/or precedents that demonstrate the intended design outcome indicated on plans and perspective images to produce a high quality built outcome in accordance with the design concept.*

Sustainability Management Plan

- 7. Prior to the endorsement of plans under Condition 1 of this permit, an amended Sustainability Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainability Management Plan must be generally in accordance with the Sustainability Management Plan prepared by Sustainable Built Environments and dated 24/6/2019, but modified to include, show or address:**
 - a) A STORM Rating Report or equivalent with a score of at least 100% or equivalent.*
 - b) A complete, published BESS Report, with an acceptable overall score that exceeds 50% and exceed the 'pass' marks in the categories of Water, Energy Stormwater and Indoor Environment Quality (IEQ).*
 - c) Provide Preliminary NatHERS Assessments for 10% of the total amount of dwellings a part of the development.*
 - d) Preliminary NatHERS performance to indicate that maximum cooling loads are ≤ 21 MJ/m²/annum per dwelling.*
 - e) Preliminary BCA Section J / JV3 modelling indicating a commitment to achieve at least a 10% improvement on minimum energy efficiency requirements with respect to non-residential areas.*
 - f) Provide glazing specifications including SHGC, VLT and U-values and ensure that such values are consistent with Daylight Modelling, Preliminary Section J / JV3 and Preliminary NatHERS Energy Efficiency Modelling inputs, as well as, Development Plans.*
 - g) Control car park ventilation with CO sensors.*
 - h) Control car park lighting (at least 75% of lighting fixtures) with motion sensors.*
 - i) Commit to controlling all common, service and lift area lighting with sensors/timers.*

9.1.2
(cont)

- j) *Commit to controlling common, service and lift area ventilation with sensors/timers.*
 - k) *Commit to the inclusion of improved energy efficient heating, cooling and hot water systems indicating the associated COP and EER values and star ratings.*
 - l) *Commit to the inclusion of water efficient fixtures and appliances indicating the associated WELS ratings.*
 - m) *Connect the rainwater tanks to 50% of toilet flushing systems (approximately 130 bedrooms and all non-residential areas) throughout the development.*
 - n) *Commit to diverting at least 80% of construction/demolition waste from landfill.*
 - o) *Submit a water balance calculation considering integrated water management which justifies the rainwater tank capacity, based on long-term average rainfall data, collection areas and expected end uses, which is in compliance with AS/NZS 6400:2016 of 1 full- and 4 half-flushes per person per day (providing 17.5 L/person/day for a 4 star WELS rated toilet).*
 - i. *Rainwater tank size must be selected based on calculations, ensuring adequate reliability of supply is maintained with respect to managing potential overflow and considering the development's potable water demand, as well as, facilitating requirements for on-site detention to control peak discharge and flow. The rainwater tank must cater for at least 50% of toilet flushing systems – approximately 130 bedrooms and non-residential systems.*
8. *The provisions, recommendations and requirements of the endorsed Sustainability Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.*

Wind impact assessment

9. *Prior to the endorsement of plans under Condition 1 of this permit, a Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The report must include Wind tunnel testing to demonstrate the approved design achieving:*
- a) *Walking comfort along Wellington Road and the adjoining laneway;*
 - b) *Standing comfort at relevant entrances along Wellington Road;*
 - c) *Sitting comfort at where seating is or intended to be provided – particularly at the retail tenancy food and drink area at ground floor;*
10. *The recommendations within the Wind Impact Assessment Report must be implemented to the satisfaction of the Responsible Authority such that:*
- a) *There is no cost to the Responsible Authority.*
 - b) *There is no reliance on the provision of street trees for wind mitigation.*
 - c) *There is no reliance on the provision of 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.*
11. *The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.*

9.1.2
(cont)

Lighting plan

12. *Before the development commences, a Public Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Lighting Plan must address lighting along the southern adjoining laneway between Wellington Road and the south-eastern corner of the subject site. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must provide for:*
- a) *Lighting to the adjoining laneway for the length of the subject site;*
 - b) *A lighting scheme designed for both public highway and new open public area/road/open space within the curtilage of the property that complies with uniformity requirements as per standard AS1158.3.1;*
 - c) *The control of light spillage into the windows of existing and proposed residences to comply with the requirements of AS 4282 – 1997, "Control of the obtrusive effects of outdoor lighting";*
 - d) *Lighting to all pedestrian access points to a residential property to satisfy at least level P4 as per AS 1158.3.1;*
 - e) *A maintenance regime for the lighting scheme within the curtilage of the property.*
 - f) *The use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission if possible.*
13. *The provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority.*

Waste Management Plan

14. *Before the development commences, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Waste Management Plan will be endorsed and will form part of this permit.*

Use conditions

15. *Except with the prior written consent of the Responsible Authority the Food and drinks premises authorised by this permit may only operate between the hours of 7:00am to 10:00pm – Monday to Sunday.*
16. *The amenity of the area must not be detrimentally affected by the use or development, including through:*
- a) *The transport of materials, goods or commodities to or from land;*
 - b) *The appearance of any buildings, works or materials;*
 - c) *The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or*
 - d) *The presence of vermin;*
- to the satisfaction of the Responsible Authority.*
17. *The use must comply at all times with the State Environment Protection Policy – Control of Noise from commercial, Industry and Trade (SEPP N-1).*

General conditions

18. *Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.*

9.1.2
(cont)

- 19. The development must be provided with external lighting capable of illuminating access to each the basement ramp and pedestrian areas at ground floor. Lighting must be located, directed and shielded and of limited intensity that no nuisance or loss of amenity is caused to any person within and beyond the site.**
- 20. The Applicant/Owner must be responsible to meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The Applicant/Owner shall be responsible to obtain an "Asset Protection Permit" from Council at least 7 days prior to the commencement of any works on the land and obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets.**
- 21. Treatments to prevent overlooking must not include 'Translucent film' on windows and must be generally in line with the treatments under Standard B22 – Overlooking of Clause 55.**
- 22. Prior to the occupation of the development, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.**
- 23. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:**
 - a) At the permit holder's cost; and**
 - b) To the satisfaction of the Responsible Authority.**
- 24. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.**
- 25. Except with the prior written consent of the Responsible Authority, council assets must not be altered in any way.**
- 26. Existing street trees must not be removed or damaged except with the written consent of the Responsible Authority.**
- 27. The subject land must be drained to the satisfaction of the Responsible Authority.**
- 28. All stormwater drains and on-site detention systems are to be connected to the legal point of discharge to the satisfaction of the Responsible Authority prior to the occupation of the building/s. The requirement for on- site detention will be noted on your stormwater point of discharge report, or it might be required as part of the civil plans approval.**
- 29. Detailed stormwater drainage and/or civil design for the proposed development are to be prepared by a suitably qualified civil engineer and submitted to the Responsible Authority for approval prior to occupation of the development. Plans and calculations are to be submitted with the application with all levels to Australian Height Datum (AHD). All documentation is to be signed by the qualified civil engineer.**
- 30. Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.**
- 31. Prior to works commencing the Applicant/Owner is to submit design plans for all proposed engineering works external to the site. The plans are to be submitted as separate engineering drawings for assessment by the Responsible Authority.**

9.1.2
(cont)

Early works plan

32. *Except with the prior written consent of the Responsible Authority, prior to the commencement of any buildings and works, an Early Works Plan must be prepared to the satisfaction of the Responsible Authority. The Early Works Plan must provide details of all works which comprise the 'early works', including but not limited to:*
- a) Piling works (Bored Piers), including Capping Beams;*
 - b) Retention system including structural columns, shotcrete walls and rock anchors;*
 - c) Bulk excavation;*
 - d) Detailed excavation;*
 - e) Excavation and pouring of pad footings, pile caps and basement slabs;*
 - f) Civil drainage retention system; and*
 - g) Crane pad footing system.*

Green Travel Plan

33. *Before the development commences, but excluding the works detailed in the Early Works Plan, A Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel Plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to the following:*
- a) Information for residents and visitors about public transport options in the area;*
 - b) Measures to encourage uptake of public transport to and from the approved development.*

Construction Management

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

The Construction Management Plan must be prepared and managed by a suitably qualified person who is experienced in preparing Construction Management Plans in accordance with the City of Whitehorse Construction Management Plan Guidelines.

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

35. *The provisions, recommendations and requirements of the endorsed Construction Management Plans must be implemented and complied with to the satisfaction of the Responsible Authority.*

9.1.2 (cont)

Expiry

- 36. 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 five (5) years from the date of this permit;**
 - c) If the approved use is not commenced within five (5) years from the date of this permit.**

The Responsible Authority may extend the periods referred to in Condition 35 if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

- 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 motion

The motion moved by Cr Liu, seconded by Cr Barker (as amended) was then put and CARRIED UNANIMOUSLY

MELWAYS REFERENCE 75A D2

Applicant:	ProUrban Planning
Zoning:	Residential Growth Zone
Overlays:	Parking Overlay – Schedule 1 (PO1); Significant Landscape Overlay – Schedule 9 (SLO9); Vegetation Protection Overlay – Schedule 3 (VPO3).
<u>Relevant Clauses:</u>	
Clause 11	Settlement
Clause 12	Environment and Landscape Values
Clause 15	Built Environment and Heritage
Clause 17	Economic development
Clause 18	Integrated transport
Clause 19	Infrastructure
Clause 21.05	Environment
Clause 21.06	Housing
Clause 22.04	Tree Conservation
Clause 22.05	Non-residential uses in residential areas
Clause 22.06	Activity centres
Clause 22.07	Box Hill Metropolitan Activity Centre
Clause 32.07	Residential Growth Zone – Schedule 3
Clause 42.02	Vegetation Protection Overlay
Clause 42.03	Significant Landscape Overlay
Clause 45.09	Parking Overlay
Clause 52.06	Car Parking
Clause 52.34	Bicycle Facilities
Clause 58	Apartment development
Clause 65	Decision Guidelines
Ward:	Elgar

9.1.2 (cont)



		Subject site		6 Objector Properties (3 outside of map)	<input type="checkbox"/> North
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9.1.2

(cont)

BACKGROUND

History

There are no previous planning applications from the subject site which are relevant to the proposed development.

Discussion plans

A set of 'discussion plans' (Peddle Thorp Architects, February, 2020 (Revision 4) were provided by the applicant following the consultation forum in December 2019. These plans were not formally submitted as part of the application but will be referred to in this report to assist with forming conditions for changes to the building.

The changes shown in these plans can be summarised as follows:

- a) Communal laundry facilities within Basement level 1;
- b) Delivery parking area adjacent to laneway;
- c) Communal facilities at rooftop level amended to include a meeting room;
- d) Air-conditioning services location clarified, including associated increase to balcony sizes for levels ground to 9 and provision of HVAC systems for levels 10-17
- e) Electronic vehicle charging stations (six spaces total) in basement levels 2 and 4;
- f) Revised colours and materials.

The Site and Surrounds

Subject site

The subject site consists of two allotments relating to the land and No's 26 and 28 Wellington Road, Box Hill. These two lots are located on the eastern side of Wellington Road, approximately 190m north of Whitehorse Road. Of note, Wellington Road is blocked to vehicle access at its southern end, creating a 'court bowl' end to the street.

The combined area of the two lots has a frontage to Wellington Road of approximately 38m, with a depth of 38.8m and covering an area of approximately 1,470sqm.

Each of the two lots contain a single-storey, detached dwelling orientated west towards Wellington Road and set behind landscaped front setbacks.

The property at No.26 Wellington Road contains three canopy trees within the front setback, one of which is dead. The areas to the rear of No.26 Wellington Road contain canopy trees and lower level plantings behind the existing dwelling in areas which are currently utilised as private open space.

The southern boundary of No.26 Wellington Road abuts a laneway which runs east-to-west between Spring Street and Wellington Road. Bollards have been utilised to close this laneway to vehicular traffic.

Box Hill Activity Centre

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.

The site is included within the Box Hill Activity Centre Structure Plan Built Form – Precinct F 'Major Development Precinct' which currently accommodates a mix of developments including single storey dwellings and more recent multi-level commercial and mixed use developments. This precinct to the west of Nelson Road is geared towards medical uses established around the Box Hill Hospital and education uses associated with the TAFE campus sites between Nelson Road and Elgar Roads.

9.1.2

(cont)

Adjoining lots

North – No's 4, 5, 6 & 7 of 30 Wellington Road

These adjoining lots to the north each contain a single-storey dwelling. Units 4, 5 each contain areas of secluded private open space (SPOS) adjoining the northern boundary of the subject site while No. 7 has its SPOS located approximately 3m further north, with an on-boundary garage located on its southern boundary.

Unit 6 is located to the north of Unit 7 and does not have a direct interface with the subject site.

East – No.8 Spring Street

This property contains a multi-storey car park which is orientated east towards Spring Street. Areas to the rear (west) of the building contain some landscaping areas adjoining the eastern boundary shared with the subject site.

South-east – No.14 Spring Street

The land at No.14 Spring Street contains a multi-storey apartment building which is orientated east towards Spring Street but with the north and west elevations also containing balconies associated with the dwellings.

South – No.22 Wellington Road

Immediately to the south of the subject site is a pedestrian laneway which runs east-to-west between Spring Street and Wellington Road, beyond this laneway is the property at No.22 Wellington Road which is currently vacant.

This lot, along with No's 18, 16 & 14 Wellington Road have all been cleared of the single dwellings which previously occupied these lots and are now vacant.

These lots form a parcel which is currently being considered under Planning Permit Application WH/2018/856 for development of the land for use and development of the land for a 16-18 storey building, including residential hotel, medical centre, food and drink premises and dwellings, reduction in car parking requirements and removal of trees.

This application is under assessment at the time of writing this report.

- No's 12 – 16 Wellington Road

Planning permit WH/2016/202 was issued on the 28th of November, 2016 for the construction of a fourteen storey building, containing 133 dwellings. This permit expired on the 28th of November, 2019 but an application to extend the permit may still be considered at the time of writing this report.

West – opposite side of Wellington Road

On the opposite side of Wellington Road from the subject site are No's 25 and 27 Wellington Road which contain single-storey unit developments which are orientated east towards the street.

Planning Controls

Residential Growth Zone – Schedule 3

Pursuant to clause 32.07-5 of the Whitehorse Planning Scheme (the Scheme) a permit is required to construct two or more dwellings on a lot.

An apartment development of five or more storeys, excluding a basement must meet the requirements of clause 58.

9.1.2 (cont)

Pursuant to the Table of Uses at clause 32.07-2 of the Scheme, a Food and Drinks Premises is a Section 2, permit required use. Buildings and works associated with a Section 2 Use trigger the need for a planning permit pursuant to clause 32.07-8.

Vegetation Protection Overlay

The Vegetation Protection Overlay has been applied to the land at No.26 Wellington Road only and does not apply to the land at No.28.

Pursuant to clause 42.02-2 of the Scheme, a permit is required to remove, destroy or lop any vegetation specified in a schedule to this overlay.

Pursuant to the Incorporated Document No.11 – *City of Whitehorse – Statement of Tree Significance (2006)*, only one tree is included on the Significant Tree Register, being the Red Iron Bark located within the front setback of No.26 Wellington Road.

This tree is dead and therefore is exempt for removal under Section 3.0 to the Vegetation Protection Overlay.

Significant Landscape Overlay – Schedule 9

Pursuant to clause 42.03-2 of the Scheme, a permit is required to construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.

Section 3 under Schedule 9 to the SLO states:

A permit is not required to construct a building or carry out works provided the building or works are set back at least 4 metres from the base of any tree protected under the provisions of this schedule.

*A permit is required to remove, destroy or lop a tree.
This does not apply to:*

- *A tree less than 5m in height and having a single trunk circumference of 1.0 metre or less at a height of one metre above ground level; or*
- *The pruning of a tree for regeneration or ornamental shaping; or*
- *A tree which is dead or dying or has become dangerous to the satisfaction of the responsible authority; or*
- *A tree outside the Minimum Street Setback in the Residential Growth Zone.*

The proposed development is not subject to any 'minimum street setback' and therefore no permit is triggered for the removal of trees from the subject site.

9.1.2

(cont)

Parking Overlay and Clause 52.06 – Car Parking

The Planning Scheme sets out at Clause 52.06, the car parking rates required for a number of different land uses. These rates apply except where land is covered by a Parking Overlay. If the parking rate is not provided then this requires a waiver in the number of parking spaces to be sought.

The subject site is affected by the Parking Overlay, which attributes a reduced parking rate to many different uses, including those being sought under this planning application. The table below outlines the uses proposed and the number of car parking spaces specified under the Parking Overlay.

Use	Rate	No. required	No. provided
Dwellings	0.5 Resident spaces to each one-bedroom dwelling. 0.75 Resident spaces to each two-bedroom dwelling. 1 Resident space to each three bedroom dwelling (with studies or studios that are separate rooms counted as a bedroom); plus 0.2 Visitor spaces to each dwelling for the first five dwellings. 0.1 Visitor spaces for each dwelling for any subsequent dwelling	94	103 total
Food and drinks premises	Per 100sqm of leasable floor area.	3	3 total
Total	-	97 spaces required.	106 spaces provided.

As indicated in the table above, the proposed development provides a surplus of nine (9) car parking spaces above the requirements of the Whitehorse Planning Scheme.

Clause 52.34 – Bicycle Parking

The application would provide a total of forty (40) bicycle parking spaces and the end of trip facilities required. The provision of bicycle facilities exceeds the requirement for thirty-three (33) spaces under the Whitehorse Planning Scheme.

PROPOSAL

The application proposes a 17 storey mixed-use tower containing dwellings and a food and drinks premises (café). The facets of the development can be summarised as follows:

Dwellings

A total of 108 dwellings including:

- a) 5 x one-bedroom dwellings;
- b) 85 x two-bedroom dwellings;
- c) 14 x three-bedroom dwellings; and
- d) 4 x four-bedroom dwellings.

9.1.2 (cont)

A total of 106 car parking spaces would be provided within 4 levels of basement car parking. Of these 106 spaces, thirty-six (36) would be provided in a tandem arrangement.

40 residential storage cages would be located within the basement levels.

A total of 40 bicycle parking spaces would be provided across basements 1-2 and ground floor.

Approximately 420sqm of communal/recreational space would be provided for residents at roof top level. These areas would include a gymnasium and outdoor terrace space.

Food and drinks premises

A total of 102sqm of floor area is proposed in association with a Food and Drinks Premises at ground floor.

Development

The proposed development would provide 17 levels with the lower four (4) levels forming a 'podium' arrangement presenting to Wellington Road.

The 'tower' levels above the podium are recessed to provide delineation from the upper portion of the tower which is proposed to reach a maximum overall height of 56.6m.

The residential lobby which is located centrally within the subject site would be accessed via Wellington Road. With the south-western corner of the building occupied by a 100sqm Food and Drinks Premises.

All vehicle access for parking areas, waste collection and maintenance purposes is located via its own entrance to Wellington Road at the north-west corner of the lot.

While the podium levels utilise a variety of materials including glazing, perforated mesh and timber finishes, the tower element of the building would consist mostly of dark tint glazing which presents as a 'dark blue' colour.

CONSULTATION

Public Notice

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting notices to the Wellington Road frontage. Following the advertising period 7 objections were received.

The issues raised are summarised as follows:

- Overdevelopment;
- Traffic impacts;
- Overshadowing;
- Overlooking/loss of privacy;
- Wind impacts;
- No need for proposed café;
- Impact on existing services;
- Impacts associated with construction phase;
- Noise impacts;
- Glare from building materials;

9.1.2 (cont)

Consultation Forum

A Consultation Forum was held on 18th December, 2019. The meeting was chaired by Councillor Barker and attended by the applicant, planning officer and one objector.

While no resolutions were reached at the meeting a number of issues were discussed which resulted in the applicant providing discussion plans as detailed earlier in this report. These discussion plans are those referred to in this report for the purpose of forming conditions.

Referrals

External

Public Transport Victoria

The application was referred to Public Transport Victoria who did not object to the proposal and did not seek to include any conditions.

Internal

Urban design

Council engaged MGS Architects to provide urban design advice on the proposed development on the originally lodged material which consisted of a taller, 21 level building, to which substantial concerns were raised regarding the height, massing and its response to the surrounding area.

The concerns raised by MGS largely related to the scale of the building and the impact this had on interfaces with the street and the ability of the development to integrate with the emerging character of the area.

Through the application process, the height of the building has been reduced to 17 levels (reduced height from 69.4m to 56m) and with the podium height revised down to level 4 (from level 10).

Further formal comments were not sought on the advertised material as the changes made by the applicant in response to the original MGS comments substantially addressed the concerns as will be discussed in the assessment section of this report.

Engineering and Environmental Services Department

- Transport Engineer

Council's Traffic Engineering Unit were generally supportive of the proposed development with regards to car parking numbers and traffic generation but cited the need for conditions relating to car parking allocation and some minor configuration details within the basement levels.

- Assets Engineer

The Assets Engineering Unit are generally supportive of the proposed development subject to the inclusion of standard conditions.

Planning Arborist

Council's arborist has expressed that trees within the lot's frontage to Wellington Road should be retained but otherwise suggested that vegetation to the rear of the site can be removed due to its low retention value.

No concerns were raised with regards to the protection of neighbouring vegetation.

9.1.2 (cont)

Parkswide

Council's Parkswide Department have reviewed the proposed development and have no objections subject to the implementation of tree protection measures/conditions for trees within the adjacent road reserve.

ESD Advisor

Council's ESD advisor has reviewed the proposal and concluded that the proposed development falls short of compliance with council's ESD policy under clause 22.10 of the Scheme. Conditions have been provided which would address this issue.

DISCUSSION

Consistency with State and Local Planning Policies

The subject site is zoned Residential Growth which contains planning objectives geared towards increased built form and use density/activity in areas well serviced by public transport and other services. The proposal complies with this general direction under the purpose of the zone by providing a range of residential and commercial uses for the site in a more intensive form to facilitate greater residential density and employment opportunities in the area.

Acknowledging that the zone suggests a preferred maximum height of 13.5m, this is a discretionary measure and must be balanced in line with the site's location within a Metropolitan Activity Centre, and that which has an emerging character based on buildings, both constructed and approved, that substantially exceed this discretionary height.

The site is well connected to the public transport systems and road network supporting efficient uptake of both tram, train, walking and cycling routes to and from the subject site. State policy encourages the intensification of employment generating uses in areas with these locational characteristics close to where people live (clauses 11.03-1S - *Activity Centres* and 15.01-4R - *Healthy Neighborhoods – Metropolitan Melbourne*).

By reference to State planning policy in general, the subject site represents a significant redevelopment opportunity to deliver higher density residential uses and complementary commercial activity given its location within the Box Hill Metropolitan Activity Centre, its accessibility to Whitehorse Road to the south and its proximity to a broad range of urban infrastructure including public transport services, employment opportunities and commercial facilities.

Similarly, local planning policy identifies the vibrant and mixed use nature of activity centres as an important attribute of the municipality and seeks to encourage their long term viability through development and land uses that contribute to their adaptation, redevelopment and economic growth. Clause 21.07 - *Economic Development*, also seeks to increase the number and diversity of employment opportunities, specifically identifying retail and office activities as an area where opportunities have been created, particularly in redevelopment sites. While this may be the case, the subject site is limited in the ability to provide a variety of land uses given the residential zoning in which many commercial uses are either capped in terms of the square meterage that can be proposed or are outright prohibited.

The proposed density of the development is consistent with both State and Local Policies such as clauses 16.01-1S - *Integrated Housing*, 17.01-1R - *Diversified Economy – Metropolitan Melbourne*, 18.01-1S - *Land Use and Transport Planning* which encourages concentration of development and employment opportunities in and around activity centres and intensifying development on sites well connected to public transport. This enables more efficient use of existing infrastructure.

9.1.2

(cont)

The policy under clause 22.07 – *Box Hill Metropolitan Activity Centre* promotes design excellence in new developments through encouraging built form which provides for increased height which is sensitive to adjoining residential areas and which provides activated and functional interfaces with the public realm to enhance walkability.

Overall, the proposed re-development of the site for increased residential density is considered to have a strong level strategic planning support subject to appropriate contextual design and absence of unreasonable amenity impacts to the surrounding area.

Land uses

As discussed earlier, the site is located within a Metropolitan Activity Centre (MAC) which is of importance not only to the municipality, but also to the broader metropolitan region given its capacity for change and connections to other Activity Centres, residential areas and multiple public transport options.

The proposed food and drinks premises would be a modest addition of commercial activity in the context of the MAC and would be generally acceptable subject to standard conditions which require the operation to avoid unreasonable amenity impacts through noise, odours and storage of goods/waste. These conditions would provide for an outcome which is generally consistent with the policy under clause 22.05 – *Non-residential uses in residential areas* of the Whitehorse Planning Scheme.

Design and Built Form

In assessing the appropriateness of the proposed built form, planning officers refer to the decision guidelines of the Commercial 1 Zone, the objectives and strategies outlined under Clause 15.01-1S - *Urban Design* and Clause 15.01-2S - *Building Design* and where relevant the policy documents relating to *Urban Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2017) and *Apartment Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2017).

It should again be acknowledged there is a strong level of policy support for an intensive development of the subject site, subject to an appropriate design response to sensitive interfaces and an appropriate level of architectural merit to warrant the proposed building's scale.

The following sections of this report will assess the key areas of the proposal's design against the relevant criteria under the Whitehorse Planning Scheme.

Entries and street interfaces

Wellington Road

The proposed lobby would be orientated west towards the street and would be clearly identifiable in views along Wellington Road. The double-height overhang to the lobby, which is recessed approximately 8m from the street frontage provides both a transitional space and weather shelter which is appropriately scaled for the number of residences who would gain access to the building from the street. While the lobby areas are recessed into the site, these are sufficiently legible even in views from the north along Wellington Road providing appropriate identification to the building entrance from close up and further distanced from the site.

The lobby itself provides adequate circulation space in addition to the outdoor area with provision for mail delivery and lift access. The 2.3m corridor width adjacent to the lift entries is suitable for pedestrian movements and functional matters such as furniture manoeuvring for arriving residents.

9.1.2 (cont)

While the corridors of each level would not provide access to natural daylight and ventilation opportunities, this is in itself not fatal to the application where the lobby and circulations spaces are otherwise generally sufficient to meet the objectives under Standard D18 – *Building entry and circulation objectives*.

The treatment to the north-facing, on-boundary walls at ground floor to level 3 would be subject to a condition for its detail to be provided prior to the endorsement of plans with its treatment currently nominated as 'custom art boundary wall'. Subject to further detail being provided to the satisfaction of council, there is no objection to the use of this wall for artwork, murals or other high quality design which would provide visual interest and acceptable architectural treatment adding to the presentation of the development to Wellington Road.

The planter areas at ground across the frontage, including the bicycle storage area would soften the presentation of the building at pedestrian level and would integrate with the more generous planter areas within the south-western corner to achieve an acceptable landscaping outcome for the site. Service cupboards have been shown along the Wellington Road frontage, integrated into the building's facade which indicates an appropriate level of consideration has been afforded to site services to satisfy objectives under Standard D22 – *Site services*.

In the context of the MAC setting of the subject site, the requirement for 'deep soil' planting under Standard D10 areas is considered onerous in this case and would reduce the efficient development of the subject site. The landscaping detail shown in the plans prepared is generally acceptable to meet the objectives under Standard D10 – *landscaping* which requires development to respect the (landscape) character of the area.

The landscaping visible from the public realm that is proposed for the development would include planter areas at both ground floor and atop level 4 above the buildings podium. Planting areas on the western boundary to Wellington Road would sit forwards of the service cupboard and bicycle parking areas, while more generous plantings would be located in the south-western corner in the open areas associated with access to the residential lobby and Food and Drinks premises.

With the Box Hill Transit City Activity Centre Plan (2007) recommending buildings in Precinct 'F' be constructed to street frontage, the landscaping areas strike an appropriate balance between the efficient development of the subject site and the need to provide an urban design outcome which ameliorates the overall scale of the building to provide an acceptable streetscape outcome.

The plantings to the sides and rear of the proposed building would include mid-height canopy species including Jacaranda, Capital Pear, Luscious Water Gum and Native Frangipani which would provide visual relief to the adjoining dwellings to the north and a combined landscaping strip with the commercial car park to the west which contains other canopy trees adjoining the boundary with the subject site.

The landscaping areas at upper levels would be provided along the perimeter of terrace areas and provide some softening of the building when viewed from a distance but are not integral to the overall design of the building.

Overall, the proposed landscaping response is an acceptable response to the objectives under Standard D10 – *Landscaping*.

Overshadowing to Wellington Road

While the proposed building form is considered to provide an acceptable podium height and interface at ground level, the overall scale and massing of the building would cast significant shadow to Wellington Road including to its opposite (western) side which is undesirable given the street is nominated as a Pedestrian Priority Corridor under the Structure Plan (2007).

9.1.2 (cont)

The extent of shadowing cast by the proposed development to the western side of Wellington Road is a matter which council's urban design consultant was particularly critical of, notably, the level of shadowing cast after 10:00am on the September Equinox as it conflicts with a raft of planning policies and established urban design principles.

The applicant has provided images which detail the level of shadowing to the western side of Wellington Road reducing to a point where by 10:20am on the September Equinox, a pedestrian may receive some direct sunlight when standing on the footpath on the western side of the street (See Drawing TP-108).

Achieving no additional shadowing by 10:00am would be readily achieved through modest alterations to either the buildings height or setback and would be addressed through a condition.

Southern laneway

The interface with the adjoining laneway would be substantially improved from the existing condition where paling fences close the laneway from passive surveillance.

The erosion of the south-western corner of the proposed building would afford a direct line of sight through the development into the opening of the laneway which would increase both its legibility and safety. While the three (3) dwellings located within the south-eastern corner of the development would contain 1.8m high fencing to the southern boundary, this outcome is considered to be acceptable in light of the increased surveillance added to the laneway from the dwellings atop and the need to provide security for the ground floor residences.

The above outcomes are generally in line with Objective 5.1.5 of the *Urban Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2017) which aims to maximise safety through informal surveillance of streets and public spaces from within buildings in activity centres.

The introduction of a 'lighting plan' through condition will further address the use of the laneway and its safety and legibility. This condition was discussed with the applicant at the consultation forum in December, 2019 who advised that the provision of lighting to the southern interface was not objectionable. Additional lighting to the laneway would be generally in line with the objectives under Standard D9 – *Safety* of clause 58 of the Scheme which requires developments to ensure the layout provides for the safety and security of residents.

The lighting plan will ensure lighting at appropriate levels to illuminate the laneway while protecting the amenity of residences on either side of the lane from excessive light spill.

Overall, the proposed development would provide acceptable outcomes to both the Wellington Road and laneway interfaces, through appropriately scaled and legible entrance points and improvements to the safety and presentation of the lane. The development would be integrated with these two interfaces, consistent with the objectives under Standard D5 – *Integration with the street*, under clause 58 of the Scheme.

Podium design

At four levels (approximately 14m in height) the podium scales appropriately to Wellington Road which has a width of approximately 19m between boundaries. The wall to width ratio allows the development to sit within a 1:1 ratio of wall height to street width as a readily accepted urban design outcome for creating pedestrian appropriate streetscapes.

The use of two distinctive framing elements to the Wellington Road façade would reference the two allotments consolidated to form the subject site and would assist with retaining a sense of grain and rhythm to the street.

9.1.2 (cont)

While the podium levels (ground to level 4) would hold the street edge, the remaining sections of the podium are set back from boundaries to avoid sensitive interfaces with adjoining lots to the north and create better integration with the laneway to the south as discussed earlier in this report.

Overall, the podium form of the building is generally appropriate in both its design and function to create an outcome which addresses the amenity of the streetscape and through provision of a level of architectural quality sought under clause 22.07 – *Box Hill Metropolitan Activity Centre*.

Upper levels and design quality

As mentioned above, the policy at clause 22.07-3 of the Scheme details that the Responsible Authority will encourage development (that amongst other things) promotes design excellence and contributes to Box Hill's sense of place. Earlier sections of this report have detailed the location of the subject site in the Box Hill MAC and the policy setting which encourages significant development in terms of density and building height.

In this regard, the significant level of change proposed through the development is consistent with this policy vision and also in line with the objectives under Standard D1 – *Urban context* which requires development to be appropriate to the urban context.

While the proposed building would be highly prominent in the short to medium term, the upper levels of the proposed building have been designed to be viewed in the round and include appropriate levels of articulation and setbacks at varying levels to give visual interest to the structure.

Façade treatments/materials

The upper levels while proposing substantial use of glazing, are legible as residential uses through the considered level of articulation provided in balcony areas and other openings across the façade that are well documented in the render images provided with the application material.

Ensuring the same level of architectural detail is carried across from the renders to the approved development, a 'façade strategy' would be required through conditions. This Strategy would include reports, detailed images of specific architectural outcomes such as window openings and soft details which are not typically attached to elevation drawings.

The façade strategy would also require the application to address any significant amenity impacts arising from glare/reflectivity of the chosen materials through an engineering report.

The discussion plans (February 2020) provided by the applicant removed some of the more reflective and bright façade materials in an attempt to ensure the building is appropriately subdued in its presentation to the area. While the removal of some gold coloured treatments is an appropriate choice, the final detail will need to be fully resolved in line with the requirements of the façade strategy condition discussed above.

While planning officers are generally supportive of the overall design of the tower element above the podium in terms of its form and choice of materials and inclusion of conditions to reduce shadowing to Wellington Road as discussed earlier in this report

Amenity

Visual bulk and overlooking

Standard D14 – *Building setbacks* under clause 58 of the Scheme requires development to be set back from boundaries as to respond to the context of the surrounding area, provide adequate amenity and daylight into dwellings and avoid unreasonable overlooking to neighbouring lots.

9.1.2 (cont)

While properties to the east contain commercial car parking structures and are not particularly sensitive, consideration must be provided for any further/future development of this site and whether the proposed development has appropriately responded to the development potential of this adjoining lot.

The properties to the north and south contain dwellings and residential land which must be appropriately responded to as either existing or future interfaces which contain open space areas and other habitable areas.

North

At ground floor, the proposed north-facing walls would be set back between 5.4m to 6.3m to accommodate private open space and landscaping areas associated with the adjoining dwellings. The exception to this is the on-boundary length of wall associated with the bike storage area which continues up to level 4.

The on-boundary section of wall would be set forwards of the neighbouring dwelling, adjacent to car parking/access areas and would therefore not provide any unreasonable visual bulk impacts. The east-facing, habitable room windows associated with bedrooms behind this north-facing wall would require screening or other treatments to avoid unreasonable overlooking into the adjoining dwellings further east. This issue can be addressed through conditions.

The remaining north-facing walls, being set back from the boundary would provide an appropriate level of separation from the more sensitive interfaces with dwellings to the north, which in the context of their location in the Box Hill Metropolitan Activity Centre, is not unreasonable.

With regards to overlooking and privacy issues, a condition will require the northern boundary to be treated with 1.8m high, visually solid fencing to address overlooking generally in line with the overlooking standard at clause 55 of the Scheme. While 'ResCode' is not strictly applicable for the proposed development which is to be assessed against the Clause 58 – *Apartment development* provisions, this is seen as a suitable guide in the absence of any prescriptive overlooking standards under clause 58.

At the levels above, the north-facing balconies and habitable room windows would be required through condition to provide overlooking treatments in line with the recommendations under clause 55 of the Whitehorse Planning Scheme where protruding within 4.5m of the northern boundary.

Where habitable room windows or balconies are set back beyond this 4.5m distance, this is an equitable response to overlooking and privacy issues in the context of the MAC. This approach is reflected in the objectives of Standard D14 – *Building separation* of the Scheme which contains the objective *to limit views into habitable room windows and private open space of new and existing dwellings*.

South

As detailed earlier in this report, the properties to the south, on the opposite side of the adjoining laneway are currently vacant, with all buildings demolished from the lots. These lots have approval for a fourteen (14) storey apartment building and another live application proposing a multi-storey mixed use building.

While overshadowing and visual bulk would result in some impact on either of these developments, these would not be unacceptable in the MAC context.

With regards to overlooking, a condition will require any habitable room window or balcony perimeter not set back 4.5m to the centre-line of the adjoining laneway to be treated with overlooking treatments in the same manner as the northern elevation discussed earlier.

9.1.2 (cont)

East

Similar to assessment of the north and southern interfaces, the development has provided a series of setbacks from the eastern boundary which generally allow the development to be set back more than 4.5m from the boundary but not in all instances. These areas would be addressed through a condition.

While the eastern interface abuts a commercial car park, this approach is necessary to ensure the proposed development would not unreasonably impact on any future development of this adjoining site for residential use.

Internal amenity

Internal layouts and access to dwellings

The proposed layouts of the various dwellings types are generally compliant with the Standards relating to access and internal design/circulation standards.

The living areas have been demonstrated to meet standards relating to function layout for both living area and bedroom dimensions. Notably, the majority of dwellings in the development are provided with multiple aspects which provide for acceptable access to daylight, meeting standards D26 & 26 for daylight and window design respectively.

Balcony areas

As detailed earlier in this report, the applicant has supplied discussion plans (Feb 2020) which detail provision of centralised HVAC systems for dwellings on levels 10 and above and the levels below containing air-conditioning systems on individual balconies. This detail was provided by the applicant following concerns being raised by planning officers regarding the dimensions of balcony areas and their ability to contain air-conditioning units.

The discussion plans detail some increased balcony sizes to accommodate the air-conditioning units while complying with the balcony dimensions under Standard D19 – *Private open space* which suggests: ‘*If a cooling or heating unit is located on a balcony, the balcony should provide an additional area of 1.5 square metres*’.

In principle the increased balcony sizes is supportable but there are a number of dwelling floor templates where this would result in a loss of internal living areas which would translate into a substantial variation under Standard D24 – *Functional layout* by reducing the 12sqm living room areas to gain increased balcony space. While the reduction to living areas to achieve the increased balcony space varies from dwelling to dwelling, these reduction generally relate to a 1 to 1.5sqm area.

This issue relates to the floor templates for Dwelling: 1B, 1C, 1D, 8A, 8B, 12 & 15A which equates to 13 dwellings at levels 1-9.

