

12 July 2023

The Registrar
Victorian Civil and Administrative Tribunal
Planning and Environment Division
Ground Floor, 55 King Street
MELBOURNE VIC 3000

Dear Registrar,

**APPLICATION FOR REVIEW TO THE MAJOR CASES LIST
SECTION 87A AMENDMENT
PLANNING PERMIT NO. WH/2021/636
3 & 5-9 WELLINGTON ROAD AND 7 POPLAR STREET, BOX HILL**

We act for *Shangyi Vision Pty Ltd*, the owner and Planning Permit holder in relation to the land at 3 & 5-9 Wellington Road and 7 Poplar Street, Box Hill.

We have been instructed to file an Application for Review on behalf of our client in the Major Cases List pursuant to section 87A of the *Planning and Environment Act 1987* to amend Planning Permit WH/2021/636 ('Planning Permit') issued at the direction of the Tribunal on 8 September 2022 with reference P273/2022 ('Tribunal Decision').

We provide the below application material and planning assessment to inform this Application for Review and proposed amendment to the Planning Permit:

- Architectural plans prepared by *Rothelowman Architects* (dated 4 July 2023, labelled 'S87A Amendment')
- Urban Context Report prepared by *Rothelowman Architects* (July 2023);
- 'Landscape Plan' prepared by *MDG Landscape Architects* (12 July 2023);
- 'Traffic Engineering Assessment' prepared by *Traffix Group Pty Ltd* (12 July 2023);
- 'Waste Management Plan' prepared by *Leigh Design Pty Ltd* (29 June 2023);
- 'Sustainable Management Plan' prepared by *Ark Resources Pty Ltd* (11 July 2023); and
- 'Environmental Wind Considerations' letter summary prepared by *MEL Consultants* (7 July 2023).

Introduction

The Planning Permit was issued at the direction of the Tribunal following an oral decision on 8 September 2022 for the land at 5-9 Wellington Road and 7 Poplar Street, Box Hill ('Approval Site') and allows for:

'Construction of a 24-storey apartment building under clause 32.07-5 of the Residential Growth Zone; and remove or vary an easement under clause 52.02, generally in accordance with the endorsed plans and subject to the following conditions.'

Following the issuing of the Planning Permit, our client has now secured Units 1-4 of 3 Wellington Road, Box Hill directly abutting the existing, approved 24-storey building and now seeks to amend the Planning

Permit to include this new land and integrate a connected five (5) storey extension for the purposes of a 'medical centre' and 'office'. A 'new food and drink premises' is also proposed to be provided at ground floor of the existing building as a result of consolidation of vehicle access to Wellington Road.

The inclusion of the expanded site area enables the continued growth and change within this section of the Box Hill Metropolitan Activity Centre ('MAC') in responding to clear planning policy requirements for increased density, employment and activity in such areas. The extension of the building will further contribute towards an enhanced skyline and public realm with added engagement and pedestrian movement to this immediate area of the MAC from the existing approval through consolidation of basement access and an expanded, activated ground floor plane.

The development envelope and site areas has carefully considered the built form relationship to the existing approved building and the adjoining interfaces ensuring no added detriment beyond the existing approved development will occur as a result of the proposed amendment.

Site and Surrounds

The Approval Site is generally referred to as 5-9 Wellington and 7 Poplar Street, Box Hill and currently contains two (2) single-storey attached dwellings and a private at-grade car. It comprises of four (4) land parcels described as:

- Lots 1 and 2 on Plan of Subdivision 046829;
- Lot 2 on Plan of Subdivision 020741; and
- Lot 17 on Plan of Subdivision 015133.

The additional site area to be included as part of this amendment application is referred to as 1-4/3 Wellington Road, Box Hill and comprises Lots 1-4 of Registered Plan of Subdivision 015417 and common property. Each allotment currently contains a single-storey dwelling accessed via central common property.

Collectively, the combined land forming the basis of this amendment application is referred to as the 'Subject Site'. Copies of the Subject Site's title information is separately enclosed. The Planning Permit currently allows for the removal/variation of some of the existing easements within the Subject Site, with an additional minor removal to the existing drainage pit and easement at the rear of the existing approved building proposed as part of this amendment.

The Subject Site extends from Wellington Road to its east, through to Poplar Street to its west, where it contains an overall east-west fall of approximately 4.1 – 4.3 metres. To Wellington Road, the Subject Site contains a frontage for approximately 65.9 metres and to Poplar Street it contains a frontage of approximately 15.3 metres. Overall, the Subject Site contains a land size area of approximately 3,197 square metres.



