

Planning and Environment Act 1987

Panel Report

Whitehorse Planning Scheme

Amendment C153

Planning Permit WH/2012/872

17 November 2014



Planning and Environment Act 1987

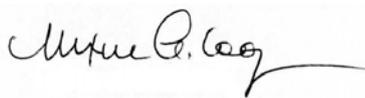
Panel Report pursuant to Section 25 of the Act

Whitehorse Amendment C153

Planning Permit WH/2012/872



Rodger Eade, Chair



Maxine Cooper, Member



John Hartigan, Member

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List of Abbreviations

CHMP	Cultural Heritage Management Plan
DDA	<i>Disability Discrimination Act, 1992</i>
DPO	Development Plan Overlay
DTPLI	Department of Transport, Planning and Local Infrastructure
EAO	Environmental Audit Overlay
EPA	Environment Protection Authority
GRZ	General Residential Zone
IN1Z	Industrial 1 Zone
LSIO	Land Subject to Inundation Overlay
LPPF	Local Planning Policy Framework
MSS	Municipal Strategic Statement
PUZ	Public Use Zone
RGZ	Residential Growth Zone
RZSAC	Residential Zones Standing Advisory Committee
SPPF	State Planning Policy Framework
SUZ	Special Use Zone
VCAT	Victorian Civil and Administrative Tribunal

Amendment Summary

The Amendment	Whitehorse Planning Scheme Amendment C153
Permit Application	Planning Permit WH/2012/872
Subject Site	15-31 Hay Street, Box Hill South
Purpose of Amendment	To rezone the subject site from Special Use Zone 1 and Public Use Zone 1 to General Residential Zone 1, General Residential Zone 2 and Residential Growth Zone 1 to facilitate the development of 315 residential units including retirement dwellings and ancillary uses
The Proponent	Canaan Holdings Pty Ltd
Planning Authority	Whitehorse City Council
Authorisation	A02768, issued 28 March 2014
Exhibition	24 April to 27 May 2014

Panel Process

The Panel	Rodger Eade, Maxine Cooper, John Hartigan
Directions Hearing	Planning Panels Victoria, 21 August 2014
Panel Hearing	Nunawading Civic Centre, 17,19, 23 and 24 September 2014
Site Inspections	Unaccompanied site visits on 9 September and 6 October 2014
Appearances	See Table 1, page 4
Submissions	52 timely, 6 late and 2 very late submissions were referred to the Panel. Submitters are listed in Appendix 1
Date of this Report	17 November 2014

Executive Summary

(i) Summary

Amendment C153 to the Whitehorse Planning Scheme proposes to rezone approximately 4.94 hectares of the former St Leo's College site at 15-31 Hay Street Box Hill South, from Special Use Zone Schedule 1 and Public Use Zone Schedule 1, to a mix of General Residential Zone Schedule 1 and 2 and Residential Growth Zone Schedule 1. The proposal to rezone the land is accompanied by planning permit application WH/2012/872 to develop 310 residential units ranging from single storey detached dwellings, to apartments in four buildings up to seven storeys and ancillary uses including a café and community facilities. The residential dwellings include 96 retirement units. The Planning Authority is the Whitehorse City Council and the proponent is Canaan Holdings Pty Ltd.

A total of 60 submissions, including late submissions, was referred to the Panel. These mostly objected to parts or all of the development on a range of grounds, of which the key ones of were:

- the traffic impact on residential areas to the west of the site
- increased congestion at the corner of Hay Street and Canterbury Road
- the inconsistency of the development with the character of the existing residential areas
- the height of the apartment buildings
- the perceived loss of open space.

The Panel understands the concerns of nearby residents, as the proposed development constitutes a significant change in the area and believes that not enough was done to keep the residents informed of what was proposed. The Panel observes that consultation and information will continue to be a significant challenge for the planning and development sector as residential consolidation continues in existing urban areas, consistent with State and local policy and there is an obligation on both proponents and Councils to ensure that communities are well informed about proposals.

The Panel finds that the proposed development is consistent with State policy on a key strategic site and is broadly, but not well, supported by local policy. The Panel notes that the existing traffic on local streets is very low. It finds that there will be a significant increase on these streets but not to a level which can give reason enough to oppose the development. It appears likely that some residents at least will not perceive any significant increase in traffic. In all likelihood increased traffic may not result in traffic levels in residential streets greater than when the St Leo's College operated, albeit distributed differently over the day.