With the subject site being relatively unconstrained, these variations are not an acceptable design response to the amenity of future residents and would result in an unacceptable number of dwellings providing poor amenity outcomes.

While resolving this issue may impact on the yield of the development, there is scope to undertake these changes internally without significant alteration to the building envelope and would be addressed through conditions which require dwellings to have compliant balcony and living area dimensions.

Storage

Of the proposed 108 dwellings, 92 would meet the suggested storage areas under Standard D20 – *Storage* and 16 of these would trigger a variation.

9.1.2

(cont)

Of the 16 dwellings which trigger a variation, this is due to the 'internal' storage areas within the dwelling itself falling short of the volume but the 'total' volume would be met through additional storage space being provided within the basement areas. The variations sought vary between dwelling to dwelling but are typically less than 1 cubic metre.

With only a limited number of the dwellings proposing a modest variation to this Standard, this is considered to be acceptable in this particular case.

Car Parking and Traffic

As outlined earlier in this report, the application does not trigger a reduction to car parking requirements under the Whitehorse Planning Scheme and is therefore considered to be acceptable in this regard.

The Cardno Traffic Report (June 2019) submitted with the application provided SIDRA analysis of the anticipated future traffic volumes of Arnold Street and Wellington Road to determine the future performance of the intersection, concluding that the intersection would continue to operate satisfactorily for the anticipated future traffic volumes and that the proposed development 'would have a negligible impact on the operation of the intersection'.

The Cardno report has been reviewed by council's Transport Unit who generally agree with the findings and are satisfied that the proposed development would not result in unreasonable traffic impacts to the surrounding street network.

With regards to the proposed car parking access and arrangement, Council's Transport Unit have suggested some improvements which can readily be addressed through conditions.

With regards to car parking allocation, it is significant that the Parking Overlay requires less than whole numbers of car parking for single-bedroom dwellings and therefore it becomes an academic task to allocate spaces to individual, single-bedroom dwellings. As such, while tandem spaces will be allocated to a single dwelling or tenancy through condition, the spaces will not be specifically allocated beyond requiring the application to demonstrate that there would be no reduction in spaces triggered under the requirements of the Parking Overlay.

Overall, subject to conditions the parking and associated traffic conditions are acceptable when measured against the decision guidelines of clause 52.06 – Car Parking and the Parking Overlay.

Objectors Concerns not Previously Addressed

Overdevelopment;

The proposed built form has been assessed as an acceptable outcome earlier in this report with regards to the context of the subject site being within a Metropolitan Activity Centre, with conditions recommended to reduce shadowing impacts to the street, avoid unreasonable overlooking and other impacts.

Overall, the proposed development is not considered to be an overdevelopment for these reasons.

Traffic impacts;

As discussed earlier in this report, the application has provided detailed traffic analysis of the proposed development which has been reviewed and supported by council's Transport Unit.

The proposed development would not result in material impacts to the surrounding street network.

9.1.2

(cont)

Overshadowing

Subject to the conditions for the reduction of overshadowing to Wellington Road, the amount of shadowing cast to neighboring lots is not unreasonable as assessed earlier in this report.

Overlooking/loss of privacy

Conditions have been suggested to ensure no unreasonable loss of privacy as assessed earlier in this report.

Wind impacts

A Wind Impact Assessment report, including model testing has been required for submission and approval by the Responsible Authority prior to the endorsement of plans as discussed earlier in this report.

No need for proposed café

The role of a planning permit application is not to assess the 'need' for a food and drinks premises of this scale but whether it would result in unreasonable amenity impacts and otherwise complies with the objectives under the Residential Growth Zone.

Subject to standard conditions, the proposed café would provide for a modestly scaled premises which would service the needs of the local community without any unreasonable impact through noise, traffic or other amenity impacts. This is generally in line with the local policy at clause 22.05 – *Non-residential uses in residential areas* as assessed earlier in this report.

Impact on existing services

The subject site is located in an area which is provided with all reticulated services and there is no material provided to council that the proposed development would result in an unreasonable strain on these services.

Impacts associated with construction phase

A Construction Management Plan (CMP) would be required through a condition of permit.

Noise impacts

The CMP would address noise impacts during the construction phase in line with the relevant requirements. This document must be provided to and approved by the responsible authority prior to commencement of any works.

Noise associated from the dwellings would not result in unreasonable impacts, being residential in nature.

Glare from building materials

A 'façade strategy' including an engineering report would be required for approval, prior to the endorsement of plans to ensure the selected materials would avoid glare impacts (amongst other issues) as discussed earlier in this report.

9.1.2

(cont)

CONCLUSION



The proposal for construction of Development of the land for a 17-storey storey building containing dwellings and ground floor Food and Drinks Premises (Cafe) and associated is an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies, the Residential Growth Zone and Clause 58, Apartment development.

Subject to the conditions discussed throughout this report, the proposed building is considered to provide a level of intensification envisaged under the guidance of the Residential Growth Zone and Structure Plan (2007) and achieves an acceptable level of architectural quality to justify the built form.

A total of 7 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 approved.

ATTACHMENT

- 1 Plans and perspective images 
- 2 Discussion plans 

9.1.3 37-39 Harrow Street, BOX HILL (LOT 85 LP 2004 28B and LOTS 1-2 TP 678857 28B) Use and Buildings and Works to Construct a Residential Hotel (including associated food and drink premise, retail/office and vegetation removal) and reduction of the car and bicycle requirements

SUMMARY

This application was advertised, and a total of 29 objections were received. The objections raised issues with regard to building mass and scale, neighbourhood character, height, boundary setbacks, parking/access/traffic and safety, land use composition, overlooking, overshadowing, property devaluation and air pollution. A Consultation Forum was held on Wednesday 19 February 2020 and was chaired by Councillor Barker, at which the issues were explored, however no resolution was reached between the parties.

Following the Consultation Forum, revised plans, a written assessment and traffic statement were submitted, tabled as 'without prejudice plans and documentation', seeking to address outstanding concerns of Council and issues raised by objecting parties. These amended plans have not been formally re-advertised as the changes do not result in additional material detriment to adjoining owners and occupiers but were circulated to objectors for additional comment. No additional issues were raised by objectors.

The without prejudice plans introduce a number of improvements to the proposal, namely: a 900mm maximum building height reduction, increased level 1 articulation to the eastern side elevation and increased setbacks from the southern street frontage at level 4.

This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as 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/2019/938 for 37-39 Harrow Street, BOX HILL (LOT 85 LP 2004 28B and LOTS 1-2 TP 678857 28B) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the Use and Buildings and Works to Construct a Residential Hotel (including associated food and drink premise, retail/office and vegetation removal), and reduction of the car and bicycle requirements 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 37-39 Harrow Street, BOX HILL (LOT 85 LP 2004 28B and LOTS 1-2 TP 678857 28B) for the Use and Buildings and Works to Construct a Residential Hotel (including associated food and drink premise and vegetation removal), and reduction of the car and bicycle requirements, subject to the following conditions:***
 - 1. Before the development starts, but excluding the works detailed in the Early Works Plan, amended plans must be submitted to and approved by the Responsible Authority in a digital format. Once approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans prepared by Ascui & Co Architects, revision C, dated 24/3/2020, but modified to show:***

9.1.3
(cont)

- a) *The ground floor 'retail/office' deleted and converted back into residential hotel related purposes in accordance with the Residential Growth Zone. This requirement also includes any consequential changes to the car park arrangements on the plans, the Car Parking Management Plan (CPMP) and Green Travel Plan (GTP) as referred in Condition 1;*
 - b) *The fifth floor level deleted, with the sixth floor level becoming the new fifth floor level in its current format and layout;*
 - c) *The rear loading bay to have the following amendments:*
 - i. *To also be used as a drop off-pick up facility for patrons and visitors;*
 - ii. *To have direct pedestrian access into the rear of the building, to the common internal corridor;*
 - d) *The eastern external kitchen door of the food and drink premises deleted, and a suitable internal connection provided to the common corridor;*
 - e) *A passing area at the accessway ramp entrance at least 6.1 metres wide and 7 metres long in accordance with Clause 52.06;*
 - f) *A 2.8 metre ramp clearance height at the basement entry for commercial vehicles;*
 - g) *The 'stop-go' signal in the rear laneway must be relocated on site.*
 - h) *2 additional car spaces (31 car spaces in total) provided for staff associated with the food and drink premises;*
 - i) *6 visitor bicycle spaces (15 bicycle spaces in total) provided either in the front setback area or in the ground floor foyer area;*
 - j) *A pedestrian sight triangle for the accessway at the rear property boundary;*
 - k) *Locations identified in the urban design of the front façade for future business signage;*
 - l) *All necessary exhaust fans detailed in locations that appropriately mitigate against external amenity impacts on noise generation;*
 - m) *Any changes required to reflect Conditions 3 (landscape plan), 4 (streetscape plan), 6 (CPMP), 8 (SMP), 9 (wind report), 10 (WMP) and 12 (GTP) of this permit;*
 - n) *A GTP in accordance with Condition 12 of this permit;*
 - o) *An updated CPMP accordance with Condition 6 of this permit.*
- All of the above must be to the satisfaction of the Responsible Authority. Once approved these plans become the endorsed plans of this permit.*
2. *The development as shown on the endorsed plans must not be altered (unless the Whitehorse Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.*

Landscaping

3. *No building or works must be commenced, excluding the works detailed in the Early Works Plan, until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. Once endorsed this plan shall form part of this permit. This plan must show:*
- a) *Planting throughout the development including front façade treatment, balconies, terraces and vertical gardens, comprising vertical shrubs capable of:*
 - i. *Providing a complete garden scheme; and*
 - ii. *Softening the building bulk;*
 - iii. *Nomination of proposed services;*
 - iv. *A maintenance schedule including;*

9.1.3
(cont)

- v. *Specific procedural measures confirming how all vertical/hanging/cascading plants will be maintained, particularly planting in the southern laneway being on the south side of the building;*
- vi. *Ongoing maintenance plan;*
- vii. *Detailed on how the 'integrated planters' will work;*
- viii. *Soil depths for all planted species;*
- ix. *Irrigation system/program for all common property landscaping and containerised plantings, including details of frequency and water delivery method;*
- x. *Any dead or dying plant species detailed in the landscape plan detailed in Condition 3 of this permit to be replaced with similar plant species as necessary to the satisfaction of the Responsible Authority.*

Landscaping in accordance with this approved plan and schedule must be completed before the development is occupied. Once approved these plans become the endorsed plans of this permit.

- 4. *Prior to the commencement of works, excluding site excavation, piling and basement slab, detailed streetscape plans must be prepared to the satisfaction of the Responsible Authority detailing works and treatments that are to take place within the road reserves between the front boundary and back of road kerb, addressing the following:*
 - a) *Finished levels that maintain appropriate interface levels to surrounding land for safe and functional pedestrian movements;*
 - b) *Maintenance/replacement of pedestrian and cyclist infrastructure and/or linkages;*
 - c) *Existing assets in the road reserve;*
 - d) *Consideration of landscaping and public realm treatment requirements of other conditions of this permit;*
 - e) *Design and materials must be consistent with the Box Hill Urban Realm Treatment Guidelines;*
 - f) *Existing street trees must not be removed or damaged except with the written consent of the Responsible Authority.*
- 5. *The garden areas shown on the endorsed plan must only be used as gardens and must be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of similar size and variety.*

Car Parking Management Plan

- 6. *Before the development commences, but excluding the works detailed in the Early Works Plan, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:*
 - a) *The number, dimensions, and allocation (including number and location) of car parking spaces for the residential hotel and visitors;*
 - b) *The location of at least 1 car space for shared use, made available to patrons and staff 24 hours a day;*
 - c) *At least 1 electric charging station and hours provided of available use;*
 - d) *The management of any applicable visitor car parking spaces and security arrangements for occupants of the development, including details on how residential visitors are to access car parking;*

9.1.3
(cont)

- e) *Management of rear loading bay both (a) servicing the food and drink premises kitchen and (b), the drop off / pick up facility, including all vehicular and pedestrian related activity, and any potential traffic conflict caused by queuing instances from either or both mentioned purposes;*
 - f) *Details of way-finding, cleaning and security of the end of trip bicycle facilities;*
 - g) *The number and allocation of storage spaces;*
 - h) *Policing arrangements and formal agreements;*
 - i) *Detail any access controls to the parking area, such as boom gates which must take into account the required queue length required as per section 3.4 of AS 2890.1.*
 - j) *A schedule of all proposed signage including:*
 - i. *Directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking;*
 - ii. *Exits;*
 - iii. *Restrictions;*
 - iv. *Pay parking system; and*
 - v. *Any other relevant signs;*
 - vi. *The collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition 10; and*
 - vii. *Details regarding the management of loading and unloading of goods and materials.*
7. *The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.*

Sustainability Management Plan (SMP)

8. *Prior to the endorsement of plans under Condition 1 of this permit, an amended SMP to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the amended SMP will be endorsed and will form part of this permit. The amended SMP must be generally in accordance with the SMP prepared by ADP Consulting, dated 19/12/2018, but modified to include, show or address:*
- a) *Consistency with Condition 1.*
 - b) *A STORM Assessment or equivalent addressing stormwater quality performance, in addition to ensuring that the Responsible Authority's collective integrated water management expectations and requirements pursuant to Clauses 34 and 44 of the State Environment Protection Policy (Waters), are satisfied.*
 - c) *A STORM Assessment or equivalent addressing stormwater quality performance, in addition to ensuring that the Responsible Authority's collective integrated water management expectations and requirements pursuant to Clauses 34 and 44 of the State Environment Protection Policy (Waters), are satisfied.*
 - d) *A complete, published BESS Report, with an acceptable overall score that exceeds 50% and exceed the 'pass' marks in the categories of Water, Energy Stormwater and Indoor Environment Quality (IEQ) to the satisfaction of the Responsible Authority.*
 - e) *Preliminary NatHERS Energy Efficiency Assessments for 10% of dwellings a part of the development reflecting that the residential portion of the development achieves an average minimum 6.5 star rating and whereby no apartment achieves below a 5.5 star rating. Maximum cooling loads must be ≤ 21 MJ/m²/annum.*

9.1.3

(cont)

- f) A Preliminary BCA Section J or JV3 Energy Efficiency Assessment for non-residential areas indicating a 20% improvement in energy efficiency performance with respect to the development's reference/base case. The assessment is required to include indicative commitments towards thermal performance (i.e. R-values), artificial lighting and glazing (BCA Glazing Calculator indicating U- and SHGC- values) for non-residential areas.*
- g) Daylight modelling assessment for residential and non-residential areas to the satisfaction of the Responsible Authority.*
- h) Double glazing for all external windows.*
- i) Control car park ventilation with CO sensors.*
- j) Control all common, external, service and lift area lighting with sensors or timers.*
- k) Control common, service and lift area ventilation with sensors or timers.*
- l) Provide energy efficient heating, cooling and hot water systems indicating the associated COP and EER values or energy efficiency star ratings.*
- m) Include a minimum 10 kW renewable energy photovoltaic system.*
- n) Provide water efficient fixtures and appliances indicating the associated WELS ratings.*
- o) Provide secure bicycle storage areas for both residents and visitors.*
- p) Divert at least 70% of construction and demolition waste from landfill.*

The provisions, recommendations and requirements of the endorsed Sustainability Management Plan Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

Wind Report

- 9. Prior to the endorsement of plans under Condition 1 of this permit, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by VIPAC and dated 8th November 2019, but modified to include (or show):*
 - a) Wind tunnel testing to demonstrate:*
 - i. Walking comfort along the Harrow Street frontage;*
 - ii. Standing comfort at the southern front and eastern rear entrances, communal open areas, terraces and balconies.*

Waste Management Plan

- 10. Before the development commences, but excluding the works detailed in the Early Works Plan, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Salt Engineers, dated 26th August 2019, but modified to include:*
 - a) Updated in accordance with the Without Prejudice Plans referenced in Condition 1;*
 - b) Reconfirming the same capacities and access arrangements as specified in the WMP dated 26th August 2019.*
 - c) Private waste collection.*

9.1.3
(cont)

- d) *How all incidents of external vehicular conflicts are managed including when queuing occurs on the rear laneway and Harrow Street during peak periods.*

Section 173 Agreement

- 11. *Prior to commencing any buildings and works, the owner of the Subject Land must enter into an Agreement pursuant to Section 173 of the Planning and Environment Act 1987 with and to the satisfaction of the Council, in which the owner covenants and agrees that:*
 - a) *Except with the prior written consent of Council, the owner must not use, authorise or permit use of any unit shown as 'serviced apartment' or the like on the Endorsed Plans for any purpose other than a 'Residential Hotel' as defined in the Planning Scheme;*
 - b) *Serviced Apartments must not be occupied by any person as their primary place of residence;*
 - c) *Serviced Apartments must be managed by a single management entity and shall not be leased or otherwise managed for any other form of occupation (except the provision of a manager's residence if required); and;*
 - d) *Both ground floor conference rooms must remain ancillary to the residential hotel and must not be available for hire to external parties that are not patrons of this approved use.*
 - e) *The owner must pay the reasonable costs of preparation, review, execution and registration of the section 173 Agreement.*

Green Travel Plan

- 12. *Before the development commences, but excluding the works detailed in the Early Works Plan, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel Plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to the following:*
 - a) *Consistency with the Condition 1 requirements of this permit;*
 - b) *Appropriate use of the loading bay as a drop off-pick up facility;*
 - c) *Possible car share arrangements;*
 - d) *Information for residents and visitors about public transport options in the area;*
 - e) *Measures to encourage uptake of public transport to and from the approved development.*

Early Works Condition

- 13. *Except with the prior written consent of the Responsible Authority, prior to the commencement of any buildings and works, an Early Works Plan must be prepared to the satisfaction of the Responsible Authority. The Early Works Plan must provide details of all works which comprise the 'early works', including but not limited to:*
 - a) *Piling works (Bored Piers), including Capping Beams;*
 - b) *Retention system including structural columns, shotcrete walls and rock anchors;*
 - c) *Bulk excavation;*
 - d) *Detailed excavation;*
 - e) *Excavation and pouring of pad footings, pile caps and basement slabs;*
 - f) *Civil drainage retention system; and*
 - g) *Crane pad footing system.*

9.1.3 (cont)

Construction Management Plans

- 14. Before the development starts, a Construction Management Plan to the satisfaction of the Responsible Authority, detailing how the owner will manage the environmental and construction issues associated with the development, must be submitted to and approved by the Responsible Authority.**

The Construction Management Plan must be prepared and managed by a suitably qualified person who is experienced in preparing Construction Management Plans in accordance with the City of Whitehorse Construction Management Plan Guidelines.

When approved, the Construction Management Plan will be endorsed and 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 approved Construction Management Plan.

- 15. The provisions, recommendations and requirements of the approved Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.**

Amenity Conditions

- 16. The permitted Food and Drink Premises, to the satisfaction of the Responsible Authority, must only operate between the hours of:**
- a) 7am to 10:30pm Mondays to Saturdays**
- 17. Alarms must be directly connected to a security service and must not produce noise beyond the premises, to the satisfaction of the Responsible Authority.**
- 18. All external lighting must be of a limited intensity to ensure no nuisance is caused to adjoining or nearby residents and must be provided with approved baffles so that no direct light or glare is emitted outside the site, to the satisfaction of the Responsible Authority.**
- 19. Noise emissions from the site must be limited to ensure compliance with the requirements of the State Environmental Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.**
- 20. Noise emissions from the site must be limited to ensure compliance with the requirements of the State Environmental Protection Policy (Control of Music Noise from Public Premise) No. N-2.**
- 21. The amenity of the area must not be detrimentally affected by the use or development, including through:**
- a) The transport of materials, goods or commodities to or from land;**
 - b) The appearance of any buildings, works or materials;**
 - c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; or**
 - d) The presence of vermin;**
- to the satisfaction of the Responsible Authority.**

9.1.3
(cont)

- 22. All building plant and equipment on the roofs, balcony areas, common areas, and 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, 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.**

Asset Protection and Drainage Conditions

- 23. The development must be provided with external lighting capable of illuminating access to each the basement ramp and pedestrian areas at ground floor. Lighting must be located, directed and shielded and of limited intensity that no nuisance or loss of amenity is caused to any person within and beyond the site.**
- 24. Detailed stormwater drainage and/or civil design for the proposed development are to be prepared by a suitably qualified civil engineer and submitted to the Responsible Authority for approval prior to occupation of the development. Plans and calculations are to be submitted with the application with all levels to Australian Height Datum (AHD). All documentation is to be signed by the qualified civil engineer.**
- 25. Stormwater that could adversely affect any adjacent land must not be discharged from the subject site onto the surface of the adjacent land.**
- 26. Prior to works commencing the Applicant/Owner is to submit design plans for all proposed engineering works external to the site. The plans are to be submitted as separate engineering drawings for assessment by the Responsible Authority.**
- 27. The Applicant/Owner is responsible to pay for all costs associated with reinstatement and/or alterations to Council or other Public Authority assets as a result of the development. The Applicant/Owner is responsible to obtain all relevant permits and consents from Council at least 7 days prior to the commencement of any works on the land and is to obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets. Adequate protection is to be provided to Council's infrastructure prior to works commencing and during the construction process.**
- 28. The qualified civil engineer when undertaking civil design must ensure that the landscape plan/s and drainage plan/s are compatible. The stormwater drainage and on site detention system must be located outside the tree protection zone (TPZ) of any trees to be retained.**

General Conditions

- 29. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.**
- 30. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.**

9.1.3 (cont)

Time Condition

31. 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 five (5) years from the date of this permit;**
- c) The approved use is not commenced within five (5) years from the date of this permit.**

The Responsible Authority may extend these periods if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

Notes

- a) All stormwater drains must be connected to a legal point of discharge in accordance with the requirements of Council's Engineering Department.**
- b) The granting of this permit does not obviate the necessity for compliance with the requirements of any other authority under any act, regulation or local law.**
- c) The design and construction of the storm water drainage system up to the point of discharge from an allotment is to be approved by the appointed Building Surveyor. That includes the design and construction of any required storm water on-site detention system. The Applicant/Owner is to submit certification of the design of any required on-site detention system from a registered consulting engineer (who is listed on the Engineers Australia National Professional Engineer Register or approved equivalent) to Council as part of the civil plans approval process.**
- d) The requirement for on- site detention will be noted on your storm water point of discharge report, or it might be required as part of the civil plans approval.**
- e) All proposed changes to the vehicle crossing are to be constructed in accordance with the submitted details, Whitehorse Council's – Vehicle Crossing General Specifications and standard drawings**
- f) The Applicant/Owner is to accurately survey and identify on the design plans all assets in public land that may be impacted by the proposed development. The assets may include all public authority services (i.e. gas, water, sewer, electricity, telephone, traffic signals etc.) and the location of street trees or vegetation. If any changes are proposed to these assets then the evidence of the approval is to be submitted to Council and all works are to be funded by the Applicant/Owner. This includes any modifications to the road reserve, including footpath, nature strip and kerb and channel.**
- g) No alteration to existing interface levels will be permitted other than to maintain or introduce adequate and consistent road reserve crossfall and longitudinal fall all to the satisfaction of the Responsible Authority. The developer is requested to provide existing levels on the surrounding road reserve and footpath areas to show how exiting and entering the development will be undertaken with the proposed floor levels shown on the plans.**

All requirements for access for all-abilities (Disability Discrimination Access) are to be resolved within the site and not in public land.

- h) 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. Any modifications to the road reserve, including footpath, nature strip and kerb and channel must be in accordance with the Box Hill Urban Realm Treatment Guidelines (BHURT).**

9.1.3
(cont)

- i) As-constructed drawings prepared by a Licensed Land Surveyor are to be provided to Council after the completion of civil works prior to Statement of Compliance or occupation.*
 - j) The Applicant/Owner must obtain a certificate of hydraulic compliance from a suitably qualified civil engineer to confirm that the on-site detention works have been constructed in accordance with the approved plans, prior to Statement of Compliance is issued.*
 - k) The architect and/or designer must ensure that vehicle access is to conform to the Australian Standards for Off-Street Parking (AS/NZS 2890.1:2004)*
 - l) Redundant vehicle crossing(s) must be removed at the same time as the construction of any vehicle crossings(s), prior to the completion of development works and where access to a property has been altered by changes to the property.*
- C. Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the Planning and Environment Act 1987.**

COUNCIL RESOLUTION

Moved by Cr Liu, Seconded by Cr Cutts

That Council:

- A. *Being the Responsible Authority, having caused Application WH/2019/938 for 37-39 Harrow Street, BOX HILL (LOT 85 LP 2004 28B and LOTS 1-2 TP 678857 28B) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the Use and Buildings and Works to Construct a Residential Hotel (including associated food and drink premise, retail/office and vegetation removal), and reduction of the car and bicycle requirements is not acceptable and will likely unreasonably impact the amenity of adjacent properties.***
- B. *Issue a Notice of Decision to Refuse to Grant a Permit under the Whitehorse Planning Scheme to the land described as 37-39 Harrow Street, BOX HILL (LOT 85 LP 2004 28B and LOTS 1-2 TP 678857 28B) for the Use and Buildings and Works to Construct a Residential Hotel (including associated food and drink premise and vegetation removal), and reduction of the car and bicycle requirements, subject to the following grounds:***
 - 1. *The ground floor Retail Premises and Office Land Uses are prohibited under the Residential Growth Zone (RGZ2).***
 - 2. *The extent of proposed commercial activity for the site is not of a limited capacity that will fit within the residential streetscape of Harrow Street. The commercial nature, scale, intensity and location of the proposal will not comply with the key purposes of the Residential Growth Zone (RGZ2), the Box Hill Transit City Activity Centre Structure Plan, or Clause 22.05 (Non-Residential Uses in Residential Areas).***
 - 3. *The proposed six storey building is contrary to the objective of Clause 32.07 of the Whitehorse Planning Scheme to provide housing at increased densities (four storey preferred height limit) in buildings and to encourage a scale of development that provides a suitable interface to, and transition between, areas of more intensive use and development, and areas of restricted housing growth.***
 - 4. *The proposed building height exceeds the preferred 4 storey maximum height limit preferred in Clause 22.07 (Box Hill Metropolitan Activity Centre) and The Box Hill Transit City Activity Centre Structure Plan, within the Mid-Rise Commercial and Mixed Use Precincts (Built Form Precinct D).***

9.1.3

(cont)

5. *The proposal fails to respond to Clause 22.07 (Box Hill Central Activities Area Policy) of the Whitehorse Planning Scheme, and The Box Hill Transit City Activity Centre Structure Plan as it does not provide an acceptable transition in building height down to the lower-order Built Form Precinct 'Low Rise Higher Density Residential Precinct (3 stories maximum height limit is preferred).*
 6. *The development proposes excessive building height, bulk, scale and width, which will result in an inappropriate and incongruous built form that will dominate the streetscape and surrounding properties. This would be contrary to Clauses 15.01 (Built Environment), 21.06 (Housing) and 22.03 (Residential Development Policy).*
 7. *The proposed development is contrary to Clauses 18.02-5 (Car Parking), 22.07 (Box Hill Central Activities Area), 45.09 (Parking Overlay) and 52.06 (Car Parking) of the Whitehorse Planning Scheme as it does not provide an adequate on-site supply of car parking, does not provide an on-site drop off / pick up facility, does not provide a passing area, or appropriate sightlines.*
 8. *A 2.8 metre basement ramp clearance height is not provided for the proposed 6.4 rigid vehicle (private waste truck) preventing waste collection from occurring on site in the basement. This will be contrary with Australian Standard AS 2890.2:2018 and Cause 52.06 (Parking Provisions).*
 9. *The proposed development does not comply with the provision of Clauses 15.02 (Sustainable Development), 15.02-1S (Energy and Resource Efficiency), 21.05, (Environment) and 22.10 (Environmentally Sustainable Development) of the Whitehorse Planning Scheme for a development of its size and potential environmental impact.*
 10. *The proposed development does not comply with the intent and provisions of Clause 22.10 (Environmentally Sustainable Development).*
 11. *The proposed development does not comply with the requirements of Clause 52.34-3 (Bicycle Facilities) of the Whitehorse Planning Scheme as the provision of bicycle spaces and end of trip facilities are insufficient in their respective capacities.*
- 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

A Division was called.

Division

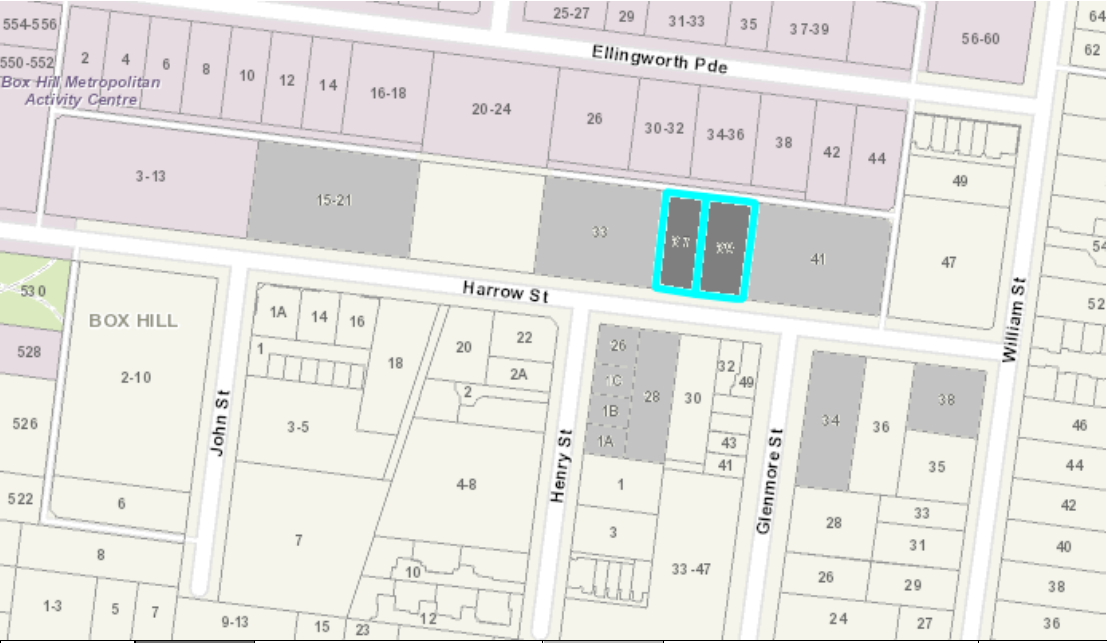
For	Against
Cr Bennett	Cr Barker
Cr Carr	Cr Davenport
Cr Cutts	Cr Munroe
Cr Ellis	
Cr Liu	
Cr Massoud	
Cr Stennett	

On the results of the Division the motion was declared CARRIED

9.1.3 (cont)

MELWAYS REFERENCE 75A H6

Applicant:	Xie Unit Trust
Zoning:	Residential Growth Zone Schedule 2 (RGZ2)
Overlays:	Significant Landscape Overlay Schedule 9 (SLO9)
Relevant Clauses:	<p>Clause 11 Settlement</p> <p>Clause 12 Environmental and Landscape Values</p> <p>Clause 15 Built Environment and Heritage</p> <p>Clause 16 Housing</p> <p>Clause 17 Economic Development</p> <p>Clause 18 Transport</p> <p>Clause 21.05 Environment</p> <p>Clause 21.06 Housing</p> <p>Clause 22.03 Residential Development</p> <p>Clause 22.04 Tree Conservation</p> <p>Clause 22.05 Non Residential Uses in Residential Areas</p> <p>Clause 22.06 Activity Centres</p> <p>Clause 22.07 Box Hill Metropolitan Activity Centre</p> <p>Clause 22.10 Environmentally Sustainable Development</p> <p>Clause 32.07 Residential Growth Zone, Schedule 2</p> <p>Clause 42.03 Significant Landscape Overlay, Schedule 9</p> <p>Clause 52.06 Car Parking</p> <p>Clause 52.34 Bicycle Facilities</p> <p>Clause 65 Decision Guidelines</p>
Ward:	Elgar

		Subject site	29 Objector Properties (multiple objectors in Nos 33 and 41 Harrow Street) (1 objector outside of map)	<p>↑ North</p>
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9.1.3

(cont)

BACKGROUND

History

One (1) previous planning permit application was lodged and subsequently approved by Council in relation to the subject site (the site). On 1st May 2017, Planning Permit WH/2015/1148 was issued for Construction of a four storey building with basement and a front fence. On 3rd July 2019, an approved extension of time request was issued, extending the commencement expiry date to 1st May 2021, and the completion expiry date to 1st May 2023. This permit remains active.

The Site and Surrounds

The Site

The site is located on the north side of Harrow Street, between Henry Street and Glenmore Street in Box Hill. It is rectangular in shape and is a consolidated block of 3 parcels (LOT 85 LP 2004 28B and LOTS 1-2 TP 678857 28B) with a frontage width of 33.22 metres, a maximum depth of 36.53 metres, and a total site area of approximately 1214m².

The site is occupied by two dwellings comprising a double storey dwelling on No. 37 Harrow Street and a single storey dwelling on No 39 Harrow Street, including associated sheds and ornamental trees. Both dwellings have vehicle crossovers from Harrow Street, as well as access from the northern rear laneway for No 37 Harrow Street. There are 2 street trees adjacent the site including an established paperbark tree adjacent No 39 Harrow Street. The site has a gentle cross fall from south-east to north-west of approximately 1.2 metres. The site has a rear laneway providing access to the lots fronting both Harrow Street and Ellingworth Parade to the north.

Zoned Residential Growth Zone (RGZ2), the site is located within 'Activity Precinct F' (Southern & Eastern Precincts), and 'Built Form Precinct D' (Mid-Rise Commercial and Mixed Use Precincts) of the Box Hill Metropolitan Activity Centre ('MAC'), as identified in the Box Hill Structure Plan.

The Surrounds

Immediate Surrounds

- Land north of the adjoining laneway is contained within the Commercial 1 Zone and developed with two storey office and commercial buildings.
- To the east, at 41 Harrow Street, is a three-storey apartment building, setback a minimum of 5.13 metres from Harrow Street, 3.58 metres from the common side boundary, and located on the northern boundary to the rear laneway.
- To the west, at 31-35 Harrow Street, is a five storey mixed use (dwellings and retail) building. This building is located on all property boundaries; and has a maximum building height varying between 15.14 metres and 19.04 metres. Parking is accessed via the northern rear laneway.
- Due to Harrow Street being designated as a precinct for 3 to 4 storey high development, the northern side of the street is evolving into apartment style development with a number of 3 to 5 storey apartment buildings evident. The southern side of the street is mainly developed with lower scale townhouse development. However, located within Precinct B of the Box Hill Structure Plan, the south side of Harrow Street will expect 3 storey apartment development occurring in future.

9.1.3 (cont)

Surrounding Area - Greater Urban Context

The site is located within a 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.

The subject site is located 370 metres from the Box Hill Train Station, which is serviced by Belgrave and Lilydale train services. A bus interchange is also located at the Box Hill Train Station, which is serviced by approximately twenty (20) major bus routes and the 109 Tram Service towards the Melbourne CBD running along Whitehorse Road. There are also major bus routes along Ellingworth Parade, William Street and Rutland Road close to the site that link up to this mentioned major bus interchange.

There are no major public reserves close to the site. 50 metres west of the site is the Ellingworth car park. The Box Hill Structure Plan identifies this land as 'key open space'.

The Box Hill MAC is experiencing significant redevelopment, with the following sites in the vicinity of the subject land either approved or constructed:

- 9-11 Ellingworth Parade (WH-2014/43) – 12 storey office building
- 8 Ellingworth Parade (WH/2011/128) – 5 storey office / dwelling development
- 2-10 Harrow Street – 5 Storey public car park
- 15-21 Harrow Street (WH/2009/250) – 5 storey dwelling development
- 31-35 Harrow Street (WH/2011/566) – 5 storey dwelling development
- 22 Rutland Road (WH/2013/559) – 6 storey office / dwelling development
- 38 Rutland Road (WH/2019/440) – 13 storey office tower
- 545 Station Street (WH/2011/986) – 36 storey mixed use (retail and apartment) tower ("Sky One")
- 21 Ellingworth Parade (WH/2019/526) – 8 storey officer tower

There has also been demand for residential hotels / residential serviced apartments with the Box Hill MAC as follows:

- 12-14 Nelson Road – approved mixed use development part 19 and 20 storeys (61 metres).
- 702-706 Station Street – approved 13 storey residential hotel.
- 874-878 Whitehorse Road – approved 25 storey residential hotel.
- 3-5 Poplar Street & 837 Whitehorse Road – Approved 15, 31 and 20 level high towers that include a residential hotel.

Planning Controls

Residential Growth Zone (RGZ2)

Pursuant to the table of uses under Clause 32.07-2 of the RGZ2, a 'Residential Hotel' is a Section 2 (permit required) use, nested under 'accommodation'. A planning permit is also triggered under Clause 32.07-8 of the Scheme to construct a building and / or construct or carry out works for a use in Section 2 of Clause 32.07-2.

As the proposed residential hotel does not include the provision of dwellings and is not defined as an 'apartment' building under Clause 73.01, Clause 58 (Apartment Developments) is not applicable. Consideration can be given to the general principles of Clause 58 as part of this assessment as discussed later in this report.

9.1.3 (cont)

Pursuant to the Table of Uses at Clause 32.07-2 of the RGZ2, a Food and Drinks Premises is a Section 2, permit required use.

Pursuant to the Table of Uses at Clause 32.07-2 of the RGZ2, an 'office' is a Section 2, permit required land use, provided that it is *'within 100 metres of a commercial zone; must have the same street frontage as the land in the commercial zone; and must have a leasable floor area not exceeding 250m² in area'*. A 'retail premises' is prohibited under Clause 32.07-2, other than 'Food and drink premises', 'Market', 'Plant nursery' and 'Shop'. A shop also must have the same street frontage to, and a 100 metre maximum distance from, land in a commercial or mixed use zone.