Figure 1: Location of Subject Site and existing Approval Site

The immediate and surrounding area of the Box Hill MAC has been subject to significant high-rise development and approvals over recent years in response to clear policy requirements and various services and amenities contained and aligned with the MAC status. The extent of construction/development approvals emerging and immediate to the Subject Site is demonstrated in Figure 2 below, with the expanded site area contributing towards this evolving context.

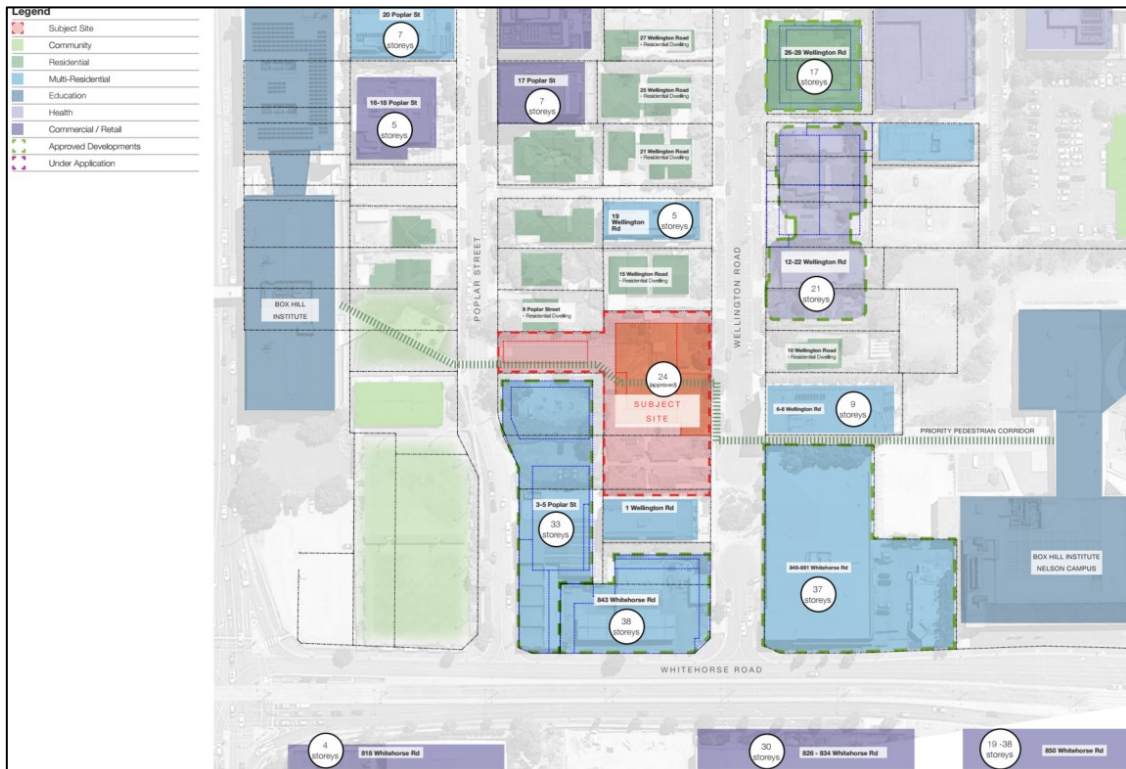


Figure 2: Immediate evolving building context and approved/constructed height Source: Rothelwman Architects

The inclusion of the expanded site area will enable the continuation of growth and change to occur within this section of the Box Hill MAC, which notably also includes numerous medical practices including the Epworth Eastern and Box Hill Hospitals, located approximately 400m to the north-east.

The provision of additional medical suites and office space on the expanded site area and integrated as part of the existing approval, responds to the Subject Site's immediate context and clear planning policy requirements for increased density and employment opportunities in such areas, while continuing the enhanced public realm environs of this section of Wellington Road through added ground floor activation, pedestrian movement and streetscape improvements.