The Panel further finds that the development itself is well conceived and of a high standard in terms of urban design and architecture. The two storey dwellings proposed for the Hay Street frontage allow the development to integrate well with the existing residential dwellings and effectively screen the taller buildings in the centre of the site from all but very limited locations. The Panel is of the view that the development integrates well physically with the surrounding areas via road, pedestrian and cycle access points and therefore the new community on the site should be able to socially integrate with the existing residential community.

The Panel broadly supports the proposed retirement living proposal and the community facilities associated with it - those for exclusive use of the retirement community and those for the wider community within and beyond the development. Resident concerns about the capacity of some existing community infrastructure to accommodate increased population are understood by the Panel but the Panel is critical of Council for not having considered that factor in detail nor apparently having the internal capacity to undertake such an assessment. Nevertheless, no compelling evidence was presented that demonstrated community facility capacity constraints.

For the reasons summarised above and set out in detail in this report, the Panel supports the proposed Amendment subject to a number of changes, and supports the issue of a planning permit WH/2012/872 subject to conditions at Appendix D of this report.

(ii) Recommendation

Based on the reasons set out in this report, the Panel recommends:

Whitehorse Planning Scheme Amendment C153 should be adopted as exhibited, subject to the following:

- 1. Renumber the proposed Schedules to the General Residential Zone and Residential Growth Zone as follows:**
 - a) General Residential Zone 1 to be renumbered General Residential Zone 8**
 - b) General Residential Zone 2 to be renumbered General Residential Zone 9**
 - c) Residential Growth Zone 1 to be renumbered Residential Growth Zone 3**
- 2. Remove the words 'Former St. Leo's College (15-31 Hay Street, Box Hill South)' from the header of each of the renumbered Schedules GRZ8, GRZ9 and RGZ3 and other consequential changes to maps and related documentation, made.**

It is further recommended that planning permit WH/2012/872 should be issued, and include the conditions set out in Appendix D of this report.

1 Introduction

1.1 Background

Whitehorse Planning Scheme Amendment C153 (the Amendment) was prepared by the Whitehorse City Council as Planning Authority. As exhibited, the Amendment proposes to:

- rezone the land at 15-31 Hay Street Box Hill South from Special Use Zone Schedule 1 and Public Use Zone Schedule 1 to General Residential Zone Schedules 1 and 2 and Residential Growth Zone Schedule 1
- apply an Environmental Audit Overlay (EAO) to the site.

The Amendment applies to land at 15-31 Hay Street, Box Hill South.

The Amendment was prepared at the request of Canaan Holdings Pty Ltd (the proponent) and was authorised by the Department of Transport, Planning and Local Infrastructure (DTPLI) on 14 January 2014.

The Amendment is accompanied by planning permit WH/2012/872 to develop 310 residential units ranging from single storey detached dwellings to apartments in four buildings up to seven storeys and ancillary uses. The residential dwellings include 96 retirement living units. Further details of the proposed development are at Chapter 2.3.

The Amendment was placed on public exhibition between 24 April 2014 and 27 May 2014, with 55 opposing submissions received. In total 60 submissions were referred to the Panel including six late and two very late submissions.

At its meeting of 21 July 2014, Council resolved to refer the submissions to a Panel. As a result, a Panel to consider the Amendment was appointed under delegation from the Minister for Planning on 25 July 2014 and comprised Rodger Eade (Chair), Maxine Cooper and John Hartigan (Members).

Those who appeared at the Panel Hearing, which commenced on 17 September 2014, are listed in Table 1.

Table 1 Parties to the Panel Hearing

Submitter	Represented by
Whitehorse City Council	Ms Andrea Skraba, Senior Strategic Planner, Whitehorse City Council
Canaan Holdings Pty Ltd	Mr Chris Townshend QC assisted by Ms Jennifer Trehwella instructed by Ms Sarah Raso of Best Hooper, Solicitors, and assisted by Asher Greenwood of JAM Architects, who called the following expert witnesses: <ul style="list-style-type: none"> - John Kiriakidis, Traffic Engineer, GTA Consultants. - Andrew Biacsi, Town Planner, Contour Town Planners. - Catherine Heggen, Town Planner/ Urban Designer, Message Consultants. - Stephen Hunt, Traffic Engineer, Cardno. - Michael Wright, Landscape Architect, Rush/Wright Associates.