There is Commercial 1 Zone (C1Z) land that shares the same Harrow Street frontage, 150 metres west of the site, while Mixed Use Zone (MUZ) land exists 281 metres west of the site, but not on Harrow Street. The C1Z and MUZ land are both either located too far away from the site, and/or do not share the same street frontage. As the mandatory conditions of the zone cannot be satisfied, office, retail premises and shop land uses are all prohibited under the RGZ, and cannot be supported as part of this application.

As the proposed retail / office leasable floor space is limited in scale, its deletion and use instead for residential hotel-related purposes, will not affect the overall layout of the residential hotel and can be addressed as a permit condition should this application be approved.

Significant Landscape Overlay – Schedule 9

Pursuant to Clause 42.03-2 of the Scheme, a permit is required to construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.

Section 3 under Schedule 9 to the SLO states:

A permit is not required to construct a building or carry out works provided the building or works are set back at least 4 metres from the base of any tree protected under the provisions of this schedule.

A permit is required to remove, destroy or lop a tree.

This does not apply to:

- *A tree less than 5m in height and having a single trunk circumference of 1.0 metre or less at a height of one metre above ground level; or*
- *The pruning of a tree for regeneration or ornamental shaping; or*
- *A tree which is dead or dying or has become dangerous to the satisfaction of the responsible authority; or*
- *A tree outside the Minimum Street Setback in the Residential Growth Zone.*

The proposed development is not subject to any 'minimum street setback' and therefore no permit is triggered for the removal of trees from the subject site.

Clauses 52.06 (Car Parking)

A permit is required under Clause 52.06 (Car Parking Provisions) to reduce the car parking requirements.

Clauses 52.34 (Bicycle Facilities)

A permit is required under Clause 52.34 (Bicycle Facilities) to waive any of the requirements under this Clause. The proposal results in a shortfall of the provision for bicycle spaces and end of trip facilities, and will require a permit under this Clause.

9.1.3

(cont)

PROPOSAL

The proposal seeks use and buildings and works to construct a residential hotel (including associated food and drink premise, retail/office and vegetation removal), and reduction of the car and bicycle facility requirements.

Residential Hotel (Serviced Apartments) and Associated Commercial Land Uses

The layout of the building is primarily intended to function as serviced apartments. Eighty eight (88) serviced apartments are proposed providing between 1 to 4 beds, along with bathrooms and living areas in numerous suite configurations. Numerous suites include private open space balconies.

The building configuration comprises 6 levels of serviced apartments on top of 1 basement level. There will be 440m² of associated commercial floor area, including a 71m² space identified for both retail and office, a food and drink premises (120m²) with external courtyard for seating, two conference rooms (75m²) on the ground floor, and one conference room (89m²) on level 4. The basement will accommodate 29 car spaces, 9 bicycle spaces and refuse area, accessed via the rear laneway. There is also a ground floor loading bay serviced by the rear laneway, and communal terrace areas on levels 4 and 5.

Development (Buildings and Works)

The proposed building would consist of a six (6) storey, 19.99 metre high building, and would have minimum boundary setbacks of 1.9 metres (front), 2 metres (west) to 3 metres (east) side boundaries, 1 metre (rear).

The building will be constructed of metal cladding and battens for external walls in either a dark or light grey finish. Screened plant areas are shown on the roof level adjacent to the lift overrun, with utility booster and meter boxes located within the front setback area. Vertical and horizontal landscaping is provided throughout all elevations/aspects of the building as part of the proposed building's urban design.

The proposal includes removal of Tree 4 (Sweet Pittosporum, 5 metres) in the front setback, which is not protected under the SLO9.

CONSULTATION

Public Notice

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting a notice on each lot as part of the site facing the Harrow Street frontage. Following the advertising period 29 objections were received.

The issues raised in the objections are summarised as follows:

- Building Massing / scale
- Neighbourhood Character
- Height
- Setbacks
- Traffic / Parking / Access / Safety
- Land Use Composition
- Extent of retail floor area
- Possible bar
- Inappropriate social behaviour (drinking related behaviour: noise (streetscape), crime, rubbish, vandalism)
- Non-residential pedestrian activity
- Overlooking
- Overshadowing
- Property Devaluation
- Air pollution

9.1.3

(cont)

Consultation Forum

A Consultation Forum was held on Tuesday 19th February 2020. Twelve (12) objectors attended the meeting, in addition to Councillor Barker, planning officers and the applicant.

The Consultation Forum was chaired by Councillor Barker and concerns/objections with the proposal were grouped under broad categories with all parties afforded the opportunity to provide commentary on each concern. The permit applicant was also given an opportunity to respond to objector concerns.

The following additional objections were raised:

- Illumination / light spill by night.
- Noise (from eastern kitchen door and pathway to rear loading area, and external seating within eastern court yard ancillary to food and drink premises).
- Trading and delivery hours
- Access to goods lift
- Land use
- Waste

A number of potential resolutions were discussed between parties however no agreements were reached on the night.

Without Prejudice Plans

Subsequent to the Consultation Forum, on 26/3/2020 informal 'without prejudice' amended plans were submitted by the applicant intended to address issues raised by both Council officers and objectors. These informal amended plans have been circulated to all objectors and Ward Councillors. A summary of the changes has been provided by the applicant, and the following key changes apply:

- Terraces 101 & 120 have been removed
- The Level 4 conference room and terrace has been removed and replaced with serviced apartments and serviced apartment terraces. Level 4 now has 13 serviced apartments (increase of 1 serviced apartment)
- The Level 5 street setback has been increased.
- Level 5 now has seven serviced apartments (reduction of one serviced apartment).
- Ceiling heights of Levels 1 to 5 now reduced by between 100mm and 300mm
- The total wall height on the boundary of Harrow Street has now been reduced by 900mm (17.1 metres reduced to 16.4 metres).
- The maximum building height has been reduced from 19.99 metres down to 19.49 metres.

Objectors were given the opportunity to provide additional comment on the amended documentation. Following this period, there were no new issues raised. Whilst the without prejudice plans were not advertised, they will form the basis of the assessment for this report.

Referrals

External

Department of Transport (DoT)	The application was referred to the Department of Transport (DoT) under Section 66.02-11 of the Planning Scheme who advise that they do not object to the proposal with no conditions required.
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9.1.3

(cont)

Internal

Transport Engineer	Council's Transport Engineering team have reviewed the proposal and object to the proposal, unless 4 outstanding issues are addressed. They include provision of sufficient on-site parking for the food and drink premises, an onsite pick up or drop off area, and a 6.1 metre wide passing area to avoid off site laneway vehicle queuing, to meet Clause 52.06 of the Planning Scheme.
Waste Engineer	Council's Waste Engineering team have reviewed the proposal and provided unconditional support.
Assets Engineer	Council's Asset Engineering team have reviewed the proposal and do not object to the proposal, subject to standard conditions and notes.
ESD Officer	Council's ESD officer has reviewed the proposal and confirmed that the plans, the Sustainable Management Plan, the BESS assessment and integrated water management plan currently do not comply with the ESD provision of the Planning Scheme, particularly Clause 22.10. Proposed conditions have been provided to address non-compliances.
Design and Construction	Council's Design and Construction officer has reviewed the proposal and has provided consent subject to the conditional submission of a streetscape plan which ensures that the building can adequately present to the public realm of Harrow Street.

DISCUSSION

Consistency with Planning Policy Framework (PPF) and Local Planning Policy Framework (LPPF)

In terms of State planning policy, the subject site, being located within the Box Hill Metropolitan Activity Centre (MAC), represents a strategic redevelopment opportunity to deliver higher density residential uses and complementary commercial activity.

The development is consistent with both State and Local Policies such as Clauses 16.01-1S (Integrated Housing), 17.01-1R (Diversified Economy – Metropolitan Melbourne), 18.01-1S (Land Use and Transport Planning) which encourages concentration of development and employment opportunities in and around activity centres and intensifying development on sites well connected to public transport. This enables more efficient use of existing infrastructure.

The proposed development will be located within the Box Hill Metropolitan Activity Centre (MAC) close to employment corridors and public transport in accordance with Clauses 11.03-1S (Activity Centre Planning) and Clause 18 (Transport).

The proposed development will also provide for additional commercial services that offer community benefit within existing or planned activity centres in accordance with Clause 17 (Economic Development). Clause 21.07 (Economic Development), also seeks to increase the number and diversity of employment opportunities, specifically identifying retail and office activities as an area where opportunities have been created, particularly in redevelopment sites.

While this may be the case, the subject site is limited in its ability to provide a variety of land uses given the residential zoning in which many commercial uses are either capped in terms of the square meterage that can be proposed, or are outright prohibited. This is relevant to the site given that the proposed office and retail premises land uses are prohibited under the RGZ2, as discussed in detail later in this report.

9.1.3 (cont)

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. 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).

The policy under Clause 22.07 – *Box Hill Metropolitan Activity Centre* promotes design excellence in new developments through encouraging built form which provides for increased height, but which is sensitive to adjoining residential areas and provides activated and functional interfaces with the public realm to enhance walkability.

Clause 22.05 recognises non-residential land uses that have potential to adversely impact upon the amenity of residential areas if they are poorly designed or located. This policy recognises that there is also a legitimate need for non-residential uses in residential areas to serve the needs of the local community. Although classed as a ‘residential building’, a residential hotel is commercially managed and operated. The residential hotel is appropriately located within the Box Hill MAC and subject to permit conditions, will be compatible to the role and function of Harrow Street within the MAC as defined by the Structure Plan below. All amenity impacts can be suitably addressed as permit conditions as discussed in detail later in this report.

The Box Hill Transit City Activity Centre Structure Plan is referenced in Clause 22.07 (Box Hill Central Activities Area Policy). The subject site is located within Activity Precinct F (Southern & Eastern Precincts) and Built Form Precinct D (Mid-rise Commercial and Mixed Use Precincts). Activity Precinct F is identified for: accommodation of growth in the local supply of office space; continuation of the precinct’s role in supporting some retail activity; office and retail activities that respond to prominent Whitehorse Road and Station Street frontages; mixed uses including higher density residential as a buffer to established residential precincts.

Being located within the MAC ‘Activity Precinct F’, the proposed development is adequately located in principal. The subject site and its immediate environs are earmarked for a substantially increased shift in the diversity and density of use and development in future. This area therefore represents a good opportunity to deliver the proposed mixed-use development, while managing external amenity impacts to the surrounding residential neighbourhood and identified key public open space areas nearby.

A 4-storey preferred height limit is given to this MAC Precinct D, while it is expected that building height must transition down to the ‘Low-Rise, Higher Density Residential Precinct B’ for properties on the south side of Harrow Street (3-storey preferred height limit). This will be discussed in detail under ‘Urban Context and Building Massing’ later in this report.

The proposal at 6 stories high (19.4 metres) does not represent a building mass that will appropriately fit within Built Form Precinct D, nor will it provide adequate transitional building height down to the lower order residential precinct (MAC Built Form Precinct B). The proposed building will also stand above both adjoining 3 stories and 5 storey apartment buildings, and forward of the adjoining 3 storey apartment at 41 Harrow Street in particular. This will give the proposed building a dominant appearance within the streetscape.

However, as expanded on later in this report, the proposed street setbacks have struck an acceptable balance between the expectations of the Structure Plan and the existing prevailing street setbacks. As also discussed later in the report, a reduction in building height particularly including the loss of the fifth floor level can address all building height, scale and massing issues and amenity impacts via permit conditions without resulting a major transformation of the proposal.

9.1.3 (cont)

Overall, the nature and location of the proposed use and development aligns with the expectations of Planning Policy Framework and Local Planning Policy Framework in terms of supporting the role of diversifying the MAC from an economic and street activation perspective. All relevant amenity impacts can be adequately managed via permit conditions should this application be approved.

Urban Context

Building Height, Massing and Scale

From an existing urban context perspective, the site is located within the Box Hill MAC, but also within an enclosed residential streetscape context where a higher level of amenity exists within the public realm, despite the recent emergence of larger scale residential development occurring in the area.

The RGZ2 provides the first layering of preferred character expectations by setting expectations of substantial change residential development up to four storeys in height (between 13.5 metres and 14.5 metres high based on land slope). There is a clear indication that density and built form will be increased, and that the departure from the existing character will be substantial. Located within the Box Hill MAC, the proposal is also subject to the expectations of the Structure Plan.

Like the RGZ2, a preferred building height of 4 stories (14 metres high) applies, reflected in the Built Form Activity Precinct D 'Mid-rise Commercial and Mixed Use Precincts'. It is important to recognise that these maximum height limits are preferred only. The location of the proposed building is a key determining factor in how its height ultimately transitions down from the MAC core (no specific height limit), to lower order MAC precincts and residential areas. The most immediate lower order precinct south of the site is the 'Low-Rise, Higher Density Residential Precinct B' (3 storey preferred height limit).

One key indicator within the surrounding transitional area between the MAC core and residential areas is the heights of buildings constructed and approved as part of the surrounding urban context. Another key indicator is the extent of overshadow cast into (a) key public spaces, (b) peripheral residential precincts and (c), residential areas outside the Activity Centre.

In this instance, the proposed development will not overshadow the nearest: (a) key public space (Ellingworth carpark, 20-24 Ellingworth Parade, 50 metres west of the site), (b) peripheral residential precinct (Precinct A, east of Glenmore Street approximately 31 metres south-east of the site) and (c), residential area outside the MAC (east of William Street, approximately 110 metres east of the site). Consequently, the impact of overshadow will have no genuine influence when determining appropriate transitional building height.

When reviewing the existing public realm, it is acknowledged that 5 storey buildings have already been constructed on Harrow Street, west of the site at Nos 2-10 (public carpark), 15-21 (apartment building), and 31-35 (apartment building). 8 Ellingworth Parade (8 storey building) is also located within the same Built Form Activity Precinct D 'Mid-rise Commercial and Mixed Use Precincts'.

There have also been a number of recently constructed apartment buildings approved east of the site on Harrow Street varying between 3 and 4 stories in height within the same Built Form precinct. To put this into perspective, there is no recently approved or constructed development within the southern portions of Major Development Precinct F interfacing or within immediate proximity to the site that could inform how the proposed development should transition.

9.1.3 (cont)

The recently approved 8 storey building at 21 Ellingworth Parade has set the mark for building height within the centre of Activity Precinct F and Built Form 'Major Development Precinct' F, which also transitions down to the key public space of the Ellingworth carpark. This building is however too removed from the site, situated 100 metres away to the north-west. This approved building can only partially inform building height transitioning down from the Major Development Precinct to the Mid-rise Commercial and Mixed Use Precincts', which the site is located within.

Also acknowledged is the recently approved 13 storey building at 38 Rutland Road (100 metres north of the site) that sets transitional height expectations for development closer to the railway corridor. The partly constructed 12 storey building at 9-11 Ellingworth Parade (170 metres north-west of the site) will also set transitional building height expectations closer to the MAC core, immediately east of Station Street. Both these buildings again are well removed from the context of the site from a building height perspective. With all factors considered above, it is considered that the public realm reflects a 4 to 5 storey high development for the site.

Upper floor recession above 3 to 4 stories from lower floors is a common expectation of the Structure Plan. This is to create a street wall podium that provides for an appropriate human scale experience at street level. The 'Mid-Rise Commercial and Mixed Use Precinct' does not include a preference for upper floor recession as buildings are not expected to exceed 4 stories. From this perspective, the proposal could align with the public realm and expectations of the Structure Plan, provided that only 4 stories are visible to the street (fifth floor genuinely recessed off lower floor levels).

The proposed 6 storey building will be 5 stories in appearance from street view with the sixth floor recessed from lower floor levels, which does not align with the surrounding public realm, nor the expectations of the RGZ or the Structure Plan. The applicant has also relied upon multiple vertical and horizontal landscape themes, extensive balcony treatment and transitioning building height down the east elevation, to reduce building mass. The effect of these measures will improve visual interest, but will not sufficiently reduce the dominance of the overall building height, scale and massing from the street. This proposed building sits well above the 3 to 5 storey high buildings on the north side of Harrow Street, and the 3 storey buildings expected on the south side of Harrow Street.

The reduction in height by one floor will resolve this issue and will not result in requiring a major redesign to the proposed layout. As such, it is recommended that the fifth floor be deleted. The sixth floor then becomes the fifth floor, being already recessed from street view. The resulting 5 storey building, presenting as 4 stories to Harrow Street, would sufficiently fit within the surrounding public realm, the preferred character of Harrow Street, and align with the Structure Plan. The dominance of the building from its mass, scale and height can be sufficiently relieved from a noticeable loss in building height as a result of the deletion of the fifth floor as discussed. From this perspective, subject to permit conditions, the issues relating to height, scale and massing of the proposed building can be adequately resolved.

Street Setbacks

The Structure Plan encourages front street setbacks to activate street frontages with (a) the use of glazing at ground and first floor levels for transparency and surveillance purposes and (b) encourage the provision of some ancillary ground floor retail land uses. The public realm concerning both adjoining apartment buildings provides a slight increase in the street setback expectations from the Structure plan. While the west adjoining apartment building (No 31-35 Harrow Street) has a front setback of zero metres, the eastern adjoining apartment building (No 41 Harrow Street) has an increased front setback varied between 5.1 metres and 7.4 metres.

9.1.3

(cont)

The proposed development provides an appropriate balance between the zero metre front boundary setback expectations the Structure Plan, and the existing prevailing street setback in Harrow Street with front setbacks varying between 1.9 metres and 4.1 metres. It is acknowledged that the east adjoining 3 storey apartment building at 41 Harrow Street is unlikely to be redeveloped in future, meaning that the proposed building's projection forward of this adjoining building will remain for years to come.

However, the lesser zero metre front setback of the west adjoining 5 storey apartment building at 31-35 Harrow Street will provide the backdrop to the proposed building for west-bound traffic passing the site. From this perspective, subject to conditions of height reduction as discussed earlier, the dominance of the building, will not be excessive or undermine the building delivering an appropriate building massing of human scale from a pedestrian street level experience.

The landscaping will complement and visually softening the architectural themes of the front building façade. The landscaping will not screen the building as a whole to the street frontage. Consequently, subject to conditions of reducing overall building height, mass and scale as discussed earlier, this will result in the building having attractive, visible main entries to all proposed land uses on site.

Public Realm

Shop and business signage opportunity

Erecting signage on the front building façade can often be an afterthought and have the potential to conflict with the building's urban design in due course, at times looking 'cluttered'. It is a priority the urban design incorporate a prescribed space where future signage can be located to better integrate with, not undermine or discredit, the architectural appearance of the building's front facade. This issue can be addressed as a permit condition should this application be ultimately approved.

Vehicular Access, car parking, bin enclosures and service facilities

- The Structure Plan encourages vehicular access, bin enclosures and service facilities to largely be provided to the rear laneway if applicable, and/or in a basement into car parking areas, being out of sight to the main street public realm. This is to assist in creating safety and better activated street frontages. Subject to permit conditions, the refuse area, all car parking, loading and the drop off / pick up facility can be provided in the basement and/or at the rear of the building accessed via the rear laneway away from the site's frontage. A limited supply of service and utility boxes are provided in the front setback, but are excessive in their footprint and appearance.

- Public Realm Construction works

Despite the landscape works proposed within the front setback area, there are also requirements that relate to carrying out pavement construction within the public realm between the front building and the back of road kerb, in accordance with the Box Hill Urban Realm Treatment Guidelines (BHURT), to the satisfaction of Council's Design and Construct Team. This detail is normally provided as part of a streetscape plan that can be addressed as a permit condition, should this application ultimately be approved.

Land Uses

As discussed earlier, the site is located within the Box Hill Metropolitan Activity Centre (MAC) which is of importance not only to the municipality, but also to the broader metropolitan region given its capacity for change and connections to other Activity Centres, residential areas and multiple public transport options.

9.1.3 (cont)

The residential hotel is not a modest addition of commercial activity within the RGZ, but aligns with the expectations of the Structure Plan in diversifying land use within the MAC. The nature of this land use is acceptable provided conditions that require the operation of this residential hotel to mitigate any unreasonable amenity impacts through noise, light-spill, odours and storage of goods/waste. These conditions would provide for an outcome which is generally consistent with the policy under Clause 22.05 (*Non-residential uses in residential areas*).

From a noise generation perspective, non-residential activity (including outdoor seating, loading bay and footpaths), and exhaust fans must be compliant with the SEPP N-1 EPA standard for commercial noise, while ensuring the exhaust fans are appropriately located to minimise noise spill, can both be addressed as permit conditions should this application be approved.

The introduction of a 'lighting plan' via a permit condition will also ensure lighting at appropriate levels to illuminate the laneway and northern footpath of Harrow Street while protecting the amenity of residences on either side of the laneway, the main road and adjoining apartment buildings, from excessive light spill. This will provide a greater safety and security of residents.

Overall, the proposed development would provide acceptable outcomes to both the Harrow Street and laneway interfaces, through appropriately scaled and legible entrance points and improvements to the safety and presentation of the lane. The traffic activity generated from the proposed residential hotel will likely be greater in intensity and frequency than the apartment development and detached dwellings within Harrow Street, but comparable to the public carpark west of the site at No 2-10 Harrow Street.

The proposed development does not provide an on-site drop off-pick up area that will potentially disrupt parking and traffic conditions on Harrow Street, and is not a preferred outcome. This is an issue also recognised by Council's Transport Engineer. It is considered that the ground floor rear loading bay, currently proposed to service the kitchen of the food and drink premises, can also function as an onsite drop off / pick up facility for guests and patrons.

The Car Parking Management Plan sets out clear expectations of managing both roles and minimising traffic disturbance in the rear laneway, while a direct pedestrian connection into the rear of the building can greatly reduce noise generation to adjoining and nearby residential properties. These measures can be addressed as permit conditions should this application be approved and in turn, address the issues raised by objectors and Council's Transport Engineer.

The proposed ancillary food and drink retail premises will likely attract small gatherings of patrons during key meal periods, with the greater anticipated patronage from the users of the hotel itself, while the ground floor conference rooms will not be available to the public as they are strictly ancillary to the residential hotel. Again permit conditions can require the operation of the food and drink premise in particular to avoid unreasonable amenity impacts.

As mentioned earlier, both the proposed office and retail premises are prohibited under the RGZ2 and must be deleted, converted back into floor used for residential hotel-related purposes. This can be addressed as a permit condition should this application be approved.

Overall, despite introducing non-residential activity to a residential street context within the MAC, all amenity impacts can be sufficiently resolved via permit conditions to ensure that the proposed residential hotel's location receives full policy support under the Planning Scheme.

9.1.3 (cont)

Section 173 Agreement

As stated earlier, a residential hotel is not bound by the provisions of Clause 58 (Apartment Development) as part of this assessment. This has resulted in numerous non-compliances with standards pertaining to internal amenity that could be reasonably expected to be met in permanent dwellings. For example, elements such as providing adequate bedroom, shower and private open space dimensions, adequate communal area, deep soil planting, external storage, energy efficiency outcomes and waste access, have not been met in accordance with numerous Standards of Clause 58.

Should this application be ultimately approved, this issue can be addressed through permit conditions requiring a Section 173 Agreement to be registered to the land to ensure that the residential hotel (a) is operated by one management entity/body and (b), to exclude the use of the hotel suites as dwellings in the future.

External Amenity

Overshadow / Overlooking / Daylight access

The most applicable policy is the Structure Plan, which focuses on protecting key public spaces, peripheral residential precincts within the MAC, and residential areas outside the MAC from overshadow during the winter solstice (June 22nd). The winter solstice shadow diagrams submitted demonstrate that the proposed building will have no overshadow impacts on the Ellingworth Carpark (nearest key public space west of the site), to any peripheral residential precinct within the MAC or any residential areas outside the MAC. The proposal therefore addresses all the key external amenity impacts covered within Precinct D of the Structure Plan.

Unfortunately, there is a lack of policy requirements in the Planning Scheme addressing external overshadowing, overlooking and daylight access to buildings adjoining and immediately opposite on the south side of Harrow Street. Despite the extent of overshadow caused by the proposed development to those nearest properties, the proposal has achieved compliance against all applicable requirements of the Structure Plan, the RGZ2 and Clause 58 from an overshadowing perspective.

The RGZ2 includes various amenity Standards of Res Code to be met when a site interfaces with a lower-order residential zone, which does not apply to the site in this instance. Clause 58 seeks to limit views into proposed and existing buildings, but is silent on protecting adjoining sites from external overshadow or daylighting impacts. The proposal has two sensitive side boundary interfaces by abutting apartment buildings to the east and west. Both apartment buildings adjoining to the east (41 Harrow Street, 3 storey building) and west (31-35 Harrow Street, 5 storey building) have numerous side-facing windows and POS balcony treatment sited up to 1 metre from the respective common boundaries with the site.

Proposed screening devices (vertical screens, obscured glazing and planter boxes) are included to ensure that any potential overlooking generated from side facing habitable room windows are mitigated.

To ensure that equitable development opportunity of adjoining properties are protected and to subsequently protect these properties from external amenity impacts, Clause 58 and the Structure Plan both encourage proposed buildings to be sited onto side boundaries. If not located onto side boundaries, the industry accepted setback is 4.5 metres (to provide an overall 9 metre setback between habitable room windows of both adjoining buildings to mitigate against overlooking, but to provide sufficient spacing between buildings to allow for adequate daylighting). Both adjoining apartment buildings are already built, unlikely to be redeveloped, and their development potential consequently realised. The 4.5 metre side boundary setback is not therefore applicable in this instance.

9.1.3

(cont)

Wind Impact

A Wind Impact Assessment report has been required for submission and approval by the Responsible Authority prior to the endorsement of plans as discussed earlier in this report.

Internal Amenity

Environmentally Sustainable Development (ESD)

Redevelopment of the site, located in an existing residential area, makes more efficient use of existing infrastructure and services, and the proximity of the subject site to numerous public transport modes which reduce employees and visitors from relying on private vehicles. Policy at Clauses 15.02 (Sustainable Development), 15.02-1S (Energy and Resource Efficiency), 21.05, (Environment) and 22.10 (Environmentally Sustainable Development) of the Planning Scheme, encourage ecologically sustainable development, with regard to water and energy efficiency, building construction and ongoing management.

Council's ESD Officer has advised that the submitted Sustainability Management Plan (SMP) has not yet achieved compliance with the Environmental Sustainable Design (ESD) standards contained within Clause 22.10. However, Council's ESD officer has also confirmed that these outstanding matters can be addressed as permit conditions should the application ultimately be approved.

Car Parking, Traffic & Access

The site is located within the Box Hill Central MAC and is therefore subject to the Box Hill Activity Centre Parking Overlay (Clause 45.09). With the retail/office required to be deleted as a permit condition, the resulting proposal will require the following parking provision for the proposed development:

Land Use	Number / Area	Statutory Rate	Parking	Required Car Spaces	Proposed Car Spaces	Difference
Accommodation (Residential hotel / Serviced Apartments)	88	To the satisfaction of the Responsible Authority [0.5 spaces per room]		[44]	28	[-16]
Food and Drink	120m ²	3.5 spaces per 100m ² [2 spaces per 100m ²]		7 [4]	1	-6 [-3]
Total Car Parking				51	29	-22 [-19]

Table 1: Parking provision and requirements. Figures in brackets '[...]' indicates the modified empirical parking requirement based on a reduced parking rates for both residential hotels and retail premises being deemed acceptable by Council's Transport Engineering officers.

As stated above, the required 51 spaces under Clause 45.09 will result in a shortfall under the Planning Scheme of 22 spaces, and a shortfall of 19 spaces based on the empirical rates adopted by Council's Transport team. The car parking rate for the residential hotel is to the satisfaction of Council under Clause 52.06. Council's Transport Engineer has adopted a parking rate of 0.5 spaces per patron, which has been adopted by other serviced apartment building in Box Hill. The applicant's proposed parking provision is based on a reduced parking rate of 0.3 spaces per patrons, which has resulted in the parking shortfall of 16 spaces under the empirical rate.

9.1.3 (cont)

Importantly, Council's Transport Engineer does however support the traffic generated indicating that levels '*will be small and can be accommodated by the surrounding road network without adverse impacts. The basement car park will be directly accessed via the laneway at the rear of the subject site which is considered satisfactory.*'

Additionally, Council's Transport Engineer has raised concerns that no on-site drop off / pick up facility is provided. As discussed earlier, the preference is to provide an on-site drop-off / pick up facility to minimise the impact to existing traffic conditions in Harrow Street, in the form of the rear loading bay via a permit condition if this application is approved. The Car Parking Management Plan can set the expectations for how both purposes will be managed together. However, given that any potential conflict will occur to the rear of the site in a double width laneway where vehicles can pass and not be inconvenienced, addressing this issue as a permit condition is an acceptable outcome, should this application be approved.

Overall, it is acknowledged that the traffic generation impacts are not detrimental to Harrow Street and that the conditioned on-site drop off-pick up facility from the rear loading bay will draw short term parking demands away from Harrow Street. It is therefore considered that despite exceeding the adopted empirical rate of Council's Transport Engineer, the resulting car parking shortfall will not have a detrimental impact to the parking and traffic conditions of the external street network, namely Harrow Street. It is also considered that any amenity traffic and parking-related impacts can be mitigated via permit conditions should this application be approved.

Concerning the food and drink premises, Council's Transport Engineer requires that 2 additional car spaces be provided for staff who will require long-term parking, which is not compatible with the Harrow Street two-hour parking restrictions. This issue can be addressed as a condition of approval should this application be approved.

Notwithstanding, Council's Transport Engineer has also supported the ramp gradients, turning areas and widths of the proposed access. The proposed 'stop-go' traffic management devices at the top and bottom of the basement ramp will adequately address visibility and safety related traffic issues internal to the site provided that there is also the potential for external vehicle queuing on the laneway, which must be minimised.

Providing a 6.1 metre wide passing area at the ramp entry from the rear boundary, complete with adequate sightlines where the accessway meets the laneway, will address the issue raised by Council's Transport Engineer, and achieve compliance with Clause 52.06. These measures can be addressed as permit conditions should this application be approved.

It is also noted that the 'stop-go' device at the top of the accessway ramp projecting into the laneway must be fully located on site, which can be addressed as a permit condition.

Bicycle Facilities – Clause 52.34

Nine bicycle spaces are proposed within the basement floor level, resulting in a shortfall of 11 bicycle spaces (20 spaces required or 10 staff and 10 visitor spaces in accordance with Clause 52.34). Additionally, no shower or change room facilities are provided (2 showers and 1 change room per shower required under Clause 52.34). A waiver of the bicycle facilities requirements (provision for bicycle, shower and change rooms) is therefore required.

Although within the MAC, the site is separated from the MAC core by the major road of Station Street. A stronger provision of bicycle spaces and end of trip facilities for visitors is therefore encouraged. At least 6 additional visitor bicycle spaces in the front setback area or ground floor lobby can be provided to partially reduce this shortfall to 5 spaces, instead of 11 spaces. This issue can be addressed as a permit condition should this application be approved.

9.1.3 (cont)

Waste Collection

Council's Waste Engineers have consented to the proposal in accordance with submitted Waste Management Plan (WMP) indicating that the refuse area is of sufficient capacity to support the residential hotel and associated retail/office land uses.

Council's transport engineer has not supported the proposed 2.4 metre minimum ramp head clearance, which should be at least 2.8 metres high to adequately enable waste vehicles to enter and exit the basement safely. The above issues can however be addressed as permit conditions should this application ultimately be approved.

Integrated Public Transport Planning

Clause 66.02-11 requires the land to be referred to the Head of Transport for Victoria (TfV). TfV has since been consolidated under the Department of Transport (DoT), who has reviewed the application and provided unconditional consent.

Objections

Building Mass / Scale / Setbacks

This key issue has been discussed in detail earlier in the report. No changes have been recommended to the proposed building boundary setbacks, as the proposed building reflects the setbacks of both adjoining apartment buildings, and achieves general policy support under the Planning Scheme, and particularly with the Structure Plan.

Traffic / Parking / Access / Safety

Objection grounds have acknowledged the parking restrictions as well as the already saturated parking conditions on Harrow Street; the absence of a proposed on-site drop off / pick up facility; and pedestrian safety issues resulting from traffic and parking. All issues have been discussed in detail earlier in this report.

Land Use

Objection grounds indicate that there is too much retail floor space proposed, which could lead to future licenced premises attracting non-residential pedestrian activity and lead to inappropriate, alcohol influenced behaviour. As indicated earlier, both office and retail premises land uses are prohibited and must be converted back into residential hotel purposes to comply with the RGZ2 via permit conditions should this application be approved..

As discussed earlier, the proposed food and drink premises is limited in floor area and aligned with both the Structure Plan and the RGZ, which both encourage small amounts of retail use within a residential streetscape context.

Noise

As stated earlier, the operation and management of non-residential activity (including outdoor seating, loading bay, footpaths and exhaust fans) can be addressed via permit conditions to achieve general compliance with Clause 22.05 (*Non-residential uses in residential areas*).

Also recommended was a direct pedestrian connection from the loading bay / drop off-pick up facility and deletion of the eastern kitchen door associated with the food and drink premise. These conditional measures will greatly reduce noise impacts generated from site particularly to the eastern adjoining apartment building at 41 Harrow Street.

The CMP would also address noise impacts during the construction phase in line with the relevant requirements. This document must be provided to and approved by the responsible authority prior to commencement of any works.

9.1.3

(cont)

Overlooking

Issues around overlooking have been discussed earlier in this report and found that the building's setbacks are adequate to protect the amenity of the surrounding area and neighbouring lots. This has been discussed in detail earlier in this report.

Overshadowing/loss of sunlight:

As stated earlier, an acceptable level of compliance with relevant policy on this external amenity issue, particularly concerning the Structure Plan and the RGZ2.

Impact on property values

The devaluation of property values is not an issue identified in the planning scheme, nor is a relevant planning consideration as commonly confirmed by VCAT.

Associated pollution impacts:

The development does not propose any uses that include any industrial-related activities which are typically associated with possible pollution/emission impacts.

Trading Hours and Unreasonable light spill

A permit condition can be included to restrict trading hours for the food and drink premises to no later than 10:30pm to address this issue, should this application be approved.

Concerning unreasonable light spill beyond property boundaries, a permit condition can be added to ensure that all lighting is of a limited intensity and appropriately baffled to avoid direct light or glare emissions outside the site, to resolve this issue.

Access to Goods Lift

The functionality of the goods lift has no bearing from an amenity perspective. It is acknowledged that the goods lift is adjacent to the residential hotel lift as part of the 'lift core'. There will be no noise related issues with the location of the goods lift, or visual amenity given that the lift overrun is central enough within the building footprint not to dominate any aspect of the building from the street or boundary interfaces.

CONCLUSION

The proposal for use and buildings and works to construct a residential hotel (including associated food and drink premise and vegetation removal), and reduction of the car and bicycle requirements is an adequate response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies and the Residential Growth Zone (RGZ2).



Subject to the conditions discussed throughout this report, the proposed building is considered to provide a level of intensification envisaged under the guidance of the Residential Growth Zone and Structure Plan (2007) and achieves an acceptable level of architectural quality to justify the built form.

Subject to conditions, the proposal provides for a mixture of uses consistent with the policies applicable for the Structure Plan and RGZ2 in the Box Hill MAC. The building has been designed to respond to the site's varying interfaces, to provide an adequate level of amenity protection for future residents and to activate the street frontages.

A total of 29 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 approved.

ATTACHMENT

- 1 Without Prejudice Plans 
- 2 Advertised Plans 

9.1.4 13-25 Strabane Avenue, Mont Albert North: Buildings and works for the staged redevelopment and extension of the existing residential aged care facility and associated tree removal and lopping

FILE NUMBER: WH/2019/812
ATTACHMENT

SUMMARY

This application was advertised, and a total of 15 objections were received. The objections raised issues with amenity impacts, car parking, traffic, neighbourhood character, landscaping, internal amenity and discrepancies in the submitted documents. A Consultation Forum was held on 18 February, 2020 chaired by Councillor Barker, at which the issues were explored, however no resolution was reached between the parties.

The applicant lodged a Section 79 Appeal (failure to determine within prescribed time frame) with VCAT on 12 March, 2020. This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as the objector concerns. It is recommended that this application is supported, subject to conditions.

