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Email Letter

From Maria Marshall	Date 6 March 2023	
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To Matt Cohen Director, Development Approvals and Design	Organisation Department of Transport and Planning	Email priority.projects@delwp.vic.gov.au

Our Ref MYM:9159448

Dear Mr Cohen

Draft Amendment C245whse – Box Hill Central North Master Plan

We act on behalf of Whitehorse City Council (**Council**) in relation to the above Draft Amendment.

Council appreciates the opportunity to comment on the Draft Amendment. Please find attached submission which summarises Council's concerns in relation to the Draft Amendment. Council considers it to be critical that that this Draft Amendment is referred to the Priority Projects Standing Advisory Committee given the nature of the proposal, the significance of the site in its activity centre context and the issues that Council has outlined in its submission. Council reserves its rights to raise additional issues before the Priority Projects Standing Advisory Committee.

Please do not hesitate to contact me if there are any queries. We request that any correspondence in relation to this matter be directed to me using the details at the header of this letter as well as Allison Egan, Coordinator – Strategic Planning, Whitehorse City Council via email at Allison.Egan@whitehorse.vic.gov.au or phone on 9262 6479.

Yours sincerely

Maria Marshall
Partner

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PLANNING SCHEME AMENDMENT C245WHSE

**SUBMISSION ON BEHALF OF
WHITEHORSE CITY COUNCIL
6 MARCH 2023**



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INTRODUCTION

1. This submission responds to the consultation under s 20(5) of the *Planning and Environment Act 1987 (PE Act)* in relation to draft planning scheme amendment C245whse (**Draft Amendment**) which proposes to incorporate the Box Hill Central North Master Plan and has been prepared on behalf of Vicinity Centres (**Vicinity**).
2. Box Hill Central North (**BHCN** – refer Map 1 below) is an important precinct within the Box Hill Metropolitan Activity Centre (**BHMAC**). The BHMAC will undergo significant change in the coming decades due to population growth, the new Box Hill Suburban Rail Loop (**SRL**) station proposed to the east of the BHCN site, and the precinct planning and other changes to the public realm associated with the SRL project.
3. The redevelopment of the BHCN has the potential to have a significant and positive impact on investment, the public realm, transport and residential development in the BHMAC. In this context, it is important that the planning for BHCN be undertaken through a rigorous and transparent planning process, with proper coordination with SRL and other key stakeholders including Whitehorse City Council (**Council**) and having regard to the changing context of the BHMAC. While Council agrees with the use of a master planning process for the site, it does not support the Draft Amendment at this time and in its current form. Further it is unclear why the Minister is considering intervening under s 20(4) *Planning and Environment Act 1987 (PE Act)* when the master planning of the site can be undertaken by Council in accordance with its usual role as planning authority for the BHMAC.
4. Council's primary objection to the Draft Amendment is that it does not constitute orderly planning, having been prepared without adequate regard to the changes which are to occur to the BHMAC due to anticipated population growth and as a result of the SRL. The Draft Amendment documents do not adequately engage with these changes, and, in particular, do not demonstrate that significant consultation has occurred with the Suburban Rail Loop Authority (**SRLA**). Council's ongoing strategic work demonstrates that there are a number of new issues facing the municipality that need to be considered in the coming decades to deal with the increase of population and the impact this will have on open space, transport, development contributions and housing. These issues have not been given adequate consideration in the Draft Amendment. The master planning for the BHCN needs to form part of the impending strategic planning projects in BHMAC, and be approved following a coordinated and orderly planning process.
5. Further, there are gaps and unresolved issues in the Master Plan and the associated Incorporated Document which are elaborated on in this submission and include:
 - 5.1 poor quality public realm and open space, with significant wind and overshadowing impacts;
 - 5.2 fragmented open space network, with poor integration with the changes proposed to the public realm associated with the SRL;
 - 5.3 inappropriate siting and height of buildings which negatively affect the public realm;
 - 5.4 inadequate detail regarding active transport, traffic, SRL-related transport impacts and carparking;
 - 5.5 failure to consider appropriate development contributions;
 - 5.6 lack of detail around diversity of housing (including affordable housing) proposed to be accommodated in the BHCM site; and



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- 5.7 lack of detail in relation to environmentally sustainable development measures.
6. There are significant issues with the draft Incorporated Document, which are set out in this document and shown in the marked up document in **Attachment A**.
7. Additionally, Council considers there to be flaws with the process followed in relation to the Draft Amendment, including inadequate notification and length of time for consultation under s 20(5) of the Act. Further, the complexity of the proposal, the significance of the site and the numerous issues which have the potential to impact the BHMAC means that four weeks is insufficient time for interested parties to be able to properly consider the Draft Amendment and make informed submissions.
8. Having regard to these issues, Council's seeks the following:
- 8.1 Council's primary position is that the Draft Amendment should not proceed any further. The numerous unresolved issues with the Master Plan, poor outcomes and issues with the draft Incorporated Document means the Draft Amendment, as currently proposed, is fatally flawed. It is not possible to properly consider the Draft Amendment on this basis. Further work is required for the master planning of the site before the Draft Amendment can be considered.
- 8.2 However, if the Minister is minded to continue to consider whether to exercise her power under s 20(4) in relation to the Draft Amendment, the matter must be referred to the Priority Projects Standing Advisory Committee for advice. The complexity and significance of the site, the intensity of development and the limited notification and consultation which has occurred means that it is critical that the issues related to the development be thoroughly considered and tested through expert evidence and submissions at a Standing Advisory Committee.

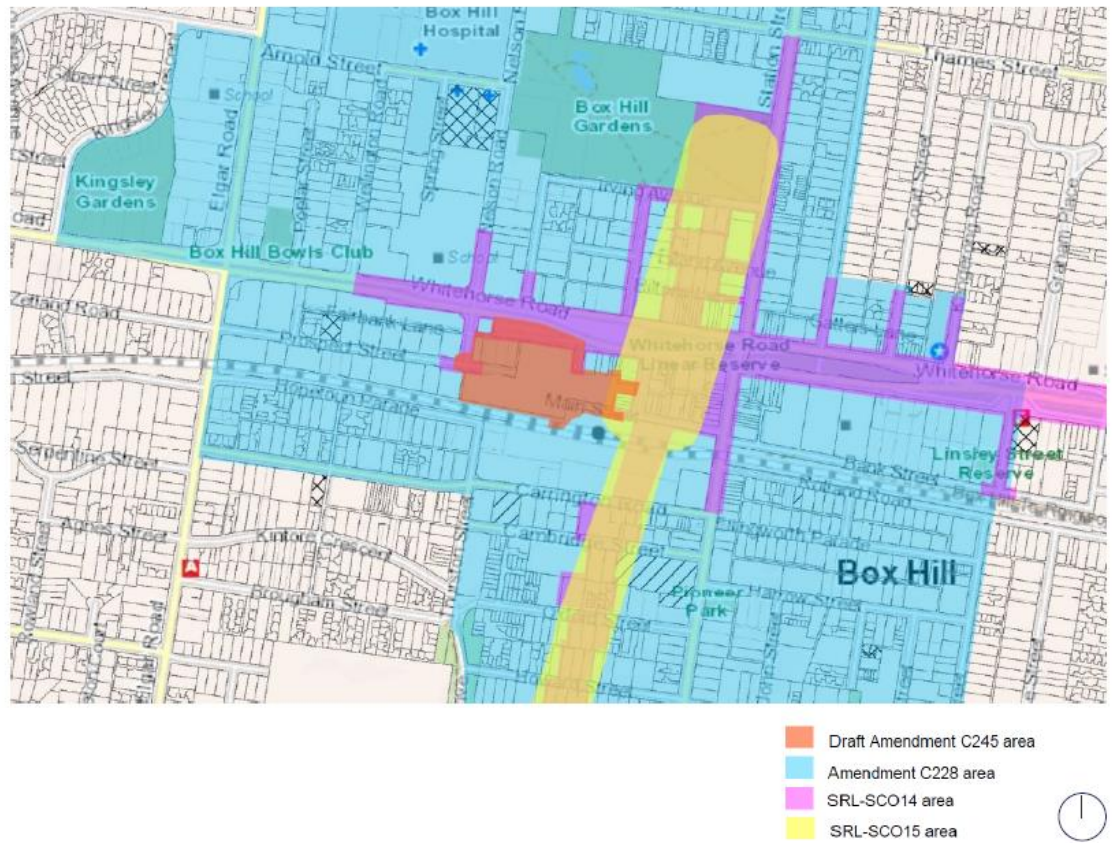
THE DRAFT AMENDMENT IS CONTRARY TO ORDERLY PLANNING**Issues**

10. The next decades will see the BHMAL continue to undergo significant change.
11. The population forecast for the City of Whitehorse for 2023 is 180,340, and is forecast to grow to 222,096 by 2041¹. Dwelling stock within the municipality is expected to increase from approximately 71,200 in 2020 to 90,500 by 2041.²
12. A significant share of the residential growth is expected in the BHMAL, other key activity centres, Burwood East, Blackburn, Mitcham and the key residential growth corridors within the Residential Growth Zone areas along Burwood Highway and Whitehorse Road. Similarly, retail, commercial and industrial developments are predicted to increase predominantly within activity centres to meet the needs of the growing community.
13. A large part of the change within the proximity of the BHCN site will be driven by the 'city shaping' infrastructure proposed through the new Box Hill SRL Station. The introduction of the SRL to the BHMAL is predicted to further increase the population of the area and will transform the BHMAL public realm.
14. Council has been undertaking various strategic projects to address the anticipated changes within the BHMAL. This includes an updated structure plan proposed through the Revised Box Hill MAC Structure Plan, accompanying Revised Box Hill MAC Urban Design Framework and the proposed Activity Centre Zone. While implementation of this work via a planning scheme amendment was not allowed to proceed (as discussed in relation to Amendment C228whse below), the documents produced demonstrate the changing planning context that is anticipated for the area and the variety of new issues which will need to be addressed in the coming decades.
15. Further, Council is seeking to introduce the new municipal wide draft *Whitehorse Development Contributions Plan, 2022* through Amendment C241whse. Development contributions have not been adequately addressed through the Draft Amendment, as explained in further detail below.
16. In terms of the SRL, the BHCN sits to the immediate east of the proposed Box Hill SRL Station. The below map shows BHCN within this area, overlapping with the Special Controls Overlay – Schedule 14 which provides approval for the SRL infrastructure, and Special Control Overlay – Schedule 15 which protects SRL infrastructure.

¹ Whitehorse, .id Population Forecast

² Whitehorse Development Contributions Plan, 2022 (Exhibited Draft)

Map 1 – Amendment C245whse planning context



Source: marked up VicPlan image prepared for Council

17. In this context, it is critical that strategic work associated with BHCN have appropriate regard to the SRL and the significant changes which will occur in the BHMAL through this project and the associated future Precinct Structure Planning process.
18. Although the Box Hill SRL Station was given planning approval following the gazettal of Amendment GC197 last year, the planning for the associated infrastructure, public realm and new precincts is largely in embryonic stages and has not yet commenced. The below map shows what has been approved for the Box Hill SRL Station so far on the Surface and Tunnel Plans.