VicRoads	Michael Freeman
Alison Murray	
Alex Sylvan	
Andrew Holmes	
Gavin Ryan	
Box Hill United Pythagoras Soccer Club	Chris Heyson
Trish Bourke	
Tracey S	
Box Hill South Neighbours Group	Tracey S
Helen Eason	

Before closing submissions were presented by the proponent and Council at the Hearing, a brief workshop on planning permit conditions was held. This reflected on-going discussions between those two parties to try to resolve outstanding issues. It was clear to the Panel that further time post-hearing would both tidy up some remaining drafting issues and potentially resolve further outstanding issues. To this end at the closing of the Hearing the Panel directed that a further version of the planning permit be developed and circulated to all parties on the distribution list by close of business on Wednesday 1 October 2014 with comments to be forwarded to Planning Panels Victoria by close of business, Friday 3 October 2014.

2 The proposal

2.1 The subject site and surrounds

The subject site at 15-31 Hay Street, Box Hill South is approximately 4.94 hectares in size. It has a frontage to Hay Street in the west of approximately 219.5 metres. The northern boundary of the site is 197.21 metres and the southern boundary is 168.98 metres. To the east, the boundary is irregular and broadly follows Gardiners Creek. The subject site has vacant land and the Box Hill United Soccer Club to the north, Gardiners Creek to the east with a number of industrial uses east of the creek, and open space and the Box Hill Golf Club to the south. The vacant land at 988 Canterbury Road has recently had a permit granted by VCAT for 64 dwellings.



Figure 1 Location and indicative development plan

The subject site is the former St Leo's College and has been occupied in recent years by Hays International College and Canaan International Student Centre. The former College buildings are along the Hay Street frontage and the land falls to the east towards the Gardiners Creek flood plain which is occupied by sporting fields. The site falls some 10 metres from north to south along the Hay Street frontage. Hay Street forms an approximate ridgeline with the land falling slightly to the west. Figure 1 illustrates the location of the subject site in relation to the surrounding streets and an outline of the proposed development.

To the west of Hay Street is a residential area of mainly individual dwellings which appear to date mainly from the 1950s and 1960s with some more recent infill development, including a number of dual occupancies. There is limited multi-unit development. Hay Street is a mix

of single and double storey dwellings with the double storey dwellings being relatively more recent infill development. There is clear evidence of ongoing residential redevelopment in the area. The eastern part of the Canterbury Mews development has a frontage to Hay Street opposite the northern part of the subject site's frontage to Hay Street. This development is serviced by a private road.

Other nearby land uses of relevance to the proposal for the subject site include the Bedford Heights Retirement Village which is located north of Canterbury Road and comprises single storey retirement dwellings and associated community facilities. To the east of Gardiners Creek is the Box Hill South industrial precinct. This is zoned Industrial 1. It includes a number of industrial uses appropriate to its zoning but also some non-industrial uses such as a storage facility and a large gymnasium. The former Rhodia Chemicals site, which was of concern when a previous rezoning application was considered as Amendment C31 in 2002, is now vacant, and the Panel was informed that the site is to be developed and occupied by Spotlight and Anaconda.

2.2 Background to the proposal

Council indicated that development interest in the subject site has been strong since the former St Leo's College closed in the early 1990s. A number of planning permits have been issued for the site, mainly for use, and for works on existing buildings. In addition a small number of Planning Scheme Amendments have been proposed.

Amendment C8 and an associated planning permit were proposed in 1999-2000, for the rezoning of the site to Residential 1 Zone, for development of 81 dwellings. As submitted by Ms Skraba, the Amendment was abandoned by Council after exhibition on the following grounds:

- *the proposal was contrary to the strategic and statutory requirements of the Whitehorse Planning Scheme relating to protecting residential areas from industrial uses and maintaining the importance of existing industrial areas; and*
- *the proposed development would lead to a loss of an important buffer area within the Gardiners Creek Valley adjacent to an important industrial area (page 14).*

In 2001, Amendment C31 was exhibited. It proposed to rezone the site to Residential 1 and apply a Development Plan Overlay (DPO) to the site. The DPO would have facilitated the development of some 300 dwelling on the site, generally on the ovals on the lower part of the site. After exhibition, 138 submissions were received and as a result Council requested the appointment of an independent Panel to consider the Amendment. The C31 Panel subsequently recommended that the Amendment be abandoned, citing in part the following grounds:

- *...that the noise profile near to the industrial area is unsuitable, without treatment, to provide for appropriate residential amenity. It was not convinced that a suitable solution could be implemented or that the design of residences resulting would be sympathetic to the creek environs, being required to face away from the creek*
- *...that odours will be emitted from the Rhodia site from time to time, both in the normal course of operation at exceptionally low levels and occasionally as a fugitive emission, which may cause some external issue*