COUNCIL RESOLUTION

Moved by Cr Barker, Seconded by Cr Liu

That Council:

- A** *Being the Responsible Authority, having caused Application WH/2019/812 for 13-25 Strabane Avenue, MONT ALBERT NORTH (Lots 1 of TP 171463M, TP 171464K, TP 171465H, TP 171466F and TP 171467D) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the Buildings and works for the staged redevelopment and extension of the existing residential aged care facility and associated tree removal and lopping is acceptable and should not unreasonably impact the amenity of adjacent properties..*
- B** *Has formed a position to support the application in relation to the land described as 13-25 Strabane Avenue, MONT ALBERT NORTH (Lots 1 of TP 171463M, TP 171464K, TP 171465H, TP 171466F and TP 171467D) for the Buildings and works for the staged redevelopment and extension of the existing residential aged care facility and associated tree removal and lopping, and notification to be given to VCAT, subject to the following conditions:*
- 1.** *Before the development starts, or vegetation is removed, amended plans for each stage must be submitted to and approved by the Responsible Authority in a digital format. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:*
 - a)** *First and second floor balconies on the south elevation that are located within 9 metres of the south boundary to be screened to 1.7 metres above the finished floor level, in accordance with the requirements of Clause 53.17.*
 - b)** *The rendered balustrades of balconies at the eastern façade to be replaced with frosted glass consistent with other balustrades on the building.*
 - c)** *The façade detailing to be amended to create more vertical elements in the façade and a more varied skyline.*
 - d)** *The metal picket front fence at the north-west corner of the lot to be relocated southwards to adjacent to the north side of the pedestrian path in the frontage.*
 - e)** *The main pedestrian entrance door to be more prominently expressed architecturally, in order to assist way finding.*

9.1.4
(cont)

- f) Temporary pedestrian building entrance for Stage 1 from Strabane Avenue;*
- g) The rain garden relocated to be east of the semi-circular accessway.*
- h) The locations of Tree Protection Zones described in condition 6, with all nominated trees clearly identified and numbered on both ground floor plan and landscape plan, and the requirements of conditions 6 and 7 to be annotated on the development and landscape plans.*
- i) The location of all service trenches to serve the dwellings (for example: gas, water, electricity, stormwater, sewerage, telecommunications), including the extent of trenching required in easements over adjoining lots (if any) and the locations of protected trees within 4 metres of these trenches (if any). The service trenches must be located and dug (including boring or hand digging) to ensure that protected trees are not damaged, to the satisfaction of the Responsible Authority.*
- j) Development plans to reflect all sustainability features indicated in the amended Sustainability Management Plan (SMP) required by condition 17. 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 fixtures, etc.).*
- k) Development plans to reflect requirements of amended Waste Management Plan (WMP) required by condition 19.*
- l) Notation on site plans indicating that all obscured glazing be manufactured obscured glass. Obscure film being applied to clear glazing will not be accepted.*
- m) Landscape Plan in accordance with Condition 3, including the following:*
 - i. No trees to be planted within the easement, and the realignment of the pedestrian path along the rear boundary in order to maintain reasonable separation between trees and the building.*
 - ii. The planting of additional upper canopy trees within the site frontage, clear of the canopies of existing trees.*
 - iii. Canopy trees to be positioned, or be species such that no more than 25% of the mature canopy will overhang neighbouring residential properties.*
 - iv. The internal courtyard areas and communal upper level terraces to:*
 - Be provided with circular walking routes without steps*
 - Be provided with more seating/rest points*
 - Provide for a diverse range of users and social groups to utilise these areas, including visitors and solitary residents.*
 - Replace flagstone pavers with a more even paving treatment*
 - Ensure all features are safe and suitable for residents*
 - v. External walking paths to be provided with more seats/rest points.*
 - vi. Seating to be provided with arms to assist residents to lower and raise themselves.*
 - vii. All new trees must be planted at a minimum height of 1.5 metres.*

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

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

9.1.4
(cont)

Landscaping and Tree Protection

- 3. *No building or works must be commenced for any stage (and no trees or vegetation are to be removed) until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. This plan when endorsed shall form part of this permit. This plan shall show:***
- a) A survey of all existing vegetation, abutting street trees, natural features and vegetation.***
 - b) Buildings, outbuildings and trees in neighbouring lots that would affect the landscape design.***
 - c) Planting within and around the perimeter of the site comprising trees and shrubs capable of:***
 - i. Providing a complete garden scheme,***
 - ii. Softening the building bulk,***
 - iii. Providing some upper canopy for landscape perspective,***
 - iv. Minimising the potential of any overlooking between habitable rooms of adjacent dwellings.***
 - d) A schedule of the botanical name of all trees and shrubs proposed to be retained and those to be removed incorporating any relevant requirements of condition No. 1.***
 - e) The proposed design features such as paths, paving, lawn and mulch.***
 - f) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant.***

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

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

- 4. *The garden areas shown on the endorsed plan must only be used as gardens and must be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of similar size and variety.***
- 5. *Prior to the commencement of the development, a Landscaping Maintenance Plan, prepared by a suitably qualified consultant, must be submitted to the Responsible Authority. The landscaping maintenance plan must include, but is not limited to:***
- a) Irrigation system/program for ground level landscape areas and containerised plantings above ground level, including details of frequency and water delivery method.***
 - b) Details of the ongoing maintenance procedures to ensure that the containerised plantings remain healthy and well maintained to the satisfaction of the Responsible Authority.***

The approved landscaping must be maintained in accordance with the Landscape Maintenance Plan for the life of the development, to the satisfaction of the Responsible Authority.

9.1.4
(cont)

6. *Prior to commencement of any building or demolition works on the land for any stage, Tree Protection Zones (TPZs) must be established on the subject site (and nature strip if required) and maintained during, and until completion of, all buildings and works including landscaping, around the following trees in accordance with the distances and measures specified below, to the satisfaction of the Responsible Authority:*
- a) *Tree Protection Zone distances:*
- i. *Tree 2 (Quercus coccinea)– 2.0 metre radius from the centre of the tree base.*
 - ii. *Tree 3 (Quercus coccinea)– 2.0 metre radius from the centre of the tree base.*
 - iii. *Tree 4 (Quercus coccinea)– 2.0 metre radius from the centre of the tree base.*
 - iv. *Tree 5 (Quercus coccinea)– 2.0 metre radius from the centre of the tree base.*
 - v. *Tree 6 (Corymbia citriodora)– 9.9 metre radius from the centre of the tree base.*
 - vi. *Tree 9 (Eucalyptus camaldulensis)– 11.9 metre radius from the centre of the tree base.*
 - vii. *Tree 10 (Corymbia citriodora)– 5.9 metre radius from the centre of the tree base.*
 - viii. *Tree 23 (Eucalyptus cladocalyx 'Nana')– 7.3 metre radius from the centre of the tree base.*
 - ix. *Tree 26 (Corymbia citriodora)– 6.4 metre radius from the centre of the tree base.*
 - x. *Tree 27 (Agonis flexuosa)– 2.5 metre radius from the centre of the tree base.*
 - xi. *Tree 28 (Pittosporum tenuifolium 'Variegata')– 2.3 metre radius from the centre of the tree base.*
 - xii. *Tree 34 (Pittosporum eugenioides)– 2.0 metre radius from the centre of the tree base.*
 - xiii. *Tree 35 (Pittosporum undulatum)– 2.0 metre radius from the centre of the tree base.*
 - xiv. *Tree 36 (Pittosporum undulatum)– 2.0 metre radius from the centre of the tree base.*
 - xv. *Tree 38 (Fraxinus angustifolia) – 3.5 metre radius from the centre of the tree base.*
 - xvi. *Tree 39 (Corymbia citriodora)– 5.2 metre radius from the centre of the tree base.*
 - xvii. *Tree 40 (Eucalyptus leucoxylon 'Rosea')– 2.0 metre radius from the centre of the tree base.*
 - xviii. *Tree 41 (Melaleuca styphelioides)– 2.0 metre radius from the centre of the tree base.*
 - xix. *Tree 42 (Callistemon salignus)– 3.5 metre radius from the centre of the tree base.*
 - xx. *Tree 43 (Melaleuca styphelioides)– 2.3 metre radius from the centre of the tree base.*
 - xxi. *Tree 44 (Melaleuca armillaris)– 3.2 metre radius from the centre of the tree base.*

9.1.4
(cont)

- b) Tree Protection Zone measures are to be established in accordance with Australian Standard 4970-2009 and are to include the following:**
 - i. Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres in height held in place with concrete feet.**
 - ii. Signage placed around the outer edge of perimeter the fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.**
 - iii. Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary provide watering/irrigation within the TPZ, prior and during any works performed.**
 - iv. No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.**
 - v. All supports and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.**
 - vi. No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.**
 - vii. Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.**
 - viii. Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorized person only during approved construction within the TPZ, and must be restored in accordance with the above requirements at all other times.**
- 7. During construction of any buildings, or during other works for any stage, the following tree protection requirements are to be adhered to, to the satisfaction of the Responsible Authority:**
 - a) A project arborist must be appointed by the applicant or builder. Project arborist qualifications must read 'Arboriculture' for example 'Diploma in Horticulture (Arboriculture)'. The project arborist must have a minimum Diploma qualification in arboriculture to be appointed as the project arborist.**
 - b) The Project Arborist must supervise all approved works within the TPZs of Trees 2, 3, 4, 5, 6, 9, 10, 27, 28, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43 and 44. The project Arborist must ensure that all buildings and works (including site demolition) within the TPZs of the trees do not adversely impact their health or stability now or into the future.**
 - c) The Project Arborist must ensure that all buildings and works for the demolition of the site and construction of the development (as shown on the endorsed plans) must not alter the existing ground level or topography of the land within greater than 10% of the TPZs of Trees 2, 3, 4, 5, 6, 9, 10, 27, 28, 34, 35, 36, 37, 39, 40, 41, 42, 43 and 44.**
 - d) For Trees 2, 3, 4, 5, 6, 9, 10, 27, 28, 34, 35, 36, 37, 39, 40, 41, 42, 43 and 44 no roots greater than 40mm in diameter are to be cut or damaged during any part of the construction process.**
 - e) The Paved Path where within the TPZs of Trees 23 and 26 must be constructed above the existing soil grade using porous materials that allows water to penetrate through the surface and into the soil profile. There must be no grade change within greater than 10% of the TPZs and no roots greater than 40mm in diameter are to be cut or damaged during any part of the construction process.**

9.1.4
(cont)

- f) Any root severance within the TPZ of Tree 38 must be approved and undertaken by the Project Arborist using clean, sharp and sterilised tree root pruning equipment. The Project Arborist must ensure that any root pruning does not adversely impact the health or stability of Tree 38 now or into the future.*
 - g) The project arborist and builder must ensure that TPZ Fencing Conditions are being adhered to throughout the entire building process, including site demolition, levelling and landscape works.*
 - h) Any tree pruning is to conform to AS4373-2007 Pruning of Amenity Trees and the work is to be performed by a suitably qualified arborist (AQF Level 3, minimum).*
- 8. The existing street trees must not be removed or damaged except with the written consent of the Responsible Authority (refer Permit Notes).**

Building Services and Amenity

- 9. 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 must comply with the provisions of the Environment Protection Act 1970 (as amended) and the policies of the Environment Protection Authority.**
- 10. 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, aerials, satellite dishes, air-conditioners, equipment, flues, all exhausts including car parking and communication equipment must include appropriate screening measures to the satisfaction of the Responsible Authority.**
- 11. Any 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.**
- 12. 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*
 - e) In any other way.*

Lighting Strategy

- 13. Prior to the commencement of the development for any stage, a Lighting Strategy must be prepared to the satisfaction of the Responsible Authority. The Lighting Strategy must provide details of lighting of the internal roadways, car parks and pedestrian paths, and must be prepared in accordance with the Safety By Design Guidelines and the relevant Australian Standards, and utilise energy efficient fittings, to the satisfaction of the Responsible Authority.**
- All external lights must ensure no unreasonable nuisance or lighting spill is caused to adjoining or nearby residents, and details of measures to prevent lighting spill must be provided in the Strategy.**

9.1.4
(cont)

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

Car Parking and Access

14. *A minimum of 33 car parking spaces must be provided on the site.*
15. *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.*
16. *Prior to the commencement of buildings or works on the land for any stage, a Parking and Access Management Plan, detailing how car and bicycle parking areas and accessways will be allocated and managed, must be submitted to and approved by Council.*

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

- a) *Details of how access to visitor car spaces in the basement will be achieved by visitors and delivery/waste vehicles (i.e. if an intercom is required) and how parking will be secured.*
- b) *Details of signage and/or alternate measures to be utilised to deter resident/visitor parking within the loading area.*
- c) *The six tandem car spaces to be allocated to staff.*
- d) *Signing of car and bicycle parking spaces.*
- e) *Location and face of bicycle parking signs in accordance with Clause 52.34-5*
- f) *Line marking of parking spaces and accessways.*
- g) *Management of conflict between the waste collection area and access to adjacent car spaces.*
- h) *The loading and unloading of goods from vehicles must only be carried out within the boundaries of the site.*
- i) *Take into consideration the proposed staging of the development.*

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

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

Sustainability Management Plan

17. *Prior to the commencement of any building or demolition works, an amended Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority. The SMP must be generally in accordance with the SMP submitted with this application but amended to include the following:*
 - a) *A complete, 'Published' BESS Report, with an acceptable overall score that exceeds 50% and exceed the 'pass' marks in the categories of Water, Energy Stormwater and Indoor Environment Quality (IEQ) or that is otherwise to the satisfaction of the Responsible Authority.*
 - b) *An Integrated Water Management Assessment addressing stormwater quality performance in addition to ensuring that the Responsible Authority's collective integrated water management expectations and requirements pursuant to Clauses 34 and 44 of the State Environment Protection Policy (Waters) are satisfied.*
 - c) *Appropriate access indicated to maintain and service integrated water management systems demonstrated on Development Plans.*

9.1.4
(cont)

- d) An annotation on Development Plans indicating the capacity of the rainwater tanks and that the capacities stated are allocated exclusively for reuse/retention purposes and excludes any volume allocated for detention.*
- e) The amount of toilet and laundry services, as well as, irrigation areas that the rainwater tanks will facilitate annotated on Development Plans.*
- f) Water efficient fixtures and fittings include minimum 5 star WELS taps, 4 star WELS toilet and 3 star WELS showerheads (≤ 7.5 L/min).*
- g) Daylight modelling assessment to the satisfaction of the Responsible Authority.*
- h) Natural ventilation with all operable windows, doors, terrace openings and vents provided in elevation drawings.*
- i) Thermal comfort demonstrated through preliminary NatHERS Energy Efficiency Assessments for 10% of the total amount of accommodation rooms and 20% of the total amount of apartment units within the development. The assessment, as a whole, must ensure that thermally unique dwellings have been modelled, representative of an equitable, average, performance for the development. Each dwelling must demonstrate that the development will achieve cooling loads ≤ 23 MJ/m²/annum.*
- j) A Preliminary BCA Section J or JV3 Energy Efficiency Assessment for the development indicating a 20% improvement in energy efficiency performance with respect to the development's reference/base case. The assessment is required to include indicative commitments towards thermal performance (i.e. R-values), artificial lighting and glazing (i.e. U- and SHGC- values) for non-residential areas undertaken in accordance with, as a minimum, the National Construction Code 2016 Building Code of Australia standards.*
- k) Energy efficient heating, cooling and hot water systems indicating the associated COP and EER values or energy efficiency star ratings.*
- l) Exterior building services equipment including any heating, cooling, ventilation, hot water and renewable energy systems on Development Plans.*
- m) Double glazing for all external windows.*
- n) Car park ventilation fitted with CO sensors.*
- o) Common, external, service and lift area lighting fitted with sensors or timers.*
- p) Common, service and lift area ventilation fitted with sensors or timers.*
- q) Shadows on elevation drawings demonstrating exterior shading through the use of shading devices and features to east, north and west facing windows greater than 1.5 square metres. Glazing must be sufficiently shaded between 11am to 3pm on 1 February to assist with mitigating peak energy demand. Otherwise, incorporate a sufficiently sized solar photovoltaic system.*
- r) The location of alternative transport facilities including employee and visitor secure bicycle spaces, electric vehicle infrastructure, showers, and changing facilities demonstrated on Development Plans.*
- s) A commitment to divert at least 70% of construction and demolition waste from landfill.*
- t) Timber species intended for use as decking or outdoor timber are not unsustainably harvested imported timbers (such as Merbau, Oregon, Western Red Cedar, Meranti, Luan, Teak etc.) and meet either Forest Stewardship Council or Australian Forestry Standard criteria with a commitment provided as an annotation on Development Plans.*

9.1.4
(cont)

- u) Where measures cannot be visually shown, include a notes table or 'ESD Schedule' on Development Plans providing details of the requirements (i.e. % energy efficiency improvement, energy and water efficiency ratings for heating/cooling, hot water and plumbing fittings and fixtures etc.).*

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

- 18. The requirements of the SMP 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 building, and for the duration of the building's operation in accordance with this Permit, to the satisfaction of the Responsible Authority.*

Waste Management Plan

- 19. Prior to the commencement of any building or demolition works for any stage, an amended Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority. The WMP must be generally in accordance with the WMP submitted with this application but amended to include the following:*

- a) Provision of adequate space for bulk/hard waste items. This can be located in a reconfigured waste bin store or located in a separately located room/storage area.*
- b) Collection hours to avoid visiting hours as far as practical without causing nuisance by way of noise to surrounding properties in order to avoid obstruction of disabled car space during potential periods of peak demand.*

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

- 20. Waste collection vehicles must enter and leave the developed site in a forward direction.*
- 21. Mobile Garbage Bin usage is to be shared by the occupiers of the development.*
- 22. The approved WMP will be the model for adoption in this development and the design & as-built aspects must account for what is approved in the WMP. Any revision of the WMP or changes to the approved waste system of the development requires Council approval.*
- 23. The requirements of the WMP must be implemented by the building manager, owners and occupiers of the site when constructing and fitting out the building, and for the duration of the building's operation in accordance with the endorsed WMP, to the satisfaction of the Responsible Authority.*

Asset Engineering

- 24. All stormwater drains and on-site detention systems are to be connected to the legal point of discharge to the satisfaction of the Responsible Authority prior to the occupation of the Stage One (1) building/s. The requirement for on-site detention will be noted on your stormwater point of discharge report, or it might be required as part of the civil plans approval.*
- 25. Detailed stormwater drainage and/or civil design for the proposed development are to be prepared by a suitably qualified civil engineer and submitted to the Responsible Authority for approval prior to occupation of each stage of the development. Plans and calculations are to be submitted with the application with all levels to Australian Height Datum (AHD). All documentation is to be signed by the qualified civil engineer.*
- 26. Stormwater that could adversely affect any adjacent land must not be discharged from the subject site onto the surface of the adjacent land.*

9.1.4
(cont)

- 27. Prior to works commencing for any stage the Applicant/Owner is to submit design plans for all proposed engineering works external to the site. The plans are to be submitted as separate engineering drawings for assessment by the Responsible Authority.**
- 28. The Applicant/Owner is responsible to pay for all costs associated with reinstatement and/or alterations to Council or other Public Authority assets as a result of the development. The Applicant/Owner is responsible to obtain all relevant permits and consents from Council at least 7 days prior to the commencement of any works on the land and is to obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets. Adequate protection is to be provided to Council's infrastructure prior to works commencing and during the construction process.**
- 29. The qualified civil engineer when undertaking civil design must ensure that the landscape plan/s and drainage plan/s are compatible. The stormwater drainage and on site detention system must be located outside the tree protection zone (TPZ) of any trees to be retained.**
- 30. Macerator pumps are to be utilised to ensure that waste from the development does not block the sewerage system.**

Construction Management Plan

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

The Construction Management Plan must be prepared and managed by a suitably qualified person who is experienced in preparing Construction Management Plans in accordance with the City of Whitehorse Construction Management Plan Guidelines.

When approved the Construction Management Plan will form part of this permit and must be complied with, to the satisfaction of the Responsible Authority. 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.

Expiry

- 32. This permit will expire if one of the following circumstances applies:**
 - a) The development of Stage One (1) is not commenced within two (2) years from the date of issue of this permit;**
 - b) The development of Stage Two (2) is not commenced within three (3) years from the date of issue of this permit; and**
 - c) The development is not completed within five (5) years from the date of this permit.**

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

Permit Notes:

- A. The following documents are required to be endorsed in association with the plans for this permit:**
 - Landscape Plan in accordance with Condition 3.**
 - Landscape Maintenance Plan in accordance with Condition 5.**
 - Lighting Strategy in accordance with Condition 13.**
 - Parking Management Plan in accordance with Condition 16.**

9.1.4 (cont)

- *Amended Sustainable Design Assessment in accordance with Condition 17.*
- *Amended Waste Management Plan in accordance with Condition 19.*
- *Construction Management Plan in accordance with Condition 31.*

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

Street Tree

C. The easternmost street tree (Tree 1 - *Quercus coccinea*) may be removed and replaced by Council subject to the payment of the Amenity Value of this tree to Council's Parkswide department. All works for removal of the street tree and any re-planting must be undertaken by Parkswide. Please contact Parkswide on 9262 6289 to arrange for a tax invoice to be sent. Tree removal by Council can be co-ordinated promptly following payment.

Waste Engineering

- D. Waste collections for this development are to be completed internally by Private waste collection contractor.**
- E. Council issued bins will not be required for this development.**
- F. All aspects of the waste management system including the transfer on bins for collection is to be the responsibility of the occupiers, caretaker, manager and/or the body corporate – not the collection contractor**

Asset Engineering:

- G. The design and construction of the stormwater drainage system up to the point of discharge from an allotment is to be approved by the appointed Building Surveyor. That includes the design and construction of any required stormwater on-site detention system. The Applicant/Owner is to submit certification of the design of any required on-site detention system from a registered consulting engineer (who is listed on the Engineers Australia National Professional Engineer Register or approved equivalent) to Council as part of the civil plans approval process.**
- H. The requirement for on- site detention will be noted on your stormwater point of discharge report, or it might be required as part of the civil plans approval.**
- I. All proposed changes to the vehicle crossing are to be constructed in accordance with the submitted details, Whitehorse Council's – Vehicle Crossing General Specifications and standard drawings**
- J. Report and consent – Any proposed building over the easement is to be approved by the Responsible Authority prior to approval of the building permit. If Report and Consent contradicts with the Planning Permit, amendment of the Planning Permit might be required.**
- K. The Applicant/Owner is to accurately survey and identify on the design plans all assets in public land that may be impacted by the proposed development. The assets may include all public authority services (i.e. gas, water, sewer, electricity, telephone, traffic signals etc.) and the location of street trees or vegetation. If any changes are proposed to these assets then the evidence of the approval is to be submitted to Council and all works are to be funded by the Applicant/Owner. This includes any modifications to the road reserve, including footpath, naturestrip and kerb and channel.**
- L. There is to be no change to the levels of the public land, including the road reserve or other Council property as a result of the development, without the prior approval of Council. All requirements for access for all-abilities (Disability Discrimination Access) are to be resolved within the site and not in public land.**

9.1.4

(cont)

- M. No fire hydrants that are servicing the property are to be placed in the road reserve, outside the property boundary, without the approval of the Relevant Authority. If approval obtained, the property owner is required to enter into a S173 Agreement with Council that requires the property owner to maintain the fire hydrant"**
- N. Redundant vehicle crossing(s) must be removed at the same time as the construction of any new vehicle crossing(s), prior to the completion of development works and where access to a property has been altered by changes to the property.**
- O. The architect and/or designer must ensure that vehicle access is to conform to the Australian Standards for Off-Street Parking (AS/NZS 2890.1:2004)**
- P. Planning Permit is required for works near significant trees. Please contact Council Planning Department on 9262 6303 for information.**

Health

- Q. The proprietor is required to register the kitchen under the Food Act 1984, and detailed plans must be submitted to Council's Health Department for assessment.**
- C Has formed this position having particular regard to the requirements of Sections 58 and 60 of the Planning and Environment Act 1987.**

CARRIED

A Division was called.

Division

For	Against
Cr Barker	Cr Carr
Cr Bennett	
Cr Cutts	
Cr Davenport	
Cr Ellis	
Cr Liu	
Cr Massoud	
Cr Munroe	
Cr Stennett	


On the results of the Division the motion was declared CARRIED

9.1.4 (cont)

MELWAYS REFERENCE 47 B6

Applicant:	MECWA
Zoning:	General Residential Zone Schedule 4
Overlays:	Vegetation Protection Overlay, Schedule 3 (VPO3) Significant Landscape Overlay, Schedule 9 (SLO9)
Relevant Clauses:	
Clause 11	Settlement
Clause 12	Environment and Landscape Values
Clause 15	Built Environment and Heritage
Clause 16	Housing
Clause 19	Infrastructure
Clause 21.05	Environment
Clause 21.06	Housing
Clause 22.03	Residential Development
Clause 22.04	Tree Conservation
Clause 22.01	Heritage Buildings and Precincts
Clause 32.09	Residential Zone Schedule 4
Clause 42.02	Vegetation Protection Overlay, Schedule 3
Clause 42.03	Significant Landscape Overlay, Schedule 9
Clause 52.06	Car Parking
Clause 53.17	Residential Aged Care Facility
Clause 65	Decision Guidelines
Ward:	Elgar



		Subject site		13 Objector Properties for 15 objections (3 outside of map)	 North
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9.1.4 (cont)

BACKGROUND

History

Several Planning Permits were issued to this site between 1974 and 1982, establishing the use as an aged care facility.

The Site and Surrounds

The subject site is located on the south side of Strabane Avenue, 50 metres west of the intersection with Box Hill Crescent. The site comprises five lots, with a total site frontage of 94.48 metres to the north, with a maximum depth of 60.96 metres and a site area of 5767.5m². The site has a slope of approximately 7 metres from the west side of the site down to the east side of the site. A 2.44 metre wide drainage easement is located along the rear (southern) boundary of all five lots.

The site currently contains a predominantly single story brick and concrete building utilised as the Mecwacare Simon Price Centre Aged Care Facility, which comprises 53 lodging rooms. The building is sited adjacent to the western boundary with a 20 space car park located to the east of the site behind a landscaped garden. A circular driveway traverses the site frontage, served by two crossovers, and an additional single width vehicle crossover serves a short accessway adjacent to the western boundary. There is a traffic calming speed hump within Strabane Avenue to the north of the site. Five Council street trees (Tree 1 to 5) are located within the road verge.

The arborist report submitted with the application and prepared by Tree Logic provides an assessment of 46 trees and 30 of these trees are located on the subject site. A table summarising the affected trees on the subject site and adjacent lots is included under the Planning Controls heading below.

The immediately adjacent properties are as follows:

- To the north across Strabane Avenue there are five detached brick and render dwellings with a mix of single and double storey forms, hipped and pitched tile roofs with a consistent front setback of 9-10 metres.
- The site adjacent to the east is vacant. Planning Permit WH/2014/801 was issued for construction of three double storey dwellings on this site in 2015. There are no trees within this site. A site visit has determined construction has not commenced.
- To the south there are seven (including two partial) adjacent lots including detached and semi-detached dwellings abutting the common boundary as follows:
 - 28 Hawkins Avenue – part abuttal – multi storey brick and render dwelling with north facing habitable room windows, setback 9.3 metres from the boundary.
 - 26 Hawkins Avenue – single storey brick dwelling, north facing habitable room windows setback a minimum of 4.1 metres from the boundary. Trees 34, 35 and 36 are located within this site.
 - 24A Hawkins Avenue – semi-detached – multi storey brick and render dwelling, north facing habitable room windows setback 5.29 metres from the common boundary
 - 24 Hawkins Avenue – semi-detached – multi storey brick and render dwelling, with north facing habitable room windows setback 5.29 metres from the subject site. Tree 28 is located within this site.
 - 22 Hawkins Avenue – multi storey brick and render dwelling, north facing habitable room windows setback 5.01 metres from the boundary. The arboricultural assessment identifies Tree 27 within this site
 - 20 Hawkins Avenue – single storey brick dwelling with a northern façade set back 9.35 metres from the boundary.

9.1.4 (cont)

- 18 Hawkins Avenue – part abuttal – single storey brick dwelling, northern façade 9.97 metres from the boundary.
- There are parking restrictions in place on one side of Hawkins Avenue.
- The adjacent lot to the west accommodates St Joseph's Hall (which is protected by Heritage Overlay 263). This is a Council owned community facility and the U3A is a primary tenant of this building during the week, with other community groups using the hall on weekends. Trees 37, and 39-43 are located within this site.

Further to the east, Strabane Heights Retirement Village at 5-9 Strabane Avenue is a contemporary three storey building clad with render and brick, and Strabane Gardens Supportive Care for the Elderly at 1-3 Strabane Avenue is a two storey 1980s era brown brick building.

Within the wider area, the subject site is located within a Garden Suburban residential precinct, which supports predominantly single and double storey detached dwellings, including some infill medium density development.

The site is located 1.4 kilometres north-west of Box Hill Train Station, 950 metres north of Tram Route 109 and 1.3 kilometres south of the Eastern Freeway. There are a number of public open spaces within walking distance of the site, which is 350 metres south east of Gawler Chain, 165 metres north east of Mont Albert Reserve, 70 metres east of Ashmole Reserve and 185 metres west of Box Hill Cr Reserve.

Planning Controls

The proposal triggers the need for a Planning Permit under the following clauses of the Whitehorse Planning Scheme:

General Residential Zone Schedule 4

Pursuant to Clause 32.08-8 a permit is required to construct a building or construct or carry out works for a residential aged care facility. A development must meet the requirements of Clause 53.17 Residential Aged Care Facility.

The Garden Area requirement is not applicable to this development as a Residential Aged Care Facility is not nested within the Residential Building definition at Clause 73.04-1.

Vegetation Protection Overlay Schedule 3

In accordance with Clause 42.02-2 of the Vegetation Protection Overlay 3 (VPO3), a permit is required to remove, destroy or lop vegetation included in Incorporated Document No. 11 - *City of Whitehorse - Statements of Tree Significance, 2006*.

Two trees on the subject site located adjacent to the northern (front) boundary are protected by the VPO3: Tree 6 (17 metre high *Corymbia citriodora*) and Tree 9 (19 metre high *Eucalyptus camaldulensis*). Refer to the table below for a summary of tree impacts.

9.1.4 (cont)

Significant Landscape Overlay Schedule 9

Pursuant to Clause 42.03-2 a Planning Permit is required for the removal or lopping of protected trees and/or for works within 4 metres of protected trees. The proposed impacts to protected trees are summarised in the table below:

Tree No.	Species and Common Name	Height	Condition	Permit Trigger
6	<i>Corymbia citriodora</i> Lemon Scented Gum	17m	Mature tree with fair health and structure	VPO3 & SLO9 Crown uplift (lopping) required to clear the proposed building. Works within 4m (removal of the existing accessway, front fence and landscaping)
8	<i>Acacia Sp</i> Wattle	6m	Over mature tree with fair-poor structure	SLO9 Removal
9	<i>Eucalyptus Camaldulensis</i> River Red Gum	19m	Mature tree with fair health and structure	VPO3 & SLO9 Works within 4m (removal of existing accessway)
10	<i>Corymbia citriodora</i> Lemon Scented Gum	16m	Mature tree with fair health and structure	SLO9 Works within 4m (removal of the existing accessway, and landscaping)
11	<i>Pittosporum undulatum</i> Sweet Pittosporum	6m	Weed species	SLO9 Removal
12	<i>Melaleuca styphelioides</i> Prickly-leaved Paperbark	5m	Mature tree with multiple stems	SLO9 Removal
14	<i>Eucalyptus elata</i> River Peppermint	8m	Multiple stems and asymmetrical form	SLO9 Removal
15	<i>Eucalyptus leucoxydon</i> 'Rosea' Pink-flowered Yellow Gum	8m	Fair health with a slightly asymmetrical form	SLO9 Removal
16	<i>Eucalyptus elata</i> River Peppermint	14m	Poor structure, including a cavity at the base of the southern and western leader branches	SLO9 Removal
17	<i>Pittosporum undulatum</i> Sweet Pittosporum	6m	Weed species	SLO9 Removal

9.1.4
(cont)

Tree No.	Species and Common Name	Height	Condition	Permit Trigger
18	<i>Eucalyptus leucoxylon</i> 'Rosea' Pink-flowered Yellow Gum	10m	Fair-poor structure. The eastern leader branch has been removed	SLO9 Removal
19	<i>Eucalyptus leucoxylon</i> 'Rosea' Pink-flowered Yellow Gum	10m	Mature tree with fair-poor structure.	SLO9 Removal
20	<i>Grevillea robusta</i> Silky Oak	12m	Mature tree with fair-poor structure.	SLO9 Removal
22	<i>Eucalyptus cladocalyx</i> 'Nana' Bushy Sugar Gum	8m	Basal wound to the trunk and a fair-poor structure	SLO9 Removal
24	<i>Acacia mearnsii</i> Late Black Wattle	11m	Over-mature and in decline	SLO9 Removal
25	<i>Acacia mearnsii</i> Late Black Wattle	10m	Fair-poor structure and galls present throughout the crown	SLO9 Removal
26	<i>Corymbia citriodora</i> Lemon-scented Gum	16m	Moderate rating. Minor deadwood present	SLO9 Works within 4m (pathway and landscaping)
29	<i>Eucalyptus cladocalyx</i> 'Nana' Bushy Sugar Gum	8m	Poor structure, with a basal cavity	SLO9 Removal
30	<i>Melaleuca linariifolia</i> Snow in Summer	6m	Fair-poor structure and Moderate rating	SLO9 Removal
31	<i>Melaleuca styphelioides</i> Prickly-leaved Paperbark	5m	Fair-poor structure	SLO9 Removal
32	<i>Melaleuca linariifolia</i> Snow in Summer	5m	Central leader branch has been removed	SLO9 Removal
35	<i>Pittosporum undulatum</i> Sweet Pittosporum	5m	Weed species	SLO9 Works within 4m (pathway)
38	<i>Fraxinus angustifolia</i> Narrow-leaved Ash	9m	Fair structure and Moderate rating	SLO9 Works within 4m (pathway and terrace)
39	<i>Corymbia citriodora</i> Lemon-scented Gum	12m	Mature tree with fair structure. Included bark in primary union. Moderate rating.	SLO9 Works within 4m (pathway and landscaping)

9.1.4
(cont)

Tree No.	Species and Common Name	Height	Condition	Permit Trigger
40	<i>Eucalyptus leucoxylon</i> 'Rosea' Pink-flowered Yellow Gum	5m	Asymmetric form with fair-poor structure.	SLO9 Works within 4m (pathway)
42	<i>Callistemon salignus</i> Willow Bottlebrush	5m	Mature tree with fair-poor structure	SLO9 Works within 4m (pathway and landscaping)
43	<i>Melaleuca styphelioides</i> Prickly-leaved Paperbark	6m	Semi-mature tree with fair-poor structure	SLO9 Works within 4m (pathway and landscaping)
44	<i>Melaleuca armillaris</i> Bracelet Honey-myrtle	5m	Fair-poor structure, with a crown bias to the north-east and a branch tear out at base	SLO9 Works within 4m (pathway and landscaping)
Tree No.	Species and Common Name	Height	Condition	Permit Trigger
45	<i>Melaleuca armillaris</i> Bracelet Honey-myrtle	5m	Sparse crown	SLO9 Removal

Historic aerial photography shows that the subject land was cleared of trees in 1960, and it appears that all of the trees on site have been planted. As such, Clause 52.17 Native Vegetation controls do not apply.

9.1.4

(cont)

PROPOSAL

The application proposes buildings and works for the staged redevelopment and extension of the existing residential aged care facility and associated tree removal and lopping.

It is proposed to redevelop the entire site in stages, to increase the number of beds from 53 to 100 beds, within a 3-5 storey building. The proposed building is arranged in a figure-eight shape, containing two internal courtyard gardens at the ground level. The car parking on site is proposed to increase from 19 to 33 car spaces.

Demolition of the eastern portion of the existing facility has already occurred, and works have been undertaken to shore up the remaining buildings to the west of the site. A Planning Permit was not required for demolition or excavation, and Council Officers have confirmed that the works undertaken to date did not require planning approval.

The proposed aged care facility redevelopment is summarised as follows:

- Lower Ground Level (partial basement) comprising:
 - 33 car spaces comprising 27 visitor spaces in the basement and six staff spaces in a tandem arrangement at the south-east corner of the lot, all accessed via a new crossover to Strabane Avenue and a driveway along the east site boundary.
 - Access is provided to the basement via two roller doors, allowing a circular path of travel for waste and delivery trucks.
 - 25,000 litre detention tank
 - Kitchen
 - Laundry room
 - Waste storage and waste truck loading area
 - Maintenance room
 - Bicycle parking for 8 bicycles
 - A substation is located on the site frontage near the north-west corner of the site.
- Ground Floor:
 - Porte cochère to main entrance doors and lobby, serving a semi-circular accessway utilising two new vehicle crossovers to Strabane Avenue.
 - Reception, staff offices and meeting room
 - 35 lodging rooms with private balconies
 - Resident facilities, including theatre, gym, café, hairdresser
 - Consulting suite
 - Lounge
 - Internal courtyard gardens
- First Floor:
 - 43 lodging rooms with private balconies
 - Club lounge
 - Lounge
 - Dining area
 - Private dining room
 - Internal gardens

9.1.4 (cont)

- Second Floor:
 - 22 lodging rooms that include separate living rooms and private balconies
 - Dining area with sitting rooms with internal terraces
 - Internal terraces
- Roof :
 - Staff room and lockers
 - Storage room
 - Services room
 - Archive room
- The front façade of the building is approximately 80 metres long, becoming higher from west to east relative to the ground. The façade at ground floor and lower ground floor levels is face brick. The brickwork extends to the first floor around the windows. The façade at first floor is predominantly a rendered finish. The top floor is clad with medium grey Colorbond. Balcony balustrades are either toughened frosted glass or white render.
- The maximum height is 15.2 metres above natural ground level at the eastern end, with the maximum building height towards the western end 10.6 metres, owing to the slope of the land.
- The building site coverage is 54.76%.
- 31.3% of the site will remain permeable.
- 1.5 metre high steel picket front fencing is proposed:
 - Around the substation setback 2.95 metres from the front boundary towards the eastern end of the frontage, and
 - On the front boundary for a length of 17 metres at the north-west corner of the lot.
- The trees to be removed are:
 - Protected Trees 8, 11, 12, 14-20, 22, 24, 25, 29-32 and 45 (total of 18 trees).
 - Trees not protected by the SLO9 or VPO3: Trees 1 (street tree), 7, 13, 21, 33 and 46 (total of six trees).
- The trees on the subject site to be retained are:
 - SLO9 protected Trees 6 (VPO3), 9 (VPO3), 10, 23, 26 and 38 (total of six trees).

Construction is proposed in two stages as follows:

- Stage 1 (east of the existing building) will comprise 85 lodging rooms comprising 45 existing and 40 new lodging rooms comprising:
 - Basement – 33 car spaces; kitchen and laundry
 - Ground Floor – 16 lodging rooms
 - First Floor – 16 lodging rooms
 - Second Floor – 8 lodging rooms
- Stage 2 (west above the existing building) will complete the proposed 100 lodging rooms including the 40 lodging rooms constructed in Stage 1 and 60 new lodging rooms comprising:
 - Ground Floor – 19 lodging rooms
 - First Floor – 27 lodging rooms
 - Second Floor – 14 lodging rooms

9.1.4

(cont)

CONSULTATION

Public Notice

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting one large notice to the Strabane Avenue frontage. Following the advertising period 15 objections (from 13 properties) were received.

