

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

ADMINISTRATIVE DIVISION

VCAT REFERENCE NOS. P1899/2017

PLANNING AND ENVIRONMENT LIST

APPLICANT	Bazem Pty Ltd
RESPONSIBLE AUTHORITY	Whitehorse City Council
SUBJECT LAND	104-168 Hawthorn Road FOREST HILL VIC 3131
WHERE HELD	Melbourne
BEFORE	Rachel Naylor, Senior Member
HEARING TYPE	Hearing
DATE OF HEARING	1 November 2017
DATE OF ORDER	13 November 2017

ORDER

Amend development plan application

- 1 By consent, pursuant to section 127 and clause 64 of Schedule 1 of the *Victorian Civil & Administrative Tribunal Act 1998*, the development plan is amended by substituting for the development plan application plans, the following plan filed with the Tribunal:

Forest Ridge. 104-168 Hawthorn Road, Forest Hill. September 2017.
City of Whitehorse. Development Plan on behalf of Bazem Pty Ltd.
The Development Plan comprises:

- Development Plan text prepared by 10 Consulting Group Pty Ltd;
- Attachment 1 – Development Plan Overlay Schedule 5 Whitehorse Planning Scheme;
- Attachment 2 – Development Plan and Development Plan Guidelines prepared by SJB Architects;
- Attachment 3 – Movement Network and Concept Functional Layout Plans prepared by GTA Consultants; and
- Attachment 4 – Landscape Concept Plans prepared by SMEC.

Development plan approved

- 2 By consent, in application P1899/2017 the decision of the responsible authority is set aside.

3 By consent, the Development Plan dated September 2017 relating to land at 104-168 Hawthorn Road, Forest Hill is directed to be approved subject to the following changes (and any consequential text changes consistent with the following):

(a) All plans within the Development Plan document and annexed SJB Development Plan Guidelines and Landscape Plans be amended to show an extension of the public park area (by 1029m²) such that the total on-site provision within the Development Plan Overlay Schedule 5 area is a total of 4% in full satisfaction of the public open space contribution for the site;

(b) At 1.6 "Ground Level Setbacks" (on p.8 of the SJB Development Plan Guidelines):

i amend the first paragraph to add the words "at a minimum of the setbacks in Figure 7" after the words "public realm"; and

ii under the heading "Built Form Guidelines" delete all bullet points except the last bullet point and instead include notations on Figure 7 to give effect to the bullet points;

iii Amend the last bullet point to read:

"Protrusions may be built inside the setbacks to allow driveways and letter boxes. Porches, pergolas and verandahs that are less than 3.6m in height and eaves may protrude into the setbacks by up to 2.5m in accordance with Standard B6 of Clause 55".

(c) Section 1.5 of the SJB Development Plan Guidelines be amended to add two new bullet points under the heading Built Form & Building Heights with the following:

i Front fence height in streets in a Road Zone Category 1 or 2 should not exceed 1.8 metres and should have at least 20% transparency.

ii A front fence within 3 metres of a street should not exceed 1.2 metres in 'other streets'.

(d) Figure 6 Building Heights & Setbacks Plan on p.7 of the SJB Development Plan Guidelines be amended to show revised heights and setbacks as follows by reference to the numbering of the building envelope areas on the plan in Appendix A to these Orders:

Building envelope reference (on annexed plan)	Height in storeys	Street wall height in storeys	Setback of upper levels (from street wall)
1	6	2	3m
2	4	2	3m

Building envelope reference (on annexed plan)	Height in storeys	Street wall height in storeys	Setback of upper levels (from street wall)
3	4	2	3m
4	6	n/a	n/a
5	Total 1029m ² of area 5 given over to open space contribution	n/a	n/a
Remaining 5 and 6	4	2	3m on east side 5m on west side
7	4	2	3m
8	3	2	3m to western and southern interface
9	3	2	3m to entry road frontage
10	4	2	3m to entry road frontage
11	4	2 to western interface	3m to western interface

Rachel Naylor
Senior Member

APPEARANCES

For Bazem Pty Ltd

Mr P O'Farrell of counsel instructed by Ms M Lee, solicitor of Gadens

For Whitehorse City Council

Ms M Marshall, solicitor of Maddocks

REMARKS

- 1 Pursuant to section 93(1) of the Victorian Civil and Administrative Tribunal Act 1998, this order is made at the request of the parties and with their consent.
- 2 The Tribunal regards the consent of the responsible authority to be a confirmation to the Tribunal that the responsible authority is of the opinion that the development plan is appropriate having regard to the matters it is required to consider under the Act, and is otherwise in conformity with the provisions of the planning scheme and the Planning and Environment Act 1987.
- 3 Based on the information available to the Tribunal, I consider it is appropriate to make these orders.

Rachel Naylor
Senior Member

APPENDIX A