- *...that it is impractical and inappropriate for residential development on the floor of the Gardiners Creek Valley in the vicinity of the Rhodia Industrial Plant because of the potential adverse amenity impacts*
- *...that the site is not 'ideal' for the scale and extent of the residential development proposed, as there is lack of scope to integrate the new community with the existing neighbourhood*
- *...The use of a Development Plan was considered superfluous, in the way it was presented. While the Panel accepts that with a site as large as this the use of some form of Development Guidelines (sic) would provide certainty for the Responsible Authority and the community alike, in the guise it was presented it gives the advantage of higher densities without any of the safeguards*
- *...that the proposed development was outside the desirable elements of Melbourne 2030 being too far from an activity centre and being unsympathetic to industrial land and open space (pages 48-49).*

The Panel did acknowledge the attributes of the site for residential development. The C31 Panel did say at page 42 of its report:

The argument was essentially put that the site was 'ideal' for residential development, without any real investigation into why it was appropriate for higher density residential development. In the absence of any evidence to the contrary, the Panel finds it hard to accept that the site should be developed at a significantly higher density than the surrounding area.

2.3 The proposal

It is proposed to develop the subject site for 310 dwellings as follows:

- 17 double storey dwellings of three bedrooms, each with a frontage to Hay Street
- 26 three storey town houses located behind the conventional dwellings on Hay Street
- 43 single storey, two and three bedroom retirement village houses located on the lower part of the site, generally in the area currently the site of playing fields and in part covered by a Land Subject to Inundation Overlay (LSIO)
- 53 retirement units in a five storey apartment building
- 171 apartments in three buildings of six levels plus one or two basements, generally located on sloping land between the townhouses and retirement houses
- 493 residents and visitor car parking spaces
- a pool, gymnasium, clubhouse and lounge for general use and other community facilities associated with the retirement units and for exclusive use by those in the retirement housing
- a café at the ground level of one of the apartment buildings
- open space interspersed throughout the site comprising approximately five per cent of the site area.

2.4 Exhibition and notification of the Amendment

Authorisation for the preparation of the Amendment was given by DTPLI on 28 March 2014. It included the following:

...should a 'Phase 1' Environmental Site Assessment be completed for the site and conclude that the site is suitable for a sensitive use prior to the adoption of the amendment, the Environmental Audit Overlay may be removed from the proposed amendment.

Amendment C153 and the associated planning permit application were exhibited between 24 April 2014 and 8 May 2014 and were advertised in the Whitehorse Leader over a three week period. It was notified in the Government Gazette of 24 April 2014. In addition, in excess of 3,800 letters were sent to owners and occupiers in the area broadly bounded by Station Street in the west, Albion Road in the north, Aberdeen Road in the east and south of the Box Hill Golf Club. The correspondence sent to householders included the full Explanatory Report.

At the Hearing a number of the resident submitters indicated they had not received notification of the Amendment and that when they did receive it that it was misleading about the extent of the development proposed. Based on this, the Panel requested documentation from Council on the extent of the mail-out. A list of 3832 addresses was provided together with documentation from the external provider which prepared the mail out. Council acknowledged that a small number of these were returned, and this is to be expected. While the Panel has not checked every address, it does note that there were 44 addresses in Halsey Street and 71 in Jellicoe Street to which the information was sent. The Panel has checked notification in these streets as they are the ones most affected by traffic generated by the proposed development.

A number of residents indicated that they were misled by reference on the permit application notification to a 'permit to develop the land for two or more dwellings.' Some residents apparently interpreted this as meaning only a small number of dwellings were proposed. The Panel notes, however, that on the first page of the Explanatory Report for the Amendment there is clear reference half way down that page to the proposed 310 dwellings. The Panel does note that it is aware that correspondence from institutions such as Councils is not always read carefully by some people.

Some residents indicated that there had been no notice placed on the property. Both Ms Skraba and Mr Townshend indicated that as a combined Amendment and planning permit the notification process for an Amendment was followed which is a much broader notification than required for a planning permit. The Panel accepts that this is the case.

The Panel notes that it has no evidence that the statutory notification process was not appropriately followed and therefore concludes that it has been satisfactorily followed. The Panel does note that while the Councillors appear to have been briefed by the proponent as part of the pre-application process, the local community does not appear to have been well briefed through the period leading up to formal notification. While the Panel understands that such briefings, if they had occurred, are unlikely to have removed all opposition to the proposal, they may have led to a greater understanding of the proposal and its range of positives which were acknowledged by some submitters. The Panel considers that community briefings are an important part of the process where such significant change is

proposed. It considers that this will become an increasingly important part of the process associated with change which implements the increased population in existing areas, which is policy in *Plan Melbourne*.