The issues raised are summarised as follows:

- **Amenity impacts:**
 - Overlooking and loss of privacy from facing windows and decks
 - Behaviour of dementia patients
 - Overshadowing of surrounding residential lots and solar panels on adjacent dwellings
 - Loss of views
 - Noise from plant equipment, waste collection, deliveries, visitors, staff and dementia patients
 - Light spill from both internal and security lighting to adjoining residential lots.
 - Potential to attract vermin
- **Neighbourhood Character:**
 - Building bulk and form (3-4 storeys high and 75 metres long) is out of keeping with surrounding residential area.
- **Car parking and traffic:**
 - Insufficient on-site parking proposed for staff and visitors
 - Traffic and on-street parking levels on Strabane Avenue are already very high.
 - The traffic report does not provide sufficient parking survey data or include documentation for the existing or proposed staff numbers, working hours or deliveries
 - The accessway for delivery vehicles is difficult for large trucks to manoeuvre.
- **Landscaping:**
 - Tree removal and loss of landscape character and habitat.
 - Plantings on the embankment beside U3A are difficult to maintain
- **Internal amenity**
 - A high number of south facing resident rooms will not provide any solar access
 - West facing rooms and balconies should be provided with sun protection.
- **Discrepancies on plans:**
 - Discrepancies between plans and Waste, Planning and Traffic Reports
- **Non-planning matters:**
 - Construction worker parking and noise impacts
 - Impact on surrounding property values
 - Increased load on utilities infrastructure
 - Increased runoff to surrounding residential lots

9.1.4

(cont)

Consultation Forum

A Consultation Forum was held on 18 February, 2020. Eight objectors, three representatives for the applicant and the Planning Officer attended the meeting, which was chaired by Councillor Barker. The Forum included discussion of the objectors' concerns, expanding on the objections received. Additional concerns raised by objectors included:

- Strabane Gardens to the east is not currently occupied, and will likely contribute to on-street parking demand in the future.
- One objector had commissioned shadow diagrams showing the extent of overshadowing at June 22 (Winter Solstice), and these were displayed at the Forum. These are discussed further in the Amenity section below. Objectors considered that the proposed extent of Winter overshadowing is excessive.
- The proposed Waste Management Plan lists the EPA requirements, rather than indicating compliance with these guidelines.
- The objector at No, 20 Hawkins Avenue indicated that solar panels were installed on this dwelling after the site survey had been undertaken, but prior to the lodgement of this Planning Permit application, and raised concern with the overshadowing impacts to these panels.
- A representative of the U3A indicated a preference for the steep, landscaped interface between the subject site and St Joseph's Hall to the west to be heavily landscaped and fenced for safety and to soften the visual impact of the proposed built form.
- It was acknowledged that the on-street parking in the vicinity is in high demand from St Joseph's Hall users, and nearby hospital, TAFE, and the subject site.
- Objectors were concerned that the submitted Traffic Report does not cover off on delivery vehicles, waste trucks and ambulances.
- Concern regarding the location and construction of the proposed rain garden at the south-east corner of the site, and the potential for flooding of adjoining lots should the overflow system fail.

The applicant provided the following advice:

- The ratio of car spaces to lodging rooms is less for the proposal than the existing conditions as there are economies of scale associated with increased beds- for example, additional administration staff may not be required for the extended facility.
- The evergreen trees (*Banksia marginata*) proposed within the landscape strip along the eastern boundary beside the vehicle accessway are suitable for this constrained location.
- Residents at all levels of the proposed building will have access to fresh air without having to leave the proposed facility, with the use of internal courtyards and terraces.
- The building is intended to accommodate a proportion of dementia patients, who will be accommodated on the lower levels in the first instance. Dementia patients will be allowed to traverse the continuous internal corridors and access the internal courtyards/terraces, but will be prevented from wandering through the use of electronic locking doors. It is anticipated that they would be barred from external balconies due to the hazard these present.
- Rooms with kitchenettes and separate living areas at the top floor are anticipated to accommodate residents who do not suffer from dementia. Married couples may also be accommodated.
- Paths around the external perimeter of the building will be used by some patients for accompanied walks.

9.1.4 (cont)

- The applicant (planning consultant) has advised the operator of the existing facility that the waste collections and deliveries occurring before 6am are in contravention of EPA requirements and must cease.
- The applicant acknowledged discrepancies between the submitted plans, Waste Management Plan and Traffic Report, and confirmed that waste is proposed to be collected from within the basement at the designated loading bay.
- The applicant has designed the basement layout to allow waste and delivery vehicles to travel in a forwards direction throughout, to limit the use of reversing beepers.
- The noise of roller doors to basement will adhere to EPA Noise emission requirements.
- The architect advised that plant equipment has been centrally located on the roof and is largely screened by rooms and roof forms to provide additional acoustic buffering.
- In response to objectors' concerns regarding noise emissions from dementia patients, the applicant advised that the Sustainability Management Plan requires the utilisation of glazing with acoustic screening properties.
- The applicant acknowledged that the sewer serving the existing facility is in poor condition and has failed several times recently. The proposed building will utilise macerator pumps which will ensure that waste does not block the sewerage system. A condition will be included to this effect.
- Currently there are 30 existing residents, who will be accommodated throughout the construction process.

Referrals

External

Transport for Victoria

The Head, Transport for Victoria does not object to the proposal.

Internal

Engineering and Environmental Services Department

- Transport Engineer

Council's Transport Engineer has advised:

- The parking provision of 33 spaces exceeds the minimum requirement by 3 spaces.
- The traffic generated by the proposal can be accommodated within the surrounding road network, including service vehicles.
- The bicycle space provision is in excess of planning scheme requirements and layout is satisfactory.
- Sight lines, head clearance and aisle widths are satisfactory
- Waste collection not to take place during visiting hours so as to not obstruct disabled car space.

- Waste Engineer

The submitted Waste Management Plan is not satisfactory. The bin storage area requires adequate space for the storage of bulk and hard waste items. The space required for bulk/hard waste items can be located in a reconfigured waste bin store or located in a separately located room/storage area.

9.1.4 (cont)

- Assets Engineer

Council's Assets Engineer has advised:

- No trees are permitted to be planted within the easement.
- The rain garden is not permitted to be constructed within the easement.
- Standard conditions and notes must be included in the permit

Planning Arborist

Council's Planning Arborist has raised concerns regarding potential impacts the demolition works currently occurring may have on retained trees, and Council's Planning Enforcement Officers have raised this with the site operator.

There is no objection to the proposed removal of Trees 8, 11, 12, 14-20, 22, 24, 25, 29-32 and 45. Some are weed species and others are poor in health and/or structure.

The proposed buildings and works encroachments into the TPZs of retained trees on the subject site and adjoining lots can be supported, subject to tree protection and management condition requirements.

Parkswide Arborist

Tree 1 is a semi-mature *Quercus coccinea* (Scarlet oak) located on the nature strip outside the subject site. This tree must be removed due to the location of the proposed crossover. This tree can be removed after the applicant has paid for the full cost of removal (Amenity Value).

Trees 2-5 are all *Quercus coccinea* (Scarlet oak) of various age and size. The demolition and development of this site is outside the trees' TPZ and is not expected to impact on tree health and longevity.

ESD Advisor

The submitted Sustainability Management Plan does not meet Council's Environmentally Sustainable Design standards for a development of this scale, and conditions will require the submission of an amended and compliant Sustainability Management Plan.

Urban Design

Council's Urban Designer is broadly supportive of the proposed built form and layout. Urban Design comments are included within the discussion below.

Heritage Advisor

Council's Heritage Advisor has provided the following comments:

- The subject site is adjacent to HO263, the former St Joseph's Chapel at 27 Strabane Avenue, which is also included on the Victorian Heritage Register (H2351).
- The provisions of Cl.22.01 of the Whitehorse planning Schemes apply to development on properties adjacent to properties in a heritage overlay that require a Planning Permit.
- The proposed development maintains a similar front setback and side setback at the western end of the lot as the existing building.
- The lowest level of the proposed development is to be set at a similar level as the existing, i.e. well below the ground level of the heritage property at 27 Strabane Avenue. The roof of the 3rd level will be a similar height as the highest point of the former St Joseph's Chapel. The significant eucalypt (Tree 6) in the front setback at the west end of the subject lot is to be retained, and the existing trees on the eastern boundary of 27 Strabane Ave are to be protected.

9.1.4

(cont)

- Notwithstanding the scale of the new proposal, due to the retention of the existing front and side setbacks and the height of the proposed building relative to the former St Joseph's Chapel, the proposed building will not have a direct impact on the former St Joseph's Chapel. The existing views to the entry ramp of the heritage building will continue to be screened by the existing mature boundary planting, while the western end of the new building will be sufficiently removed from the eastern side of the heritage building to retain the existing open setting of the latter.
- Concerns were raised however, with the nature and extent of the articulation of the street elevation relative to the domestic scale and built form of the vernacular architecture in Strabane Avenue from which the architect Peter Corrigan drew his design response for St Joseph's Chapel. While it is not practical for a building of this scale to respond directly to the local vernacular, a more respectful response to the streetscape would be desirable, particularly with respect to its relationship to the former Chapel of St Joseph.

Health

The size of the kitchen must be able to accommodate the number of residents. Any noise generated from the production in the kitchen (such as the canopy exhaust) should be minimal and not impacting on the neighbouring properties.

Landscape Advisor

Council's Landscape Advisor has recommended amendments to the submitted landscape plans, generally to improve the amenity and safety of outdoor spaces for residents. These will be discussed further in the Landscaping and Tree Impacts section below

DISCUSSION

Consistency with State and Local Planning Policies

Clause 21.06 Housing

This clause states that housing in the City of Whitehorse should provide for a wide range of household types, ages and cultural groups. The population is slightly older than the metropolitan average, indicating an ageing population.

Planning Policy for Residential Aged Care Facilities (Clause 16.01-7S)

The planning policy objective for residential aged care facilities is 'to facilitate the development of well-designed and appropriately located residential aged care facilities'.

In response to the policy, the proposal comprises staged development where the east of the building is proposed to be constructed as Stage 1 and the west of the building is proposed to be constructed as Stage 2. The purpose of the staging is to enable the construction of 40 rooms and then for an occupancy permit to be issued for the new building enabling the residents living in the existing facility to be moved into the new building prior to construction of Stage 2 in the location of the existing building.

If Stage 2 is not constructed, the failure of this construction must not inhibit the function of building constructed as Stage 1. The assessment conducted in Clause 53.17 considers the building as a whole; therefore it is important to establish that Stage 1 can function as its own facility. Stage 1 contains all the facilities which are vital for the function of the building such as the kitchen, roof plant, lifts, dining halls and basement car parking. Stage 2 contains facilities which are non-critical to the function of the building such as meeting rooms, secondary lounges, recreation and dining spaces, and commercial spaces such as hairdressers and cafes.

A staged development is necessary in order to enable existing residents to be accommodated during the redevelopment, with the submitted staging plan reflecting how this would occur; but that also the design is functional as in independent facility if, for some reason, the construction of Stage 2 is delayed.

9.1.4 (cont)

The General Residential Zone provisions anticipate different types of residential uses, and the new building is suitably located in line with the objectives of the planning policy and particular provisions to integrate aged care in residential areas. Whilst it is acknowledged that the new facility has a larger form than the adjacent St Joseph's Hall and surrounding dwellings, policy at Clause 16.01-7S indicates, not all appropriate residential uses will have the scale of the detached dwelling.

The proposed building does not seek to replicate the existing built form and provides a new and upgraded design which enhances the facility to be more aesthetically interesting. The colour palette with natural and pale colours seeks to reduce the visual impact of the structure as discussed below.

The development provides for a mix of housing for older people with different levels of mobility and appropriate access to care and support services by providing both higher care units at the lower levels and independent living apartments at the second floor with kitchenettes and private living areas within self-contained units. The subject site is included in the Principal Public Transport Network and located in close proximity to the Box Hill Metropolitan Activity Centre and within walking distance of buses that travel along Elgar Road.

As such, the proposal is considered to comply with the requirements of Clause 16.01-7S Residential Aged Care Facilities Policy.

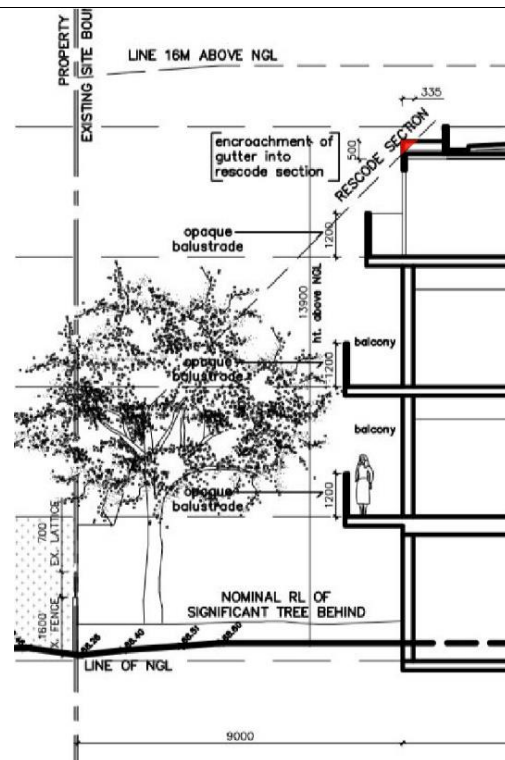
Design and Built Form

Clause 53.17 Residential Aged Care Facility

Clause 53.17 Residential Aged Care Facility provisions apply to applications for buildings and works for a residential aged care facility within the General Residential Zone, and this Clause prevails over any other provisions in the Planning Scheme which may be inconsistent. The Development Requirements include a broad range of design criteria set out in the table below:

9.1.4
(cont)

Design Criteria	Requirement (summary of provisions)	Proposal
Building Height	Maximum building height must not exceed 16 metres	Maximum height is 15.2 metres above natural ground level, at the south-east corner of the building. Complies
Street Setback	The same as the setback of the front wall on the adjacent lot or 9 metres, whichever is the lesser. As St Joseph's Hall is set back 12.26 metres from Strabane Avenue, a 9 metre front setback is required	Proposed front setback is 9 metres. Complies
Side and Rear Setbacks	Buildings not on the boundary should be set back from side or rear boundaries by 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. Some building elements may encroach into these setbacks.	The proposal is compliant with the side and rear setback requirements with the exception of a small area of the top corner of the south-east corner where the rear wall is set back 9.0m from the rear boundary, and rises 14.2m above the proposed ground level. The required setback at this point is 9.29 metres. Council's Urban Designer has provided the adjacent diagram showing the extent of non-compliance in red. This is a minor incursion, and a condition to address this issue is not required. Does not comply



9.1.4
(cont)

Design Criteria	Requirement (summary of provisions)	Proposal
Walls on Boundaries	A new wall constructed on a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary for a length of more than 10 metres plus 25% of the remaining length of the boundary of an adjoining lot. This can be extended where there are existing or simultaneously constructed walls or carports on an abutting lot.	There are no walls proposed on boundaries. Not applicable
Daylight to Existing Windows	Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot. Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window. Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.	The land to the east is vacant and St Joseph's Hall to the west is not a residential building. Therefore this standard pertains to the dwellings to the south only. The windows of dwellings to the south are all setback over 3.0 metres from the common boundary, therefore this standard is not applicable. Not applicable
North-facing Windows	If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window.	The proposed development complies for all north-facing habitable windows of adjacent dwellings on Hawkins Avenue, taking into account the varying building heights above NGL and the varied setbacks of the adjacent dwellings. Complies

9.1.4
(cont)

Design Criteria	Requirement (summary of provisions)	Proposal
Over-shadowing Open Space	<p>Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75%, or 40m² with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.</p> <p>If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</p>	<p>Due to the generous rear setback of 4.7 to 9 metres, the extent of overshadowing of residential lots to the south is generally contained within the boundary fence shadows between 9am and 3pm at the Equinox. This will be discussed further in the amenity section below.</p> <p>Complies</p>
Over-shadowing solar energy systems	<p>Buildings should be sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.</p>	<p>The objector at 20 Hawkins Avenue has advised that solar panels were installed on this dwelling prior to the lodgement of this Planning Permit application.</p> <p>The shadow diagrams for the Equinox show no overshadowing of the roof of this dwelling between 9am and 3pm.</p> <p>The Winter Solstice shadow diagrams provided by an objector show some shadowing of this dwelling (at the ground level), but given the height of the solar panels above the ground, it is anticipated that the solar panels will not be significantly overshadowed between 9am and 3pm at the Winter Solstice. This is considered to be satisfactory.</p> <p>Complies</p>

9.1.4
(cont)

Design Criteria	Requirement (summary of provisions)	Proposal
Over-looking	<p>A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.</p> <p>A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:</p> <ul style="list-style-type: none"> • Offset a minimum of 1.5 metres from the edge of one window to the edge of the other. • Have sill heights of at least 1.2 metres above floor level. • Have fixed, obscure glazing in any part of the window below 1.2 metres above floor level. • Have permanently fixed external screens to at least 1.2 metres above floor level and be no more than 25 per cent transparent. <p>Obscure glazing in any part of the window below 1.2 metres above floor level may be openable provided that there are no direct views as specified in this standard.</p>	<p>As the east is vacant and the land to the west is not residential, the overlooking standard is only applicable to the south facing façade facing to the adjacent Dwellings on Hawkins Avenue.</p> <p>Council's Urban Designer has provided diagrams demonstrating where proposed balconies are within 9 metres of adjacent secluded private open space areas (See Attachment).</p> <p>To comply with Cl. 53.17-3, these balconies should be screened to a minimum of 1.7 m above floor level, or set back at least 9 m from the rear boundary. (Note that a 1.2 m sill height only applies if the balcony is within 9m of an existing habitable room window.) A condition will give effect to this.</p> <p>Non-compliant, addressed by condition</p>
Noise Impacts	<p>Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings.</p>	<p>The plant equipment is centrally located on the roof and will be further screened by the building and roof forms.</p> <p>Complies</p>

9.1.4
(cont)

Design Criteria	Requirement (summary of provisions)	Proposal
Daylight to New Windows	<p>A window in a habitable room should be located to face:</p> <ul style="list-style-type: none"> • An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or • A verandah provided it is open for at least one third of its perimeter, or • A carport provided it has two or more open sides and is open for at least one third of its perimeter. 	<p>All units have an external interface or an interface to the internal light court with a minimum area of 3.0 square metres and minimum dimension of 1.0 metre clear to the sky.</p> <p>Complies</p>
Site Coverage	<p>The site area covered by buildings should not exceed 80 percent.</p>	<p>The site coverage proposed is 54.76%.</p> <p>Complies</p>
Access	<p>Access ways should be designed to:</p> <ul style="list-style-type: none"> • Provide direct access to on-site designated areas for car and bicycle parking. • Provide direct access to the building for emergency vehicles. • Provide access for service and delivery vehicles to on-site loading bays and storage areas. • Ensure vehicles can enter and exit a development in a forward direction. • Provide a carriageway width of at least 5.5 metres and an internal radius of at least 4 metres at a change of direction. • The number and location of access points from streets to the site and the design of crossovers must be to the requirements of the relevant road authority. • Shared access ways or car parks should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced by 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the access way. 	<p>A minimum 6 metre wide two-way accessway serving the car park and delivery areas is provided along the eastern boundary. Vehicles can follow a circular route, so that reversing movements are minimised and vehicles can enter and exit the site in a forwards direction.</p> <p>A semi-circular accessway serves the porte-cochere. The existing site has three vehicle crossovers and the proposal also has three crossovers, all of which are to be relocated. This is appropriate for a site of this scale.</p> <p>Habitable room windows and balconies beside the vehicle accessways are located at the upper levels.</p> <p>Complies</p>

9.1.4
(cont)

Design Criteria	Requirement (summary of provisions)	Proposal
Building Entry	<p>The main pedestrian entry to a building should:</p> <ul style="list-style-type: none"> • Have convenient access from a street. • Be sheltered from the weather. • Have convenient access from on-site car parking. • Have a designated vehicle standing area suitable for use by a community bus and a disabled parking area should be provided in an area that is convenient for the drop-off and pick-up of residents. 	<p>Pedestrian access to the front door is provided by the porte-cochere accessway. It is considered that pedestrians are likely to approach the front door obliquely, and the driveway provides for this.</p> <p>While a separate footpath would offer superior pedestrian access, access via the driveway is considered acceptable, noting that many visitors will drive to the site and utilise the lift access from the basement car park.</p> <p>Complies</p>
Communal Open Space	<p>Accessible and useable communal open space should be provided for residents and staff.</p>	<p>There are two large internal open space areas with facing terraces at all levels throughout the building that will be accessible by all residents. Residents who do not need to be confined (ie do not have dementia) will also have access to a circulation path around the south and west perimeter of the building.</p> <p>The layout and landscaping of the internal courtyards requires updating to improve accessibility and amenity, as recommended by Council's Landscape Advisor.</p> <p>Non-compliant, addressed by conditions</p>
Front Fence	<p>A front fence within 3 metres of a street should not exceed:</p> <ul style="list-style-type: none"> • 2 metres in height in streets in a Road Category 1; and • 1.5 metres in height on all other streets. 	<p>The frontage is partially fenced to the west of the circular driveway to a height of 1.5 metres, staggered with the topography of the land.</p> <p>Council's Urban Designer has commented that this fence should either be no higher than 1.2m, or set back behind the north-west corner of the building, to be more in</p>

9.1.4 (cont)

Design Criteria	Requirement (summary of provisions)	Proposal
		keeping with the existing and preferred Garden Suburban character of the area. Non- compliant, addressed by condition

The above table demonstrates that the development achieves a high level of compliance with Clause 53.17 Residential Aged Care Facilities.

Building Form, Layout and Presentation

Council's Urban Designer has acknowledged that the development is a large building with a correspondingly large visual bulk. The recessed top level helps to reduce the apparent bulk, as does the general articulation and the visually lighter top two levels. The medium grey Colorbond walls on the top level assists with making the upper level visually recessive and so reduce the apparent bulk.

The building is long compared to most buildings in the vicinity, and appears very horizontal. Council's Urban Designer considers the proposed architectural expression emphasizes the horizontal, with few elements breaking the continuous horizontality of the brickwork and the flat roof form, which should be compensated for by creating vertical elements in the façade and creating a more varied skyline, using the architectural expression to emphasise these elements. This will form a condition of approval, and it is considered that the additional detailing to the façade will address Council's Heritage Advisor's concerns regarding the responsiveness of the design to the surrounding streetscape.

Council's Urban Designer has also expressed concern regarding the balconies at the eastern façade, which are visually solid, with a rendered finish making them look like cubes pushed out from the building, presenting as a very prominent visual element on the east elevation. In response the use of less monolithic and less prominent balcony details is recommended. This will be achieved by requiring the balustrade material to be frosted glass, which will be consistent with other proposed balustrades on the building.

Subject to these conditions, Council's Urban Designer considers the visual bulk of the proposed development is acceptable.

The building is proposed to be clad with brown face brick, cream render, and grey Colorbond at the upper level. Brown brick and cream render are materials commonly used in the area, and Council's Urban Designer considers the building's external materials and colours complement the surrounding buildings and are acceptable on this site.

The main pedestrian entrance faces Strabane Avenue and is delineated by a thin canopy above the front door. The current proposal does not include signage to identify the facility, and this main entrance is difficult to identify. Council's Urban Designer has recommended that the main entrance is more prominently expressed architecturally. This could be achieved through a thicker canopy, or making the canopy a different colour, giving it a different shape, or adding vertical elements such as flagpoles. This will form a condition of approval.

9.1.4 (cont)

Clause 22.03 Residential Development

Despite the development of a large scale aged care facility being guided primarily by the specific provision in Clause 53.17, at a more localised level, this clause aims to ensure that any development is consistent with the envisaged built form, ensure that development contributes to the preferred neighbourhood character, protects vegetation, does not detract from the natural environment and ecological systems, and ensures that development meets the trend of increased population in the municipality. As such, there is still a need for the building to acknowledge its location within a residential area. The subject site is located within the Garden Suburban Precinct 8.

Within this Precinct, the preferred neighbourhood character is for well-articulated dwellings within open garden settings incorporating a mix of native and exotic vegetation and large trees. Front and side boundary setbacks are to be maintained, with new buildings setback at upper levels to minimise their dominance within the streetscape. Informal, open streetscapes are to be enhanced by low or open style front fences.

As noted above, Clause 53.17 overrides other provisions of the Planning Scheme in relation to the built form elements in the table above and recognises that aged care facilities will have a different scale and building form to surrounding residential areas. However consideration of the preferred and prevailing neighbourhood character has been undertaken by Council's Urban Designer, who found that the development does not need to be in keeping with the preferred neighbourhood character in its scale and built form, but should otherwise be more in keeping with the preferred character than the current design is. Approaches to achieve this have been referenced in the above recommended alterations to the building presentation. Council's Urban Designer has also recommended the planting of additional trees, as is the setback of the 1.5 metre high steel picket fence proposed around the mass plantings at the north-west corner. Conditions will give effect to these requirements.

Amenity

Overlooking

As per the table above, the proposed development requires the provision of additional overlooking screening to a number of balconies on the south elevation at the first and second floor levels.

Overshadowing

As indicated in the Clause 53.17 assessment table above, the extent of overshadowing of residential lots to the south is generally contained within the existing boundary fence shadows between 9am and 3pm at the Equinox, and is compliant with the Standard.

The Winter Solstice shadow diagrams commissioned by one of the objectors and submitted at the Forum indicate a far greater extent of overshadowing on 21 June, with shadows cast over the secluded private open space areas of No.s 18-28 Hawkins Avenue at some time between 9am and 3pm, and No.s 22 and 24 Hawkins Avenue experiencing virtually complete overshadowing of secluded private open space areas between 9am and 3pm.

It is acknowledged that the Winter Solstice shadow diagrams indicate considerable impacts to the adjoining lots to the south of the subject site, however it is important to note that this is one day of the year, and the worst case scenario, and shadows will reduce incrementally before and after 21 June each year. The Planning Scheme utilises the Equinox shadows (21 March/22 September) as a mid-point on the range of overshadowing that will occur throughout the year, and that shadows at the Summer Solstice (22 December) will be even less than the Equinox.

9.1.4 (cont)

In addition, it is noted that there are a number of existing trees located along the south boundary of the subject site and nearby on the adjacent residential lots, and these trees (most of which are evergreen), with heights of 4-16 metres, also contribute to an existing extent of overshadowing of the adjacent residential lots throughout the year.

The Purpose of Clause 53.17 is to ensure residential aged care facilities do not unreasonably impact on the amenity of adjoining dwellings. This does not preclude any impacts, and the Standards set out above provide guidance to decision makers regarding reasonable outcomes.

The significant rear boundary setbacks of the proposed development ensure that the overshadowing of adjacent residential lots to the south is negligible at the Equinox, and it is acknowledged that the objectors' concerns regarding the Winter Solstice shadowing are genuine. However the requirements of Clause 53.17 Residential Aged Care Facility do not provide Council with the scope to require or justify further reductions in a compliant building form in order to mitigate the extent of overshadowing cast at the Winter Solstice.

Noise

It is noted that objectors stated at the Forum that proposed Waste Management Plan lists the EPA requirements, rather than indicating compliance with these guidelines, however review of this document indicates that Section 3.1 states that Victorian EPA Noise Control Guidelines will be observed, which is acceptable.

Standard noise conditions will be included to ensure that plant and equipment such as roller doors comply with the relevant standards and do not unreasonably impact the amenity of the surrounding residents. Visitor parking, waste collections and deliveries are to occur within the basement, which will provide a solid barrier to screen noise transmission from these activities to surrounding residential lots.

Several objectors have expressed concern that dementia patients can make quite noisy verbalisations. The applicant advises that dementia patients will not be allowed outside the external perimeter of the building unaccompanied. As the use is 'as of right' it is beyond the scope of what can be mandated by permit conditions to control how patients are managed. Council's ESD Advisor has required the Sustainability Management Plan to be updated to provide double glazing to all external windows, which will provide for acoustic screening of the interior of the aged care facility.

9.1.4 (cont)

Landscaping and Tree Impacts

Council's Planning and Parkswide Arborists have not objected to the proposed removal of trees, and the landscape plan shows that new trees and landscaping will be planted around the perimeter of the building to screen and soften the presentation of the building form and contribute to the Garden Suburban character of the streetscape. A condition will be imposed to ensure that service trenches for utilities do not further impact protected trees. Potential impacts to retained trees will be managed through tree protection conditions.

Council's Landscape Advisor has provided the following comments on the proposed landscape plan:

- Canopy trees proposed around the perimeter of the site should be positioned, or be planted with species such that no more than 25% of the mature canopy overhangs neighbouring lots, to ensure that neighbours do not have an unreasonable maintenance burden placed upon them.
- The internal courtyard areas and communal upper level terraces are generously sized, but do not provide sufficient amenity for future users in their currently proposed form. The provision of circular walking routes without steps and more seating/rest points is recommended so that these areas can be utilised as extensions to adjacent internal communal living areas. Provision should be made for a diverse range of users and social groups to utilise these areas, including visitors and solitary residents.
- External walking paths should also be provided with more seats/rest points. Seating should be provided with arms to assist residents to lower and raise themselves.
- Steps and trip hazards should be removed from courtyards. Where steps are provided for residents (the proposed "log steppers" and "balancing log"), these should meet relevant standards for safety.
- Flagstone pavers proposed would be a trip hazard and a more even paving treatment is recommended.

The above requirements will be included as conditions.

As discussed at the Consultation Forum, the landscape plan proposes the planting of additional trees along the south boundary, between retained trees, to provide for an upper canopy landscape screen to soften the building presentation at this interface, however it is noted that the proposed trees are all to be planted within the existing 2.44 metre wide drainage and sewerage easement that runs along the south boundary. Therefore, the proposed trees must be relocated clear of this easement, which may require the realignment of the pedestrian path in order to achieve a reasonable separation distance between the proposed trees and the built form.

Car Parking

The proposal has been reviewed by Council's Transport Engineers who advised that the provision of 33 car spaces exceeds the minimum amount required by Clause 52.06 of the Planning Scheme by three places. It should be noted however that these spaces will not be available until the completion of Stage One (1), so there will be a period of time during construction whereby the spaces will not be available for use by existing residents remaining in the original part of the building. This is considered to be a temporary situation.

Council's Transport Engineers have also advised that anticipated traffic generation, car park and access layout, and bicycle facilities are satisfactory. Conditions for a Parking Management Plan are recommended.

9.1.4

(cont)

Objectors Concerns not Previously Addressed

- Potential for flooding from the rain garden.

Council's ESD Advisor has recommended the rain garden is relocated east of the semi-circular accessway in order to limit the impacts of any overspill of water from the rain garden, and this will form a condition of Permit

- Loss of views.

Views are not protected by the Planning Scheme.

- Light spill from both internal and security lighting to adjoining residential lots.

A condition will require a lighting strategy to be prepared, which will include requirements to limit light spill to surrounding residential lots.

- Potential to attract vermin

A condition will be included requiring the amenity of the area to be maintained, including limiting the presence of vermin.

- Traffic and on-street parking levels on Strabane Avenue are already very high.

- The traffic report does not provide sufficient parking survey data or include documentation for the existing or proposed staff numbers, working hours or deliveries

- The accessway for delivery vehicles is difficult for large trucks to manoeuvre.

The application including the traffic report has been reviewed by Council's Transport Engineers who advise that the application has the required amount of parking, that the local road network can accommodate the proposed development, and that access aisle dimensions and turning areas are satisfactory.

- Plantings on the embankment beside U3A are difficult to maintain.

The maintenance of the subject site along the west boundary interface will be the responsibility of the applicant, should a Permit issue. This application cannot address or alter the circumstances of the adjacent lot.

- A high number of south facing resident rooms will not provide any solar access.

- West facing rooms and balconies should be provided with sun protection.

Council's ESD Advisor has reviewed the submitted Sustainability Management Plan and required conditions to achieve a compliant outcome. It is noted that for a development of this scale, the provision of a proportion of south facing rooms is inevitable.

- Construction worker parking and noise impacts.

A Construction Management Plan will be required to be prepared, should a Permit issue.

- Impact on surrounding property values

The Victorian Civil and Administrative Tribunal and its predecessors have generally found subjective claims that a proposal will reduce property values are difficult, if not impossible to gauge and of no assistance to the determination of a planning permit application. It is considered the impacts of a proposal are best assessed through an assessment of the amenity implications rather than any impacts upon property values. This report provides a detailed assessment of the amenity impact of this proposal.

- Increased load on utilities infrastructure
- Increased runoff to surrounding residential lots

9.1.4 (cont)

This application has been assessed by Council's Asset Engineers, who have required standard conditions to manage potential runoff. Should a Permit issue, the Building Permit process will manage utilities connections and capacity requirements.






CONCLUSION

The proposed extension of the existing residential aged care facility and associated works is an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies, the General Residential Zone Schedule 4, Significant Landscape Overlay Schedule 9, Vegetation Protection Overlay Schedule 3 and Clause 53.17 Aged Care Facilities.

A total of 15 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 approved.

ATTACHMENT

- 1 Streetscape elevations, demolition and staging plan 
- 2 Plans and elevations 
- 3 Equinox Shadow Diagrams 
- 4 Landscape Plan 
- 5 Overlooking Diagram 

Strategic Planning

9.1.5 Building Reflectivity: Preliminary Findings

FILE NUMBER: SF19/1729
ATTACHMENT

SUMMARY

Preliminary work has been carried out to investigate issues around building reflectivity, prompted by recent developments in Box Hill. The first stage of the study has been completed and included review of planning controls regulating reflectivity, local, national and global precedent review, identification of other matters of a legal or planning nature that should be considered and areas for further investigation, if desired.

Findings are summarised in this report and recommendations are provided for how to progress the study.

RECOMMENDATION

That Council:

- 1. Note the findings of this report.***
- 2. Prepare a brief to seek information regarding technical engineering advice, including Environmentally Sustainable Design (ESD) considerations.***
- 3. Refer funding for this advice to a future budget process.***

COUNCIL RESOLUTION

Moved by Cr Barker, Seconded by Cr Davenport

That Council:

- 1. Note the findings of this report.***
- 2. Advise the Department of Environment, Land, Water and Planning (DELWP) of the preliminary findings about building reflectivity outlined in this report and recommend investigation of the matter at State level with a view to inclusion of planning controls to limit building reflectivity in all planning schemes across Victoria.***
- 3. Prepare a brief to seek information regarding technical engineering advice, including Environmentally Sustainable Design (ESD) considerations.***
- 4. Include funding of \$20,000 for this advice in the 2020/2021 budget***

CARRIED

BACKGROUND

Investigation into the reflectivity of high rise buildings is an initiative in the 2019/20 budget. The direction for this study involves seeking advice to explore existing approaches to building reflectivity with the view of developing planning mechanisms for Box Hill. The study seeks legal and planning input in the first instance and stems from the perspective of visual impact (near and far views) and glare safety issues. Planology was engaged to carry out the study and produce a report.

9.1.5 (cont)

The scope of the legal and planning investigation includes:

- Review literature in relation to the planning controls regulating the reflectivity of buildings from both Australian and international jurisdictions;
- Identify relevant precedents dealing with building reflectivity from the Victorian Civil and Administrative Tribunal (Tribunal) and Planning Panels Victoria; and
- Identify any other matters of a legal or planning nature that Council should consider when contemplating addressing this issue through a planning policy or control.

Outside of the scope of the project and consultant's expertise and not forming part of the Planology report is the technical scientific and engineering aspects of solar glare, including theoretical modelling and assessment techniques and considerations relating to environmentally sustainable design including the urban heat island effect. Preliminary research on these matters has been gathered through existing local and international examples.

DISCUSSION

The Whitehorse City Council *Reflectivity and Building Design Report* November 2019 (the Report) by Planology, at **Attachment 1**, found that with the increased use of highly reflective materials in the built environment, there is a growing awareness of the potential for adverse impacts on motorists, pedestrians, cyclists, train drivers and the occupants of neighbouring buildings. New buildings with extensive areas of glazing, highly reflective glass or metal cladding, or areas of sloping glass present the potential for solar glare and adverse visual impacts.

Despite this potential, there is surprisingly little guidance regarding building reflectivity and a lack of accepted criteria from the scientific community defining the acceptable limits. There are limited examples of guidance in Victorian planning schemes. Planology considers that the issue needs to be appropriately managed to protect amenity, maintain a high quality public realm and ensure transport safety. Without good guidance, opportunities to assess and manage the impact of a building's reflectivity often arise only after it has been constructed.

For the purpose of this report, the term 'solar glare' will be used. There are two types of solar glare, namely:

1. Discomfort glare, which causes visual discomfort without necessarily affecting the ability to see; and
2. Disability glare, which scatters a bright source of light in the eye, impairing the vision of other objects.

The Report identifies a number of precedents, namely:

The Melbourne City Council Reflectivity Study 1987

The topic of disability glare first gained traction in the 1980's with the advent of glazed curtain walls with significant reflectivity. Over time, some local government authorities and planning bodies have sought to regulate the problem by controlling the use of building materials based on their reflectivity, namely a reflectivity limit for façade glazing at 20%.

VCAT Cases

The effect of solar glare from buildings has not been widely considered or subject to detailed analysis by the Tribunal. Planology identified and reviewed five key Tribunal decisions canvassing issues relating to building reflectivity. In summary, the cases demonstrate that solar glare is a relevant planning consideration that may arise irrespective of whether the issue is expressly called up as a specific planning control or policy. Assessing the relative detriment caused by solar glare in a particular case will be influenced by the relevant planning

9.1.5 (cont)

controls and policies, the potential impact of the glare, the duration of the solar glare and its severity.

The issue arose in the five key cases examined because it had been specifically identified by the relevant council and ventilated before the Tribunal. In other words, solar glare has been considered by the Tribunal when councils have been vigilant and attuned to the issue.

Existing Planning Controls and Provisions

In Victoria, building reflectivity has been addressed in planning schemes through the use of the Design and Development Overlay (DDO).