Proposed Amendments

The following amendments to the existing Planning Permit and approved development are proposed:

Proposed Development

- A connected, five (5) storey extension to the existing approved building on the land generally referred to as 3 Wellington Road, Box Hill and containing:
 - A four (4) storey podium form to Wellington Road, matching the shared ground floor interface of the existing approved building enabling a continuous, collective presentation to the Wellington Road frontage;
 - A minimum 4.5 metre setback at the side and rear interfaces of the extended building area, matching the general setbacks previously approved and provided within the existing development and creating a minimum nine (9) metre separation between the approved/proposed building forms;
 - A recessed uppermost level to Wellington Road associated with the office tenancy, to match the minimum 9.1 metre setback applied to the upper form of the existing approval in its presentation to Wellington Road;
 - Continuation of the general architectural language of the approved building, with the same light warm coloured textured concrete (Material CF01) provided to frame the building and canopy provided at Level 1. To differentiate and contrast the building forms and their respective uses, an alternative opaque spandrel glazing, and translucent glazing is incorporated into the façade windows of the proposed extension rather than the clear glazing finish applied to the apartments within the existing building. The upper level of the proposed new built form further contains a dark grey metal finish adding to its recessive presentation in concert with the abovementioned setbacks. This darker finish and materiality is also applied to the side and rear of the building obscured from the public realm.
- Revised internal layout of Apartments 1.03, 1.04, 2.04 and 3.04 at Levels 1 to 3 within the existing building area as they relate to the proposed built form extension, to improve the relationship and amenity of these apartments.
- Revised internal layout of Apartments 2.07, 3.07, 4.06 and 5.06 (typical) at Levels 1 to 15 within the existing building area for improved internal amenity in responding to Condition 1f) and 8 requirements of the Planning Permit and the enclosed 'Sustainability Management Plan' prepared by *Ark Resources Pty Ltd*.
- Relocation of the Wellington Road vehicle accessway to the south-east corner of the Subject Site adjacent to the cul-de-sac of Wellington Road, consolidating all vehicle access to the one location. This relocated accessway enables an additional expanded, active Wellington Road frontage including the provision of a new ground floor food and drink premises adjacent to the retained resident co-working space.

- Expanded basement area across the Subject Site to include the 3 Wellington Road land and previous grated pit/sewer shaft along its western boundary with associated easement removal. The proposal further removes one (1) basement level to provide a total of three (3) levels of basement car parking across the Subject Site. The revised basement arrangement provides a total of 252 car parking spaces, increased from the 202 car spaces associated with the existing approval.

Use

- Provision of a 216sqm 'food and drink premises' at ground floor in place of the aforementioned crossover, overall enabling a greater extent of the Subject Site's frontage to Wellington Road to be activated (including that associated with the approved east-west pedestrian connection) compared to current Planning Permit.
- Provision of a new 'medical centre' within the extended building area, containing a total net/leasable floor area of 1,526sqm distributed across Ground Floor – Level 1 as follows:
 - 226sqm of net/leasable floor area at Ground Floor;
 - 433sqm of net/leasable floor area at each of Levels 1 – 3.
- Provision of a new 'office' within the extended building area at Level 4, containing 224sqm of leasable floor area.
- The proposed hours of operation associated with the above new uses are as follows:
 - Food and drink premises: 6am to 10pm, Monday to Sunday.
 - Medical Centre: 8am to 8pm, Monday to Sunday for scheduled appointments, with no restriction otherwise to non-appointment based medical uses and/or emergency procedures.
 - Office: No restriction of hours.

Planning Permit

A tracked-changes version of the existing Planning Permit is enclosed as part of this Application for Review, reflecting the following necessary changes required:

- Update the address of the Planning Permit to include land at 3 Wellington Road, Box Hill.
- Update the preamble of the Planning Permit to include permission for the proposed medical centre and office use and development and associated car parking reduction. The proposed preamble is to state:

'Construction of a part 5 and 24 storey building (excluding basement), containing apartments, a medical centre, office and food and drink premises within the Residential Growth Zone. Reduction in standard car parking requirements for an office under Parking Overlay – Schedule 1 and for a medical centre and food and drink premises under clause 52.06; and Remove or vary an easement under clause 52.02, generally in accordance with the endorsed plans and subject to the following conditions.'
- Removal of Conditions 1a) – 1e) of the Planning Permit with these captured in the updated architectural plans prepared by *Rothelowman Architects*.
- Delete Condition 4i) of the Planning Permit with this captured in the updated landscape plan prepared by *MDG Landscape Architects*.
- Delete subset Condition 9 requirements with these addressed and captured in the updated 'Sustainability Management Plan' prepared by *Ark Resources Pty Ltd*.