19. It shows significant changes to the public realm on Whitehorse Road, including the location of new open space and the primary pedestrian route and primary bicycle route in front of BHCN, as well as direct interfaces with Market Street and Main Street pedestrian malls that will be reconstructed as part of SRL. A precinct planning process which has yet to commence is anticipated to result in rezonings to facilitate growth of the BHMCA. Further, while an Urban Design Strategy has been approved, the Urban Design and Landscape Plans for the public realm and station boxes are yet to be made public or approved.
20. Given all the planning and approvals yet to occur in relation to the SRL and the associated areas subject to precinct planning, it is critical for the BHCN master planning process to be undertaken in coordination with the SRL project. There are direct implications for the BHCN redevelopment resulting from the SRL project, which must be dealt with at this stage of planning. If Vicinity has had meaningful consultation with the SRLA, this is not evident in the documents. The only references to SRL are at a high level, which is unacceptable for a project of this scale and in this location. Even where information about the SRL is known, such as station entrances and the new pedestrian and bicycle routes on Whitehorse Road, this is not addressed in the Draft Amendment documents. The implications of the SRL project on the BHCN master planning process are further detailed in the relevant sections below.
21. If the Minister for Planning decides to exercise her power under s 20(4) and approve the Draft Amendment, it would be in direct conflict with the approach of the Minister (delegated to the former Department of Environment Land Water and Planning) in relation to Amendment C228whse. Amendment C228whse to the Whitehorse Planning Scheme proposed to incorporate the *Revised Draft Box Hill MAC Structure Plan, October 2021, Revised Box Hill MAC Urban Design Framework, October 2021* and apply the Activity Centre Zone.
22. The Minister refused to authorise the Amendment C228whse, citing an apparent lack of coordination with the SRL:

“The proposed amendment does not provide for sound, strategic and coordinated planning of the use and development of the Box Hill Metropolitan Activity Centre. In developing the structure plan, your council has not yet taken the necessary steps to consult with Suburban Rail Loop Authority (SRLA) to the extent

necessary to ensure the coordination of the planning scheme with the proposed Suburban Rail Loop Project (SRL).

The structure plan and built form controls are premature given the potential inconsistency that could arise with state planning policy at Clause 11.01-1R 'Settlement – Metropolitan Melbourne', which seeks to develop the SRL and facilitate major growth and change in metropolitan activity centres, and health and education precincts, and Clause 18.01-02S 'Transport System' which seeks to facilitate the delivery of declared major transport projects.

The amendment is likely to have a significant effect on the transport system as defined by section 3 of the Transport Integration Act 2010, and land use decisions should have regard for the current and future development and operation of the transport system".

23. Map 1 above shows that BHCN is wholly within the area subject to Amendment C228whse. The Draft Amendment should not proceed at this stage without proper coordination with and consideration of the SRL project, for the same reasons as set out by DELWP on behalf of the Minister in relation to Amendment C228whse. To do so would be contradictory.
24. Accordingly, the Draft Amendment is contrary to the objectives for 'orderly' planning under s 4(1)(a) of the PE Act and does not represent 'sound, strategic planning and co-ordinated action at State, regional and municipal levels' under s 4(2)(a) of the PE Act. This is particularly concerning given the significance of the BHCN site within the BHMALC.

Council requests

25. Further work must be undertaken on the Draft Amendment to properly consider SRL related infrastructure and the relationship with the BHCN redevelopment, including in particular, the changes to Whitehorse Road, Market Street, Main Street and the SRL station box to the east. The documents supporting the Draft Amendment need to properly detail and consider the changes to the BHMALC which are to occur as the population increases, including the SRL Precinct Structure Planning process and Council's strategic work designed to facilitate the transformation of Box Hill over the next two decades.

PUBLIC REALM AND OPEN SPACE

Issues

26. The Draft Amendment proposes a public realm including the Civic Steps, Fairbank Park and Extension and Nelson Park functioning as open space. Connections are proposed in the internal street network as well as ground level activation on most of the internal streets.
27. Council considers that the public realm and open spaces under the current layout of the Master Plan falls short of what is expected for this site.
28. The importance of achieving a high quality public realm is clear having regard to the need for open space in the area and the intensity of development proposed at the core of Box Hill on this site. Open space is of critical importance to the City of Whitehorse as the BHMALC undergoes transformation and significant population growth. Council is currently updating its Whitehorse Open Space Strategy (**WOSS**), with the existing strategy having been formed in 2007.
29. Open space provision per capita in the BHMALC will decrease significantly as the population grows. Existing open spaces are already working extraordinarily hard to support the needs of the growing community. This problem will be exacerbated with the higher density development projected as a result of the SRL and the new precinct planning. Further, the construction of the SRL will result in a major disruption to open space network within the vicinity of the BHCN, with an unacceptably significant portion of

Box Hill Gardens to be occupied for construction of SRL. The scale of the development proposed under the Master Plan makes open space a critical part of the development.

30. Council has prepared the following table which shows the decline in the amount of open space per person in Box Hill which has occurred since 2006. It also shows a further significant decline in the amount per person which Council expects to occur in 2036 with or without the SRL project being constructed.

Box Hill population and open space				
Year	2006	2021	2036 (no SRL)	2036 (with SRL)
Population	8,737	15,581	26,383	77,500
Open Space per person	49sqm	29sqm	17sqm	5.9sqm

31. Quality public realm is also important for the internal street network. Each of the internal streets are proposed to have ground floor activation so the amenity outcomes in these streets is important to achieve the activation targets.

Overall layout of the Master Plan

32. Council considers the overall layout of the proposed Master Plan, in combination with the height and siting of certain buildings, to be a fundamental issue with the Draft Amendment. It will result in a public realm that will be seriously compromised in terms of its amenity and will not have the functionality required of public realm in the heart of a MAC.
33. A key issue is the fragmentation of the open space network within the site. There is no logical connection between the site's primary open space being the Civic Steps, and the other parks included within the site. Further, the location and size of the Fairbank Park Extension and Nelson Park detract from the usability of both of these spaces.
34. Council considers a more logical arrangement for open space would occur if lots 2 and 3 were shifted west, and the Fairbank Park extension relocated to being open space at the Clisby Court entrance to the site. This would provide an appropriate connection between the Civic Steps, Fairbank Park and the public realm to be created on Whitehorse Road through the SRL project. It would also address some of the amenity issues identified in relation to the proposed open spaces which are set out in more detail below.

The Civic Steps

35. The Draft Amendment emphasises the importance of the Civic Steps to the Master Plan, described as the 'heart of Box Hill' and designed to be a major gathering place within BHCN. At 2,015sqm in total, it will be considered Urban Civic Open Space in the Open Space Hierarchy of the Draft WOSS.
36. There are significant issues with the Civic Steps which affect the amenity, usability and quality of this open space.
37. The shadow diagrams included in the Master Plan show that this area will be overshadowed for most of the day, the only time it is not subject to shadow being at 12pm at the Equinox. The artist impression of the Civic Steps is misleading in that it shows an



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area subject to a significant amount of sunlight, when this is not going to be the reality for the majority of the day.

38. Further, the wind tunnel tests conducted indicate that approximately half of the testing locations within the Civic Steps will fail the criteria for sitting and standing.
39. Additionally, the layout of the steps in this space does not allow for equitable access to this public place and will exclude people with mobility issues. While the challenges for the site are acknowledged given the level difference between Main Street and Prospect Street, further work needs to be done to ensure that this is an inclusive area.
40. Accordingly, as currently proposed, the Civic Steps are not of a standard of 'urban civic' open space that would enable it to play its role as the 'heart of Box Hill' and is not sufficient to support a development of the scale proposed on the site.

Fairbank Park

41. At 2,774sqm in total, Fairbank Park will qualify as a Small Local Open Space within the Whitehorse Open Space Hierarchy.
42. Fairbank Park is within the approved SRL project area (SCO14). Vicinity has not provided information that outlines how the proposed Master Plan is in accordance with the approved SRL Surface and Tunnel Plan, particularly in relation to the realignment of Whitehorse Road, construction of a service road and the east-west pedestrian and bicycle route to be constructed as part of SRL. While Council supports open space being provided in this location, its proximity to Whitehorse Road means that the area 5-10m from the kerb which will function as a buffer zone with compromised open space usability. Further the proposed ownership arrangements for Fairbank Park are unclear (the land currently appears to be part of the Whitehorse Road road reserve).
43. While the location of the play area within Fairbank Park is supported in theory, it is unclear how this would work with the approved layout of the SRL Surface and Tunnel Plans which include new bicycle and pedestrian paths. It is important that the Master Plan take into account the approved plans for SRL to ensure that what is proposed in the Master Plan is indeed possible. If the space is appropriate for a play area, Council requests that its design and functionality be enhanced from what is shown in the Master Plan.

Fairbank Park extension

44. At 1,028sqm and located between the towers on lot 1 and lot 2, this area will be subject to wind tunnel effects and overshadowing. The wind tunnel tests conducted indicate that the extension fails the sitting and standing criteria at every location except testing location 40 which passes the standing criteria. Further, it will be negatively impacted by overshadowing.
45. Council considers the usability of this space to be poor. The location is not appropriate for open space and should be reconsidered.

Nelson Park

46. At 388sqm, it will not meet the minimum threshold of Small Local Open Space. This area will present and function as a wide road verge which will make a minimal contribution to the provision of usable open space on the site. The location is not appropriate for open space and should be reconsidered.
47. Further, Vicinity's reliance on this area for building access may be problematic, given Council's ownership. Council should be provided with further detail as to the proposed use of this site under the Master Plan and the space needs to be better integrated into the development.



Medical clinic site

- 48. The medical clinic site on the north west corner of the BHCN site adjacent to Fairbank Park (852 Whitehorse Road) is currently excluded from the Master Plan.
- 49. Although the future plans for the medical centre area unknown, Council considers this area should be included within the Master Plan now. This would enable the site to be included within a longer vision for the site as a high quality forecourt area to Nelson Road, with connections to Fairbank Park.

Main Street

- 50. The linking of Main Street to Prospect Street and Clisby Court is positive. Further, the overshadowing impacts are acceptable.
- 51. However the wind impacts on Main Street are poor, resulting in an outcome which is worse than that which was approved under the previous permit issued for the Main Street works, with approximately 50% of the testing locations failing to meet the standard for sitting.
- 52. Council considers that further work should be undertaken to improve the amenity of this space.

Ownership of the open space and the public realm

- 53. The site and proposed public realm relies on various areas which are owned by Council and Victrack or comprise road reserves. Council considers that there is a lack of detail around how the ownership arrangements will work in relation to the ultimate development of the site. This information should be provided now to ensure the workability of the Master Plan and the key areas of open space.

Council requests

- 54. The quality of the public realm and open space must be improved for the Master Plan area to address the issues identified above. This will require amendments to the layout of the site, urban design treatments, better wind mitigation measures and demonstration that the Master Plan is in accordance with the approved SRL Surface and Tunnel Plans.
- 55. The medical clinic site at 852 Whitehorse Road site should be included within the Master Plan.
- 56. Information on the ownership arrangements proposed for the areas included within the site which are not under Vicinity's control should be provided.

PUBLIC OPEN SPACE CONTRIBUTION

Issues

- 57. Clause 53.01 (Public Open Space Contribution and Subdivision) requires the site to provide a public open space contribution of a minimum of 4% or a contribution rate greater than 4% subject to negotiation of a development plan. The Incorporated Document provides for an open space contribution of 6% of the site value to be made. The document appears to provide flexibility as to whether the contribution is made in land or cash.
- 58. Council agrees with the proposed contribution amount of 6%. However, given the size of the BHCN site, the significant increase to density which is proposed and the location of the site within the BHMAL, the open space contribution should be provided wholly in land, not cash.

59. Further, it is not clear from the Draft Amendment documentation provided as to how much of the public and civic spaces to be provided will meet the definition of public open space under the *Subdivision Act 1988 (SD Act)* and Council's criteria for public open space contributions made in land in its policy at clause 22.15-3. This detail is required and should be provided as a percentage of the Draft Amendment land which is owned by Vicinity.

Council requests

60. The Incorporated Document should be amended to require the contribution of 6% public open space be provided as land within BHCN. Vicinity should provide further detail as to what land will constitute public open space under the SD Act and an assessment against clause 22.15-3.