Amendment C125 to the Melbourne Planning Scheme

In 2009, the Minister for Planning appointed the Planning and Advisory Committee (PAC) to consider a proposal at 312-332 St Kilda Road, Southbank. A question considered by the PAC was whether glare from the proposed building would have an adverse impact on the Shrine of Remembrance (the Shrine) and activities occurring at the Shrine and environs. The building façade included a range of glazing types to the tower portion.

The PAC's discussion on the building reflectivity issue is extracted below:

In the knowledge of the PAC, no Australian standard exists for design guidance or the regulation of reflected glare from building facades.

The PAC endorses the recommendation contained in the Facade Reflectivity Report that to reduce the intensity of sun reflections from the tower in general, glass of a reflectivity of less than 20% be adopted for use.

In the PAC's view, the effect of glare during the ceremonies and services on the Shrine environs is potentially an unwelcome intrusion.

Amendment C308 to the Melbourne Planning Scheme

The Panel considering Amendment C308 to the Melbourne Planning Scheme released its report on 16 May 2019 and recommended a replacement Schedule to Clause 43.02, Design and Development Overlay, Schedule 1 (DDO1), consolidating urban design policies and controls to guide the delivery of a high standard of urban design and architecture in Central Melbourne. In its report, the Panel supported a design requirement under the heading Façade Expression and Finishes:

- Facades should avoid unacceptable glare to the public realm.

Also before the Panel was the draft *Central Melbourne Design Guide* November 2018. This document mirrors the structure of the proposed DDO1 and is intended to support the use and interpretation of the control. In relation to the design detail, the draft guide provides the following:

49. Avoid visually exposed towers with low façade quality.

Avoid façade surfaces which result in unacceptable levels of glare to the public realm.

Amendment C308 and the *Central Melbourne Design Guide* were endorsed by Council on 26 November 2019.

In summary, subject to providing sufficient strategic justification for controls regulating solar glare, planning panels have supported such controls in planning schemes. If Council decides to pursue planning controls or policies to regulate solar glare, questions will likely arise regarding the adequacy of any technical justification, the benchmarks that are adopted and the circumstances in which the controls are intended to apply.

9.1.5 (cont)

Other Jurisdictions

Australian examples

The New South Wales, *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* incorporates the document titled *Apartment Design Guides 2017* published by the Department of Planning and Environment.

The *Apartment Design Guide* contains objective 4 A-3 that “*design incorporates shading and glare control, particularly in warmer months*”. The design guidance is as follows:

A number of the following design features are used:

- Balconies or sun shading that extend far enough to shade summer sun, but allow winter sun to penetrate living areas
- Shading devices such as eaves, awnings, balconies, pergolas, external louvres and planting
- Horizontal shading to north facing windows
- Vertical shading to east and particularly west facing windows
- Operable shading to allow adjustment and choice
- High performance glass that minimises external glare off windows, with consideration given to reduce tint glass or glass with a reflectance level below 20% (reflective films are avoided). [Emphasis added]

More detailed design and planning requirements are provided in local councils' Development Control Plans. For example, section 3.2.7 of the City of Sydney Development Control Plan 2012 regarding 'Reflectivity' provides:

- *Reflective materials used on the exterior of buildings can result in undesirable glare for pedestrians and on occupants of other buildings and potentially hazardous glare for motorists.*
- **Objectives**
 - a) *Minimise the reflection of sunlight from buildings to surrounding areas and buildings.*
 - b) *Ensure that building materials do not lead to hazardous, undesirable or uncomfortable glare to pedestrians, motorists or occupants of surrounding buildings.*
- **Provisions**
 1. *A Reflectivity Report that analyses potential solar glare from the proposed building design may be required for tall buildings.*
 2. *Generally, light reflectivity from building materials used on facades must not exceed 20%.*

International examples

Singapore

In Singapore, the Building and Construction Authority imposes requirements on control of daylight reflectance of materials used on the exterior of buildings. The Building Control Regulations 2003 provide:

Objective

48. *The objective of paragraph 49 is to protect occupants of buildings in the vicinity of a building from loss of amenity caused by the reflection of sunlight off the external surface of that building, arising from the use of materials with high daylight reflectance.*

9.1.5

(cont)

Performance requirement

49. *The external surface (including a roof) of a building must be designed and constructed in a manner such that any reflection of sunlight off the external surface of the building does not result in loss of amenity to occupants of other buildings in the vicinity of that building.*
44. *To comply with this requirement, the Acceptable Solution contained in the 'Acceptable Solutions Approved Document is:*

Acceptable Solution

The requirement in paragraph P.2.1 is deemed to be satisfied if the specifications set out in paragraphs P.3.2 to P.3.3 are complied with.

P.3.2 The material used for the building work is deemed acceptable if –

- a) The glass for the building work has a daylight reflectance not exceeding 20% [Emphasis added]*
- b) Any material, other than glass, for the building work on -*
 - i. The façade of the building has a specular reflectance not exceeding 10%*
 - ii. The roof of the building, inclined at an angle not exceeding 20 degrees from the horizontal plane, has a specular reflectance not exceeding 10%*
 - iii. The roof of the building, inclined at an angle more than 20 degrees from the horizontal plane, has a daylight reflectance not exceeding 20% and a specular reflectance not exceeding 10%*
- c) Emulsion paint on plastered or concrete surfaces has a specular reflectance not exceeding 10%*

London

The City of London 'Planning Advice Note – Solar Glare 2017' and 'Planning Advice Note – Solar Convergence 2017' form part of a series of advice notes regarding microclimatic issues. These documents provide guidance about the assessment of solar glare and outline mitigation measures as follows:

- 46.1 Reducing areas of glazing and using matt cladding instead;
- 46.2 Reorienting elements of the building to avoid reflection;
- 46.3 Replacing areas of tilted glass by either vertical or nearly horizontal glazing;
- 46.4 Changing the glazing or cladding to a less reflective type;
- 46.5 Using special low reflectance glass, low reflectance film or fritting (a ceramic coating on the glass);
- 46.6 Using sandblasted or other diffusing glass, for example for balustrades;
- 46.7 Using external shading such as louvers or motorised blinds, or vertical fins where the sun is reflected off a building at a glancing angle;
- 46.8 Using some form of opaque screening at street level, though this will usually need to be large; and
- 46.9 Planting trees, although the type of tree will depend on the times of year when glare occurs.

Matters for Considering Controls

In both Australian and international jurisdictions, the typical approach is to adopt a benchmark for building materials' reflectance properties. The research undertaken as part of the report indicates that light reflectivity from building material used on facades must typically not exceed 20%.

9.1.5 (cont)

However, adopting this measure alone will not necessarily prevent or mitigate adverse solar glare. A range of variables will affect the intensity of reflections and their impact, including:

- The angle of reflection
- The building's shape, design and orientation
- The topography and geographical location
- The season and time of the day at which the building is observed; and
- The observers' tolerance for glare.

The *Reflectivity and Building Design Report* concludes that solar glare is an issue requiring careful attention from concept development to detailed delivery. At design stage, it is possible to address the potential for solar glare by:

- Building form and orientation
- Façade articulation
- Choosing matt or diffusing materials
- Choosing low reflectance glazing

Once the building or structure has been constructed, the issue is naturally more difficult to manage and solutions are typically limited to retrofitting external shading like louvres or fins or external blinds to intercept the sunlight and prevent its reflection or modifying the building material to reduce its reflectivity.

Adopting a control or policy that will facilitate the assessment of solar glare at the planning stage will assist project proponents, designers, planners and Council officers alike. Importantly, it will avoid the need to retrospectively address unforeseen impacts.

If Council wishes to pursue specific planning controls or policies to regulate solar glare, it is recommended that Council engages a consultant to provide technical advice supporting benchmarks and their formulation.

Planology identified the following matters that will likely influence the development of a planning control:

- Identifying building designs, orientation and materials that are more likely to cause potential solar glare issues;
- Developing and justifying benchmarks against which planning permits applications can be assessed;
- Ensuring benchmarks have the sophistication to respond to the various circumstances in which the proposed control seeks to regulate solar glare, noting the inadequacies of adopting reflectivity limits alone;
- Exploring the use of modelling tools;
- Identifying potential mitigation measures;
- Recognising the inherent benefits associated with reflective materials in terms of thermal efficiency and interplay with other planning objectives such as the internal environmental performance of buildings and the urban heat island effect;
- Balancing the interplay between solar glare the other planning outcomes sought for an area; and
- Ascertaining the characteristics of new buildings that would be captured by the control, noting that the literature concludes that solar glare is not necessarily a function of height.

Because Council's consideration of these matters will likely be influenced by a range of factors, an estimate was sought to provide technical information as recommended, noting there are a limited number of consultants in this field.

9.1.5 (cont)

The scope of work to provide the supporting technical information would include:

- Gaining an understanding of Council's requirements and constraints with regard to the reflectivity issue.
- Discussing the technical aspects of the reflectivity in the built environment.
- Reviewing Council's objectives and determine suitable planning conditions related to reflectivity in the municipality.
- Providing technical assistance in relation to the reflectivity compliance requirements as part of the planning requirements,

It is estimated that this technical information would cost up to \$20,000 (excluding GST).

CONSULTATION

As part of scoping the study, preliminary investigation and informal consultation was carried out to gain an understanding of the issues, work being done by others in this field and any other factors impacting building reflectivity. Below is a summary of the consultation carried out:

City of Melbourne –Coordinator Green Infrastructure Urban Sustainability

Green Our City Strategic Action Plan 2017 – 2021 (GOCSAP). This work aims to increase the understanding of the need and value of green infrastructure to help adapt Melbourne to the impacts of climate change, specifically around urban heat reduction (as it relates to building reflectivity) and encouraging buildings and/or landscape elements that reduce the impact of the urban heat island effect.

City of Melbourne –Urban Designer

Building reflectivity has been a consideration for the City of Melbourne in the planning of Fisherman's Bend. The issues stem from construction industry trend towards substantial glass curtain wall buildings, often with heavily tinted and reflective glass to address solar heat gain. This is compounded by the preference of investors for curved glass buildings which tend to exaggerate the effects of glare.

City of Whitehorse –Team Leader Statutory Planning

843 Whitehorse Road Box Hill Planning Permit, issued 25 November 2019.

Wording around glare was recently included in permit condition requiring a Façade Strategy to be submitted and be to the satisfaction of the Responsible Authority. This included the following wording;

- c) *External building materials and finishes not resulting in hazardous or uncomfortable glare to pedestrians, public transport operators and commuters, motorists, aircraft, or occupants of surrounding buildings and public spaces to the satisfaction of the Responsible Authority;*
 - i. *Issues relating to glare and reflectivity of chosen building materials must be addressed within a report prepared by a suitably qualified engineer to qualify the outcomes under condition 8(c) of this permit.*

City of Whitehorse –ESD Advisor

Council's ESD Advisor outlined that there is no formal path to assess building reflectivity concerns but rather a range of possibilities that are not fully adequate. A precise method to demonstrate performance is Daylight Glare modelling which could be requested as part of a Sustainability Management Plan. It was noted that any action taken to address building reflectivity issues should be balanced with ESD considerations like internal environmental performance of buildings and the urban heat island effect.

9.1.5

(cont)

FINANCIAL IMPLICATIONS

Funding included in this year's budget has been insufficient to deliver both planning/legal input and engineering advice. To undertake the latter, additional funds would need to be included in a future budget.

	Future estimate	Budget	Expenditure
Budget 19/20 financial year		10,000	6,000
Additional engineering advice / future financial year.	Up to 20,000		
Total Expenditure		10,000	6,000

POLICY IMPLICATIONS

Council Plan

The study of building reflectivity supports Strategic Direction 2 within the current Council Plan 2017-2021 Year 3. Strategic Direction 2 is to "Maintain and enhance the built environment to ensure a liveable and sustainable city"

Whitehorse Planning Scheme

The work in the area of building reflectivity aligns with policy at:

Clause 22.07-3 for the Box Hill Metropolitan Activity Centre to "*encourage use and development that; promotes sustainable building design and construction and promotes design excellence.*";

Clause 22.10 Environmentally Sustainable Design to "*encourage innovative technology, design and processes in all development, which positively influence the sustainability of buildings*".

The work also aligns with State Planning Policy in the Whitehorse Planning Scheme at:

Clause 15.01-2S Building Design.

Objective – *To achieve building design outcomes that contribute positively to the local context and enhance the public realm.*

Strategy – *Ensure the form, scale and appearance of development enhances the function and amenity of the public realm.*

Clause 15.02-1S Energy and resource efficiency

Objective – *To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.*

Strategy – *Improve the energy, water and waste performance of buildings and subdivisions through environmentally sustainable development.*

CONCLUSION

In line with budget provided by Council around building reflectivity issues, the first stage of investigation was completed by obtaining legal and planning advice. The Report identifies that, in Victoria, information around building reflectivity is fragmented and further steps are required to formalise the information and fill knowledge gaps. It is recommended that additional funding be referred to a future budget for technical /engineering advice.

ATTACHMENT

- 1 City of Whitehorse, Reflectivity and Building Design, November 2019 (Planology) 

9.1.6 Tree Assistance Fund Guidelines

FILE NUMBER: SF19/2256
ATTACHMENT

SUMMARY

Establish a Tree Assistance Fund to support the retention of trees identified by the Vegetation Protection Overlay (VPO) as significant to our community and support home owners in the cost of managing these trees. This recognises the contribution made to the community by large trees and Council's role in supporting their care.

RECOMMENDATION

That Council:

- 1. Approves the Whitehorse Tree Assistance Fund Policy and Guidelines.***
- 2. Continues to allocate funds for Tree Assistance Fund.***

COUNCIL RESOLUTION

Moved by Cr Davenport, Seconded by Cr Stennett

That Council:

- 1. Amend the Whitehorse Tree Assistance Fund Policy and Guidelines to have two Councillors on the 'Decision Panel'.***
- 2. Approves the Whitehorse Tree Assistance Fund Policy and Guidelines.***
- 3. Continues to allocate funds for Tree Assistance Fund.***

CARRIED UNANIMOUSLY

BACKGROUND

At the Special Committee meeting of Council on 12 November 2018, it was resolved:

That Council:

- 1. Recognises that Whitehorse Residents are impacted by the significant tree register;***
- 2. Consider guidelines for providing grants to owners of properties which have a tree on the significant tree register to assist with maintenance of those trees;***
- 3. Refer the matter to the 2019/2020 Budget.***

In the 2019-20 Budget, Council approved \$40,000 for the current financial year to assist residents with maintenance of significant trees, being those trees covered by the Vegetation Protection Overlay (Schedules 1, 3 and 5) in the Whitehorse Planning Scheme. Council also approved funding (\$14,120 per annum, ongoing) for staff resources to administer the fund.

9.1.6

(cont)

DISCUSSION

Whitehorse City Council recognises the value of our significant trees and in supporting and assisting the maintenance of significant trees within private gardens. The Tree Assistance Fund aims to provide funding to support such homeowners access professional assistance in the care and maintenance of trees listed in the VPO (Schedules 1, 3 and 5). These trees are generally large in size and make a contribution to the local neighbourhood.

Council's Tree Education Officer, in collaboration with planning staff and Council's consultant arborist, has drafted the '*Whitehorse Tree Assistance Fund – Policy and Guidelines*' ('the Guidelines') (attachment 1) to administer the funds which cover application requirements, the criteria for assessment of applications and the process for distribution of funds.

Homeowners whose properties are covered by the VPO (Schedules 1, 3 and 5) under the Whitehorse Planning Scheme would be eligible for funding in the form of grants up to \$1000.

Funding must be used to support the health of the individual tree that has triggered the application of a VPO to that property. Works that would be eligible for the fund include:

- Arborist assessment to confirm the health status and ULE (useful life expectancy) of the tree and details management strategies to optimise tree health
- Weight reduction pruning where limbs are at risk of failure
- Formative pruning that results in improved aesthetics or health
- Cable bracing to reduce the risk to property of limb failure
- Removal of heavy climbing plants that may be damaging the tree
- Treatment of severe insect pests such as Elm Leaf Beetle where habitat value for native species is not impacted.
- Treatment of fungal diseases
- In the case of dead or dying trees, pruning to form a stable stag tree for habitat

The following projects would not be eligible:

- Removal of the tree
- Pruning for purely aesthetic reasons unless the tree is listed because of its outstanding aesthetic or unusual form
- Pruning to accommodate hard surfaces or buildings
- Any lopping that is not to Australian Standards

The Guidelines propose that funding allocation would be managed via a similar process to Council's Heritage Assistance Fund, whereby landowners are contacted once a year to apply for funding. Notification of when applications can be made would be advertised each year through a direct mail-out to those properties covered by a VPO. Generally, the Fund will be open for applications each August, consideration of applications would occur during September and October and successful grant recipients will be notified by early November. Unsuccessful applicants will be notified at the same time and given a brief explanation as to why funding was not granted.

A decision panel will be formed by a mixture of officers, an arborist, a Councillor and a community member. The Guidelines set out assessment criteria and weighting. Any formal permissions would be required to be sought prior to seeking funding.

The development of this project also requires the development of brochures, new web-pages and advertisements.

9.1.6

(cont)

CONSULTATION

The community consultation conducted during the period of the Planning Scheme Amendment relating to the Significant Landscape Overlay, schedule 9 identified the general recognition by the community that canopy trees are an asset that contributes to the broader community but that there is a financial cost involved in the management of particularly older trees.

FINANCIAL IMPLICATIONS

There has been no current year expenditure of the \$40000 grant money due to the need to thoroughly develop the Guidelines and program in this current financial year. The Guidelines and a mock panel have reviewed the Guidelines, assessment criteria and example applications to establish the program's correct application, prior to report to Council as per the original Council Motion. The fund will be ready to commence as per the timing above in this report, in August 2020.

This year's financial outlay has been through the use of existing staff members in the Planning and Building Department with additional advice from the Department's consultant arborist.

	Budget	Expenditure
Budget 19/20 financial year	\$40 000	
Development of guidelines		\$2000
Total Expenditure		\$2000

POLICY IMPLICATIONS

The Council Vision 2013-2023 includes Strategic Direction #3 to protect and enhance our open spaces and natural environment. The value of the Urban Forest in supporting neighbourhood character, liveability and resilience is increasingly gaining recognition.

The administration of the Tree Assistance Fund will follow the example of the Heritage Assistance Fund which has successfully supported maintenance and improvements to built-form assets that have been identified as having heritage significance within the municipality.

The value of large trees extends to the broader community but as trees age, their maintenance costs increase. Supporting homeowners to retain trees acknowledges the value they provide to the neighbourhood.

The tree canopy cover in Whitehorse is declining with some estimates suggesting a decline at the rate of 2.5% every 5 years. Tree protection controls in the form of the VPO are more inclusive than tree protection controls in some of our neighbouring municipalities, so assistance in tree maintenance will help reduce any burden to residents. The possibility of financial assistance may also give residents confidence in choosing larger tree species to plant in their gardens and thus support the Urban Forest of the future.

Currently there are approximately 800 properties in Whitehorse that are included in the VPO (Schedules 1, 3 and 5) with the first study of trees of significance carried out in 2006 and revisions conducted twice. With grants capped at \$1000, the fund would have capacity to assist 5% of those households each year.

Limiting the eligibility for the funding to trees that are listed in the VPO (Schedules 1, 3 and 5) may create demand from residents for an update to the VPO to include more trees. This would provide greater protection to those trees and allow an opportunity to celebrate their contribution to the landscape.

ATTACHMENT

- 1 Tree Assistance Fund General Policy and Guidelines 

9.1.7 Box Hill Metropolitan Activity Centre: Implementing a revised Structure Plan and Urban Design Framework

ATTACHMENT

SUMMARY

Further work has been undertaken to progress the longer term strategic vision to 2036 for the Box Hill Metropolitan Activity Centre (MAC). The project has included community consultation, analysis of growth and built form and 3D modelling of development.

The consultant team has prepared a draft Structure Plan and draft Urban Design Framework for the Box Hill MAC which includes a revised vision, strategic objectives and built form controls, plus draft planning provisions.

This report provides a summary of the draft Structure Plan and draft Urban Design Framework for Box Hill, and recommends that the draft documents be placed on display for community comment.

The report also recommends that Council seek authorisation from the Minister for Planning to prepare an amendment to the Whitehorse Planning Scheme to implement the project and seek interim planning controls to be put in place while the planning scheme amendment process for permanent planning controls is undertaken. It is proposed that the draft documents and the planning scheme amendment be exhibited concurrently.

MOTION

Moved by Cr Liu, Seconded by Cr Bennett

That Council:

- 1. Note the Box Hill Metropolitan Activity Centre draft Structure Plan (Attachment 1) and draft Urban Design Framework (Attachment 2) for the purpose of community consultation.**
- 2. Seek authorisation from the Minister for Planning under the Planning and Environment Act 1987 (Section 8[a]) to prepare and exhibit an amendment to the Whitehorse Planning Scheme to implement the recommendations of the project.**
- 3. Request the Minister for Planning prepare and approve an amendment to the Whitehorse Planning Scheme under the Planning and Environment Act 1987 (Section 20[4]) to implement the recommendations of the project on an interim basis until the amendment to implement the recommendations on a permanent basis has been finalised.**
- 4. Authorise the General Manager City Development to make changes to the amendment to meet any conditions of authorisation from the Department of Environment, Land, Water and Planning (DELWP), as well as minor editorial changes, prior to submitting the amendment to the Minister for Planning for exhibition.**

AMENDMENT

Moved by Cr Davenport

That Council:

- 1. Note the Box Hill Metropolitan Activity Centre draft Structure Plan (Attachment 1) and draft Urban Design Framework (Attachment 2) for the purpose of community consultation.**

9.1.7

(cont)

- 2. Seek authorisation from the Minister for Planning under the Planning and Environment Act 1987 (Section 8[a]) to prepare and exhibit an amendment to the Whitehorse Planning Scheme to implement the recommendations of the project.**
- 3. Request the Minister for Planning prepare and approve an amendment to the Whitehorse Planning Scheme under the Planning and Environment Act 1987 (Section 20[4]) to implement the recommendations of the project on an interim basis until the amendment to implement the recommendations on a permanent basis has been finalised.**
- 4. Authorise the General Manager City Development to make changes to the amendment to meet any conditions of authorisation from the Department of Environment, Land, Water and Planning (DELWP), as well as minor editorial changes, prior to submitting the amendment to the Minister for Planning for exhibition.**
- 5. Amend the draft planning controls in Attachment 3 to:**
 - a) Delete “Unless otherwise agreed to by the Responsible Authority, the Affordable Housing dwellings should be Social Housing”.**
 - b) Clarify that affordable housing includes social housing.**
 - c) Allow an increase of up to 10% to the preferred building height at sub-clause 4.4-2 in areas where height is 28 m or less, when a building is constructed of sustainable timber, to recognise that the depth of a timber floor system will generally be deeper than those required for a concrete floor system.**

The Amendment LASPED for want of a Seconder

**The Motion moved by Cr Liu, seconded by Cr Bennett was then put and CARRIED
UNANIMOUSLY**

BACKGROUND

In late 2018 Council initiated a review of the vision and strategic direction for Box Hill. This was intended to update the existing 2007 Box Hill Transit City Activity Centre Structure Plan (the 2007 Structure Plan) for the Box Hill Metropolitan Activity Centre (MAC).

The project commenced with the appointment of MGS Architects and its project team. Appointment of the consultants followed careful consideration of the findings of the Independent Panel for Amendment C175 (abandoned by Council on 25 June 2018), discussions with the State Government, the Victorian Planning Authority and the Box Hill First Group.

Initial consultation with the broader community took place in February 2019, concurrent with background investigation of the MAC by the project team. A Stakeholder Reference Group (SRG) was formed comprising Government, landowner and community representatives and met regularly to discuss key issues and workshop concepts relating to the vision and built form of the MAC. An *Analysis and Options Report* was released for a second round of consultation from 15 July until 2 August 2019. The consultants then prepared a draft Structure Plan and draft Urban Design Framework (UDF) for Box Hill based on the background work and community engagement.

The draft documents were peer reviewed in December 2019. Feedback from the peer review was addressed and the consultant team has now issued a final draft Structure Plan (Attachment 1) and draft Urban Design Framework (UDF) (Attachment 2). It is proposed to embed the documents and their provisions in the Whitehorse Planning Scheme through a statutory planning scheme amendment process.

9.1.7

(cont)

DISCUSSION

The draft *Box Hill Metropolitan Activity Centre to 2036* Structure Plan (March 2020) at Attachment 1 is accompanied by a suite of documents:

- Box Hill Metropolitan Activity Centre Urban Design Framework (March 2020)
- Box Hill Metropolitan Activity Centre Analysis and Options Report (April 2020)
- Box Hill Activity Centre Demand Report (April 2020)

Draft Structure Plan

The draft Structure Plan comprises a brief overview of the project, community engagement, strategic context, population projections, employment forecasts and key built form issues. It also presents a revised vision for Box Hill along with centre-wide and neighbourhood specific strategic objectives, strategies and actions.

Vision

The Vision for Box Hill was revised and updated through the background work and community engagement:

“Box Hill is the pre-eminent urban centre for Melbourne’s east. The centre supports a regionally significant focus for health, education and employment serviced by a major public transport hub. It provides a diverse and growing range of business, retail, entertainment, community and living opportunities.

An interconnected network of complementary and distinctive, accessible and vibrant neighbourhoods respond to the diverse community’s desire for sustainable, engaging, safe, caring and healthy places. Future change in Box Hill will deliver a people-friendly environment with open and welcoming public spaces for all”.

Strategic Response

The centre-wide objectives, strategies and actions are grouped into four elements:

- Land use and development objectives seek to support the continued development of Box Hill as a regionally significant centre for health, education and employment.
 - Objective 1: Develop Box Hill as the pre-eminent urban centre for Melbourne’s east with a wide range of uses and activities
 - Objective 2: Provide for future employment growth and rebalance future residential growth in preferred locations
 - Objective 3: Encourage well-designed medium to high density mixed-use development with a range of community, employment and accommodation uses that provide diversity of housing choices and affordable housing
 - Objective 4: Support a regionally significant role as a focus for health, education, employment and enterprises
 - Objective 5: Encourage a diverse range of retail, entertainment, community and cultural services and facilities
- Built form and design objectives seek to ensure that the quality of the public realm is protected and enhanced by built form responses underpinned by design excellence.
 - Objective 6: Encourage the development of an interconnected network of distinctive, accessible and vibrant neighbourhoods and ensure development responds to the defined character of each neighbourhood
 - Objective 7: Protect the amenity of key public spaces from overshadowing and wind impacts

9.1.7 (cont)

- Objective 8: Ensure a high quality interface between buildings and the street at ground and lower levels, and reduce the impact of vehicle access and loading on footpaths and the public realm
 - Objective 9: Provide for clear views to the sky from the street
 - Objective 10: Relate building height to the height of neighbouring buildings and site size, and the preferred character of the precinct
 - Objective 11: Ensure buildings demonstrate high levels of sustainability and architectural merit
- Transport and movement objectives are underpinned by a hierarchy of transport modes that ensure the creation of a people-friendly pedestrian environment within a major mixed used centre and public transport hub.
 - Objective 12: Improve Box Hill's role and function as a public transport hub of metropolitan significance
 - Objective 13: Prioritise and encourage walking, bicycle riding and use of public transport, including interchange between modes
 - Objective 14: Allow for through traffic movement in a manner that is controlled and managed, and ensure the function of Box Hill as a destination is not adversely impacted by through traffic
 - Objective 15: Encourage more efficient use of car parking spaces in and around the centre, including providing for consolidated and publicly accessible parking within buildings
- Public realm and open space objectives seek to support the delivery of a people friendly environment with open and welcoming public spaces.
 - Objective 16: Deliver high quality urban spaces that promote social interaction and are engaging, safe, open and welcoming spaces for all
 - Objective 17: Create streets, laneways and widened footpaths that promote walking and footpath activity
 - Objective 18: Provide ample, abundant public open spaces for people to gather that are designed for people first
 - Objective 19: Provide for trees, landscape and greening within the public realm that reflects the landscape character of each neighbourhood
 - Objective 20: Encourage the incorporation of landscape opportunities within private land that makes a contribution towards the landscape character of the area

Neighbourhoods of Box Hill

The draft Structure Plan includes a precinct plan for each of the seven neighbourhoods – Central, Health & Education, Prospect, Garden, Civic & Cultural, Enterprise, and Northern and Southern Residential Transition.

Each neighbourhood plan includes a map and precinct guidelines relating to:

- Built form and amenity
- Transport and movement
- Public realm and open space.

The precinct plans should be read in conjunction with the UDF.

9.1.7 (cont)

Implementation

The draft Structure Plan includes 43 implementation actions, which can be grouped under the following different categories:

- Action Type
 - Deliver (28 actions): Council delivers projects such as preparation of planning scheme amendments or public realm upgrades.
 - Partner (8 actions): Council partners with stakeholders, the community and Government to achieve preferred outcomes and projects.
 - Advocate (7 actions): Council advocates to government agencies and stakeholders to achieve key outcomes.
- Timeframe
 - Immediate: 0-2 years
 - Short term: 3-5 years
 - Medium term: 6-9 years
 - Long term: 10 + years.

Draft Urban Design Framework

The draft UDF provides guidance to address key issues, implement the neighbourhood visions and recommend a preferred land use control approach. It responds to the key messages from community and stakeholder consultation.

The UDF also includes a brief overview of existing built form controls and issues, and provides the overall built form and amenity outcomes underpinning the combination of proposed planning controls (discussed later in this Council report).

9.1.7 (cont)

The desired built form and amenity outcomes are to be achieved by requiring development to meet centre wide built form provisions relating to:

Built form control	Recommendation
Overshadowing	Introduce mandatory overshadowing controls to key public spaces and streets which determine maximum building heights to ensure that solar access is maintained across the centre and to the pedestrian network and existing and future public spaces
Street wall height and upper level setbacks	Introduce maximum street wall heights that relate to the width of streets and laneways to deliver appropriately scaled public spaces that encourage pedestrian activity and provides access to sunlight and views of the sky. Street wall heights will be discretionary but must not exceed a height to street width ratio of 2:1 in any location. Upper level setbacks consist of both mandatory minimum and preferred heights.
Preferred maximum building height	Introduce preferred maximum building heights that respond to the vision and preferred character of each neighbourhood, as well as work together with the overshadowing controls to protect key public spaces and the pedestrian network from overshadowing
Wind effects	Introduce wind effects controls to provide clear and measurable guidelines for comfortable wind conditions for sitting, standing and walking areas
Building separation, side and rear setbacks	Introduce building separation, and side and rear setback controls to provide clear views to the sky and ensure sufficient sunlight and privacy to habitable rooms and private open space
Street wall setback	Define the setbacks at ground level to improve the quality of the building at the ground level and the amenity of the adjoining public realm, as well to provide adequate space for planting of street canopy trees in the public realm
Active street frontages	Provide guidance on the preferred outcomes for active street frontages and public realm interfaces to provide high levels of interaction between people in the public realm and adjoining buildings
Vehicle access, car parking and loading	Provide guidance on the design of vehicle access and car parking to ensure high levels of amenity at the street level and improve the safety of pedestrians and cyclists
Building services	Provide guidance on the design of building services (such as service cabinets, waste collection, substations) to assist with the creation of high quality and safe interfaces between the public realm and buildings at street level
Architecture, articulation and materials and finishes	Provide guidance on building materials, finishes and articulation to ensure that buildings contribute positively to their interface with the public realm, as well as providing durable and sustainable developments
Landscape contribution	Provide guidance on landscape that contributes to increased greenery and landscape character in the public realm
Pedestrian links	Provide guidance to co-ordinate new pedestrian links with future development in preferred locations to increase the overall permeability of the pedestrian network within the activity centre.

9.1.7 (cont)

More specific guidance is provided in the draft UDF for individual precincts to give effect to the built form outcomes that are envisioned for each neighbourhood.

The UDF tested the overall planning outcomes for the MAC based on the proposed vision and land use framework, as well as estimating yield over the next 20 years. 3D modelling produced an initial maximum planning envelope for sites across the centre that were derived from the proposed built form controls, including preferred maximum building height, street wall height and upper level setbacks, side and rear setbacks, and overshadowing controls.

The yield of the planning envelope was then reduced by 50% to provide an estimate for the lower Gross Floor Area resulting from likely developable floorplates resulting from applying the proposed controls. This provided an estimated yield of a development envelope.

Further, to determine the feasibility of the proposed controls, the project team prepared a high level estimation of indicative yield, which along with the reduction of the planning envelope assumed that:

- Only 65% of the available development envelope will be developed
- All developments currently under construction and approved permits will be constructed
- Buildings 4 storeys and lower were not modelled and instead a general assumption of low rise developments across the MAC was applied based on analysis of planning permits.

Between 8,100 and 10,900 additional jobs are anticipated in the MAC by 2036, and the resident population is anticipated to grow to between 12,700 and 14,000 people by 2036. Overall, the 3D modelling and indicative yield estimates strongly suggest that the proposed built form controls will comfortably accommodate the forecast demand for additional floor space for residential and employment uses that is required to accommodate the projected level of growth in Box Hill. The estimates also suggest that future growth would occupy 74% of available yield if 65% of sites were developed in accordance with the estimated development envelope.

Proposed planning controls

It is proposed that the Activity Centre Zone (ACZ) (Attachment 3) is applied to land within the activity centre boundary to embed the UDF into the Planning Scheme. *Planning Practice Note 56: Activity Centre Zones* states that the ACZ is the preferred zone for implementing Structure Plans across Melbourne and allows a tailored suite of 'Table of uses' and planning permit requirements. It was developed specifically for application in activity centres and its purpose is to encourage a mix of uses, to deliver a diversity of housing at higher densities and to create an attractive, pleasant, walkable and safe environment. All the built form and amenity requirements for development expressed in the UDF will be contained within a schedule to the ACZ, which will require permit applications to be considered against centre wide built form and amenity provisions.

The background analysis demonstrated that there is currently an oversupply of accommodation (residential) land uses compared to employment uses. If all current permits and planning applications under consideration were constructed they would deliver 18-20 years' worth of housing demand but only 4-6 years' worth of employment floor space demand. This will result in a lower level of activity and undermine the preferred neighbourhood character and role of the MAC to deliver future jobs and economic activity. A key facet of the draft Structure Plan is setting a maximum allowable percentage of gross floor area (GFA) for accommodation uses to allow the growth of employment in certain neighbourhoods. Currently, planning applications strongly favour accommodation (70%) rather than employment GFA (30%), whereas the Structure Plan is seeking a 50:50 balance overall across the MAC.

9.1.7 (cont)

The maximum allowable GFA of accommodation uses for each neighbourhood will be established in the schedule to the ACZ. The 'Table of uses' will allow appropriate uses to be directed to the preferred neighbourhood/s in the MAC and mean each development site should provide a contribution towards both employment and residential demand. The percentages have been tailored to align with the vision statements for each neighbourhood and vary from 30% in the Health and Education Precinct to 100% in the Garden Precinct. This means that a development must not provide more than the maximum residential GFA to allow the prioritisation of employment floor space that supports the role of the precinct. The variations will encourage a broader range of non-residential uses to establish in precincts where employment is the primary function of the Precinct. This means that Box Hill will continue to develop as a genuine mixed-use centre that remains regionally significant for health, education and employment.

It is proposed to apply a Development Plan Overlay (DPO) to the sites known as Box Hill Central (North and South). The purpose of the DPO is to facilitate the use and development of the land in accordance with the revised Structure Plan and would contain requirements unique to these significant redevelopment sites. The DPO would require the preparation of a development plan prior to the approval of any planning applications.

It is proposed to delete Clause 22.07 (Box Hill Metropolitan Activity Centre) which outlines the ambitions and objectives of the current 2007 Structure Plan. The peer review of the revised Structure Plan concluded that there is no need for a local policy for the MAC as the relevant provisions can be embedded within the schedule to the ACZ.

Clause 21.07 (Economic Development) highlights the importance of the Box Hill MAC to the local economy. The amendment proposes to update this Clause to reference the revised Structure Plan and UDF. Clause 22.06 (Activity Centres) outlines the hierarchy of activity centres in the municipality and it is proposed to be updated to reference the MAC given the deletion of Clause 22.07.

Next steps

A planning scheme amendment is required to apply the ACZ and embed the Structure Plan and UDF in the Whitehorse Planning Scheme. Officers have reviewed similar amendments undertaken by other metropolitan municipalities, as well as discussed different options available with the Department of Environment, Land, Water and Planning (DELWP) to help guide development of the planning tools that would be most appropriate for Box Hill.

It is recommended that consultation on the draft Structure Plan and UDF be undertaken in parallel with exhibition of an amendment to the Whitehorse Planning Scheme. This poses a low risk of "consultation fatigue" to the community, which is also providing input to related, and concurrent, projects such as the Box Hill Integrated Transport Strategy. DELWP is also amenable to this approach as it allows for all potential issues to be thoroughly considered through a "full" amendment process. This is compared to a "fast track" amendment, which would have a shorter timeframe, but no opportunity for stakeholder participation during the statutory process.

It is also recommended that Council concurrently request interim planning controls in accordance with Section 20(4) of the Planning and Environment Act 1987 and *Planning Practice Note 29: Ministerial Powers of Intervention in Planning and Heritage Matters*. This has been raised with DELWP who are generally supportive of Council pursuing interim planning controls. It is expected that the interim planning provisions contained in the schedule to the ACZ will provide a level of certainty for landowners and the community about the preferred built form and development in the MAC while the amendment for the permanent planning provisions is pursued. The request for interim controls can highlight:

- The significance of Box Hill in the broader context of Plan Melbourne
- The extensive consultation undertaken so far for the project
- The importance of facilitating growth that protects the amenity of the public realm

9.1.7

(cont)

CONSULTATION

Initial community consultation took place in February 2019, which included an online survey and publicity on Council's web site, Facebook page and in the Whitehorse Leader.

Phase 2 consultation on the *Analysis and Options Report* took place from Monday 15 July until Friday 2 August 2019. This included a mail out, information sessions in the Box Hill Mall and Box Hill Town Hall, a bi-lingual survey in English and Mandarin and publicity on Council's website, Facebook page and in the Whitehorse Leader. Outcomes of this consultation were summarised in a report presented to the Council meeting on 21 October 2019. The consultation demonstrated broad support for the vision and distinctive neighbourhoods.