- Amend Condition 10a) requirements to reflect the variety of new uses and allocation of car parking.
- Amend Condition 11 to reference the updated wind report prepared by *MEL Consultants*;
- Amend Condition 12 to reference the updated 'Waste Management Plan' prepared by *Leigh Design Pty Ltd*.
- Include new Conditions 36 – 39 regarding the proposed uses, including hours of operation associated with the proposed food and drink premises and medical centre.

Planning Controls and Permit Triggers

Pursuant to the provisions of the Planning Scheme, the Subject Site remains located in the Residential Growth Zone – Schedule 3 ('GRZ3') and is affected by the Significant Landscape Overlay – Schedule 9 ('SLO9') and the Parking Overlay – Schedule 1 ('PO1').

Under these planning controls, the proposed amendments require planning permission for:

- Use of the land for the purposes of a food and drink premises; medical centre; and office pursuant to Clause 32.07-2 of the RGZ;
- Construct a building or carry out works associated with a Section 2 use pursuant to Clause 32.07-8 of the RGZ;
- Reduction in car parking associated with 'office' use pursuant to PO1; and
- Reduction in car parking associated with 'medical centre' and 'food and drink premises' pursuant to Clause 52.06.

The Planning Permit already allows for the removal/variation of an easement pursuant to Clause 52.02 of the Planning Scheme and thus captures the additional easement removal associated with the grated sewer pit/drain along the Subject Site's western boundary.

Residential Growth Zone – Schedule 3

The purpose of the RGZ as contained at Clause 32.07 of the Planning Scheme is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide housing at increased densities in buildings up to and including four storey buildings.*
- *To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres.*
- *To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas.*
- *To ensure residential development achieves design objectives specified in a schedule to this zone.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

The Planning Permit already reflects the permissions granted for the existing building under the RGZ.

The proposed 'office' and 'food and drink premises' use are both Section 2 uses requiring a planning permit pursuant to Clause 32.07-2 of the RGZ. There are no conditional requirements associated with the food and drink premises, while the conditional requirements of an 'office' are met as follows:

- The Subject Site is located approximately 20 metres from land zoned Commercial 1 Zone (south and on the opposite side of Wellington Road), which shares a frontage to Wellington Road and thus within the 100m threshold limit.

- The leasable floor area is only 224sqm, less than the 250sqm threshold requirement.

Use of the land for a 'medical centre' is a Section 1 use if the gross floor area of all buildings is less than 250sqm. As the building forms gross floor area exceeds this threshold, the medical centre is a Section 2 use and thus a planning permit is required pursuant to Clause 32.07-2 of the RGZ.

A planning permit is also required for buildings and works associated with a Section 2 use pursuant to Clause 32.07-8 of the RGZ.

Each of the proposed new uses and the associated buildings and works associated with the new built form is assessed in the key considerations below.

Parking Overlay – Schedule 1

PO1 applies to the 'Box Hill Activity Centre' and varies standard requirements of Clause 52.06. The policy contains the following objectives at Section 1.0:

- *Manage car parking demand and supply to satisfy user needs (with a focus on maintaining/increasing the viability of Box Hill).*
- *Locate and manage car parking so as to minimise traffic generated by the search for a parking space.*
- *Reduce vehicle trips through minimising parking provision where appropriate.*
- *Encourage the use of active and sustainable travel modes rather than increased private vehicle travel.*
- *Improve general amenity for pedestrians within Box Hill to increase the willingness for visitors and staff to walk to and within the Centre to their destination.*

The minimum car parking requirements of Clause 52.06 for 'dwelling' use, including residential visitors, as varied by PO1 have been considered and assessed within the accompanying 'Traffic Engineering Assessment' prepared by *Traffix Group Pty Ltd*, with the proposed amended development continuing to satisfy 'dwelling' requirements triggering no planning permit.

PO1 also varies the minimum car parking requirements for an 'office' use, at a rate of two (2) car spaces for each 100sqm of net floor area. The proposal provides for two (2) car parking spaces for the provided 224sqm office area, thus triggering a reduction in car parking of two (2) car parking spaces for the office pursuant to PO1 requirements.

The PO1 does not vary the standard requirements for the other proposed new uses, being a 'medical centre' and 'food and drink premises' with the statutory car parking rates at Clause 52.06 of the Planning Scheme continuing to apply. Clause 52.06 requires 3.5 car parking spaces for each 100sqm of leasable floor area associated with a 'medical centre', thus triggering the need for 53 car parking spaces with the rate for the 'food and drink premises' use being 3.5 car parking spaces for each 100sqm of net floor area, triggering the need for 7 car parking spaces.