URBAN DESIGN

Issues

61. Council supports the increase to residential, commercial and office floorspace within the Master Plan and agrees with Vicinity that the site has the capacity to support a high density precinct.
62. However, further work and refinement is required to ensure that the height and siting of the buildings does not negatively impact on the amenity and quality of the public realm. Some of the issues with the public realm have been identified above.
63. The following adjustments to the heights is required:
- 63.1 **Street wall heights** – The street wall height of 9m along Whitehorse Road is insufficient to mitigate the scale of towers. This should be increased.
 - 63.2 **Lot 3** – The proposed tower on lot 3 is too high. The scale is inappropriate in the absence of a substantial open space setting to the east and having regard to the impact that the height of this tower will have on the Civic Steps and the heart of the precinct.
 - 63.3 **Western tower of lots 6 and 7** – The proposed tower is too high and results in an unacceptable overshadowing. The height should be reduced so that overshadowing at 11am at the September Equinox does not extend beyond the kerb line in Hopetoun Parade (south) and Thurston Street (west).
64. In relation to building siting, Council considers Lots 1, 2 and 3 to be problematic, leading to the overshadowing of the Civic Steps and an unacceptable outcome in terms of the usability of the Fairbank Park extension. Further work is required in relation to the siting of these lots. It is noted that the previously approved scheme saw lots 2 and 3 shifted further west with open space provided adjacent to Clisby Court. This addressed some of the issues identified above, including the problems with the fragmentation of open space proposed under the Master Plan.

Council requests

65. The Master Plan should be amended to address the issues identified above in consultation with Whitehorse City Council and other state government agencies as relevant.

TRAFFIC AND MOVEMENT

Issues

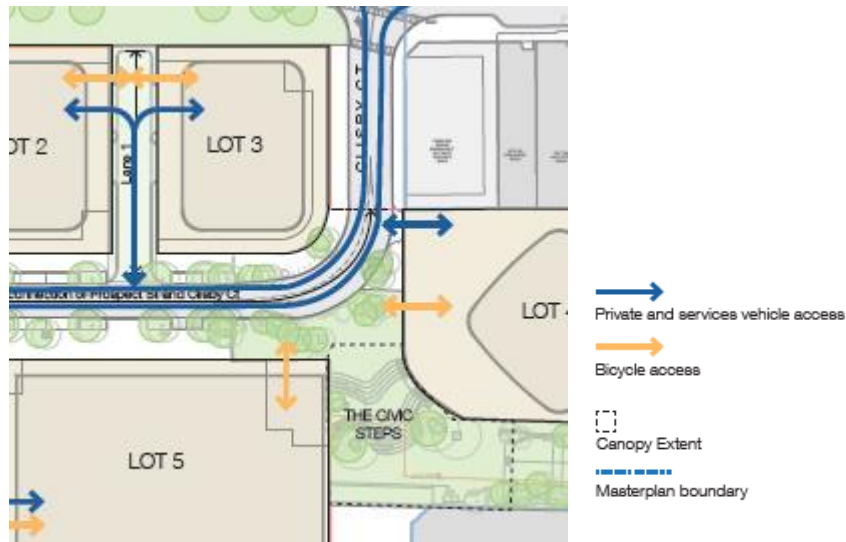
Sustainable and active transport

- 66. The transport and parking arrangements in the Master Plan are underpinned by an assumption that there will be a mode shift to increase the number of users of alternative forms of transport. This is reflected in the design principles of the Master Plan, which includes to 'Encourage use of alternative forms of transport' and 'Strategic active transport connections'. Similarly, design criteria includes 'Prioritise pedestrian movement', 'Provide a clearly defined pedestrian and cycle network through the site that links with surrounding existing footpath and cycle networks', 'New connections will facilitate and encourage use of existing and future public transport' and 'Provision of end of trip bicycle facilities for each stage'.
- 67. Council supports the objective to encourage alternative forms of transport. However, the Draft Amendment lacks detail as to how sustainable and active transport will be encouraged on the site. Public realm treatments and infrastructure are essential to making the site appealing for active transport users and to the facilitate connections to existing and proposed public transport. The Transport Impact Assessment (**TIA**) does not provide sufficient information in this regard.
- 68. Given the importance of active transport to the Master Plan, it important that this detail be provided before the Master Plan is approved. The detail should include matters such as:
 - 68.1 location of bicycle parking infrastructure;
 - 68.2 'sharrow' treatments considered on all internal roads rather than just the new Prospect Street and Clisby Court Extension
 - 68.3 details of connectivity through the Vicinity sites to existing and planned public transport infrastructure;
 - 68.4 how road spaces will prioritise the safety of pedestrians and cyclists, including those with limited mobility;
 - 68.5 how the on-site car sharing arrangements will be incorporated.

Prospect Street and Clisby Court extension

- 69. Council has concerns about the 'shared environment' where the Prospect Street extension meets the Clisby Court extension. The TIA indicates that 'the purpose of the shared environment is to improve the safety for vulnerable road users (such as pedestrians and cyclists), whilst still maintaining adequate access for vehicles.'³
- 70. The 'shared environment' proposed for this area is not, however, reflected in the Master Plan. This area is referred to as 'public realm- new east-west connection' on the map at 3.12 Public Realm. The Master Plan does not identify this area as a 'shared area' or a 'pedestrian priority' area. Accordingly, it is unclear how this area will operate to ensure the safety of pedestrians and cyclists. Further, minimal information is provided to establish whether measures will be included to prevent this area becoming a 'shortcut' to Whitehorse Road.
- 71. Plan 3.13 Movement and Access from the Master Plan shows a private vehicle entrance to Lot 4, as well as bicycle access, within the 'shared environment' area. Further details are required to establish whether this would be a suitable arrangement.

³ TIA, p. 30.



72. Council considers that the issues with this 'shared environment' need to be addressed now, rather than as a condition of the Incorporated Document to ensure the layout of the site will be able to function appropriately.

Nelson Road extension (Lane 3)

73. Lane 3 is shown as an extension to Nelson Road on the Master Plan with a note relating to a potential future connection across the rail corridor to Thurston Street.
74. Council considers that the Master Plan should contain a greater acknowledgement about the future railway overpass, including further detail about the treatment of Lane 3 required to enable the overpass to occur. Further, Council strongly recommends the Nelson Road extension to the Victorian government as a key State infrastructure project for Box Hill.
75. The Master Plan also contemplates an improved north south bicycle connection through the Nelson Road extension over the rail corridor to Thurston Street. This is would also require coordination and has not been adequately addressed in the Master Plan.

Coordination with SRL and other developments

76. The submission already describes above that better coordination is required with the SRL project. The need to coordinate with and consider the SRL is highlighted when considering transport issues.
77. The BHMALC has undergone significant development over the last two decades and the Box Hill SRL Station and associated precinct planning will only add to the population and activity in BHMALC. The traffic impact of the development of the BHMALC site cannot be considered without this broader context. A broader traffic study of the BHMALC, which considers the SRL, recent developments and BHMALC is necessary before the development proceeds.
78. Further, the following works associated with the SRL will have a direct impact on movement around the BHMALC site:
- 78.1 The relocation of the tram super stop and terminus to the west of Market Street between Clisby Court and Market Street, which may drive more transport movement towards the Clisby Court link;
 - 78.2 The proposed permanent realignment of Whitehorse Road and the public realm works, which includes:
 - (a) A new tram terminus, which has not been considered in the Master Plan;



- (b) Extension of Clisby Court across the proposed lineal park on Whitehorse Road, which may result in the need for a signalised intersection.
 - (c) A proposed east-west cycle route within the proposed lineal park on Whitehorse Road, which will intersect with Fairbank Park.
- 78.3 The proposed station entrance to Box Hill SRL Station on Market Street, which has little detail in the Draft Amendment documents.

Car Parking

79. The Draft Amendment proposes carparking provision which is lower than the requirements of the Parking Overlay.
80. The Parking Overlay includes minimum requirements for the provision of parking, with a permit requirement to reduce the minimum spaces for a use in the schedule. Clause 4 of the Parking Overlay includes the following application requirements for applications to reduce the number of car parking spaces for a use:

4.0

21/07/2022
C22whse

Application requirements and decision guidelines for permit applications

Before deciding on an application to reduce (including reduce to zero) the minimum number of car parking spaces required for a specified use, the Responsible Authority must consider as appropriate:

- Any effect on vehicle and pedestrian traffic in the area.
- Any empirical analysis which supports a variation in the number of car parking spaces that should be provided.
- The particular characteristics of the proposed use with regard to the likely car parking demand generated.
- For commercial and residential visitor uses, the availability of car parking in the locality and its suitability to accommodate parking generated by the development.
- For reductions in the rate of provision of residential uses:
 - the likelihood of residents not owning cars and of using active and public transport options
 - the protection of parking in the surrounding area such that new residents are not able to use those spaces.
- The likely contribution of public transport and opportunities to walk and cycle in mitigating car parking demands, and whether appropriate provision can be made for use of sustainable transport to encourage a mode shift from private vehicle travel.
- Whether the development includes bicycle and motorcycle parking.
- Whether site size, access, design or other constraints warrant reducing the parking requirement.

Notes:

Occupiers of any dwellings approved by permit subject to the provision of this schedule may not be eligible for Resident Priority Parking Permits.

81. The analysis undertaken in relation to carparking in the TIA is very brief and does not cover requirements set out in clause 4 of the Parking Overlay. Council considers that the Draft Amendment has not adequately justified why a reduction in carparking is appropriate. This detail must be provided if a reduction in carparking is to be considered.

Council requests

82. The following further detail and work is required:

- 82.1 Greater consideration of the impact of SRL and other developments on traffic in the area, as well as the impact of SRL infrastructure and proposed Precinct Structure Planning on the Master Plan area;
 - 82.2 Measures to facilitate and encourage mode shift and the use of active and public transport on the site.
 - 82.3 Detail around how the 'shared environment' at the Prospect Street and Clisby Court extension will operate.
 - 82.4 Greater information and justification for the proposed reduction in carparking rates.
 - 82.5 Greater detail regarding the treatment of Lane 3 to facilitate the future overpass over the rail corridor from Nelson Road to Thurston Street.
83. The above is necessary to consider the workability and safety of the traffic and transport arrangements underpinning the Master Plan. Accordingly, this information must be provided before the Draft Amendment can be properly considered.

HOUSING DIVERSITY

Issues

- 84. The Housing Diversity and Affordability Report includes some information on the style of diversity that could be achieved on the BHCN site. However the Incorporated Document and Master Plan do not include any of this detail so there is no certainty as to what type of dwelling mix will be included on the site.
- 85. Given the significant demand for new dwellings in the BHMAL over the coming decades, it is important that information around proposed dwelling mix is provided now, and given certainty through the draft Incorporated Document and the Master Plan.

Council requests

- 86. Vicinity should provide detail as to the dwelling mix which can be expected on the site. The draft Incorporated Document and the Master Plan should be updated to address this.

ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT

Issues

- 87. Council is committed to creating an environmentally sustainable city. Therefore, Environmentally Sustainable Development (**ESD**) is a very important issue for the City of Whitehorse.
- 88. Council's key ESD policy is found in clause 22.10 (Environmentally Sustainable Development) which applies to all residential and non-residential development that requires a planning permit. The overarching objective of the policy is 'that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation'.
- 89. Additionally, the state planning policy at clause 53.18 (Stormwater Management in Urban Development) is also important. The purpose of this clause is to 'ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

90. For a site of this size and a proposed development of this scale, it is important to ensure appropriate ESD measures are provided through a future Sustainability Management Plan (**SMP**), Integrated Water Management Assessment, a Green Travel Plan and other requirements relating to sustainability. Council has reviewed the draft Incorporated Document and provided tracked changes showing Council's requirements in relation to ESD.
91. Further, the Box Hill Central North Sustainability Framework prepared by Cundall dated 7 June 2022 which was included with the Draft Amendment does not reference Council's most recent documents relating to ESD, including:
- 91.1 Whitehorse Sustainability Strategy 2030 – Taking Climate Action; and
- 91.2 Whitehorse 2040 Community Vision.
92. This should be addressed in the SMP.

Council requests

93. The Incorporated Document should be amended to include the changes shown by Council in Attachment A, which reflect Council's position in relation to ESD.