2.5 Form and content of the Amendment

The Panel has some concerns about the numbering and headers on the Schedules to the GRZ and RGZ and these are addressed in Chapter 5. The Panel has no other concerns about the form and content of the proposed Amendment.

3 Identification of issues

3.1 Summary of issues raised in submissions

The key issues raised in the submissions of the various parties are briefly summarised as follows:

(i) Planning Authority

The key issues for the Whitehorse Council were:

- strategic justification and conformity with state and local policy
- application of appropriate zones
- traffic, parking and access to the site
- neighbourhood character and built form
- planning permit triggers and associated issues
- noise and air quality
- management of identified cultural heritage
- vegetation and landscape
- issues raised by other submitters.

(ii) Canaan Holdings

The key issues for the proponent, Canaan Holdings were:

- strategic justification for the proposal
- retirement village proposal
- traffic considerations
- noise
- hydrology.

(iii) VicRoads

The key issues for VicRoads were:

- potential signalisation of the intersection of Hay Street and Canterbury Road.
- safe access to community infrastructure beyond the site, particularly by the elderly.

(iv) Melbourne Water

The key issue for Melbourne Water was:

- relevant permit conditions.

(v) Individual submitters

The key issues by submitters were:

- traffic and parking impact on surrounding streets
- increased congestion at intersections with Canterbury Road
- the provision of food and drink premises as part of the development
- height of apartment blocks will interrupt views
- use of RGZ in this location is inappropriate
- increased population density

- proposed development at the scale proposed not consistent with existing neighbourhood character
- over development of the site
- loss of open space
- flooding, including downstream effects
- proximity of proposed dwellings to Wembley Park
- flora and fauna issues.

3.2 Issues dealt with in this report

The Panel considered all written submissions including late submissions, as well as submissions presented to it during the Hearing. In addressing the issues raised in those submissions, the Panel has been assisted by the information provided to it as well as its observations from inspections of the subject site and surrounding areas.

Neither Council nor the proponent structured their submissions to the Panel to differentiate between issues relevant to the Amendment and the Planning Permit application. For this reason, the Panel discusses issues in an integrated manner and then draws conclusions relevant to each of the proposed Amendment and the permit to be issued under section 96(a) of the Planning and Environment Act 1987 (the Act).

This report deals with the issues under the following headings:

- strategic planning context
- proposed zoning and density of development
- traffic, parking and site access
- urban design elements and integration with surrounding areas
- retirement living
- planning permit issues
- other issues.

4 Strategic planning context

Council provided a response to the Strategic Assessment Guidelines as part of the Explanatory Report exhibited with the Amendment.

The Panel has reviewed the policy context of the Amendment and made a brief appraisal of the relevant zone and overlay controls and other relevant planning strategies.

4.1 Policy framework

4.1.1 State Planning Policy Framework

The State Planning Policy Framework (SPPF) aims to increase the supply of housing in existing urban areas, and to encourage well-designed medium density housing which respects neighbourhood character, improves housing choice, makes better use of existing infrastructure and improves energy efficiency of housing.

Council submitted that the Amendment is supported by the following clauses in the SPPF:

Clause 11 Settlement identifies that planning should anticipate and respond to the needs of existing and future communities. Planning should contribute to diversity of housing choice, a high standard of urban design and amenity, energy efficiency, accessibility and integration of land use and transport. In particular planning is to facilitate sustainable development and take advantage of existing settlement patterns and investment in transport, service utilities and community infrastructure.

Clause 11.02 Urban growth contains an objective to ensure a sufficient supply of land is available for residential uses. Strategies include considering opportunities for the intensification of existing urban areas, and considering neighbourhood character and service limitations.

Policies included in Clause 11.04 seek to set clear limits on the outward growth of Melbourne including containing urban development within the established urban area.

The subject site is located within the existing urban area, which positions the site as a strategic infill development opportunity. The proposed redevelopment can make a meaningful contribution to housing diversity and choice, in a well located site near public transport routes and activity centres. Strategic infill development such as this directly supports key directions of metropolitan strategy.

Clause 14.02-1 Catchment planning and management aims to protect catchments, waterways and water bodies by ensuring that the impact of water runoff is managed. The proposal incorporates a number of measures addressing stormwater runoff, including two onsite water retention basins.