The revised basement provides a total of 252 car parking spaces, increased from the existing approved 206 spaces, with car parking to be allocated as follows:

- 52 car parking spaces allocated to the 58 one-bedroom dwellings;
- 134 car parking spaces allocated to the 134 two-bedroom dwellings;
- 2 car parking spaces allocated to the two (2) three-bedroom dwellings;
- 20 residential visitor spaces within common/shared space;
- 17 secure and 23 common area car parking spaces associated with the medical centre;
- 2 car parking spaces allocated to the food and drink premises; and

- 2 car parking spaces allocated to the office tenancy.

The amended proposal continues to allocate residential and residential visitor car parking in accordance with the existing Planning Permit requirements. The amended proposal however seeks a reduction of car parking spaces associated with the 'new' uses, pursuant to PO1 for the 'office' tenancy and Clause 52.06 for the 'medical centre' and 'food and drink premises'. The extent of car parking, allocation, layout and function of the car parking areas against the relevant PO1 and Clause 52.06 requirements have all been examined and supported by *Traffix Group Pty Ltd* in their accompanying 'Traffic Engineering Assessment'.

Significant Landscape Overlay – Schedule 9

A planning permit is required to remove, destroy, or lop a tree pursuant to SLO9, however this does not apply to 'A tree outside the Minimum Street Setback in the Residential Growth Zone'. As the existing approved development associated with the Planning Permit and the built form extension proposed by this amendment application is greater than five (5) storeys in height, Clause 55 requirements of the Planning Scheme and in particular Clause 55.03-1 containing the street setback objective/Standard does not apply.

Accordingly, all existing trees on the Subject Site are located outside of the minimum street setback requirement and thus no planning permit is required for their removal, consistent with the preamble of the existing Planning Permit.

Key Considerations

Land Use and Policy Setting

The Subject Site's location within the strategically defined Box Hill MAC and specifically within its 'Hospital & Western TAFE Precinct' pursuant to Clause 22.07 – *Box Hill Metropolitan Activity Centre* of the Planning Scheme, dictate a higher degree of change in land use function and built form outcomes are to be achieved. The Box Hill Transit Structure Plan ('Structure Plan') forming the background document of Clause 22.07, identifies a demand and growth in the medical sector and supportive related businesses, with its vision stating (*inter-alia*, our emphasis):

'Box Hill will be a focus for regional health care, educational and community services. It will accommodate growth in educational facilities, medical services and associated specialist activities, and offer an environment that attracts related business investment. It will be a focus for provision of local and state government services within the region and community health and support services.

The Structure Plan further supports and identifies that there will be an increased demand for medical related businesses, with a land use action being to 'allow for expansion of health and medical services, especially in the area south of Box Hill hospital, but prevent the spread of facilities beyond the Activity Centre into residential areas to the north'.

The proposed integration of a medical centre and office as part of the Planning Permit and integrated as part of the approved building, creates a truly mixed-use development with the particular proposed new uses, contributing toward the ongoing growth of the MAC and in a location clearly identified by the Structure Plan where expansion of such uses is encouraged to leverage and support key institutions within this precinct, namely the Box Hill and Epworth Hospitals. The proposed uses forming the basis of this amendment, including the food and drink premises at ground floor of the Apartment Development, are further consistent with economic development objectives at Clause 21.07-3 of the Planning Scheme which include:

- *To develop the Box Hill Metropolitan Activity Centre as the major focus for retail, commercial, health, transport, education and entertainment facilities in Melbourne's east.*

- *To recognise the important regional role that our tertiary and health sectors fulfill and provide support for the ongoing viability of these vital institutions such that they are positioned as leading industry providers.*
- *To facilitate continued investment in high quality office space placed in attractive settings with extensive landscaping and car parking following the completion of development in the Box Hill and Tally Ho commercial precincts.*

Such strong policy support in this precinct is evident in Council's recent approval for the nearby 21-storey medical centre on the land at 12-22 Wellington Road, with the officer report stating:

'The medical centre use supports economic growth within the Health Precinct, and provides substantial employment opportunities beyond the site's current offering. The Structure Plan, and further more Plan Melbourne, indicate that there is an increasing demand for medical services, employment and health innovation within the Box Hill MAC and within the Health Precinct, and this application further supports this strategy with a generous increase in the overall net leasable floor area for medical centre suites.'