DEVELOPMENT CONTRIBUTIONS

Issues

94. Council is intending to apply a municipal wide development infrastructure levy and community infrastructure levy through Amendment C241whse which will implement the *Whitehorse Development Contributions Plan 2022 (DCP)*. Amendment C241whse was exhibited in November last year and it is expected that it will proceed to a Panel hearing in April 2023.
95. The Draft Amendment documents do not refer to the DCP and does not make provision for development contributions. The Planning Report prepared by Urbis makes a reference to an agreement under s 173 of the PE Act which is intended to be put in place for development contributions.⁴ There are, however, no requirements for this s 173 agreement in the Incorporated Document and a draft agreement has not been provided with the Draft Amendment. Accordingly, it is not clear to Council what, if any, development contributions are proposed through the Draft Amendment.
96. As currently drafted, the Incorporated Document will exempt the development of the site from the requirements of the future Development Contributions Plan Overlay (**DCPO**) which is proposed to implement the DCP via Amendment C241whse. This is not an acceptable outcome in the absence of any analysis and detail about the community infrastructure needs and what is proposed to be provided through the Master Plan (beyond public realm provision and improvement). The development of BHCN will significantly increase the density on the site. Accordingly, Vicinity must make a development contribution under the DCP for the development. The failure to take this into account is a significant flaw in the Draft Amendment.

Council requests

97. Appropriate development contributions must be made alongside the development of the BHCN site. The Draft Amendment and supporting documentation must be updated to ensure that development contributions are provided with the development. The Draft Amendment should not be considered until these updates are made.

⁴ Planning Report, p. 46.

AFFORDABLE HOUSING

Issues

98. Council is committed to increasing the supply of affordable housing in the municipality. Council's housing policy at the municipal strategic statement (MSS) at clause 21.06-3 includes advocating for increases in affordable and social housing stock as a key housing principle.
99. Council is currently undertaking work to update its Affordable Housing Policy. The current policy was created in 2010, and it is now going through a consultation process on a draft policy which closed on 3 February 2023.
100. A development at the scale of that proposed for the BHCN should contribute to affordable housing and Council welcomes the work undertaken by Vicinity to understand the need in the market and to provide this as part of the development.
101. Council supports the provision of an affordable housing contribution via a s 173 agreement and the definition of eligible households in the Draft Incorporated Document which is taken directly from s 3AB of the PE Act.
102. As set out in the *Whitehorse's Draft Affordable Housing Policy 2022*, Council will consider a range of affordable housing delivery models that meet the needs of different income groups along the housing continuum including affordable purchase, shared equity, build to rent, rent to buy and social housing.
103. In relation to the proposed requirements set out in the draft Incorporated Document, Council is generally supportive of clause 6.47⁵ in relation to the quantum of affordable housing provided via an affordable housing contribution either through the sale (clause 6.47(a)) or lease (6.47(b)) of no less than six per cent of the total number of approved dwellings at a discount to market value of no less than 30 per cent.
104. However, Council considers that management of affordable housing should be undertaken by a Registered Housing Agency (**RHA**). A RHA is best placed to manage affordable housing given their experience in ensuring that appropriate arrangements are put in place. Accordingly, Council considers that the draft Incorporated Document should be amended to delete clauses 6.47a(b) and 6.46b(b) which provides for the sale and leasing of affordable housing in accordance with an Affordable Housing Management Plan so that it is limited to only RHAs.
105. Further, the draft Incorporated Document should be amended to ensure that affordable housing provided under a lease is for a minimum of 20 years, rather than 13 years as currently proposed in the document.

Council requests

106. The draft Incorporated Document should be updated to:
 - 106.1 Require that any affordable housing is sold or leased to a RHA;
 - 106.2 Any lease for affordable housing is for a minimum of 20 years.

⁵ Updated numbering

THE DRAFT INCORPORATED DOCUMENT

Issues

107. The draft Incorporated Document in its current form is unacceptable because of its poor drafting, lack of detail and failure to address critical issues upfront. It is inadequate as a document that will form part of the Planning Scheme. Using the draft Incorporated Document in its current form will lead to poor planning outcomes.

Drafting

108. Firstly, the drafting of the draft Incorporated Document is confusing as to the exemption/operation of planning scheme requirements.
109. For example, clause 4.3 of the draft Incorporated Document provides 'subject to clause 4.4, no planning permit is required for, and no provision in the Planning Scheme operates to prohibit, control or restrict the use or development of the Land'. However, clause 4.8 has the sub-heading of "requirement before a planning permit is granted" and provides "an application to subdivide or use the site, or construct a building, or construct or carry out works on the site,, must be accompanied by detailed plans and accompanying report(s)...". Clause 4.10 is titled as "Planning Permit Application Plans".
110. There is clear inconsistency between clause 4.3 and clauses 4.8 and 4.10. If the intent of the draft Incorporated Document is to allow the use, subdivision and development of BHCN generally in accordance with the Master Plan, then no planning permit would be required for the authorised uses and development. Clauses 4.8 and 4.10 need to be amended accordingly.
111. Secondly, it is unclear from the draft Incorporated Document as to whether a planning permit is required for subdivision. Notably, clause 2.1 of the draft Incorporated Document provides that the purpose of the document is to 'permit ...subdivision ... of the Land' and clause 4 provides 'the incorporated document allows ... staged subdivision of the land including creation of super lots, easements and reserves'. However, clause 4.4 provides that a planning permit is required to subdivide land except where the subdivision creates a road and no additional lot is created. Section 6.8 of the planning report prepared by Urbis states '...the Incorporated Document approves a Master subdivision Plan', then provides the conditions required for further subdivision of the 'super lots' defined by the Master Subdivision Plan'. The wording of the draft Incorporated Document does not reflect this statement.
112. Furthermore, Vicinity proposes an open space contribution of 6% of the site value. However, this proposal is not included in the draft Incorporated Document and would not apply if the draft Incorporated Document were to allow staged subdivision without a planning permit.
113. Thirdly, the role of Council under the draft Incorporated Document is problematic. Clause 1.4 suggests that Council will be the responsible authority for subdivision, enforcement of the Incorporated Document and any section 173 agreement. However, the draft Incorporated Document:
- 113.1 is unclear as to whether a planning permit is required for subdivision;
 - 113.2 does not require plans / reports to be provided to Council for approval and endorsement, making it difficult for Council to enforce the Incorporated Document if it does not have a copy of the relevant plans / reports; and
 - 113.3 includes requirements for s 173 agreements that are unacceptable to Council.

Lacking in detail

114. The proposed redevelopment of BHCN is significant in scale and involves many complicated issues that need to be carefully considered and addressed. Council is concerned that the draft Incorporated Document includes minimal requirements / conditions and is inadequate to safeguard the desired outcome. For instance, the draft Incorporated Document contemplates a wide range of land uses (such as retail, commercial and residential) but does not include any conditions / requirements to regulate the land uses or to minimise the conflicts between different land uses.
115. Furthermore, the draft Incorporated Document is silent on important issues such as waste management, car parking management, wayfinding strategy, construction management and stormwater management. It also does not include any conditions / requirements from relevant authorities (such as Department of Transport and Planning, VicTrack and SRLA). The fact that the draft Incorporated Document only includes 13 requirements (i.e. from clause 4.8 to clause 6, inclusive) for one of the largest redevelopment projects within the municipality is telling of the lack of detail in the draft Incorporated Document.

Failure to address critical issues upfront

116. The draft Incorporated Document seeks to address the following issues through the submission of plans and/or reports after the approval of the Draft Amendment:
- 116.1 open space strategy;
 - 116.2 wind impact assessment;
 - 116.3 traffic impact assessment; and
 - 116.4 green travel plan.
117. As discussed above, open space is of critical importance to Council as the BHMALC undergoes transformation and the proposed redevelopment of BHCN will generate significant population growth. It is critical that details of the open space (including, but not limited to, size, ownership, role and function of each open space and hours of public access) are provided at the start to allow a proper assessment of this critical issue.
118. Wind impact on the public realm and key areas (such as building entrances and outdoor dining areas) must also be addressed at the design stage, rather than as an afterthought as this may dictate the appropriate built form.
119. The Draft Amendment relies on a significant transport mode shift towards walking, cycling and public transport. Accordingly, it is important that a traffic impact assessment and green travel plan are provided upfront to ensure that the proposed transport mode shift can be achieved and the proposed redevelopment will not cause unacceptable impacts on the road network. These are critical issues that must be considered and addressed prior to the approval of the Draft Amendment to ensure the success of the proposed redevelopment of BHCN.

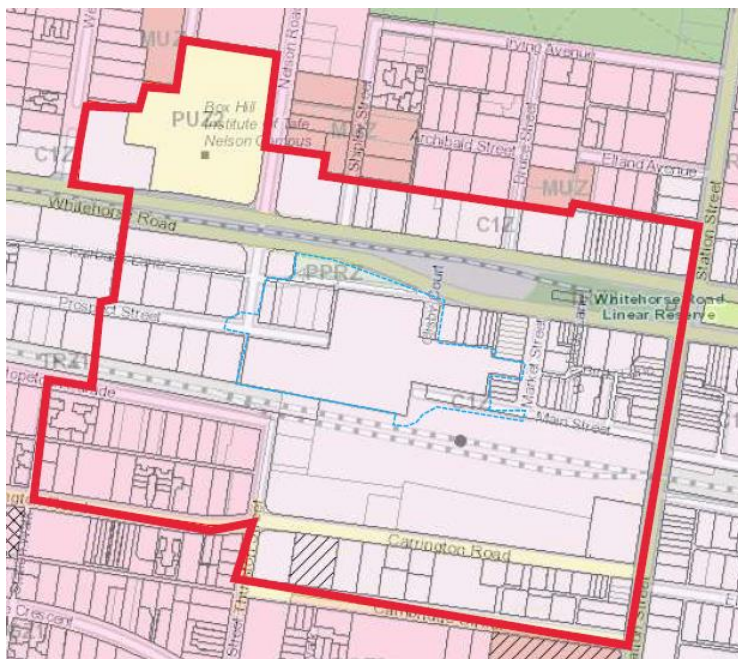
Council requests

120. Council has made extensive changes to the draft Incorporated Document. A copy of the marked up document is included in **Attachment A**.
121. As discussed above, many of the issues need to be addressed upfront rather than through conditions / requirements. Input from various Authorities is also needed.
122. The issues with the draft Incorporated Document are so significant that it is impossible to consider the Draft Amendment in its current form.

PROCEDURAL ISSUES

Issues

123. The Minister is considering exercising her power under s 20(4) of the PE Act in relation to the Draft Amendment. Council considers that the Minister should cease to continue to consider the Draft Amendment in this way.
124. Council is best placed to undertake the strategic planning for the BHCN site. Council has the demonstrated ability, skills and resources to efficiently master plan the site. There are substantial flaws with the Draft Amendment documents and a lack of consideration of the strategic context of the BHMAL. It is unclear why the Minister is considering intervening under s 20(4).
125. In terms of the consultation that is occurring through the Minister's exhibition under s 20(5), Council submits that what has occurred is insufficient. Council understands the area to which DTP has provided notice to be as follows:



126. For a significant development such as this, wider notice should be provided to ensure that views of the community are adequately heard and Council has previously advised DTP of a wider notification area which it considers would be appropriate. Advertising on the Department's website is not enough. Council has undertaken further notification to a wider area. It is disappointing that Council has needed to do this to address the insufficient notification undertaken by DTP.
127. Further, the length of the consultation period is insufficient. One month is not enough time for parties to be able to consider the Draft Amendment, obtain any necessary advice, and then make a submission.
128. Having regard to these issues, if the Minister is minded to continue considering the Draft Amendment, Council submits it is critical that the matter proceed to a Standing Advisory Committee. The 'Your Say' website and correspondence received from DTP indicates that the Minister may refer to the Draft Amendment to the Priority Projects Standing Advisory Committee. It is unsatisfactory that no certainty has been provided in relation to this referral. The complexity of the site and its significance to the BHMAL, the numerous issues with the Draft Amendment documents and the inadequate period for consultation means that a Standing Advisory Committee is essential to ensure that it is properly and thoroughly considered. There are significant issues in relation to a wide variety of issues



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that should be considered with expert evidence before any decision is made on the Draft Amendment. It would be unreasonable for the Minister to exercise her power under s 20(4) without first seeking advice from the Standing Advisory Committee.