The built environment and heritage policy at Clause 15 seeks to create urban environments that are safe, functional and provide good quality environments. Strategies include ensuring that redevelopment contributes to diversity and choice, quality living environments, accessibility and sustainability. The policy also includes an objective to ensure the design of subdivisions achieves attractive, liveable and sustainable neighbourhoods.

Development should also respond to its context and reinforce any special landscape qualities. The proposed development of the site provides a built form and landscape response to the creek and residential environs, particularly by concentrating the higher scale of the built form central to the site and substantially setback from Hay Street.

Clause 16 Housing requires planning to provide for housing diversity, with new housing having access to services and be planned for long term sustainability including walkability to schools, activity centres and transport. Land should also be provided for affordable housing.

Clause 16.01-1 Integrated housing promotes housing that meets community needs. Strategies include increasing yield in suitable locations, ensuring housing is integrated with infrastructure and services and is water and energy efficient.

Clause 16.01-2 contains an objective to locate housing in areas with good access to public transport and services. Strategies include encouraging higher densities on sites well located for access to public transport. There are a number of bus routes within walking distance of the site that provide access to Box Hill Metropolitan Activity Centre and Burwood Heights, Forest Hill and Nunawading Activity Centres.

The provision of a wider choice of housing is also supported by Clause 16.01-4 Housing diversity. The amendment will enable the provision of a range of housing choices in an appropriate location.

Clause 16.02-4 notes that it is important to recognise that residential aged care facilities contribute to housing diversity and choice, and due to their different purpose and function, they will have a different built form in terms of height, scale and mass.

The Transport policies at Clause 18 seek to create a safe and sustainable transport system that encourages use of public transport and promotes the use of walking and cycling as alternatives to motorised trips.

The amendment will enable the development of a key site that adjoins the Principal Public Transport Network and the Gardiners Creek Regional Linear Bicycle Trail. The development will provide opportunities to increase the use of these two alternative transport networks.

Clause 19 Infrastructure promotes the efficient use of existing infrastructure and particularly the reuse of waste and stormwater. The amendment including the concurrent planning permit application will provide a suitable opportunity to encourage a sustainable subdivision that includes appropriate water sensitive urban design techniques.

Clause 17.02-1 Industry identifies strategies for ensuring the availability of land for industry (pages 19-21).

4.1.2 Local Planning Policy Framework

Council submitted that the Amendment is supported by the Municipal Strategic Statement (MSS) and local policy.

(i) Municipal Strategic Statement

Clause 21.06 Housing, lists three relevant issues, namely the distribution of housing, the degree to which new housing should respond to existing neighbourhood character and how the interface between residential and non-residential uses is managed. This clause also references *the Whitehorse Housing Study 2003*, noting that this study nominates a number of strategic redevelopment sites, including the subject site. The Panel notes that it was informed that Amendment C160 to the Whitehorse Planning Scheme which implements the reformed residential zones and which was approved during the Hearing removes the *Whitehorse Housing Study 2003* as a reference document.

Clause 21.04 Strategic Directions, includes a Strategic Framework Plan which identifies a number of strategic redevelopment sites. It does not include the subject site despite it having been identified as a '*potential residential redevelopment site*' in the *Whitehorse Housing Study 2003*. The Panel notes that a revised Clause 21.04 is being implemented as part of Amendment C160 but no change is made to the Strategic Framework Plan with respect of this site.

Despite this, Ms Skraba tabled a revised Strategic Framework Plan at the Hearing which does identify the subject site as a '*strategic redevelopment site*' and indicated that it would be the subject of a future amendment.

Clause 21.06 Housing refers to three categories of change in the municipality, that is:

- *minimal change*
- *natural change*
- *substantial change.*

The subject site is not included as it is not currently zoned for residential use. Further, Clause 21.06 refers to the *Whitehorse Neighbourhood Character Study 2002/03* where these change areas are identified but the subject site is not included in that character study. Amendment C160 includes both the *Whitehorse Housing Strategy 2014* and the *Neighbourhood Character Study 2014* as reference documents and these replace the earlier versions of each, referred to above. As indicated at the time of the Hearing, Amendment C160 was approved and as the Panel understands, has now been gazetted.

(ii) Local Planning Policy

There are no local policies directly relevant to the proposed Amendment.

4.2 Planning scheme provisions

(i) Zones

The subject site is currently zoned Special Use Zone Schedule 1 (SUZ1) reflecting its previous use as a private Catholic school with a small section in the Public Use Zone Schedule 1 (PUZ1). These zones are not appropriate for the residential uses proposed.