Clause 22.05 – *Non-residential uses in residential areas* identifies the legitimate need for non-residential uses in residential areas to serve the needs of the local community, however, identifies they have the potential to impact upon the amenity if poorly designed or located. Clause 22.05 is a municipal wide strategy, which does not differentiate for instance residential areas within a MAC such as the Subject Site or the broader residential hinterland. Therefore potential conflicting policies need to be balanced against the clear growth and evolution of the MAC in this instance, particularly in the Subject Site's location where medical centres/office uses are clearly encouraged given its proximity to established institutions. This was the position of

The proposed hours of operation are consistent with other nearby approved non-residential uses within this 'Hospital & Western TAFE Precinct' of the MAC, with the proposed medical centre/office use not an intensive use that would unreasonably add to noise, odour or other emissions in this location of the MAC.

Accordingly, based on the strong policy support for health/employment generating uses within the 'Hospital & Western TAFE Precinct' of the MAC and as recently established by Council in nearby approvals, the proposed new uses are entirely compatible in this location and are appropriately integrated through an extension to the existing approved adding to the overall urban renewal of the Subject Site and contributing towards the community benefit to be delivered.

Built Form

As outlined, the proposed extension to the existing approved building continues a similar architectural language although subtle material changes to the glazing differentiate the uses within the building forms. Such architectural and material quality of the existing approval was positively assessed in the Tribunal Decision which stated:

'Although the architectural approach of this proposal may differ from the towers along Whitehorse Rd it is nevertheless a legitimate response to its context.

The proposal has a sophisticated arrangement of materials and level of articulation that will present as a high-quality architecture and contribute positively towards a sense of place.

The Tribunal Decision then expands its findings on the quality of architecture at Paragraph 37, with the extension works only further contributing towards this quality and an enhanced sense of place along Wellington Road through:

- A lower scale built form in acknowledging the built form of the southern student accommodation building at three (3) storeys and land size area of this and the proposed building area.

- Continuation of the podium height and form of the existing approved development to Wellington Road, maintaining a pedestrian scale which then opens-up to the east-west pedestrian link connecting Wellington Road and Poplar Street.
- Enhanced activation through the provided uses and orientation towards the street, including walk-up ground floor activity associated with the proposed food and drink premises adjacent to the resident co-working space and separate pedestrian entrances/lobbies associated with the variety of uses.
- Consolidation of vehicle access in the south-west corner for the development, enabling added public realm improvement works and providing a net-increase in on-street car parking.



Figure 3: Uniformed presentation and podium response to Wellington Road

Source: Rothelowman Architects

The additional shadow cast by the proposed new built form to the Wellington Road public realm is also fully contained within that already cast by the development approved by the Planning Permit as evident at Section 5 of the Urban Context Report prepared by *Rothelowman Architects*. The Tribunal previously determining the extent of overshadowing to the public realm as acceptable when applying and considering the particular policy provisions of the Planning Scheme stating:

'In relation to the overshadowing of the pocket park in Wellington Rd, we are satisfied that these impacts are acceptable and are consistent with the intended function of that space. We note that the park is not identified as a key open space under the local policy.'

Wellington Road is identified as a priority pedestrian corridor and the pocket park in that space will form part of that corridor. We think it will be more than a transitory space, and it is likely to provide an opportunity to people to linger, potentially congregate and otherwise enjoy the space. It is not, however, a key open space and the proposed impact on it cannot be assessed as it is.'

Accordingly, the public realm is only to be enhanced from the existing Planning Permit through the proposed amendment and new built form with added pedestrian movement that will only assist in the identification and use of the significant east-west connection provided to the Subject Site's north, with notably no additional overshadowing occurring beyond the existing approval to public realm.

Off-Site Amenity

As outlined, the proposed extended built form maintains a 4.5 metre setback to its rear and side boundaries consistent with those provided in the existing approved building envelope and its respective interfaces, providing adequate separation between building forms of existing/approved developments.

It is noted that the southern student accommodation building has privacy screening to its northern balconies, restricting views to the Subject Site and new built form as well as the receipt of daylight to its internal areas further noting the shadow cast by the proposed extended built form is fully contained within the existing shadow cast by the building currently approved by the Planning Permit.