Council requests

129. The Minister should not exercise her power under s 20(4) in relation to the Draft Amendment. The Draft Amendment should be revised before the master planning can occur properly.
130. If the Minister is minded to continue considering the Draft Amendment and whether to exercise her power under s 20(4), it must be referred to the Priority Projects Standing Advisory Committee for advice.

CONCLUSION

131. Council respectfully requests that the Minister consider the issues raised by Council in this submission.
132. Council reserves its right to make further submissions in relation to the Draft Amendment at the Priority Projects Standing Advisory Committee.

.....
Maria Marshall
Maddocks
Lawyers for Whitehorse City Council

ATTACHMENT A

WHITEHORSE PLANNING SCHEME

BOX HILL CENTRAL NORTH MASTER PLAN INCORPORATED DOCUMENT

Specific controls for 17-21 Market Street, 1 Main Street, 2 Prospect Street, 8 Prospect Street, 8A Prospect Street, Box Hill, and part of Main Street, Prospect Street, Nelson Road, Clisby Court, and Fairbank Lane, and the landscape reserve fronting Whitehorse Road, Box Hill

~~DECEMBER 2022~~[insert month] 2023

Incorporated document pursuant to Section 6(2)(j) of the *Planning and Environment Act 1987*

Incorporated document in the Schedules to Clauses 45.12 and 72.04 of the Whitehorse Planning Scheme

1. INTRODUCTION

- 1.1. This document is an Incorporated Document in the schedules to Clause 45.12 and 72.04 of the Whitehorse Planning Scheme (the Planning Scheme) pursuant to section 6(2)(j) of the *Planning and Environment Act, 1987*.
- 1.2. The land identified in Clause 3.1 of this ~~document~~ Incorporated Document may be used, developed and subdivided in accordance with the specific controls and clauses contained in this Incorporated Document and ~~should~~ must be generally in accordance with the Box Hill Central North Master Plan (June 2022).
- 1.3. The provisions of this ~~document~~ Incorporated Document prevail over any contrary or inconsistent provision in the Planning Scheme.
- 1.4. The Minister for Planning is the Responsible Authority for administering Clause 45.12 of the Planning Scheme in respect of this Incorporated Document except that:
 - a. The Whitehorse City Council is the Responsible Authority for matters expressly required by the Incorporated Document to be endorsed by, approved or done to the satisfaction of the Whitehorse City Council;
 - b. The Whitehorse City Council is the Responsible Authority for subdivision; ~~and~~
 - c. The Whitehorse City Council is the Responsible Authority for the enforcement of the Incorporated Document; ~~and~~ -
 - d. The Whitehorse City Council is the Responsible Authority for matters under Division 2 of Part 9 of the *Planning and Environment Act 1987*.

2. PURPOSE

- 2.1. The purpose of this ~~incorporated~~ Incorporated Document is to permit the use, subdivision and staged development of the Land ~~land~~ described in Clause 3.1, generally in accordance with the Box Hill Central North Master Plan (June 2022) and the conditions and requirements in this Incorporated Document.

3. LAND DESCRIPTION

- 3.1. This ~~incorporated~~ Document applies to the land at 17-21 Market Street, part of the land at 1 Main Street, 2 Prospect Street, 8 Prospect Street, 8A Prospect Street, part of Main Street, Prospect Street, Nelson Road, Fairbank Lane, and the landscape reserve fronting Whitehorse Road, Box Hill (the Land). ~~The land, referred to herein as 'the site'~~ Land is identified in Figure 1 below and is formally described as:
 - Lot 1 on Title Plan 803942
 - Land in Plan of Consolidation 102909;
 - Lot 2 on Title Plan 665882;
 - Lot 1 on Title Plan 333223;
 - Lot 1 on Title Plan 761483;
 - Lot 2 on Lodged Plan 45799; and
 - R1 on Lodged Plan 82924.

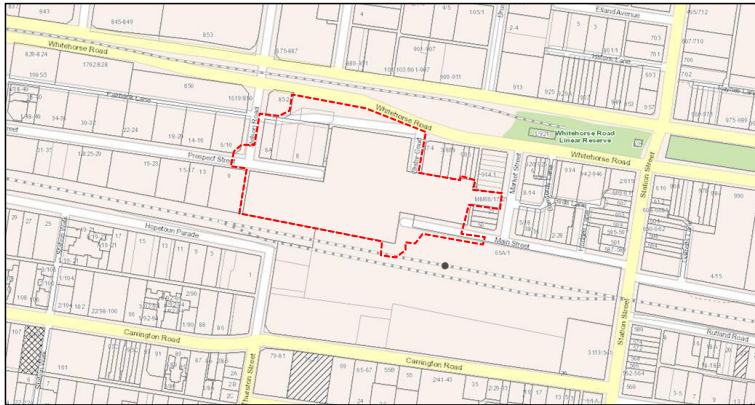


Figure 1: The land subject to this Incorporated Document highlighted in red site

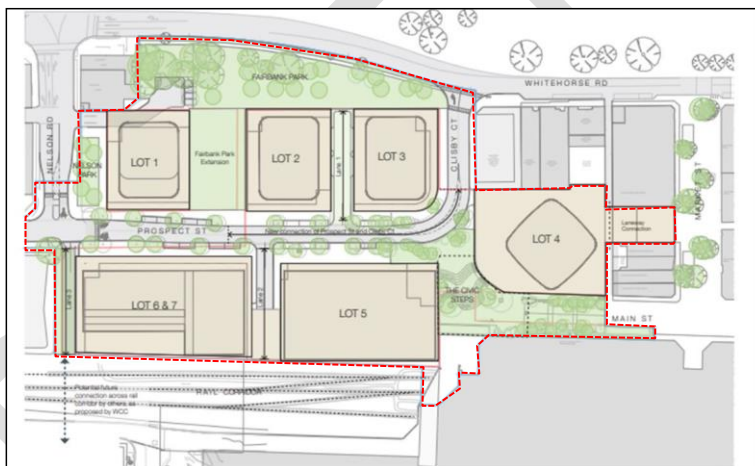


Figure 2: Development Plan, Box Hill Central North Master Plan (June 2022)

4. CONTROL **EXEMPTION FROM PLANNING SCHEME PROVISIONS**

4.1. The Land identified in Clause 3.1 may be used and developed in accordance with the specific controls contained in Clause 4 of this document and should be generally in accordance with the Box Hill Central North Master Plan (2022).

4.2. The controls in Clause 4 prevail over any contrary or inconsistent provision in the Planning Scheme.

Exemption from Planning Scheme requirements

4.3.4.1. Subject to Clause 4.42, no planning permit is required for, and no provision in the Planning Scheme operates to prohibit, control or restrict the use or development of the Land in accordance with the provisions contained in Clause 4 permitted by this Incorporated Document.

4.4.4.2. A planning permit is required to subdivide the Land except where the subdivision creates a road and no additional lot is created.

~~(a) is generally in accordance with the master plan of subdivision contained in the Box Hill Central North Master Plan (June 2022); or~~

~~(b) creates a road and no additional lot is created; and~~

~~A planning permit is required to subdivide the land and~~ any such application is exempt from the requirements in Clause 53.01 (Public Open Space Contributions) of the Planning Scheme.

~~4.5.4.3. Notwithstanding Clauses 4.4 and 4.54.2, any planning permit allowing subdivision of the Land must include a condition requiring the provision in kind or payment to City of Whitehorse of 6% of unencumbered land as public open space, before a statement of compliance is issued, of a public open space contribution equal to 6% of the site area or site value of the Land and informed by an open space strategy unless the subdivision is of a class of subdivision that is exempted from the public open space requirement by the Planning Scheme.~~

~~A planning permit application that is generally in accordance with the Box Hill Central North Master Plan (2022), is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Planning and Environment Act 1987.~~

5. This Document Allows **WHAT THIS INCORPORATED DOCUMENT ALLOWS**

The Incorporated Document allows the following:

- Alteration of access to a road in a Transport Zone 2.
- Staged subdivision of the Land ~~including creation of~~ **to create** super lots, easements and reserves ~~generally in accordance with the master plan of subdivision contained in the Box Hill Central North Master Plan (June 2022).~~
- Use of the land for a mix of commercial, retail and residential purposes.
- Provision of new open spaces and pedestrian and vehicle links.
- ~~Staged development generally in accordance with the Box Hill Central North Master Plan (June 2022) as follows: Construction of buildings and works.~~

~~The Box Hill Central North Master Plan (2022) includes five (5) indicative development stages, each of which are subject to the corresponding conditions as outlined below.~~

- ~~(i) **Stage 1** (Lot 4 and Lot 5) – subdivision of land into two (2) super lots, alteration of access to a road in a Transport Zone 2, public realm works and use and development of the land for the purpose of a multi-storey commercial building and a multi-storey mixed use building and associated basement car parking.~~
- ~~(ii) **Stage 2** (Lot 3) – subdivision of land into one (1) super lot, public realm upgrades and works (Clisby Court), creation of access lane and use and development of the land for a multi-storey mixed use building and associated basement car parking.~~
- ~~(iii) **Stage 3** (Lot 2) – subdivision of land into one (1) super lot, public realm works and use and development of the land for a multi-storey mixed use building and associated basement car parking.~~
- ~~(iv) **Stage 4** (Lot 1) – subdivision of land into one (1) super lot, public realm works, closure of Fairbank Lane, and use and development of the land for a multi-storey mixed use building and associated basement car parking.~~
- ~~(v) **Stage 5** (Lot 6 and Lot 7) – subdivision of land into two (2) super lots, public realms works, creation of a lane and use and development of the land for the purpose of two multi-storey mixed use buildings and associated basement car parking.~~

Any plans ~~and reports~~ endorsed by the Responsible Authority pursuant to any ~~condition clause~~ of this Incorporated Document may be amended with the written consent of the Responsible Authority.

The Box Hill Central North Master Plan (June 2022) must not be ~~amended altered~~ or modified without the prior written consent of the Minister for Planning.

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6. THE FOLLOWING CONDITIONS AND REQUIRMENTS APPLY TO THIS INCORPORATED DOCUMENT

Requirement before a planning permit is granted

~~5.1. An application to subdivide or use the site, or construct a building, or construct or carry out works on the site, for the purpose of using or developing the site in accordance with this Incorporated Document, must be accompanied by detailed plans and accompanying report(s) that assess the proposal against the provisions of the Box Hill Central North Master Plan (2022) and the conditions set out in Clause 4 of this Incorporated Document to the satisfaction of the Responsible Authority. The following documents must be provided (as relevant):~~

Indicative Staging Plan

~~5.2.6.1. An~~ Before the development starts, an Indicative Staging Plan must be submitted to and approved by the Responsible Authority. The Indicative Staging Plan must be generally in accordance with the Box Hill Central North Master Plan (June 2022) and must identify:

- a. The proposed sequencing of development, the indicative timing of the provision of public realm works, infrastructure and services and overall integration with other development stages; and
- b. Vehicular access points, road infrastructure works and traffic management for each stage of the development.

Planning Permit Application Architectural Plans

~~5.3.6.2. Before the development starts for a particular stage, a~~ Architectural Plans ~~plans for each that stage must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and form part of this incorporated document. The plans must be drawn to scale with dimensions and The fully dimensioned plans must include, as appropriate:~~

- a. Existing conditions, including earlier stages of development if relevant;_
- b. Detailed site layout plans;_
- c. Site interface plans and the extent of any public realm areas that will be included as part of the planning permit application area;_
- d. Architectural plans and elevations including pedestrian access, vehicle and bicycle access, loading and other services;_
- e. The extent of ground level activation;_
- f. The location of through building links such as arcades, atria or similar;_
- g. The location of publicly accessible spaces such as plazas or similar;_
- h. Details of shadowing of open space areas, roads, streets/footpaths, lanes, plazas and the like in relation to both the site and its surrounds;_
- i. A development schedule, including floor areas (gross floor area) by land use;_
- j. The design and layout of all dwellings to achieve compliance with the requirements of Clause 58 (Apartment Developments) of the Planning Scheme;_
- k. Details of how undeveloped land will be treated in the interim for future stages;_ and _
- l. Details of materials and finishes.
- m. Detailed design drawings at a scale of 1:50 (or otherwise agreed with the

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Responsible Authority) of any street features, road and footpath areas through the extent of works proposed. The design and materials of all public realm treatments must be consistent with the Box Hill Urban Landscape Design Guidelines Urban Core Treatment as amended from time to time, with sectional diagrams prepared to demonstrate the construction methodology and showing no alteration to the existing public footpath levels, all to be approved to the satisfaction of the Responsible Authority.