The residential areas to the west of the subject site were zoned NRZ3 as part of Amendment C160. Schedule 3 sets a minimum size for subdivision of 320 square metres and sets certain siting and permeability requirements.

The land immediately to the east of the site and on the opposite side of Gardiners Creek is in industrial use and is in the Industrial 1 Zone (IN1Z).

It is proposed to apply the following zones to the subject site:

GRZ1 is proposed to be applied to the land abutting Hay Street where individual two storey dwellings are proposed and to the east part of the site on its lower reaches where the retirement living villas are proposed to be located. The GRZ1, amongst other things, restricts the height of a dwelling or residential building to 9 metres.

GRZ2 is proposed to be applied to land where three storey townhouses are to be located which are immediately to the east of the detached dwellings abutting Hay Street. Among other things the GRZ2 restricts the maximum height of a dwelling or residential building to 12 metres.

RGZ1 is to be applied to the land proposed to be the site of the five to seven storey residential buildings. Among other things Schedule 1 to the RGZ restricts the height of buildings to 24 metres.

The appropriateness of the proposed zones is discussed in Chapter 5.

(ii) Overlays

An LSIO applies to part of the south east portion of the site. This overlay requires a permit for certain buildings and works for land which is in the 1:100 year flood area. The intention is to protect areas required for retention of floodwaters and to ensure that floodwater flows are not impeded. The issue of floodwater flows and issues arising from it including downstream effects are addressed in Chapter 10.

Amendment C153 proposes to apply an EAO to the subject site. The EAO sets out requirements for a certificate of environmental audit before buildings and works associated with sensitive uses, including residential development, may commence.

In its opening submission to the Panel, Council has indicated that the EAO may be removed if the appropriate testing and remediation works (if required) are undertaken. Council did not indicate in their closing submission that the need for the overlay no longer applies.

(iii) Particular provisions

Particular provisions which are relevant are as follows:

Clause 52.06 Car Parking. The issue of car parking provision is addressed in Chapter 6.

Clause 52.34 Bicycle Facilities. This issue is addressed in Chapter 6.

Clause 52.35 Urban Context Report and Design Response of Residential Development of Four or More Storeys.

Clause 52.36 Integrated Public Transport Planning.

Clause 55 (ResCode) Two or more Dwellings on a Lot and Residential Buildings. An assessment against ResCode has been undertaken by Council and in its opening submission has indicated that it is *'largely considered to be a satisfactory response'*. Mr Biacsi (Contour Town Planners) indicates that he has considered Clause 55 but reports no formal assessment. The town planning report prepared by Sweett (Australia) for the proponent and included with the exhibited Amendment includes a detailed assessment against Clause 55. That assessment considers that the proposal complies against all relevant standards except for 55.05-5 *Solar Access to Open Space* which it assesses as *'complies in part'*. The Panel has not undertaken an assessment and because of lack of evidence to the contrary, accepts the assessments that have been undertaken by the expert witnesses, Council and Sweett.

(iv) Other planning strategies

The other planning policies and strategies relevant to the Amendment are those listed as reference documents at Clause 21.06, as listed above. They are as follows:

Whitehorse Neighbourhood Character Study 2002/03.

This was prepared for Council by Planisphere concurrently with the *City of Whitehorse Housing Study, 2003*. The brief for the project included the identification of distinctive and valued elements of neighbourhood character in the residential areas of Whitehorse, to develop strategies and actions to implement the neighbourhood character identified, including providing certainty for landowners about what constitutes character that should be recognised, and design responses where appropriate.

The Study identified four neighbourhood character types:

- inner urban
- garden suburban
- garden court
- bush suburban.

The subject site is clearly identified as having been excluded from the study because it was not a residential area at the time of the study. The residential area immediately to the west of the subject site was identified as Character area 9, with key characteristics as predominantly post war 1950s to 1980s mix of housing. There is no Neighbourhood Character Overlay applied to the area.

City of Whitehorse Housing Study, 2003. As stated in the Study its purpose was to:

...form a policy framework aimed at providing housing that meets the needs of the population and identifying what planning tools need to be put in place to manage future residential development (page 1).

It was based on population projections to 2021 and expected changes in the demographic profile of the municipality. It addressed a range of issues including residential development trends and design and regulatory issues.