Similarly, to the rear, the 4.5 metre side setbacks of the development reduce the width and presence of built form to the approved mixed use development at 837 Whitehorse Road. We note that at this direct interface and to the building height of the proposal, this approved building contains hotel suites and thus non-sensitive with the building setback approximately five (5) metres behind small terrace areas associated with the suites, and this setback then maintained for the upper level dwellings which will retain views above the proposed new development. The shadow cast by the proposed extended built form is also fully contained within that already cast by building currently approved by the Planning Permit at this interface.

Accordingly, no additional, unreasonable off-site amenity impacts are anticipated to arise as a result of the amendment and new medical centre/office extension.

Traffic and Car Parking

Council previously did not have an issue with the extent of car parking and associated traffic with the development approved by the Planning Permit, a position shared by the Tribunal with the Tribunal Decision stating (our emphasis):

'The Council in this case, accepts and takes no issue with the strategic acceptability of the proposal. It raises no concerns about the internal amenity to be provided by the proposal. The Council also takes no issue with the proposal's carparking provisions and traffic impacts.'

We agree with the Council's assessment in respect of these matters...'

The proposal includes an extended basement area beneath the proposed extension, while removing one level of basement. The resultant changes overall increase the number of on-site car parking from 206 to 252 car parking spaces, however as a result of the proposed new use and allocation of car building, a reduction in statutory car parking rates is sought to the proposed new uses through this amendment.

The amendment application is accompanied by a detailed 'Traffic Engineering Assessment' prepared by *Traffix Group Pty Ltd*. The report concludes that the provision of car parking proposed by this amendment application as well as the layout and associated traffic generation is acceptable. The basis for this position is detailed at the conclusion of the accompanying assessment which states:

Having undertaken a traffic engineering assessment of the proposed amended development at 3-9 Wellington Road and 7 Poplar Street in Box Hill, we are of the opinion that:

- a) the proposed amended development has a statutory car parking requirement for 214 spaces,*
- b) the provision of 252 car parking spaces is in excess of the statutory car park requirement,*
- c) the allocation of parking for the development results in a statutory shortfall of parking for the medical centre, office, and food and drink premises and accordingly, a permit to reduce the car parking requirement is being sought as a part of this amended application,*
- d) there is sufficient justification to reduce the statutory car parking requirement having regard to:*
 - ii) provision of shared parking for visitors, customers and patients,*
 - iii) access to and provision of alternative transport within close vicinity to the site,*

iv) the site location within a medical precinct, which provides other short term parking opportunities, and

v) the site's location with the Box Hill Metropolitan Activity Centre

e) the car park layout and access points are provided generally in accordance with the approved development, generally satisfy the requirements of Clause 52.06, and provide a functional outcome for vehicles on the site,

f) traffic generated by the amended development will be disbursed across the local road network,

g) Wellington Road is identified for major developments and to accommodate higher traffic volumes,

h) the provision and design of bicycle parking satisfies the Planning Scheme and Australian Standard requirements and standards,

i) there is no change to the loading and waste facilities from the previous scheme, and

j) there are no traffic engineering reasons why an amended planning permit for the proposed mixed-use development at 3-9 Wellington Road and 7 Poplar Street in Box Hill, should not be granted.

Easement Removal

The amended proposal seeks removal of the easement and drainage pit at the rear of the apartment building, which was historically retained for the four (4) existing dwellings on the 3 Wellington Road allotment. With this land now included as part of the Subject Site it can now also form part of the renewed, engineered drainage solution to occur and as required by Conditions 26 - 31 of the Planning Permit.

Conclusion

The proposed amendment to the Planning Permit and provision of a new extended built form containing a medical centre and office use is entirely appropriate in this 'Hospital & Western TAFE Precinct' of the MAC, with the design response successfully integrated as part of the existing approved building enabling a continuation of an upgraded and enhanced public realm along Wellington Road that connects to the significant east-west link approved as part of the Planning Permit.

The proposed new food and drink premises at ground floor of the proposal, will further add to the vibrancy, attraction and activity of the immediate area and overall delivering an amended development that will contribute towards the evolving context in this location of the MAC.

Whitehorse City Council is now required to provide a list of names and addresses of all persons it considers may have a material interest in the outcome of this amendment application.

Please contact the undersigned on 8626 9090 (email: wilson@pppartners.com.au) if we can be of further assistance to the Tribunal in respect of this correspondence.

Yours faithfully,



MATHEW WILSON
Planning & Property Partners Pty