- n. Detailed design drawings at a scale of 1:50 (or otherwise agreed with the Responsible Authority) of any proposed urban design details such as street furniture, seating, lighting, paving, tree grates, bin enclosures and the like including specifications and materiality.
- o. Detailed design drawings at a scale of 1:50 (or otherwise agreed with the Responsible Authority) of all wind canopy structures located within the public realm to demonstrate a high level of visual interest and solar amenity.
- p. Details of all proposed landscaping within the road and pedestrian accessway, building entries, communally accessible terraces and any other area of accessible open space.
- q. Details of Environmentally Sustainable Design features proposed in the Sustainability Management Plan including water tanks, permeable paving areas, WSUD devices, solar PV panels, passive design features such as external window shading or light shelves and window tinting, EV charging, bicycle parking, operable windows for natural ventilation, and other significant items.
- r. A notation that the development is to be constructed in accordance with the Sustainability Management Plan endorsed under clause 6.17.
- s. Details and specifications of proposed stormwater drains, roadworks and paved areas, including long sections and cross sections. The submitted plans must show existing and proposed works including surface and underground drainage, pavement and footpath details, concrete kerbs and channels and outfall drainage.

Architectural Design Principles

- 5.4-6.3. The design of the overall site and each individual building ~~should~~must be exemplary and utilise high quality materials and finishes. Development ~~should~~must:

- a. Provide architectural themes and material and finishes generally consistent with the design requirements indicated within the Box Hill Central North Master Plan (June 2022); and
- b. Address overall architectural variety, podium design, integration of transport and design principles for each of the buildings shown in the Box Hill Central North Master Plan (June 2022).

Reflectivity

- 6.4. Except with the consent of the Responsible Authority, all external façade materials and finishes must be of a type that does not reflect more than 20% of visible light when measured at an angle of incidence normal to the surface. Before the development starts for a particular stage, a Reflectivity Strategy for that stage must be submitted to and approved by the Responsible Authority. When approved this will form part of the Incorporated Document. The Reflectivity Strategy must detail the external building materials and finishes. Except with the consent of the Responsible Authority, all external materials must be of a type that must not result in hazardous or unreasonable glint or 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. Buildings with frontages to major and arterial roads must use materials and finishes with a perpendicular reflectivity less than 20 per cent, measured at 90 degrees to the façade surface.
- 6.5. The provisions, recommendations and requirements of the endorsed Reflectivity Strategy must be implemented and complied with to the satisfaction of the Whitehorse City Council.

Layout must not be altered

- 6.6. The layout of the site and the size, design and location of the buildings and works permitted must accord with the endorsed plans and must not be altered or modified (unless the Whitehorse Planning Scheme specifies that a permit is not required) without the written consent of the Responsible Authority.

Façade Strategy

- 6.7. Before the development starts for a particular stage, a Façade Strategy for that stage must be submitted to and approved by the Responsible Authority. When approved, this will form part of the Incorporated Document. All materials, finishes and colours must be in conformity with the approved Façade Strategy to the satisfaction of the Responsible Authority. The Façade Strategy must detail:
- a. A concise description of the building design and the mechanics of the façade construction by the author of the plans.
 - b. A 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 physical/electronic sample board with clear coding.
 - c. 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, soffits, window detail and any special features which are important to the building's presentation.
 - d. 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.
 - e. Cross sections or other method of demonstrating a high quality design response for all street interfacing service cupboards, ensuring integration with the buildings design concept and quality of materials used.
 - 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.
- h. Information on how the façade integrates energy modelling recommendations and building code energy provisions to improve both thermal comfort and energy efficiency.
- i. Information on how façade design balances tinting and other window solar heat gain coefficient treatments for energy efficiency with good daylight penetration for enhanced indoor environment quality outcomes, to align with the proposed Green Star standards.
- j. Evaluation of the feasibility of including building integrated photovoltaic technology into the façade design.

The provisions, recommendations and requirements of the endorsed Façade Strategy must be implemented and complied with to the satisfaction of the Whitehorse City Council.

Landscape Plan

5.5-6.8. Before the development starts for a particular stage, A Landscape Plan for each that stage must be submitted to and approved by the Responsible Authority. The Landscape Plan must be generally in accordance with the Box Hill Central North Master Plan (June 2022) and the Public Realm Master Plan prepared by Lat27 (issue 06 and dated 17 June 2022) and plans must be drawn to scale, with dimensions, which to show:

- a. Any changes required to meet the requirements of clause 6.2.
- a-b. Details of all proposed landscaping associated with the buildings including communal terraces, and podium and rooftop spaces (as relevant);.
- b-c. 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;.
- c-d. Deep soil zones of at least 1.5m or planter pits for canopy trees as appropriate.
- d-e. Buildings to provide a minimum 40 per cent total surface area as green cover.
- f. Details of any proposed green walls including plant species, irrigation and drainage, and maintenance arrangements and responsibilities;.
- g. Details of natural elements, biophilic design and urban greenery in the public realm as per the Sustainability Management Plan endorsed under clause 6.17.
- e-h. How the landscaping responds to water sensitive urban design principles, including how rainwater will be captured, cleaned and stored;.
- f-i. Details of all hard-landscaping materials finishes and treatments and urban design elements including paving, lighting, seating and balustrading. Details of surface materials and finishes and construction of retaining walls, pathways, kerbs and access ways;.
- g-i. Tree species capable of growth to maturity within confined planting conditions, including but not limited to those trees located within containerised planters; and.
- k. Any landscaping works to be generally in accordance with *City of Whitehorse Landscape Guidelines 2012* (or any subsequent equivalent document), materials, plant species and finishes.
- l. Details of all hard-landscaping materials finishes and treatments and urban design elements including paving, lighting, seating and balustrading.

- m. Details of surface materials and finishes and construction of retaining walls, pathways, kerbs and access ways.
- n. Tree species capable of growth to maturity within confined planting conditions, including but not limited to those trees located within containerised planters.

Landscaping Maintenance Plan

6.9. Before the development is occupied, a Landscaping Maintenance Plan to the satisfaction of the Responsible Authority and prepared by a suitably qualified consultant must be submitted to and approved by the Responsible Authority. Once approved, the Landscaping Maintenance Plan will be endorsed and form part of this Incorporated Document. The Landscaping Maintenance Plan must include (but not limited to) the following:

(a) Details of the ongoing maintenance procedures to ensure that the garden areas, containerised planting and green walls remain healthy and well maintained to the satisfaction of the Whitehorse City Council. This must include:

- i. Irrigation frequency and delivery method.
- ii. Drainage and water sensitive urban design features.
- iii. Pruning and mulching.

(b) For green walls and above ground containerised planting, include the following details:

- i. Plans and cross-sections of planting containers, and calculated soil volume per container.
- ii. Structural engineering report and weight loading allowing for mature plant growth and potential flooding of containers.
- iii. Irrigation frequency and delivery method.
- iv. Drainage of planting containers.
- v. Suitability for species selection in relation to nutrients and irrigation requirements.
- vi. Mulch type, depth and weight.
- vii. Anchoring of all containers and containerised plants above ground level to resist high winds.
- viii. Assessment / specification of the microclimate and effect on plant health.
- ix. Maintenance procedures, including access for staff and equipment, and safety/anchoring measures required to access landscaping above ground level.

The provisions, recommendations and requirements of the endorsed Landscape Maintenance Plan must be implemented and complied with to the satisfaction of the Whitehorse City Council.

6.10. The garden and recreation areas shown on the endorsed plan and schedule must only be used as gardens and recreational areas and must be maintained in a proper, healthy and orderly condition at all times to the satisfaction of the Whitehorse City Council. Should any trees or plants be removed or destroyed they must be replaced by similar trees or plants of similar size and variety to the satisfaction of the Whitehorse City Council.

6.11. Detailed design plans and specifications of the civil works within the site associated with the approved buildings and works are to be prepared by a suitably qualified engineer, and submitted to the Responsible Authority. Certification by the consulting engineer that the civil works have been completed in accordance with the design plans and specifications must be provided to the Responsible Authority.

6.12. The road reserve and all pedestrian accessways must be constructed and laid out in accordance with the endorsed Landscape and Public Realm Plan to the satisfaction of the Whitehorse City Council.

Ongoing Architect and Landscape Architect Involvement

6.13. Except with the written consent of the Responsible Authority, Bates Smart Architects must be retained to complete the detailed development plans and to provide architectural oversight during construction of the detailed design, as shown in the endorsed plans, the endorsed Façade Strategy and the endorsed schedule of materials and finishes to the satisfaction of the Responsible Authority.

6.14. Except with the written consent of the Responsible Authority, Lat27 must be retained to prepare the detailed landscape plans for the public realm, and to provide professional oversight during the construction of the landscaping and public realm works, as shown in the endorsed detailed landscape plans to the satisfaction of the Responsible Authority.

Open Space Strategy

5-6-6.15. Before the development starts, a ~~An~~ Open Space Strategy for the ~~site and for each stage,~~ Land must be submitted to and approved by the Responsible Authority. This strategy ~~should~~ must be generally in accordance with the *Whitehorse Open Space Strategy 2007* (or any subsequent equivalent document) and ~~should~~ must address (but not limited to):

- a. Public open spaces and privately owned open spaces that will be publicly accessible;
- b. Identify the hours of public access;

- c. The primary role and function of each open space; ~~and~~
- ~~d.~~ Maintenance and management regimes.
- ~~e.~~ Accessibility through the open space.

Ground Plane Activation Strategy

~~5.7.6.16.~~ Before the development starts for a particular stage, a Ground Level Activation Strategy for ~~each that~~ stage must be submitted to and approved by the Responsible Authority. The Ground Level Activation Strategy ~~must should~~ include:

- a. Detail finished floor levels to demonstrate the minimum finished floor levels;
- b. Any level changes required between street level and internal ground floor be integrated into the building design and public realm works to maintain good physical and visual connection between street and building interior;
- c. Design elements and materials be resilient;
- d. Include cross-sections;
- e. Landscaping and public realm treatments;
- f. Treatment of level changes (e.g. batters, retaining walls); and
- ~~g.~~ DDA compliant pedestrian accesses.
- ~~h.~~ Achievement of the following clear glazing requirements:
 - ~~(i)~~ Where retail uses are proposed, at least 75 per cent clear glazing along the ground level frontage to a height of 2.5 meters, excluding any solid plinth or base.
 - ~~(ii)~~ Where residential and office uses are proposed, at least 65 per cent clear glazing along the ground level frontage to a height of 2.5 meters, excluding any solid plinth or base.

Sustainability Management Plan

~~5.8.6.17.~~ Before the development starts for a particular stage, a Sustainability Management Plan (SMP) for ~~each that~~ stage must be submitted to and approved by the Responsible Authority. The SMP ~~must be generally in accordance with the Box Hill Central North Sustainability Framework prepared by Cundall, dated 7 June 2022, but modified to include as appropriate should respond to the provisions of Clause 22.10 of the Whitehorse Planning Scheme and should include (but not limited) as appropriate:~~

- ~~a.~~ A detailed response to Clause 22.10 of the Whitehorse Planning Scheme;
- ~~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.~~ A STORM report with a score of 100% or greater (or MUSIC modelling for large-scale developments); and
- ~~d.~~ Evidence to the satisfaction of the Responsible Authority that demonstrates the development is registered to obtain a minimum 5 Star Green Star Design and As-Built v1.2 rating with the Green Building Council of Australia.
- ~~a.~~ Reference to the most recent versions of the following strategic documents:
 - ~~(i)~~ Whitehorse Sustainability Strategy 2030 – Taking Climate Action; and
 - ~~(ii)~~ Whitehorse 2040 Community Vision.