The survey results provided clear support for a wide range of uses and activities across Box Hill that are prioritised across the different neighbourhoods. The Phase 2 survey responses generally reinforced the results from the Phase 1 community consultation.

A Stakeholder Reference Group (SRG) was formed at the beginning of the project, which comprised State Government, landowner, community and agency representatives. Ward Councillors and the Mayor were also part of the group. The SRG had its first meeting on 5 March 2019, followed by subsequent meetings on 26 March, 30 April 2019, 29 July 2019 and 23 October 2019. Positive feedback was received from the members of the SRG about the consultation process and the operation of the SRG.

It is proposed that exhibition of the draft documents and the planning scheme amendment will take place concurrently once the Minister for Planning has authorised Council to prepare and exhibit the amendment to the Planning Scheme.

It is noted that the current State of Emergency relating to the Coronavirus pandemic will alter Council's normal consultation process. The community can still engage with Council and provide meaningful input to a project such as this, however elements of Council's typical community engagement process would need to be modified in response to the pandemic.

At the time of this report, the ability to undertake a mail out to owners and occupiers in the MAC and surrounding area is still available, however Council has been advised that the Whitehorse Leader has suspended the publishing of its print and digital editions. Under the *Planning and Environment Act 1987* Council is still required to publish a notice of any amendment in a newspaper generally circulating in the area to which the amendment applies.

Online engagement through Council's website, social media and OurSay is still available. However it is noted that not all members of the community have access to information online and/or have the ability to participate electronically in the statutory amendment process. Additionally, Council has suspended face to face meetings, such as drop-in sessions. However, a meeting of the SRG and with other groups could occur via the internet and phone, were possible, with those that have limited or no access to the internet.

While hard copies of amendment documents are usually distributed to Council customer service centres and libraries in Whitehorse (currently closed), the documents can still be made available on Council's website or hard copies mailed on request where the internet is unavailable.

Notwithstanding the above, the draft documents will become available for public viewing once minutes of this Council meeting are published and will allow for review of the documents by interested parties prior to commencement of any formal amendment process.

It is recommended that Council proceed with the request to the Minister for Planning to authorise and exhibit the Amendment. Subject to authorisation of the amendment by the Minister, and any directive issued by the Minister or DELWP about satisfying the statutory process during the COVID19 pandemic, officers will commence exhibition of the amendment once authorisation is received.

9.1.7

(cont)

FINANCIAL IMPLICATIONS

The project was a major initiative in the 2018/2019 budget which allocated \$375,000 towards the review. In order to undertake additional consultation on the *Analysis and Options Report* in July/August 2019, the project was extended into the 2019/2020 financial year. Council approved an extension to the project timeframe and additional budget at its meeting on 27 May 2019. \$160,550 of the overall project budget was allocated to the 2019/2020 budget year to complete the project. This resulted in a negligible increase in the overall project expenditure of \$550.

Costs associated with the planning scheme amendment process, such as exhibition costs and statutory fees, are typically covered by the ongoing operational budget of Council. This includes a fee to the Minister for Planning to consider a request for interim controls, as well as a fee to the Minister to consider a request to approve the amendment for permanent controls.

Charges for the independent panel vary depending on the duration of the panel hearing and the number of Panel members appointed. Charges typically cover any travel or accommodation required by panel members and project support from Planning Panels Victoria. If a planning panel is required, legal representation and advice would be covered by Council's operational budget. If expert witnesses are required these may require a separate budget allocation.

Refer to the table below for financial details:

Budget Item	Budget (excl. GST)	Expenditure: Existing & Future Estimates (excl. GST)
1. Consultant fees - agreed contract (2018/2019 and 2019/2020)	\$375, 550.00	\$375, 550.00*
- agreed variations (2019/2020)	\$14, 850.00	\$14, 850.00*
2. Study consultation costs to date	\$15,000.00	\$15,000.00*
3. Future exhibition costs (operational budget)		
Direct notification		\$14,000.00
Publicity material and social media		\$2200.00
Government Gazette		\$200.00
4. Future statutory fees (operational budget)		
Consideration by Minister for a request for interim controls		\$3, 998.70
Consideration by the Minister of a request to approve the amendment		\$481.30
5. Future planning panel charges (operational budget)		
Charges from Planning Panels Victoria, including panel member fees, travel, accommodation and project support		\$80,000.00
6. Future council planning panel representation		
Includes expert witness, legal representation and advice	\$50,000.00	\$50,000.00
TOTAL	\$455,400 (Excl operational budget items)	\$556,280 (Approx. Incl operational budget items)
* Expended to date		

9.1.7 (cont)

POLICY IMPLICATIONS




Plan Melbourne has designated Box Hill as a Metropolitan Activity Centre and a Health and Education precinct. The project outcomes therefore seek to ensure Box Hill continues to perform its role as a significant centre for health, education, commercial, retail and residential development by providing relevant guidance and policy for development. The updated draft Structure Plan, draft UDF and supporting planning controls aim to enhance access to employment closer to residential areas and combine high frequency multi-modal transport with a range of major retail, community, government, cultural and civic services to support *Plan Melbourne*.

The project sought to review the vision for Box Hill and update the 2007 Structure Plan to ensure it is relevant and current. This supports Strategic Direction 2 and Strategic Direction 5 within the current Council Plan 2017-2021. Strategic Direction 2 is to “*Maintain and enhance the built environment to ensure a liveable and sustainable city*” and Strategic Direction 5 is to “*Support a healthy local economy*”. The MAC is a regional education, training and health hub with several large employers. The updated draft Structure Plan and draft UDF will direct the rebalancing of residential and employment land uses to support the local and regional economy of Box Hill, while providing for housing growth.

The project looks to achieve Goal 2.1: “*A well connected City with a balanced approach to growth supported by infrastructure and development that respects our neighbourhood character*” as well as Goal 5.1 which is to “*...support a strong, active local economic environment that attracts investment and provides economic opportunities for businesses and employment for people*”. The updated draft Structure Plan and draft UDF build on the individual strengths of economic sectors in Box Hill and supports their future growth and development. The project outcomes also provide guidance on enriching the public realm and built environment to ensure that the MAC is accessible, welcoming and attractive.

Undertaking an Amendment to embed the draft Structure Plan and draft UDF in the Scheme will result in an updated and contemporary framework to guide the growth and development of the MAC to ensure it is an attractive, safe and liveable centre that continues to develop as the pre-eminent centre in Whitehorse and the eastern metropolitan region of Melbourne.

ATTACHMENT

- 1 Draft Box Hill MAC Structure Plan 
- 2 Draft Box Hill MAC Urban Design Framework 
- 3 Draft Box Hill MAC Planning Controls 

9.2 CORPORATE

9.2.1 Quarterly Performance Report January to March 2020

FILE NUMBER: 20/72279
ATTACHMENT

SUMMARY

The purpose of this report is to brief Council on the performance against the Council Plan 2017-2021 and the Annual Budget 2019/20 for the quarter ended 31 March 2020.

COUNCIL RESOLUTION

Moved by Cr Bennett, Seconded by Cr Davenport

That Council notes the Quarterly Performance Report for the quarter ended 31 March 2020, as attached.

CARRIED UNANIMOUSLY

BACKGROUND

Pursuant to sections 131(3) (a)(ii) and 138 of the *Local Government Act 1989*, the Quarterly Performance Report provides a high level summary of Council's performance against major initiatives, initiatives, and services identified in the Annual Plan, which is part of the *Adopted Budget 2019/20*. These are significant projects that will directly contribute to the achievement of the *Council Plan 2017-21* and have a major focus on the budget. They may include actions that are once-off in nature and/or lead to improvements in services.

The financial section of the Quarterly Performance Report for quarter ended 31 March 2020 has been prepared on an accruals basis to ensure accurate matching of income and expenditure, both operating and capital, for the year-to-date ended 31 March 2020. Furthermore, the financial section is prepared on the basis of year-to-date, year-end projection, cash and key balance sheet items, and analysing trends against budget.

DISCUSSION

Performance against Council Plan

The Annual Plan, which is part of the *Adopted Budget 2019/20*, identifies 29 significant initiatives that contribute to the achievement of the strategic directions and goals of *Council Plan 2017-21*. Of the 29 initiatives being reported on this quarter, three are complete, 21 are on track, and five are behind schedule.

Highlights for the quarter include:

- **Whitehorse Home and Community Services** – Following the COVID-19 pandemic, the team responded to a significant increase in phone calls (29%) from consumers requesting information and support. They further responded to an increase in requests for support from clients for meals on wheels and support with shopping.
- **Play Space Renewal Program** – Play space upgrades were completed at Fulton Woorall, Furnes Park, Yaminga, Charlton, Ashmole, Naughton Patch and Vermont Recreation Reserve (Stage 2).
- **Swimming Pool and Spa Safety** – Building services team set up and started online registration of swimming pools and spas in line with the regulatory requirements for *Building Amendment (Swimming Pool) Regulations 2019*.
- **Municipal Wide Tree Study** – At its meeting on 16 March 2020, Council resolved to adopt Amendment C219 with minor changes. Amendment C219 has been sent to the Minister for Planning for approval.

9.2.1

(cont)

- **Local Government Act 2020** - The *Local Government Act 2020* received Royal Assent on 24 March 2020. The Act has a staged implementation commencing 6 April 2020 through to 1 July 2021.

Performance against Annual Budget

The year to date financial result at 31 March was a surplus of \$54.78m which was \$1.99m favourable to budget. This primarily reflects favourable variances in employee costs (\$1.21m) and materials and services expenditure (\$1.98m).

The last review of the year-end result was completed at 31 January and was projected to be a surplus of \$24.83m, \$265k lower than budget. Given the high level of uncertainty about the impacts and duration of the pandemic a further forecast review has been deferred with Council focusing on its response to the coronavirus pandemic, including a range of community hardship support and stimulus measures to be implemented over the coming months. A full assessment of the impact will be undertaken prior to the next quarterly report.

ATTACHMENT

- 1 Quarterly Performance Report 2019-20 - Quarter 3 January - March 2020



9.2.2 Intention to Lease Land 96-106 Springvale Road, Nunawading

FILE NUMBER: SF08/271

SUMMARY

Council resolved on 16 March 2020 to commence the statutory procedures under Section 190 and Section 223 of the Local Government Act 1989 give notice of Council's intention to grant a further term of twenty (20) years via a "Deed of Variation" to the existing thirty (30) year lease for part of the land known as 96-106 Springvale Road, Nunawading to United Energy Distribution Pty Ltd with a nominal annual rental of one dollar (\$1), if demanded.

A public notice of Council's proposal was placed in The Age on Saturday 21 March 2020 and displayed for twenty eight (28) days on Council's Website. No submissions were received.

COUNCIL RESOLUTION

Moved by Cr Cutts, Seconded by Cr Barker

That Council:

- 1. Having completed the public notice process in accordance with Sections 190 and 223 of the Local Government Act 1989 and having received no submissions, resolve to grant a further term of twenty (20) years via a "Deed of Variation" to the existing thirty (30) year lease for part of the land known as 96-106 Springvale Road, Nunawading to United Energy Distribution Pty Ltd with a nominal annual rental of one dollar (\$1), if demanded, and with a commencement date of 22 March 2049.***
- 2. Authorise the Manager of Property & Rates to sign the "Deed of Variation".***

CARRIED UNANIMOUSLY

BACKGROUND

Council resolved on 16 March 2020 to commence the statutory procedures under Section 190 and Section 223 of the Local Government Act 1989 (the Act) to grant a further term of twenty (20) years via a Deed of Variation to an existing thirty (30) year lease for part of the Council owned land located at 96-106 Springvale Road, Nunawading to United Energy Distribution Pty Ltd.

United Energy Distribution Pty Ltd are the electricity distribution company for Nunawading, they constructed the substation.

Ownership of the substation remains with the United Energy Distribution Pty Ltd.

DISCUSSION

As advised in the 16 March 2020 Council report, Sections 190 and 223 of the Act apply because the further term of twenty (20) years exceeds the ten (10) year threshold.

It is important to note that Section 190 and Section 223 of the Act have not been repealed and replaced in stages #1 or #2 of the Local Government Act 2020 implementation process.

CONSULTATION

On Saturday 21 March 2020, Council published a public notice in The Age Newspaper advising the Whitehorse community of Council's intention to grant a further twenty (20) year term.

No submissions were received.

9.2.2 (cont)

Key dates:

- Saturday 21 March 2020: Public Notice advertisement (In The Age newspaper and on Council's website)
- Monday 20 April 2020: Public submissions close
- Monday 11 May 2020: Special Committee to hear any submission/s
- Monday 25 May 2020: Report to Council for consideration

FINANCIAL IMPLICATIONS

Even though the proposed substation may distribute electricity supply in the wider Nunawading area, it was constructed at Council's request, meaning that Council is the primary beneficiary of the substation.

Consequently, it is deemed appropriate that the rent payable under lease, for the duration of the full lease term, including the further twenty (20) year term, is a nominal rent of one dollar (\$1) per annum, if demanded.

All expenses associated with the lease and the statutory process will be borne by the Property & Rates Department 2019/20 recurrent budget and these expenses are estimated to be approximately \$5,000 + GST.

POLICY IMPLICATIONS

The granting of this lease is undertaken in accordance with Council's *"Property Lease and Licence Policy"*.

9.2.3 Intention to Lease Land to East Burwood Tennis Club and Mitcham Tennis Club

FILE NUMBER: SF08/271

SUMMARY

Council resolved on 16 March 2020 to commence the statutory procedures under Section 190 and Section 223 of the Local Government Act 1989, to give notice of Council's intention to grant new leases for the East Burwood Tennis Club located at 300 Burwood Highway, Burwood East, and Mitcham Tennis Club located at 68 Dunlavin Road, Nunawading and to authorise the commencement of the statutory process in accordance with Section 190 of the Local Government Act 1989.

A public notice of Council's proposal was placed in The Age on Saturday 21 March 2020 and displayed for twenty eight (28) days on Council's website. No submissions were received.

COUNCIL RESOLUTION

Moved by Cr Stennett, Seconded by Cr Carr

That Council:

- 1. Having completed the public notice process in accordance with Sections 190 and 223 of the Local Government Act 1989 and having received no submissions, resolve to grant a lease for the Council owned land known as East Burwood Tennis Club located at 300 Burwood Highway, Burwood East, for a total lease term of eleven years and four months with no further option periods, with a proposed commencement date of 1 June 2020.**
- 2. Having completed the public notice process in accordance with Sections 190 and 223 of the Local Government Act 1989 and having received no submissions, resolve to grant a lease for the Council owned land known as Mitcham Tennis Club located at 68 Dunlavin Road, Nunawading, for a total lease term of eleven years and four months with no further option periods, with a proposed commencement date of 1 June 2020.**
- 3. Authorise the Manager of Property & Rates to sign both leases.**

CARRIED UNANIMOUSLY

BACKGROUND

Council has two tennis club leases, East Burwood Tennis Club and Mitcham Tennis Club, which have expired and are currently in overholding.

Draft leases were prepared and provided to both clubs for their review and comment.

DISCUSSION

There are currently ten active tennis clubs and one combined tennis and bowls club operating on Council land across the municipality.

East Burwood Tennis Club and Mitcham Tennis Club are the only two tennis clubs without a current lease and the proposed leases will align these two clubs with the other tennis clubs that were granted leases by Council in September 2016.

9.2.3

(cont)

The proposed and recommended rent charges are contained within Table #1 below.

Table #1: Proposed and Recommended Rent Charges:

	East Burwood Tennis Club	Mitcham Tennis Club
Year 1*	\$185	\$110
Year 2*	\$370	\$220
Year 3	\$560	\$330
Year 4	\$580	\$340
Year 5	\$600	\$350
Year 6	\$625	\$370
Year 7	\$650	\$390
Year 8	\$675	\$410
Year 9	\$700	\$430
Year 10	\$725	\$450
Year 11	\$750	\$500

*Year 1 and 2 are phased rates.

CONSULTATION

On Saturday 21 March 2020, Council published a public notice in The Age Newspaper advising the Whitehorse community of Council's intention to grant leases to the two tennis clubs.

No submissions were received.

Key dates:

- Saturday 21 March 2020: Public Notice advertisement (In The Age newspaper and on Council's website)
- Monday 20 April 2020: Public submissions close
- Monday 11 May 2020: Special Committee to hear any submission/s
- Monday 25 May 2020: Report to Council for consideration

FINANCIAL IMPLICATIONS

All expenses associated with the lease and the statutory process will be borne by the Property & Rates Department 2019/20 recurrent budget and these expenses are estimated to be approximately \$5,000 + GST.

POLICY IMPLICATIONS

The granting of this lease is undertaken in accordance with Council's "*Property Lease and Licence Policy*".

9.2.4 Intention to Lease Land 653-661 Elgar Road, Mont Albert North

FILE NUMBER: SF08/271

SUMMARY

Council resolved on 16 March 2020 to commence the statutory procedures under Section 190 and Section 223 of the Local Government Act 1989 to give notice of Council's intention to grant a new lease for a proposed "pole-mounted" substation over part of the Council owned land known as Elgar Park located at 653-661 Elgar Road, Mont Albert North and to authorise the commencement of the statutory process in accordance with Section 190 of the Local Government Act 1989.

A public notice of Council's proposal was placed in The Age on Saturday 21 March 2020 and displayed for twenty eight (28) days on Council's website. No submissions were received.

COUNCIL RESOLUTION

Moved by Cr Barker, Seconded by Cr Liu

That Council:

- 1. Having completed the public notice process in accordance with Sections 190 and 223 of the Local Government Act 1989 and having received no submissions, grant a single term fifty (50) year lease for a "pole-mounted" substation over part of the Council owned land known as 653-661 Elgar Road, Mont Albert North to United Energy Distribution Pty Ltd with a nominal annual rental of one dollar (\$1), if demanded, and with a likely commencement date of 1 June 2020.***
- 2. Authorise the Manager of Property & Rates to sign the lease.***

CARRIED UNANIMOUSLY

BACKGROUND

Council resolved on 16 March 2020 to commence the statutory procedures under Section 190 and Section 223 of the *Local Government Act 1989* (the Act) to grant a single term fifty (50) year lease for a "pole-mounted" substation over part of the Council owned land known as 653-661 Elgar Road, Mont Albert North to United Energy Distribution Pty Ltd.

United Energy Distribution Pty Ltd are the electricity distribution company for Mont Albert North.

DISCUSSION

As advised in the 16 March 2020 Council report, Sections 190 and 223 of the Act apply because the lease term of fifty (50) years exceeds the ten (10) year threshold.

It is important to note that Section 190 and Section 223 of the Act have not been repealed and replaced in stages #1 or #2 of the *Local Government Act 2020* implementation process.

The location of the substation in Elgar Park is not impacted by any works associated with the North East Link Project.

CONSULTATION

On Saturday 21 March 2020, Council published a public notice in The Age Newspaper advising the Whitehorse community of Council's intention to grant a lease with a fifty (50) year term.

No submissions were received.

9.2.4

(cont)

Key dates:

- Saturday 21 March 2020: Public Notice advertisement (In The Age newspaper and on Council's website)
- Monday 20 April 2020: Public submissions close
- Monday 11 May 2020: Special Committee to hear any submission/s
- Monday 25 May 2020: Report to Council for consideration

FINANCIAL IMPLICATIONS

Even though the proposed substation may distribute electricity supply in the wider Mont Albert North area, it was constructed at Council's request, meaning that Council is the primary beneficiary of the substation.

Consequently, it is deemed appropriate that the rent payable under lease, for the duration of the full lease term of fifty (50) years, is a nominal rent of one dollar (\$1) per annum, if demanded.

All expenses associated with the lease and the statutory process will be borne by the Property & Rates Department 2019/20 recurrent budget and these expenses are estimated to be approximately \$7,500 + GST.

POLICY IMPLICATIONS

The granting of this lease is undertaken in accordance with Council's *"Property Lease and Licence Policy"*.

9.2.5 Intention to Lease Land 379-399 Whitehorse Road, Nunawading

FILE NUMBER: SF08/271

SUMMARY

Council resolved on 16 March 2020 to commence the statutory procedures under Section 190 and Section 223 of the Local Government Act 1989, to give notice of Council's intention to grant a new lease for a proposed substation over part of the Council owned land located at 379-399 Whitehorse Road, Nunawading and to authorise the commencement of the statutory process in accordance with Section 190 of the Local Government Act 1989.

A public notice of Council's proposal was placed in The Age on Saturday 21 March 2020 and displayed for twenty eight (28) days on Council's website. No submissions were received.

COUNCIL RESOLUTION

Moved by Cr Stennett, Seconded by Cr Cutts

That Council:

- 1. Having completed the public notice process in accordance with Sections 190 and 223 of the Local Government Act 1989 and having received no submissions, grant a single term fifty (50) year lease for a substation over part of the Council owned land known as 379-399 Whitehorse Road, Nunawading to United Energy Distribution Pty Ltd with a nominal annual rental of one dollar (\$1), if demanded, and with a likely commencement date of 1 June 2020.***
- 2. Authorise the Manager of Property & Rates to sign the lease.***

CARRIED UNANIMOUSLY

BACKGROUND

Council resolved on 16 March 2020 to commence the statutory procedures under Section 190 and Section 223 of the *Local Government Act 1989* (the Act) to grant a single term fifty (50) year lease for a substation over part of the Council owned land known as 379-399 Whitehorse Road, Nunawading to United Energy Distribution Pty Ltd.

United Energy Distribution Pty Ltd are the electricity distribution company for Nunawading.

DISCUSSION

As advised in the 16 March 2020 Council report, Sections 190 and 223 of the Act apply because the lease term of fifty (50) years exceeds the ten (10) year threshold.

It is important to note that Section 190 and Section 223 of the Act have not been repealed and replaced in stages #1 or #2 of the *Local Government Act 2020* implementation process.

CONSULTATION

On Saturday 21 March 2020, Council published a public notice in The Age Newspaper advising the Whitehorse community of Council's intention to grant a lease with a fifty (50) year term.

No submissions were received.

Key dates:

- Saturday 21 March 2020: Public Notice advertisement (In The Age newspaper and on Council's website)
- Monday 20 April 2020: Public submissions close
- Monday 11 May 2020: Special Committee to hear any submission/s
- Monday 25 May 2020: Report to Council for consideration

9.2.5

(cont)

FINANCIAL IMPLICATIONS

Even though the proposed substation may distribute electricity supply in the wider Nunawading area, it was constructed at Council's request, meaning that Council is the primary beneficiary of the substation.

Consequently, it is deemed appropriate that the rent payable under lease, for the duration of the full lease term of fifty (50) years, is a nominal rent of one dollar (\$1) per annum, if demanded.

All expenses associated with the lease and the statutory process will be borne by the Property & Rates Department 2019/20 recurrent budget and these expenses are estimated to be approximately \$7,500 + GST.

POLICY IMPLICATIONS

The granting of this lease is undertaken in accordance with Council's *"Property Lease and Licence Policy"*.

9.2.6 Electoral Representation Review –Single Wards/Ward Names

ATTACHMENT

SUMMARY

The purpose of this report is to respond to the Minister for Local Government's letter of 6 May 2020 where he advised Council that Whitehorse will be moving to single wards, the structure of those wards for the 2020 Council elections and then inviting Council to name the 11 Wards by the deadline of 25 May 2020.

COUNCIL RESOLUTION

Moved by Cr Stennett, Seconded by Cr Munroe

That Council advise the Minister for Local Government:

- 1. That Council receives and notes the single Ward electoral structure as proposed by the Minister for the 2020 General Council elections (Attachment 1) and expresses its disappointment that Council's and the Victorian Electoral Commission's (VEC) multimember option was not endorsed by the Minister. Furthermore, Council is disappointed with the time constraint imposed by the Minister which has limited proper and effective community involvement and consultation for the Minister's proposed single Ward option and the assigning of Ward names.***
- 2. That given the limited time for consideration of Ward names in meeting the Minister's deadline of the 25 May, the following are the names proposed by Council for the respective 11 Wards which are based on The Origin of Parks' Names of the City of Whitehorse:***
 - a) Elgar;***
 - b) Cootamundra;***
 - c) Lake;***
 - d) Walker;***
 - e) Kingsley;***
 - f) Sparks;***
 - g) Simpson;***
 - h) Wattle;***
 - i) Eley;***
 - j) Mahoney; and***
 - k) Terrara***
- 3. That post the 2020 General Elections Council will seek permission to run a public consultation process for new Ward names in readiness for the 2024 Council elections.***

CARRIED UNANIMOUSLY

BACKGROUND

The VEC initiated its electoral representation review of Whitehorse City Council in early July 2019.

Council at its meeting held 15 July, endorsed its preliminary submission that highlighted a preferred option of 5 wards with 4 wards represented by 2 councillors and 1 ward represented by 3 councillors; and an alternative option of 4 wards with 3 wards represented by 3 councillors and 1 ward represented by 2 councillors. In addition, three other non-favoured options were also identified, including an 11 single member ward option.

9.2.6

(cont)

In its preliminary report on the representation review for Whitehorse, the VEC identified that its preferred option was for 11 Councillors elected from five wards (four two-councillor wards and one three-councillor ward; and an alternative option of 10 Councillors elected from five two-councillor wards, with adjustments to the current ward boundaries.

As a result, Council at its meeting held 16 September 2019, adopted a response submission which fully supported the VEC's preferred option of 11 Councillors across 5 wards. The VEC in its Final Report reiterated this, as its recommended option to the Minister.

Subsequently, the Minister for Local Government did not adopt the VEC's recommendation and with the passage of the new Local Government Act 2020, has directed a shift to single member wards. Consequently, in addition to Whitehorse, the Minister has determined that 7 other metropolitan Councils (Bayside, Cardinia, Darebin, Greater Dandenong, Kingston, Manningham and Maroondah) would change from multi-member to single member wards for the 2020 elections.

The Minister wrote to Council on 6 May 2020, inviting it to provide names for the 11 wards that will apply for the general elections in October 2020. Council has sought and has been granted a one-day extension to provide its submission to the Minister by the close of business on Tuesday 26 May, in order that Council can formally consider this matter at its meeting on Monday 25 May 2020.

DISCUSSION

The Ministerial adopted ward structure

The Minister in his letter (6 May 2020), also enclosed a map showing the boundaries of the 11 new wards (refer to Attachment 1). As Council is receiving this information for the first time, officers have taken the opportunity to provide some general comments on this adopted option and the 11-ward option included by Council, as part of its preliminary submission to the VEC's electoral representation review. Such observations include:

The respective ward boundaries for both options are completely different, but generally made good use of main roads.

The adopted option has a strong vertical and north/south orientation, with all of Middleborough Road and also Blackburn/Surrey Road plus substantial parts of Elgar and Springvale Road being used as boundaries, whereas Council's option has a more local cluster approach;

The Box Hill Activity Centre has not been successfully captured in one ward, with the majority resting in Ward F;

This VEC model will do for the 2020 elections, however as you can see with % variations - ward A and ward G are near 5% while ward J is at 7.75 %. Which of course is the weakness of any single member ward structure - as in instances of rapid voter population change in one area of the municipality the boundaries simply do not cope. They will need to be tweaked for each election. Council previously expressed concerns in its preliminary submission on single member wards, on the basis of uneven population growth; the increasing need to constantly monitor for average ward variances and the inability to properly capture communities of interest eg Box Hill Activity Centre.

9.2.6

(cont)

Assigning of ward names

Given the extremely tight time-lines imposed by the Minister for ward naming suggestions, Council has limited scope to sponsor genuine community consultation on this issue, including with the indigenous community and elders. Notwithstanding this difficult situation, officers have considered that it may be more preferable that Council takes the positive lead to endorse new ward names, rather than deferring this to a later date, or by default, allowing the Minister to retain the current alpha reference or assigning a numeric (1-11) or directional (north, south, central etc) reference for identification purposes. Clearly, such an outcome would have undesirable negative community strengthening and recognition impacts, for our community going forward.

Prior to initiating any action, it is paramount that there is clarity for all parties, on the basis upon which naming suggestions will be made. To this end, officers have adopted as the key guiding principle, that the suggested names should have a high level of relevance and connection with the ward area and/or the natural features or physical structures within the ward itself. Importantly, the adoption of such an approach should be easily understood and embraced by our community. Conversely, an unstructured approach may invariably engender an undesirable or unwanted outcome that the community doesn't understand or support. Accordingly, officers have reviewed accessible historical data and other information, including assigning names that the community is readily familiar with, such as the names of prominent parks or reserves within local communities.

Council may be interested to note that contact was made with the other 7 metropolitan Councils moving to single member wards, to gauge their approach to this ward naming request from the Minister. All were endeavouring to have this matter duly considered by Council, and were utilising historical, site-specific and other information to arrive at suggested names, for their respective Council's consideration.

CONSULTATION

Due to the time constraints for a response to be provided to by the Minister, no level of community consultation has been possible, including with the indigenous community and elders. Council officers have as an urgent measure, sought feedback on possible naming options from our Historical Societies and other community groups and individuals and are thankful for their contributions.

Councillors at their informal Assembly of Councillors meeting Monday 18 May 2020 considered all of the available information and indicated a preference for the names of prominent parks within the wards as listed in the recommendation.

FINANCIAL IMPLICATIONS

There are no financial implications arising from the preparation of this report.

POLICY IMPLICATIONS

There are no policy implications arising from the preparation of this report.

ATTACHMENT

- 1 Whitehorse City Council New Single Ward Boundaries 

9.2.7 Delegated Decisions March 2020

SUMMARY

The following activity was undertaken by officers under delegated authority during March 2020.

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Stennett

That the report of decisions made by officers under Instruments of Delegation for the month of March 2020 be noted.

CARRIED UNANIMOUSLY

DELEGATION	FUNCTION	Number for March 2019	Number for March 2020
Planning and Environment Act 1987	Delegated Decisions	127	118
	Strategic Planning Decisions	Nil	Nil
Telecommunications Act 1997		Nil	Nil
Subdivision Act 1988		17	5
Gaming Control Act 1991		Nil	Nil
Building Act 1993	Dispensations & Applications to Building Control Commission	41	59
Liquor Control Reform Act 1998	Objections and Prosecutions	1	Nil
Food Act 1984	Food Act Orders	2	9
Public Health & Wellbeing Act 2008	Improvement / Prohibition Notices	2	5
Local Government Act 1989	Temporary Rd. Closures	10	6
Other Delegations	CEO Signed Contracts between \$150,000 - \$750,000	4	4
	Property Sales and Leases	4	23
	Documents to which Council seal affixed	1	Nil
	Vendor Payments	1506	1343
	Parking Amendments	8	4
	Parking Infringements Withdrawn	191	242

9.2.7

(cont)

DELEGATED DECISIONS MADE ON PLANNING APPLICATIONS MARCH 2020

All decisions are the subject of conditions which may in some circumstances alter the use of development approved, or specific grounds of refusal if an application is not supported.

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2017/711/A	19.03.20	Application Lapsed	41-51 Burwood Highway Burwood Vic 3125	Riversdale	Amendment to Planning Permit WH/2017/711 to allow changes to the endorsed plans for additional buildings and works in association with an existing indoor recreation facility	Permit Amendment
WH/2019/1251	11.03.20	Application Lapsed	7 Marian Court Blackburn Vic 3130	Central	Construction of two double storey dwellings and tree removal	Multiple Dwellings
WH/2019/1290	11.03.20	Application Lapsed	56 Philip Street Vermont Vic 3133	Morack	Buildings and works (associated with a new dwelling) within 4 metres of protected trees.	Special Landscape Area
WH/2019/1322	02.03.20	Application Lapsed	84 Windsor Crescent Surrey Hills Vic 3127	Elgar	Removal of a Grevillea robusta/Silky Oak tree pursuant to Schedule 9 to the Significant Landscape Overlay	VicSmart - Tree
WH/2019/1336	10.03.20	Application Lapsed	11 Wellington Avenue Blackburn Vic 3130	Central	Removal of 12 trees protected SLO2 trees	Special Landscape Area
WH/2020/36	20.03.20	Application Lapsed	21 Richmond Street Blackburn South Vic 3130	Riversdale	Two lot Subdivision	Subdivision
WH/2020/54	24.03.20	Application Lapsed	104-168 Hawthorn Road Forest Hill Vic 3131	Morack	Construct and Display Signage	Advertising Sign

9.2.7
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2020/76	06.03.20	Application Lapsed	7 Gallus Close Vermont Vic 3133	Morack	Removal of one (1) SLO9 tree	VicSmart - Tree
WH/2012/511/A	17.03.20	Delegate Approval - S72 Amendme nt	2/11 Renown Street Burwood Vic 3125	Riversdale	Amendment to plans under S72 for the removal of Tree 2	Permit Amendment
WH/2014/1235/C	20.03.20	Delegate Approval - S72 Amendme nt	800 Station Street Box Hill North Vic 3129	Elgar	Development and use of a Child Care Centre, buildings and works in a Heritage Overlay, building and works within 4 of a tree and reduction in car parking requirements	Permit Amendment
WH/2016/489/B	31.03.20	Delegate Approval - S72 Amendme nt	315 Burwood Highway Burwood East Vic 3151	Morack	Amendment to plans and permit conditions to Planning Permit WH/2016/489 for the use of a restricted recreation facility and signage	Permit Amendment
WH/2017/700/A	26.03.20	Delegate Approval - S72 Amendme nt	14 Parkside Avenue Box Hill Vic 3128	Elgar	Construction of Two (2) Double Storey Dwellings & Removal of Vegetation within the Significant Landscape Overlay - Schedule 9	Permit Amendment
WH/2017/924/A	02.03.20	Delegate Approval - S72 Amendme nt	11 Scott Grove Burwood Vic 3125	Riversdale	The construction of a double storey dwelling at the rear of the existing dwelling and vegetation removal	Permit Amendment
WH/2017/929/A	23.03.20	Delegate Approval - S72 Amendme nt	19 Baratta Street Blackburn South Vic 3130	Central	Construction of two (2) double storey dwellings	Single Dwelling < 300m2

9.2.7
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2018/21/A	06.03.20	Delegate Approval - S72 Amendment	399 Springfield Road Nunawading Vic 3131	Springfield	Development of an additional dwelling with garage and carport to existing residence and tree removal	Permit Amendment
WH/2018/255/A	31.03.20	Delegate Approval - S72 Amendment	2 Elmhurst Road Blackburn Vic 3130	Central	The construction of two double storey dwellings, buildings and works within 4 metres of vegetation and vegetation removal.	Permit Amendment
WH/2019/122/A	23.03.20	Delegate Approval - S72 Amendment	14 Fisher Street Forest Hill Vic 3131	Springfield	Tree removal and buildings and works within 4 metres of protected trees	Permit Amendment
WH/2016/771/A	24.03.20	Delegate NOD - S72 Amendment	436 Canterbury Road Forest Hill Vic 3131	Morack	Amendment of plans to planning permit WH/2016/771 to include internal and external alterations to unit 2	Permit Amendment
WH/2012/440/C	11.03.20	Delegate NOD Issued	193-195 Springvale Road Nunawading Vic 3131	Springfield	Amendment to plans, permit preamble and conditions of planning permit WH/2012/440/B (issued for the Construction of a six storey building for a supermarket, shop, cafe and 86 dwellings, use of the land for sale of liquor, and reduction in car parking) to include use and development for a place of assembly deletion of use of a supermarket, deletion of use for sale of liquor (supermarket), business identification signage and amendments to condition 7 (deletion of condition 7 a, b, c) and deletion of condition 10.	Permit Amendment

9.2.7
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2016/1149/B	12.03.20	Delegate NOD Issued	826-834 Whitehorse Road Box Hill Vic 3128	Elgar	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	Permit Amendment
WH/2018/40	05.03.20	Delegate NOD Issued	10 Court Street Box Hill Vic 3128	Elgar	Construction of four dwellings and works within 4 metres of SLO9 protected tree	Multiple Dwellings
WH/2018/727	11.03.20	Delegate NOD Issued	55 Boronia Road Vermont Vic 3133	Morack	Construction of three dwellings, comprising two new double storey dwellings behind the existing dwelling, associated tree removal and alteration (intensification) of access to a road in a Road Zone Category 1	Multiple Dwellings
WH/2019/1008	18.03.20	Delegate NOD Issued	4 Aberdeen Road Blackburn South Vic 3130	Central	Construction of two residential dwellings, removal of vegetation and buildings and works within 4m of trees	Multiple Dwellings
WH/2019/1132	23.03.20	Delegate NOD Issued	16 Meerut Street Mitcham Vic 3132	Springfield	Building and works to existing dwelling including proposed alfresco, garage, pergola and in ground swimming pool	Single Dwelling < 300m2
WH/2019/1173	10.03.20	Delegate NOD Issued	302 Whitehorse Road Nunawading Vic 3131	Springfield	Use the land for restricted recreation facility (gymnasium) and display of signs (business identification)	Change of Use

9.2.7
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2019/305	17.03.20	Delegate NOD Issued	209 Canterbury Road Blackburn Vic 3130	Central	Construction of two double storey dwellings, building and works within the Special Building Overlay, front fence, tree removal and buildings and works within the Significant Landscape Overlay Schedule 2 and alteration of access to a road in a Road Zone Category 1.	Multiple Dwellings
WH/2019/311	26.03.20	Delegate NOD Issued	2a Grove Street Vermont Vic 3133	Springfield	Buildings and works for the construction of a toilet block and access ramp, demolition of carport, outbuilding and weatherboard dwelling to create a new driveway, alteration of access to a road zone (RDZ1) including associated vegetation removal and buildings and works within 4 metres of protected trees	Other
WH/2019/39	17.03.20	Delegate NOD Issued	730 Canterbury Road Surrey Hills Vic 3127	Riversdale	Buildings and Works (in association with use of land for the purpose of a Telecommunications Facility) and Vegetation Removal/Lopping	Telecommunications
WH/2019/508	19.03.20	Delegate NOD Issued	17 Douglas Street Blackburn North Vic 3130	Central	The development of the land for two (2) double storey dwellings, removal of a tree and buildings and works within 4 metres of protected trees	Multiple Dwellings