- b. Update the “headline commitments” under section 4 and the “Sustainability Framework: Alignment Summary” targets under City of Whitehorse in the Box Hill Central North Sustainability Framework to accord with the strategic documents referred to in clause 6.17(a).
- c. An Integrated Water Management Assessment addressing stormwater quality performance in addition to ensuring that the City of Whitehorse’s collective integrated water management expectations and requirements are met, pursuant to a person’s general environmental duty under section 25 of the *Environment Protection Act 2017* (Vic), and with regard to the Environment Reference Standard issued under section 93 of the *Environment Protection Act 2017* (Vic), are satisfied.
- d. A reduction in volume to meet the EPA Publication 1739.1: ‘Urban stormwater management guidance’ target of 26% stormwater that Harvested / evapotranspired.
- e. Updated MUSIC / InSite water modelling showing water quality and volume reduction targets are met.
- f. An annotation on architectural plans indicating that appropriate space and access is available to install, maintain and service integrated water management systems.
- g. An annotation on architectural plans indicating the capacity of the rainwater tanks and that the capacities stated are allocated exclusively for reuse/retention purposes and also any volume allocated for stormwater detention.
- h. Details of commitments on the use of sustainable materials, such as products that have Environmental Product Declarations and third-party product certification schemes, or that are reused or contain recycled content, including the public realm works and car parking areas.
- i. A response to Clause 15.01 of the Planning Scheme and demonstrates how the development improves the energy performance of buildings through siting and design measures.
- j. provision of an all-electric design that is net-zero ready in line with the Green Building Council’s ‘practical guide to electrification: for new buildings’.
- k. Details of how the north and west glazed facade address passive design, Green Star and National Construction Code efficiency requirements.
- l. Preliminary NCC 2022 Section J and NatHERS Energy Efficiency Reports, including recommendations regarding artificial lighting, daylight, window tinting, Window SHGC and U values, double glazing, etc.
- m. A strategy for indoor environment quality for the various building types, including guidance on natural ventilation, openable window interaction with mechanical ventilation and comment on the potential for 100% fresh air with Heat Recovery Ventilation (HRV) for apartments, or increased HVAC fresh air rates for improved IAQ for commercial.
- n. Recommendations on options and feasibility of energy storage that is to be provided.
- o. Commitments on the use of low embodied energy materials (or low embodied Greenhouse Gas) in line with recently published industry net zero transition plans and net zero industry guidelines including: concrete, glass, aluminum and steel.
- p. For residential apartments, demonstrate compliance with the Better Apartments Design Standards Clause 58.03 (BADS) requirement that Dwellings located in a the Moorabbin climate zone identified in Table D1 (21MJ/m²) maximum NatHERS annual cooling load is not exceed. If external light shelves or shading is required to achieve compliance, these must be shown on the plans. If a high level of tinting is used to achieve BADS compliance, this must be consistent with the daylight assessment.

- g. Details of external shading to habitable rooms in the north-east and north-west tower elevations.
- r. Detail of cross ventilation in residential apartments as per BESS guidelines. Alternatively specify 100% fresh air Heat Recovery Ventilation (HRV) in residential apartments for improved IAQ.
- s. A draft of the Climate Adaption Plan outlining risks to be addressed in the design, and relevant zero carbon commitments required by the referenced One Planet living standard.
- t. A daylight assessment as per BESS or Green Star guidelines.
- u. Details of how non-glazed facade materials exposed to summer sun would achieve a low solar absorptance.
- v. The percentage of car spaces provided with access to the EV charging points.
- w. Solar photovoltaic systems to demonstrate that a reasonable maximum area of roof space is being provided to contribute to expected daytime electricity use.
- x. Details of Electric Vehicle (EV) charging and EV infrastructure, including:
 - (i) Capacity and Load Management: Dedicated EV distribution board(s) in each carpark storey that is capable of supplying a minimum 7 kW (32 Amp single phase) dedicated circuit to all residential car parking spaces; and a minimum 22 kW (32 Amp three phase) dedicated circuits to 5% of office car parking spaces, to accommodate company vehicles primarily garaged in the building.
 - (ii) Electrical infrastructure and load management plan parking to allow for future installation of EV charging to a minimum of 25% of all office and commercial parking spaces.
 - (iii) A strategy for load sharing and managing the maximum demand load of the development so that it does not exceed the site capacity. Alternatively, confirm the site electrical capacity will cater for the EV charging load in maximum demand calculations as per AS/NZS 3000.
 - (iv) Dedicated space for cable trays to support the future installation of EV cabling from the distribution board to the edge of each applicable car parking space.
 - (v) Additional EV infrastructure, as required, which may include power use metering and communication systems, increased electrical capacity, and conduit installations.
 - (vi) Motor cycle, moped, electric bicycle or scooter parking: A 10-15 Amp charging outlet to one in every 6 applicable parking spaces.
 - (vii) Shared or Communal Space EV Charging: A minimum of 1 Active EV charging unit (minimum 22 kW, 32 Amp three phase) should be installed at a shared or communal parking space, where relevant. Shared or communal EV charging spaces are located in highly visible, priority locations, to encourage EV uptake.
- y. Evidence to the satisfaction of the Responsible Authority that demonstrates the development is registered to obtain a minimum 4 Star Green Star (Design and As-Built v1.2, or current Green Star for Buildings) rating (except Lot 5 which is to obtain a minimum 5 Star Green Star rating) with the Green Building Council of Australia.

The provisions, recommendations and requirements of the endorsed SMP must be implemented and complied with to the satisfaction of the Whitehorse City Council.

6.18. Within 12 months of occupation of each stage of the development, or by such a later date as approved by the Responsible Authority, certification must be submitted to the satisfaction of the Responsible Authority demonstrating that the development has achieved a minimum 4 Star Green Star (Design and As-Built v 1.2 or current Green Star for Buildings) rating (except Lot 5 which must achieve a minimum 5 Star Green Star rating). A copy of the certification and an updated SMP must be provided to the Responsible Authority including endorsed documentation by the Green Building Council of Australia affirming the Green Star rating.

Wind Impact Assessment

6.19. Before the development starts for a particular stage, ~~Aa~~ Wind Impact Assessment Report for ~~each that~~ stage, must be submitted to and approved by the Responsible Authority. The Wind Impact Assessment must be generally in accordance with the Box Hill Central North Masterplan Environmental Wind Assessment report prepared by Mel Consulting, dated ~~14 November 2020~~ May 2022, but modified as necessary to align with the detail of the plans approved under clauses 6.2 and 6.8 ~~planning permit application.~~

6.20. The amended Wind Impact Assessment Report will be endorsed and form part of this Incorporated Document. The provisions, recommendations and requirements of the endorsed Wind Impact Assessment Report must be implemented and complied with to the satisfaction of the Whitehorse City Council.

Transport Impact Assessment

~~5.9.6.21.~~ Before the development starts for a particular stage, ~~Aa~~ detailed Transport Impact Assessment (TIA) for ~~that each~~ stage, must be submitted to and approved by the Responsible Authority. The TIA must be generally in accordance with the

Box Hill Central North Masterplan Transport Impact Assessment prepared by GTAStantec, dated ~~11 November 2020~~ 21 June 2022, but modified to include as appropriate:

- a. Functional layout plans and other supporting information;
- b. Pedestrian, bicycle and vehicle access points;
- c. Car parking at a rate that encourages alternative modes of transport to the private motor vehicle, and which must not exceed the following unless otherwise agreed by the Responsible Authority:
 - i. 1 space per one and two bedroom apartment;
 - ii. 2 spaces per three or more bedroom apartment;
 - iii. 0.1 car space per apartment for visitors (rounded down to the nearest whole number);
 - iv. 3.5 spaces per 100m² of Gross Leasable Floor Area for retail uses (rounded down to the nearest whole number); and
 - v. 2 spaces per 100m² of Net Floor Area for office and all other non-residential uses (rounded down to the nearest whole number).
- d. Bicycle parking to meet ~~the objectives at~~ Clause 52.34 of the Planning Scheme;
- e. Loading, delivery and waste collection arrangements; and
- f. Swept path diagrams demonstrating appropriate access arrangements to the site including all internal parking areas and loading and servicing requirements.

Car Parking Management Plan

6.22. Before the development starts for a particular stage, a Car Park Management Plan for that stage must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and form part of this Incorporated Document. The Car Park Management Plan must address, but not be limited to, the following:

- a. Allocation of car parking spaces to each of the land uses.
- b. Numbering of car parking spaces.
- c. The collection of waste and garbage in accordance with the Waste Management Plan required under clause 6.28.
- d. Details regarding the management of loading and unloading of goods and material.
- e. Strategies to minimise the potential for conflict between pedestrians and vehicles through the basement and on the pedestrian footpaths.
- f. Details of way-finding, cleaning and security of the end of trip bicycle facilities.
- g. Any signage associated with allocated parking, public parking and directional wayfinding signage.
- h. Management of loading/unloading of vehicles associated with the development and how these areas will be secured.
- i. Number of car share spaces provided, including whether they will be accessible by the public.

The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of Whitehorse City Council.

Green Travel Plan

5.10.6.23. Before the development starts for a particular stage, A Green Travel Plan for ~~each that~~ stage, must be submitted to and approved by the Responsible Authority in consultation with the Head, Transport for Victoria. The Green Travel Plan should include (but not limited to):

- a. Objectives for the Plan.
- b. The objectives must be linked to measurable targets, actions and performance indicators.
- c. A description of the existing active private and public transport context.
- d. The types of bicycle storage devices proposed to be used for employee and visitor spaces.
- e. The types of lockers proposed within the changeroom facilities.
- f. Reference to electrical vehicle charging points within the car park and provision of electrical infrastructure for future expanded provision.
- g. Initiatives that would encourage residents, employees and visitors to the development to utilise active private and public transport and other measures that would assist in reducing the amount of private vehicle traffic generated by the development including end of trip facilities and car share spaces.
- h. Timescale and costs for each action.
- i. The funding and management responsibilities, including identifying a person(s) responsible for the implementation of actions.
- j. A monitoring and review plan requiring annual review.
 - ~~a. objectives linked to measurable targets, actions and performance indicators; and~~
 - ~~b. description of the existing active private and public transport context.~~

New Roads and Laneways

5.11.6.24. Before the development starts for a particular stage, E engineering drawings and computations for new roads and laneways (as applicable) must be submitted to and approved by the Responsible Authority. The engineering documents should detail:

- a. All road works and associated drainage to the satisfaction of the Whitehorse City Council.
- b. A cross section of any new road showing above and below ground placement of services, street lights, street furniture and street trees (as applicable).
- c. The plans and cross section of the new road must demonstrate how services, driveways, street lights and street furniture will be placed so as to achieve the street reserve width and accommodate street tree planting (as applicable).

- d. Independent drainage, the direction of stormwater runoff and a point of discharge for the land to the satisfaction of the Whitehorse City Council~~;~~.
- e. Underground reticulated water (including dual reticulation and a connection point to connect to a potential future precinct scale alternative water supply via a third pipe network), sewerage, gas, electricity and telecommunications located and bundled (utilising common trenching) to the satisfaction of the Whitehorse City Council and the relevant servicing authority(s)~~;~~.
- f. All works for stormwater, water sensitive urban design, drainage, street trees, and landscaping~~;~~.
- g. All bearings, distances and levels, as necessary~~;~~ and.
- h. Staged delivery of any roads and laneways, including how suitable public access will be maintained during construction.

6.25. Before each stage of the development is occupied, any land identified or set aside as a new road or laneway on the approved plans must be transferred to, or vested in the relevant road authority as a public road at no cost to the relevant road authority. This does not apply to a new road or laneway that is agreed to be retained in private ownership to the satisfaction of Whitehorse City Council.

Wayfinding Strategy

6.26. Before the development starts for a particular stage, a Wayfinding Strategy for that stage must be submitted to and approved by the Responsible Authority. The Wayfinding Strategy must include, but not be limited to:

- a. Design detailing, wayfinding measures and any other urban design measures to improve:
 - i. Pedestrian and cyclist navigation through the Land between the lower and upper ground levels.
 - ii. Pedestrian access to all primary, secondary and tenancy entries.
 - iii. Cyclist access to end-of-trip facilities.
 - iv. Pedestrian and cyclist access to DDA facilities.
 - v. Food and on-demand delivery access to the public realm and building entries.
- b. Design detailing, wayfinding measures and any other urban design measure to encourage:
- c. Short and long term stationary passive recreation within the nominated areas of urban open space.
- d. Location of any wayfinding signage, information or other wayfinding measures to ensure safe and efficient pedestrian access between the lower ground and upper ground levels of Main Street and Prospect Street. View lines through the site and publicly accessible areas must not be impeded by windscreens, containerised planting or any other public realm treatment.
- e. Location of any wayfinding signage, information or other wayfinding measures to ensure safe and efficient parking and access for food and on-demand delivery services.
- f. Consistency of the Wayfinding Strategy across the Land.

The provisions, recommendations and requirements of the endorsed Wayfinding Strategy must be implemented and complied with to the satisfaction of Whitehorse City Council.

Lighting Strategy

6.27. Before the development starts for a particular stage, a Lighting Strategy for that stage must be prepared to the satisfaction of the Responsible Authority. The Lighting Strategy must provide details of proposed lighting of Main Street, Prospect Street and Clisby Court and throughout the pedestrian link and public realm, and must be prepared in accordance with the Urban Design Guidelines Victoria, Department of Environment, Land, Water and Planning 2017, and Public Lighting Code Australia, to the satisfaction of the Responsible Authority.

6.28. Once approved, the Lighting Strategy will be endorsed and will form part of this incorporated document. The provisions, recommendations and requirements of the endorsed Lighting Strategy must be implemented and complied with to the satisfaction of Whitehorse City Council.

6.29. Lighting must be installed in accordance with the Lighting Strategy and maintained and operated for the life of the building. Lighting must be located, directed and shielded and of limited intensity so that no unreasonable loss of amenity is caused to any person within and beyond the site, to the satisfaction of Whitehorse City Council.

Waste Management Plan

6.30. Before the development starts for a particular stage, a Waste Management Plan (WMP) for that stage must be submitted to and approved by the Responsible Authority. Once approved, the WMP will be endorsed and will form part of this incorporated document. The WMP must include, show or address:

- a. Building tenancies to be clearly identified with corresponding waste generation rates and waste bin volume amended accordingly.

The provisions, recommendations and requirements of the endorsed WMP must be implemented and complied with to the satisfaction of Whitehorse City Council.

Acoustic Report

6.31. Before the development starts for a particular stage, an Acoustic Report prepared by a suitably qualified acoustic engineer for that stage must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this incorporated document. The Acoustic Report must address the following:

- a. Measures to ensure that noise levels emanating from that stage of the development will comply with the Environment Protection Regulations under the *Environment Protection Act 2017* and the Incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) as may be amended from time to time to the satisfaction of the Responsible Authority.

The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of Whitehorse City Council.

Use Conditions

6.32. The amenity of the area must not be detrimentally affected, to the satisfaction of the Responsible Authority, 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,
- d. smoke, vapor, steam, soot, ash, dust, waste water, waste products, grit or oil.
- e. The presence of vermin.

6.33. The land uses must comply at all times with the Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premise and Entertainment Venues (Publication 1826.4, Environment Protection Authority, May 2021) as amended from time to time, to the satisfaction of Whitehorse City Council.

Construction Management

- 6.34. Before the development starts for a particular stage, a Construction Management Plan for that stage must be submitted to and approved by Whitehorse City 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 Whitehorse City Council Construction Management Plan Guidelines, as amended from time to time.
- 6.35. When approved, the Construction Management Plan will form part of the incorporated document and must be complied with, to the satisfaction of Whitehorse City Council. The provisions, recommendations and requirements of the endorsed Construction Management Plans must be implemented and complied with to the satisfaction of Whitehorse City Council.

Stormwater

- 6.36. Before the development starts for a particular stage, a flood analysis prepared by a qualified civil engineer must be submitted to the Responsible Authority for approval, which may include an appropriate 2D model. The flood study must be prepared in accordance with the guidelines in Australian Rainfall and Runoff and addresses the following to the satisfaction of the Responsible Authority:
- a. All events up to and including the 1% AEP must be modelled to assess the flooding impacts of the proposed relocation of the stormwater pipe to the catchment and properties.
 - b. all the parameters input into the model.
 - c. Extent of inundation maps including difference in flood levels and velocities x Depth.
- 6.37. Before the development starts for a particular stage, a detailed stormwater drainage and/or civil design for that stage must be prepared by a suitably qualified civil engineer and submitted to and approved by the Responsible Authority. It must include calculations with all levels to Australian Height Datum (AHD). The engineering works must be carried out and completed to the satisfaction of the Responsible Authority before the development is occupied. Civil design needs to be based on the flood analysis.
- 6.38. All stormwater drains and on-site detention systems must be connected to the legal point of discharge to the satisfaction of Whitehorse City Council before the development is occupied.
- 6.39. Stormwater reports and plans need to consider and incorporate water sensitive urban design (WSUD) and integrated water management elements consistent with the Sustainability Management Plan (SMP) endorsed under clause 6.17.

General

- 6.40. Before the occupation of a stage of the development, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- a. constructed and available for use in accordance with the endorsed plans.
 - b. formed to such levels and drained so that they can be used in accordance with the endorsed plans.
 - c. treated with an all-weather seal or some other durable surface.
 - d. Linemarked or provided with some adequate means of showing the car parking space
s.
- All to the satisfaction of Whitehorse City Council
- 6.41. Buildings or works must not be constructed over any easement or easements without the written consent of the relevant Authorities.

- 6.42. Before the development is occupied, all building plant and equipment on the roofs, terraces areas, common areas and in the public thoroughfares must be concealed to the satisfaction of Whitehorse City Council and remain concealed. 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 Whitehorse City Council.
- 6.43. Before the development is occupied, all mechanical exhaust systems for the car park approved must be located and sound attenuated to prevent noise and unreasonable amenity to the occupants of the surrounding properties, to the satisfaction of Whitehorse City Council and must be maintained to the satisfaction of Whitehorse City Council.
- 6.44. Before the development is occupied, all pipes, fixtures, fittings and building services servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of Whitehorse City Council and must be maintained to the satisfaction of Whitehorse City Council.
- 6.45. Except with the prior written consent of Whitehorse City Council, Council assets must not be altered in any way.
- 6.46. All buildings and works must be maintained in good order and appearance to the satisfaction of Whitehorse City Council.
- 6.47. Existing street trees must not be removed or damaged except with the written consent of Whitehorse City Council.
- 6.48. Any reinstatement and/or alterations to Council or other Public Authority assets as a result of the development must be undertaken at no cost to Whitehorse City Council or other Public Authority. All relevant permits and consents from City of Whitehorse must be obtained at least 7 days before any works commence. Adequate protection must be provided to the satisfaction of Whitehorse City Council before works start, and must be maintained during the construction process, to the satisfaction of Whitehorse City Council.

Temporary Works

- 5.12-6.49. The landowner/developer must to the satisfaction of the ~~Responsible Authority~~ Whitehorse City Council construct temporary buildings and works (such as landscaping works to activate and improve the site and street frontages) for any stage of the development should:
- the land remain vacant for 6 months after completion of the demolition; or
 - demolition or construction activity ceases for a period of 6 months; or
 - construction activity ceases for an aggregate of 6 months after commencement of the construction.
- 5.13-6.50. Before the construction of the temporary works start for any stage of development, details of the works must be submitted to and approved by the ~~Responsible Authority~~ Whitehorse City Council. Temporary works may include:
- The construction of temporary buildings for short-term community or commercial use.
Such structures shall include the provision of an active street frontage; or
 - Landscaping of the site or buildings and works for the purpose of public recreation and open space.

CONDITIONS AND REQUIREMENTS FOR PLANNING PERMITS

~~A planning permit granted must include the following Agreements condition:~~

Agreements

[5.14.6.51](#) Prior to issue of an occupancy permit for the development (or relevant stages of the development), the owner of the land must enter into an agreement with the **Responsible Authority** Whitehorse City Council pursuant to section 173 of the *Planning and Environment Act 1987* (the Agreement) to provide for the delivery of affordable housing (the Affordable Housing Contribution).

The ~~agreement~~ Agreement must include terms that provide for the manner in which the Affordable Housing Contribution is to be made, including when and how the contribution is to be made.

The Agreement must specify that the Affordable Housing Contribution will be delivered by one or a combination of the following methods, to the satisfaction of Responsible Authority:

- a. Sale of not less than six per cent of the total number of approved dwellings at a discount to market value of not less than 30 per cent:
 - a. To a Registered Housing Agency; or
 - b. To Eligible Households in accordance with an Affordable Housing Management Plan approved pursuant to condition 3 below; or
- b. Lease of not less than six per cent of the total number of approved dwellings at a discount to market value of not less than 30 per cent, for not less than 13 years from the occupation of the dwellings:
 - a. To a Registered Housing Agency; or
 - b. To Eligible Households in accordance with an Affordable Housing Management Plan approved pursuant to condition 3 below; or
 - c. Any alternative delivery method providing that it demonstrates the total monetary amount of the Affordable Housing Contribution is equivalent to or above two per cent of the total market value of the total number of approved dwellings, to the satisfaction of the responsible Authority.

For the purpose of the Agreement:

- 'Eligible Household' means a purchaser or tenant that meets the threshold for a very low income household, low-income household or moderate income household at the time of entering the contract of sale, consistent with Section 3AB of the *Planning and Environment Act 1987*.
- 'Affordable Housing' has the same meaning as any definition of that phrase contained within the *Planning and Environment Act 1987*.
- 'Market Value' means the value of a Dwelling as determined by an independent, qualified Valuer.

5.15-6.52. Prior to issue of an occupancy permit for the development (or relevant stages of the development), the owner of the land (or another person/entity anticipated to become the owner of the land) must:

- a. Do all things necessary to enable the ~~Responsible Authority~~ Whitehorse City Council to register the agreement with the Registrar of Titles in accordance with section 181 of the *Planning and Environment Act 1987*; and
- b. Pay to the ~~Responsible Authority~~ Whitehorse City Council its reasonable costs and disbursements incurred in relation to the negotiation, preparation, execution and registration of the agreement on the certificate of title to the land.

6.53. A s 173 agreement that addresses development contribution and infrastructure contribution

6.54. S 173 agreement that deals with the maintenance of the "Civil Steps" and waiver of Council's liability in case of injury etc

6.55. Any other matter that needs to be addressed via s 173 agreements

[clauses requested by various referral authorities]

6.56. [to be inserted]

Subdivision conditions

6.57. [to be inserted]

6.58. A section 173 agreement that requires the provision of 6% public open space contribution

in land.

7. ~~Expiry~~ EXPIRY OF THE INCORPORATED DOCUMENT

7. The controls in this Incorporated Document expire if one of the following circumstances applies:
- a. The development allowed by the control is not commenced within three (3) years of the approval date of Amendment C245whse to this Planning Scheme;
 - b. The development allowed by the control is not completed within ten (10) years of the approval date of Amendment C245whse to this Planning Scheme;
 - c. The use allowed by the control is not commenced within one (1) year of the completion of the development;
 - d. The use is discontinued for a period of two (2) years;
 - e. The plan of subdivision is not certified within three (3) years of the approval date of Amendment C245whse to this Planning Scheme; or
 - b.f. A statement of compliance is not issued within five (5) years of the date of certification of a particular stage of subdivision.

The Minister for Planning may extend these periods if a request is made in writing before these controls expire or within three months afterwards.