9.2.7
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2019/511	26.03.20	Delegate NOD Issued	6 Centre Road Vermont Vic 3133	Morack	Construction of two double storey dwellings, tree removal and buildings and works within four metres of protected trees.	Multiple Dwellings
WH/2019/526	31.03.20	Delegate NOD Issued	21 Ellingworth Parade Box Hill Vic 3128	Elgar	Buildings and works for the Construction of an eight storey office tower, basement, and reduction of the car parking rate	Business
WH/2019/539	17.03.20	Delegate NOD Issued	8 Flora Grove Forest Hill Vic 3131	Central	Construction of two single storey dwellings within the Significant Landscape Overlay Schedule 9	Multiple Dwellings
WH/2019/725	25.03.20	Delegate NOD Issued	179 Mahoneys Road Forest Hill Vic 3131	Morack	Use and development for the purpose of a childcare centre, display of internally illuminated business identification signage, associated tree removal and buildings and works within 4 metres of protected trees, generally in accordance with the endorsed plans and subject to the following conditions.	Child Care Centre
WH/2019/791	23.03.20	Delegate NOD Issued	13 Rosalind Crescent Blackburn Vic 3130	Central	Construction of a two storey dwelling on a lot including tree removal, buildings and works and construction of a front fence within the Significant Landscape Overlay Schedule 2	Single Dwelling < 300m2
WH/2018/621	27.03.20	Delegate Permit Issued	22 Howard Street Box Hill Vic 3128	Elgar	Construction of Three (3) Dwellings on a Lot and Removal of Vegetation	Multiple Dwellings

9.2.7
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2019/1021	17.03.20	Delegate Permit Issued	2 Cameron Road Box Hill North Vic 3129	Elgar	Buildings and works within 4 metres of protected trees and tree removal	Special Landscape Area
WH/2019/1072	11.03.20	Delegate Permit Issued	78 Middleborough Road Burwood East Vic 3151	Riversdale	Creation of a Reserve and Easement	Subdivision
WH/2019/1087	02.03.20	Delegate Permit Issued	1 Wilton Street Blackburn North Vic 3130	Central	Buildings and works within 4 metres of protected trees	Special Landscape Area
WH/2019/1177	17.03.20	Delegate Permit Issued	44 Williams Road Blackburn Vic 3130	Central	Works associated with a widened vehicle crossover within 4 metres of a protected street tree.	Special Landscape Area
WH/2019/1220	23.03.20	Delegate Permit Issued	820-824 Whitehorse Road Box Hill Vic 3128	Elgar	Subdivision of building in accordance with the Section 32A provisions , Variation of Easement E-1 and Removal of Easement E-2, both on PS 418535	Subdivision
WH/2019/1232	23.03.20	Delegate Permit Issued	31 Beaver Street Box Hill South Vic 3128	Riversdale	The development of the land for two double storey dwellings, buildings and works within 4 metres of protected vegetation and the removal of vegetation	Multiple Dwellings
WH/2019/1253	24.03.20	Delegate Permit Issued	21 Wattle Valley Road Mitcham Vic 3132	Springfield	Buildings and works for the development of a park including removal of vegetation and construction of gravel path within 4m of trees protected under SLO9	Special Landscape Area

9.2.7
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2019/1284	10.03.20	Delegate Permit Issued	Vodafone 636 Burwood Highway Vermont South Vic 3133	Morack	Works (path, bridge and retaining walls) associated with construction of a shared use path for informal outdoor recreation (shared bicycle and pedestrian path)	Public Open Space
WH/2019/1299	31.03.20	Delegate Permit Issued	16 David Street Box Hill South Vic 3128	Riversdale	Buildings and works associated with a new dwelling within 4 metres of a protected tree.	Single Dwelling < 300m2
WH/2019/1302	06.03.20	Delegate Permit Issued	38 Gillard Street Burwood Vic 3125	Riversdale	Two lot subdivision	Subdivision
WH/2019/1320	23.03.20	Delegate Permit Issued	77 Laburnum Street Blackburn Vic 3130	Central	Three lot subdivision	Subdivision
WH/2019/1325	26.03.20	Delegate Permit Issued	27 Doncaster East Road Mitcham Vic 3132	Springfield	alterations and additions to the existing hospital building, removal of protected trees and buildings and works within 4 metres of protected trees	Residential (Other)
WH/2019/553	24.03.20	Delegate Permit Issued	19 Christine Street Blackburn South Vic 3130	Central	Construction of two dwellings and Buildings and works within a Special Building Overlay(SBO)	Multiple Dwellings
WH/2019/689	23.03.20	Delegate Permit Issued	6 Ryan Grove Blackburn South Vic 3130	Central	Construction of second (double storey) dwelling and buildings and works within 4m of protected trees	Multiple Dwellings

9.2.7
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2019/690	05.03.20	Delegate Permit Issued	1/811 Whitehorse Road Mont Albert Vic 3127	Elgar	Use of the land for accommodation, buildings and works for the construction of a mixed use tower building, basement, reduction of the car parking requirements, and variation of access road within a Road Zone Category 1	Business
WH/2019/768	10.03.20	Delegate Permit Issued	56 Eley Road Burwood East Vic 3151	Riversdale	2 lot subdivision	Subdivision
WH/2019/811	03.03.20	Delegate Permit Issued	Lg 1/21 Queen Street Blackburn Vic 3130	Central	Construct and display internally illuminated business identification signage	Advertising Sign
WH/2019/875	30.03.20	Delegate Permit Issued	11 Mccomas Grove Burwood VIC 3125	Riversdale	Construction of Two (2) Double Storey Dwellings	Multiple Dwellings
WH/2020/1	05.03.20	Delegate Permit Issued	7 Bedford Street Box Hill Vic 3128	Elgar	Removal of vegetation and buildings and works within 4 metres of protected vegetation within SLO9	Special Landscape Area
WH/2020/108	23.03.20	Delegate Permit Issued	24 Central Avenue Burwood Vic 3125	Riversdale	Subdivision into two lots	Subdivision
WH/2020/113	16.03.20	Delegate Permit Issued	1/1035 Riversdale Road Surrey Hills Vic 3127	Riversdale	To re-subdivide Lots 1, 2,3 and Common Property on SP23483U and Lot 1 on TP842411T to create Lots 1, 2,3 and Common Property No.1	Subdivision
WH/2020/118	02.03.20	Delegate Permit Issued	11 Huskey Court Vermont South Vic 3133	Morack	Removal of one protected tree in the Significant Landscape Overlay Schedule 9	VicSmart - Tree

9.2.7
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2020/141	06.03.20	Delegate Permit Issued	46 Menin Road Forest Hill Vic 3131	Springfield	Removal of 1 tree	VicSmart - Tree
WH/2020/143	04.03.20	Delegate Permit Issued	97 Nelson Road Box Hill North Vic 3129	Elgar	Three (3) lot subdivision	Subdivision
WH/2020/150	02.03.20	Delegate Permit Issued	45 Meldan Street Burwood Vic 3125	Riversdale	Removal of one tree protected under the Significant Landscape Overlay Schedule 9	VicSmart - Tree
WH/2020/152	12.03.20	Delegate Permit Issued	2/315 Mont Albert Road Mont Albert Vic 3127	Elgar	Buildings and works in an Overlay (veranda).	VicSmart - General Application
WH/2020/165	27.03.20	Delegate Permit Issued	2a Norvel Street Blackburn Vic 3130	Central	Construction of a front fence including associated buildings and works within 4 metres of protected SLO9 tree	VicSmart - General Application
WH/2020/166	12.03.20	Delegate Permit Issued	38 Marama Street Blackburn South Vic 3130	Central	Buildings and works on lot under 500m2 (front fence)	VicSmart - General Application
WH/2020/168	16.03.20	Delegate Permit Issued	28 Margaret Street Box Hill Vic 3128	Elgar	Three lot subdivision	Subdivision
WH/2020/169	20.03.20	Delegate Permit Issued	51 Glen Ebor Avenue Blackburn Vic 3130	Central	Removal of one tree	VicSmart - Tree
WH/2020/170	17.03.20	Delegate Permit Issued	47 Romoly Drive Forest Hill Vic 3131	Central	Subdivision of land into 2 lots	Subdivision
WH/2020/175	05.03.20	Delegate Permit Issued	9 Monash Street Box Hill South Vic 3128	Riversdale	Removal of a Liquidambar styraciflua (Sweet Gum) tree pursuant to Schedule 9 to the Significant Landscape Overlay	VicSmart - Tree

9.2.7
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2020/176	13.03.20	Delegate Permit Issued	70 Baratta Street Blackburn South Vic 3130	Central	Removal of one tree and buildings and works within 4 metres of protected trees	VicSmart - Tree
WH/2020/177	04.03.20	Delegate Permit Issued	33 Creek Road Mitcham Vic 3132	Springfield	Two lot subdivision	Subdivision
WH/2020/178	03.03.20	Delegate Permit Issued	388 Station Street Box Hill South Vic 3128	Riversdale	Two (2) lot subdivision	Subdivision
WH/2020/183	16.03.20	Delegate Permit Issued	27 Livingstone Close Burwood Vic 3125	Riversdale	Removal of Vegetation (One Tree) within the Significant Landscape Overlay - Schedule 9	VicSmart - Tree
WH/2020/185	20.03.20	Delegate Permit Issued	3/518 Mitcham Road Mitcham Vic 3132	Springfield	Removal of acacia melanoxylon - Blackwood tree pursuant to Schedule 9 to the Significant Landscape Overlay	VicSmart - Tree
WH/2020/19	25.03.20	Delegate Permit Issued	37 Glen Valley Road Forest Hill Vic 3131	Springfield	Removal of 2 trees protected under the Significant Landscape Overlay 9	Special Landscape Area
WH/2020/193	20.03.20	Delegate Permit Issued	264-272 Springvale Road Nunawading Vic 3131	Springfield	Removal of a protected (Ulmus parvifolia -Chinese Elm) tree in the Significant Landscape Overlay Schedule 9	VicSmart - Tree
WH/2020/194	16.03.20	Delegate Permit Issued	23 Baldwin Road Blackburn Vic 3130	Central	Removal of one (1) tree	VicSmart - Tree
WH/2020/197	20.03.20	Delegate Permit Issued	27 Hunter Drive Blackburn South Vic 3130	Central	Removal of protected tree (SLO9)	VicSmart - Tree
WH/2020/198	13.03.20	Delegate Permit Issued	1/21 Creek Road Mitcham Vic 3132	Springfield	Removal of one tree	VicSmart - Tree

9.2.7
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2020/199	20.03.20	Delegate Permit Issued	27 Hunter Drive Blackburn South Vic 3130	Central	Removal of protected tree (SLO9)	VicSmart - Tree
WH/2020/202	05.03.20	Delegate Permit Issued	1/41 Grandview Road Box Hill South Vic 3128	Riversdale	Two (2) lot subdivision	Subdivision
WH/2020/203	20.03.20	Delegate Permit Issued	10 Cantley Lane Vermont Vic 3133	Morack	Buildings and Works (Construction of a Fence) within the Significant Landscape Overlay - Schedule 9	VicSmart - General Application
WH/2020/204	16.03.20	Delegate Permit Issued	29 Meldan Street Burwood Vic 3125	Riversdale	Construction of front fence within 4 metres of a tree within SLO9	VicSmart - General Application
WH/2020/209	24.03.20	Delegate Permit Issued	21 Dawe Road Mitcham Vic 3132	Springfield	Removal of vegetation (One Tree) within the Significant Landscape Overlay - Schedule 6	VicSmart - Tree
WH/2020/210	10.03.20	Delegate Permit Issued	32 Mill Avenue Forest Hill Vic 3131	Morack	Two lot subdivision	VicSmart - Subdivision
WH/2020/212	30.03.20	Delegate Permit Issued	13 Frances Avenue Vermont Vic 3133	Morack	Lopping of one tree (tree 1) in SLO9	VicSmart - Tree
WH/2020/216	20.03.20	Delegate Permit Issued	11 Elm Street Surrey Hills Vic 3127	Riversdale	Buildings and works (front fence) within 4 metres of protected SLO9 trees	VicSmart - General Application
WH/2020/220	20.03.20	Delegate Permit Issued	23 Bass Street Box Hill Vic 3128	Elgar	Removal of one (1) tree	VicSmart - Tree
WH/2020/221	23.03.20	Delegate Permit Issued	3 Pontin Court Burwood East Vic 3151	Riversdale	Removal of Vegetation (One Tree) within the Significant Landscape Overlay - Schedule 9	VicSmart - Tree

9.2.7
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2020/225	16.03.20	Delegate Permit Issued	2 Homewood Street Nunawading Vic 3131	Springfield	Two lot subdivision	VicSmart - Subdivision
WH/2020/231	26.03.20	Delegate Permit Issued	1/21 Creek Road Mitcham Vic 3132	Springfield	Removal of one (1) tree	VicSmart - Tree
WH/2020/232	26.03.20	Delegate Permit Issued	1/21 Creek Road Mitcham Vic 3132	Springfield	Removal of one (1) tree	VicSmart - Tree
WH/2020/233	30.03.20	Delegate Permit Issued	143 Mahoneys Road Forest Hill Vic 3131	Morack	Construct a front fence within 4 metres of protected trees in the Significant Landscape Overlay	VicSmart - General Application
WH/2020/244	20.03.20	Delegate Permit Issued	5 Nurlendi Road Vermont Vic 3133	Morack	Two lot subdivision	Subdivision
WH/2020/259	26.03.20	Delegate Permit Issued	6 Kiama Close Vermont South Vic 3133	Morack	Removal of one protected tree in the Significant Landscape Overlay Schedule 9	VicSmart - Tree
WH/2020/277	26.03.20	Delegate Permit Issued	12 Eram Road Box Hill North Vic 3129	Elgar	Two (2) lot subdivision	VicSmart - Subdivision
WH/2020/47	05.03.20	Delegate Permit Issued	15 Glenburnie Road Mitcham Vic 3132	Springfield	Buildings and works within 4 metres of protected vegetation within SLO9	Special Landscape Area
WH/2020/98	02.03.20	Delegate Permit Issued	13 Graham Place Box Hill Vic 3128	Elgar	To subdivide the title to create three lots and common property	Subdivision
WH/2018/1341	16.03.20	Delegate Refusal Issued	76 Foch Street Box Hill South Vic 3128	Riversdale	Buildings and works for Construction of 4 double storey dwellings and associated tree removal	Multiple Dwellings

9.2.7
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2019/1225	25.03.20	Delegate Refusal Issued	12 Laurel Grove North Blackburn Vic 3130	Central	Buildings and works for the construction of a double storey dwelling including associated buildings and works within 4 metres of protected SLO2 trees and vegetation removal	Single Dwelling < 300m2
WH/2019/359	10.03.20	Delegate Refusal Issued	18 Murray Drive Burwood Vic 3125	Riversdale	Buildings and works to construct four double storey dwelling on a lot within four metres of a protected tree and vegetation removal on a lot subject to a significant landscape overlay SLO9	Multiple Dwellings
WH/2019/61	05.03.20	Delegate Refusal Issued	12 Cyril Street Box Hill South Vic 3128	Riversdale	The construction of two double storey dwellings and buildings and works within 4 metres of a protected tree	Multiple Dwellings
WH/2019/789	05.03.20	Delegate Refusal Issued	20 Piedmont Street Box Hill South Vic 3128	Riversdale	Buildings and works for Construction of 4 double storey dwellings and associated vegetation removal	Multiple Dwellings
WH/2019/954	16.03.20	Delegate Refusal Issued	1 Orient Avenue Mitcham Vic 3132	Springfield	Construction of Six (6) Double Storey Dwellings and Vegetation Removal	Multiple Dwellings
WH/2019/996	05.03.20	Delegate Refusal Issued	10 Elm Street Blackburn Vic 3130	Central	Buildings and works for the construction of 3 dwellings and associated vegetation removal	Multiple Dwellings
WH/2020/117	02.03.20	Delegate Refusal Issued	11 Maculata Walk Vermont South Vic 3133	Morack	Removal of one tree	VicSmart - Tree

9.2.7
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2020/179	16.03.20	Delegate Refusal Issued	26 Glenmore Street Box Hill Vic 3128	Elgar	Removal of one (1) tree	VicSmart - Tree
WH/2020/196	24.03.20	Delegate Refusal Issued	7 Opal Street Forest Hill Vic 3131	Morack	Removal of one tree protected under the Significant Landscape Overlay 9	VicSmart - Tree
WH/2020/241	27.03.20	Delegate Refusal Issued	214 Dorking Road Box Hill North Vic 3129	Elgar	Removal of one (1) tree	VicSmart - Tree
WH/2020/30	25.03.20	Delegate Refusal Issued	5 Fankhauser Drive Vermont South Vic 3133	Morack	Removal of three (3) SLO9 trees	Special Landscape Area
WH/2020/160	16.03.20	No Permit Required	2 Rosemont Street Surrey Hills Vic 3127	Elgar	Buildings and works (verandah)	Single Dwelling < 300m2
WH/2020/230	30.03.20	No Permit Required	234 Blackburn Road Blackburn South Vic 3130	Central	Replace new for old front property fence.	VicSmart - General Application
WH/2016/991/A	16.03.20	Withdrawn	6 Nelson Road Box Hill Vic 3128	Elgar	Buildings and works to construct an eleven storey building, use of land for education centre, office and food and drink premises (cafe), and reduction in car parking	Permit Amendment
WH/2019/1116	10.03.20	Withdrawn	666 Whitehorse Road Mitcham Vic 3132	Springfield	Remove existing building for a replacement part double storey building, display of signage, alteration of access to a road zone category 1 and reduction in statutory car parking rate.	Other

9.2.7
(cont)

Appl No.	Date	Decision	Street Address	Ward	Proposed Use or Development	Application Type
WH/2019/649	17.03.20	Withdrawn	15 Adele Street Vermont Vic 3133	Springfield	Construction of two double storey dwellings and associated tree removal	Multiple Dwellings
WH/2019/807	18.03.20	Withdrawn	34a Somers Street Burwood Vic 3125	Riversdale	Construction of a verandah on a lot less than 300sqm in General Residential Zone 1.	Single Dwelling < 300m2
WH/2020/192	11.03.20	Withdrawn	20 Cottage Street Blackburn Vic 3130	Central	Buildings and works in an Industrial zone	VicSmart - General Application
WH/2020/195	11.03.20	Withdrawn	36/31-37 Norcal Road Nunawading Vic 3131	Springfield	Construction of internal mezzanine floor within the warehouse	Other
WH/2020/50	29.03.20	Withdrawn	53 Windsor Crescent Mont Albert Vic 3127	Elgar	Partial demolition, alterations and additions to a dwelling in a Heritage Overlay	Heritage
WH/2020/89	30.03.20	Withdrawn	46 Albany Crescent Surrey Hills Vic 3127	Elgar	Buildings and works in Heritage Overlay (HO243)	VicSmart - General Application

9.2.7

(cont)

BUILDING DISPENSATIONS/APPLICATIONS MARCH 2020

Address	Date	Ward	Result
20 Stanley Grove, Blackburn	12.03.20	Central	Consent Granted 74
3 Reuben Court, Blackburn South	18.03.20	Central	Consent Granted 76
1 Norfolk Street, Blackburn North	12.03.20	Central	Consent Refused 76
18 Shawlands Avenue, Blackburn South	30.03.20	Central	Consent Refused 82,79
3 Reuben Court, Blackburn South	20.03.20	Central	Consent Refused 80
1/380 Belmore Road, Mont Albert North	05.03.20	Elgar	Consent Granted 89
120 Albion Road, Box Hill	06.03.20	Elgar	Consent Granted 97
2 Campaspe Street, Box Hill North	13.03.20	Elgar	Consent Granted 79
21 Tyrrell Street, Mont Albert North	12.03.20	Elgar	Consent Granted 79
22 Simmons Street, Box Hill North	27.03.20	Elgar	Consent Granted 79
329 Middleborough Road, Box Hill	06.03.20	Elgar	Consent Granted 97
43 Saxton Street, Box Hill North	20.03.20	Elgar	Consent Granted 79
729 Canterbury Road, Surrey Hills	17.03.20	Elgar	Consent Granted 77
981a Canterbury Road, Box Hill	06.03.20	Elgar	Consent Granted 97
1/40 Eram Road, Box Hill North	16.03.20	Elgar	Consent Refused 82
2/40 Eram Road, Box Hill North	16.03.20	Elgar	Consent Refused 82
40 Eram Road, Box Hill North	16.03.20	Elgar	Consent Refused 82
40 Moselle Street, Mont Albert North	25.03.20	Elgar	Consent Refused 74
43 Saxton Street, Box Hill North	20.03.20	Elgar	Consent Refused 74
1 Blanche Drive, Vermont	24.03.20	Morack	Consent Granted 74
16 Barnesdale Drive, Vermont	05.03.20	Morack	Consent Granted 74
190 Hawthorn Road, Vermont South	20.03.20	Morack	Consent Granted 79
1 Raven Court, Blackburn South	18.03.20	Riversdale	Consent Granted 76
13 Asquith Street, Box Hill South	06.03.20	Riversdale	Consent Granted 89
14 Penrose Street, Box Hill South	20.03.20	Riversdale	Consent Granted 76
24 Wellard Road, Box Hill South	12.03.20	Riversdale	Consent Granted 74
26 Douglas Avenue, Box Hill South	05.03.20	Riversdale	Consent Granted 74, 89
26 Witchwood Crescent, Burwood East	19.03.20 18.03.20	Riversdale	Consent Granted 74 Consent Granted 76
3 Gardner Street, Box Hill South	16.03.20	Riversdale	Consent Granted 89
40 Beaver Street, Box Hill South	18.03.20	Riversdale	Consent Granted 90
41 Grange Road, Blackburn South	20.03.20	Riversdale	Consent Granted 74
58 Glengarry Avenue, Burwood	20.03.20	Riversdale	Consent Granted 74
8 Erasmus Street, Surrey Hills	17.03.20	Riversdale	Consent Granted 89, 92
14 Penrose Street, Box Hill South	20.03.20	Riversdale	Consent Refused 74
41 Grange Road, Blackburn South	06.03.20	Riversdale	Consent Refused 74
83 Roslyn Street, Burwood	06.03.20	Riversdale	Consent Refused 74
10 Meerut Street, Mitcham	20.03.20	Springfield	Consent Granted 89
12 Bristow Drive, Forest Hill	24.03.20	Springfield	Consent Granted 76
16 Good Governs Street, Mitcham	18.03.20	Springfield	Consent Granted 79, 74
297a Springfield Road, Nunawading	24.03.20	Springfield	Consent Granted 79
6 Cook Road, Mitcham	06.03.20	Springfield	Consent Granted 79
75 Betula Avenue, Vermont	06.03.20 30.03.20	Springfield	Consent Granted 80,75, 76 Consent Granted 74

9.2.7

(cont)

Address	Date	Ward	Result
80 Glenburnie Road, Vermont	18.03.20	Springfield	Consent Granted 74
82 Quarry Road, Mitcham	19.03.20	Springfield	Consent Granted 79
1 Cecil Court, Mitcham	12.03.20	Springfield	Consent Refused 74
12 Bristow Drive, Forest Hill	24.03.20	Springfield	Consent Refused 80
2 Dunlavin Road, Nunawading	25.03.20	Springfield	Consent Refused 74
297a Springfield Road, Nunawading	16.03.20	Springfield	Consent Refused 79
54 Scott Street, Vermont	20.03.20	Springfield	Consent Refused 74
92 Junction Road, Nunawading	27.03.20	Springfield	Consent Refused 79, 83

DELEGATED DECISIONS MADE ON STRATEGIC PLANNING MATTERS MARCH 2020

Under the Planning and Environment Act 1987: Nil

REGISTER OF CONTRACTS SIGNED BY CEO DELEGATION MARCH 2020

Contract Number	Service
30240	ERM Retail Electricity Agreement - Large Markets & Small Markets
30195	Construction Services for Minor Building Works
30189	Provision of Consultancy Services - Quantity Surveying
30222	Insurance Broking Services

REGISTER OF PROPERTY DOCUMENTS EXECUTED MARCH 2020

Property Address	Document Type	Document Detail
Leases		
1 /470 Station Street, Box Hill	Lease	A community art shop
Rear 320 Burwood Highway, Burwood East	Notice to vacate	Notice to vacate to be served to tenant
20 Neil Court, Blackburn South	Lease	Temporary storage
Fire Services Property Levy (FSPL)		
Fire Services Property Levy Quarterly Payment Number 3	Vendor Payment Authorisation Form	State Revenue Office
14-16 Simla Street, Mitcham	Not applicable	Land use changed from 'Industrial' to 'Vacant Land' for FSPL purposes
1-2/4 Solwood Lane, Blackburn	Not applicable	Land use changed from 'Industrial' to 'Commercial' for FSPL purposes
3/4 Solwood Lane, Blackburn	Not applicable	Land use changed from 'Industrial' to 'Commercial' for FSPL purposes
730 Canterbury Road, Surrey Hills	Not applicable	Land use changed from 'Non Leviable' to 'Industrial' for FSPL purposes
179-181 Surrey Road, Blackburn	Not applicable	Land use changed from 'Non Leviable' to 'Industrial' for FSPL purposes
709-711 Station Street, Box Hill	Not applicable	Land use changed from 'Public Benefit' to 'Residential' for FSPL purposes
690 Elgar Road, Box Hill North	Not applicable	Land use changed from 'Commercial' to 'Residential' for FSPL purposes

9.2.7

(cont)

Property Address	Document Type	Document Detail
Rateability Changes (Section 154 of the Local Government Act 1989)		
33 Nara Road, Mitcham		Former VicRoads land sold
Level 1, 353 Whitehorse Road Nunawading		Former charitable tenant has vacated
709-711 Station Street, Box Hill		Former Church has been sold and has now been vacated
713 Station Street, Box Hill	Property Now Rateable	Former Manse has been sold and has now been vacated
690 Elgar Road, Box Hill North	Property Now Rateable	Property owned by Royal District Nursing Service (RDNS) has been vacated
1/5 Court Street, Box Hill	Property Now Rateable	Former charitable tenant has vacated
2/5 Court Street, Box Hill	Property Now Rateable	Former charitable tenant has vacated
3/5 Court Street, Box Hill	Property Now Rateable	Former charitable tenant has vacated
4/5 Court Street, Box Hill	Property Now Rateable	Former charitable tenant has vacated
5/5 Court Street, Box Hill	Property Now Rateable	Former charitable tenant has vacated
6/5 Court Street, Box Hill	Property Now Rateable	Former charitable tenant has vacated
7 /5 Court Street, Box Hill	Property Now Rateable	Former charitable tenant has vacated

REGISTER OF DOCUMENTS AFFIXED WITH THE COUNCIL SEAL MARCH 2020

Nil

PARKING RESTRICTIONS APPROVED BY DELEGATION MARCH 2020

Address:	Faelen Street, Burwood: Puerta Street to 15m north of Puerta Street (east side)
Previously:	1 'Unrestricted' parking space
Now:	1 'No Stopping' parking space
Address:	Arnold Street, Box Hill: Western boundary of 17 Arnold Street to eastern boundary of 17 Arnold Street (south side)
Previously:	5 '2-hour, Ticket, 8.30am to 9pm, Monday to Saturday' parking spaces
Now:	5 'Works Zone, 7am to 5pm, Monday to Saturday' parking spaces
Address:	Canterbury Road, Surrey Hills: Beatrice Avenue to eastern boundary of 677 Canterbury Road (north side)
Previously:	7 'Unrestricted' parking spaces
Now:	7 '2-Hour, 8am to 4pm, Monday to Friday' parking spaces
Address:	Mitcham Road, Mitcham: Delhi Street to 25m south of Delhi Street (west side)
Previously:	2 'Unrestricted' parking spaces
Now:	2 'No Stopping' parking spaces

9.2.7
(cont)

VENDOR PAYMENT SUMMARY – SUMS PAID DURING MARCH 2020

Date	Total Issued	Payments (direct debit, cheques or electronic funds transfer)	Transaction Type EFT/CHQ/DD
04/03/2020	\$569.83	1	EFT
05/03/2020	\$22,110.37	49	EFC
05/03/2020	\$393,463.25	107	CHQ
05/03/2020	\$1,339,851.62	222	EFT
05/03/2020	\$46,370.50	1	EFT
12/03/2020	\$14,294.80	23	EFC
12/03/2020	\$5,385.07	13	CHQ
12/03/2020	\$1,336,160.13	200	EFT
17/03/2020	\$6,270.00	1	EFT
17/03/2020	\$6,270.00	1	EFT
19/03/2020	\$7,804,563.32	1	EFT
19/03/2020	\$1,400.00	1	EFT
19/03/2020	\$175,721.10	80	CHQ
19/03/2020	\$1,775,645.01	203	EFT
20/03/2020	\$42,630.10	51	EFC
20/03/2020	\$22,319.00	1	EFT
20/03/2020	\$14,922.05	1	EFT
23/03/2020	\$2,955.00	1	EFT
24/03/2020	\$108.37	1	EFT
26/03/2020	\$45.07	1	EFT
26/03/2020	\$17,811.06	22	EFC
26/03/2020	\$6,564,356.91	337	EFT
26/03/2020	\$35,650.26	22	CHQ
26/03/2020	\$42,575.00	1	EFT
30/03/2020	\$1,459,561.68	1	EFT
31/03/2020	\$12,730.65	1	EFT
Gross	\$21,143,740.15	1343	
Monthly Lease Payments	\$34,777.65		
Direct Debit Payments	\$178,077.27		
Cancelled Payments	-\$20,122.10	-13	
Nett	w\$21,336,472.97	1330	

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

10.1 Reports by Delegates

(NB: Reports only from Councillors appointed by Council as delegates to community organisations/committees/groups)

- 10.1.1 Cr Massoud reported on her attendance at the:
 - Eastern Region Group meeting held on the 30 April 2020.
 - Major Projects Councillor Reference Group held on the 18 May 2020.
 - Whitehorse Sports & Recreation Network meeting held on the 21 May 2020.
 - Audit Advisory Committee meeting held on the 25 May 2020.
- 10.1.2 Cr Bennett reported on his attendance at the:
 - Victorian Local Governance Association Councillor Advisory Network meeting held on 1 May 2020
 - Whitehorse Sports & Recreation Network meeting held on the 21 May 2020.
- 10.1.3 Cr Cutts reported on her attendance at the Major Projects Councillor Reference Group meeting held on 18 May 2020.
- 10.1.4 Cr Liu reported on her attendance at the:
 - Whitehorse Business Group board meeting held on the 12 May 2020.
 - Eastern Alliance for Greenhouse Action joint Executive and Steering Committee meeting held on the 14 May 2020.
 - Major Projects Councillor Reference Group meeting held on 18 May 2020.
 - Stakeholder Reference Group – Box Hill Integrated Transport Strategy held on the 20 May 2020.
 - Eastern Transport Coalition held on the 21 May 2020.
- 10.1.5 Cr Carr reported on her attendance at the Audit Advisory Committee meeting held on the 25 May 2020.
- 10.1.6 Cr Davenport reported on his attendance at the Metropolitan Transport Forum held via Zoom on the 6 May 2020.
- 10.1.7 Cr Stennett mentioned his attendance at the Major Projects Councillor Reference Group meeting held on the 18 May 2020.
- 10.1.8 Cr Barker reported on his attendance at the:
 - Stakeholder Reference Group – Box Hill Integrated Transport Strategy held on the 20 May 2020.
- 10.1.9 Cr Ellis reported on her attendance at the:
 - Municipal Association of Victoria (MAV) Metro East meeting held on the 5 May 2020.
 - Eastern Region Group meeting held on the 30 April 2020.
 - MAV Mayor's Forum held on the 5 May 2020.
 - Major Projects Councillor Reference Group meeting held on the 18 May 2020.

COUNCIL RESOLUTION

Moved by Cr Cutts, Seconded by Cr Munroe

That the reports from delegates be received and noted.

CARRIED UNANIMOUSLY

10.2 Recommendation from the Special Committee of Council Meeting of 11 May 2020

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
20.04.20 6:30-7:00pm	Councillor Informal Briefing Session <ul style="list-style-type: none"> 9.2.2 Upgrade of Whitehorse SES Office Accommodation 9.3.1 Draft Proposed Budget 2020/21 9.3.3 Pandemic Response Policy 	Cr Ellis (Mayor & Chair) Cr Barker Cr Bennett Cr Carr Cr Cutts Cr Davenport Cr Liu Cr Massoud Cr Munroe Cr Stennett	S McMillan J Green S White T Wilkinson P Smith A De Fazio J Russell C Altan	Nil	Nil
30.04.20 4:00-5:00pm	Councillor Update <ul style="list-style-type: none"> Update on service provision and current state during the State of Emergency Update on staffing of services. Update on Working for Victoria and any future opportunity for local government. Update on Budget and budget impacts as a result of COVID-19 Major Project and Capital delivery for current financial year. Update on Legal Matter 	Cr Ellis (Mayor & Chair) Cr Barker Cr Bennett Cr Carr Cr Cutts Cr Davenport Cr Liu Cr Massoud Cr Munroe	S McMillan	Nil	Nil
04.05.20 5:00-6:00pm	Box Hill Structure Plan and Urban Design Framework	Cr Ellis (Mayor & Chair) Cr Barker Cr Bennett Cr Carr Cr Cutts Cr Davenport Cr Liu Cr Massoud Cr Munroe Cr Stennett	S McMillan J Green S White A De Fazio K Marriott A Egan J Hansen V McLean	Nil	Nil

Meeting Date	Matter/s Discussed	Councillors Present	Officers Present	Disclosures of Conflict of Interest	Councillor /Officer attendance following disclosure
11.05.20 5:30-6:20pm	Cr Briefing Session <ul style="list-style-type: none"> • Special Committee Agenda 11 May 2020 • Other Business Motions • Noted list of Submissions • Draft Council Agenda 25 May 2020 	Cr Ellis (Mayor & Chair) Cr Barker Cr Bennett Cr Carr Cr Cutts Cr Davenport Cr Liu Cr Massoud Cr Munroe Cr Stennett	S McMillan J Green S White T Wilkinson P Smith A De Fazio J Russell C Altan K Marriott J Hansen A Egan V McLean B Moodie M Ackland R Johnson	Nil	Nil
18.05.20 5:30-9:36pm	Virtual Major Projects Councillor Reference Group: Capital Works: Finance via Zoom <ul style="list-style-type: none"> • Major Projects Quarterly Update • Capital Works Program Update: Quarter Three • Community Recovery: Economic Stimulus Package • COVID 19 Finance Update • Quarterly Performance Update 2019-20: Quarter Three January to March 2020 • Electoral Representation Review –Single Wards and Ward Names 	Cr Ellis (Mayor & Chair) Cr Barker Cr Bennett Cr Carr Cr Cutts Cr Davenport Cr Liu Cr Massoud Cr Munroe Cr Stennett	S McMillan J Green S White T Wilkinson P Smith A De Fazio S Belmore M Ackland N Brown D Comazzetto C Gipps D Seddon D Shambrook S Cann S Smith	Nil	Nil

COUNCIL RESOLUTION

Moved by Cr Munroe, Seconded by Cr Liu

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

CARRIED UNANIMOUSLY

11 REPORTS ON CONFERENCES/SEMINARS ATTENDANCE

- 11.1 Cr Davenport reported on his attendance at the:
- Effective Meetings during COVID-19 webinar hosted by Australian Institute of Company Directors held on the 5 May 2020.
 - Whitehorse Business Group COVID-19 and working from home webinar held on the 8 May 2020.
 - Driving Engagement and Results in a virtual world webinar hosted by Whitehorse Business Group on 15 May 2020.
 - Scenario Planning - Financial, Hibernation and Rebuilding Strategies webinar hosted by Australian Institute of Company Directors 20 May 2020.
 - COVID-19 - Financial Considerations for NFP Survival webinar hosted by Australian Institute of Company Directors held on the 21 May 2020.
- 11.2 Cr Massoud reported on her attendance at:
- Whitehorse Business Group Mental Health webinar held on the 1 May 2020.
 - Waste Management Resource Recovery (WMRR) Waste 2020: Keynote Address webinar held 6 May 2020.
 - Whitehorse Business Group COVID-19 and Working from Home webinar held on the 8 May 2020.
 - A session run by the Victorian Auditor General's Office through Australian Local Government Women's Association on 11 May 2020, re a Sexual Harassment survey they are conducting across the sector.
 - WMRR Waste 2020: Organics & FOGO webinar held on the 13 May 2020.
 - Child Wise Webinar: How to create conditions of safety in your organisation held on the 13 May 2020.
 - Victorian Local Government Association Smart City: opportunities and challenges associated with digital governance in a smart city and ensuring privacy and data protection is balanced with the need to uphold principles of transparency and accountability held on the 18 May 2020.
 - WMRR Waste 2020: Social Enterprise in A Circular Economy Webinar held on the 20 May 2020.
 - AHURI Research Australian Home Ownership: Past Reflections, Future Directions webinar held on the 20 May 2020.
 - AICD Scenario Planning: Financial, Hibernation and Rebuilding strategies held on the 20 May 2020
- 11.3 Cr Ellis reported on her attendance at the AHURI Research Australian Home ownership: Past Reflections, Future Directions webinar held on the 20 May 2020.

COUNCIL RESOLUTION

Moved by Cr Liu, Seconded by Cr Stennett

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 Munroe

That in accordance with Section 3 (1) e of the Local Government Act 2020 the Council should resolve to go into camera and close the meeting to the public as the matters to be dealt with relate to legal privileged information, being information to which legal professional privilege or client legal privilege applies.

CARRIED UNANIMOUSLY

The meeting was closed to the public at 9:45pm.

COUNCIL RESOLUTION

Moved by Cr Barker, 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 9:49pm.

13 CLOSE MEETING

Meeting closed at 9:51pm

Confirmed this 22nd day of June 2020

CHAIRPERSON