Based on the identification of areas of *'substantial change'*, it identified 13 precincts which it labelled *'possible higher density precincts'*. These generally ranged from four to thirteen

hectares in size with the majority at the lower end of this range. While the existing zoning was not specified it is understood that these were all existing residential areas. The subject site was not included as one of these as it was not an existing residential area.

In addition, the Study identified 12 other sites under the heading of '*potential large redevelopment sites and main road properties*' (page 101). These were existing or redundant non-residential uses which were considered suitable for residential development. The subject site was identified as having a '*potential dwelling yield*' of '*300 attached and detached dwellings*'. Council did not know the basis of this projected potential yield.

Neighbourhood Character Study, 2014.

This has been adopted by Council and becomes a reference document in the Scheme through Amendment C160. It updates the previous study and as with its predecessor was undertaken by Planisphere. The subject site was again not included in the study as it is not an existing residential area. The residential area immediately to the west of the subject site is identified as Bush Suburban Precinct 3. The study identified a number of design responses appropriate to the area.

Whitehorse Housing Strategy 2014.

This has been adopted by Council. Amendment C160 includes changes to the LPPF to refer to relevant issues from the Strategy. The subject site is not included in this study. Unlike the *Housing Study 2003*, there is no reference to strategic redevelopment sites which are not currently zoned for residential use but have potential to be utilised for this purpose. The residential area immediately to the west of the subject site is identified in the Strategy as a '*Limited Change*' area. This is in keeping with its identification as '*Bush Suburban*' in the Neighbourhood Character Study, as discussed above.

4.3 Ministerial Directions and Practice Notes

The following Ministerial Directions are considered relevant to the proposed Amendment:

- Ministerial Direction – The Form and Content of Planning Schemes
- Direction No 9 Metropolitan Strategy¹
- Direction No 11 Strategic Assessment of Amendments
- Direction No 15 The Planning Scheme Amendment Process

The Council has submitted that Amendment C153 complies with these Ministerial Directions. The Panel has no evidence to the contrary and concludes that it complies.

Planning Practice Note 78 *Applying the Residential Zones* applies to this Amendment. Comment is made on conformity with this Practice Note in Chapter 5.

4.4 Plan Melbourne

Plan Melbourne, the strategic plan for metropolitan Melbourne was adopted in May 2014. It provides for an increase in the population of the eastern sub-region of Melbourne, which includes the City of Whitehorse, of between 150,000 and 200,000 between now and 2031. To accommodate this extra population will require the provision of between 80,000 and 110,000 extra dwellings, many of which will be located in existing established areas.

¹ This Ministerial Direction was amended after Amendment C153 was exhibited, to reference Plan Melbourne.

Plan Melbourne states:

It is critical that state and local governments, the development industry and communities work together to create a planning and development environment that facilitates substantial housing opportunity within defined change areas whilst also delivering great places to live (page 63).

Plan Melbourne further recognises that Melbourne has a growing number of both younger and older residents. By 2051 the number of Victorian residents aged 65 or older will have increased nearly threefold. It acknowledges the challenge is to provide housing to accommodate this changing demographic.

Direction 2.1 in *Plan Melbourne* is to understand and plan for expected housing needs. Amongst the initiatives listed which are considered relevant to the proposed Amendment are:

In Melbourne's established areas high levels of residential growth will be supported and facilitated in (amongst others) 'Urban renewal locations'

Ensure local planning schemes identify defined housing change areas and that planning for these areas facilitates on-going investment in these locations and relatively high levels of housing opportunity

Initiative 2.1.1 is to 'Apply the reformed residential zones'.

Initiative 2.2.2 is to 'Unlock the capacity of urban-renewal precincts for higher-density, mixed use development'.

Initiative 2.2.3 is to 'Deliver housing close to jobs and transport' (page 67ff).

As part of the plans to accommodate increasing numbers of people in the existing parts of Melbourne, *Plan Melbourne* identifies a number of urban renewal opportunities but those on which it concentrates are mainly located near railway lines and stations. It does, however, state:

In partnership with local government, assess areas for strategic redevelopment. Alternative uses depend on local requirements and site context and could include transit-oriented, mixed use development, new centres; and residential or other opportunities to increase employment (page 49).

Former government school sites have been specifically targeted as redevelopment sites. A number of redundant sites have been rezoned for residential use and have been sold or are in the process of being sold.

4.5 Strategic assessment

Council has undertaken a Strategic Assessment of the proposed Amendment. The Panel concludes that the Amendment is broadly supported by, and implements, the relevant sections of the State and Local Planning Policy Framework and any exceptions are addressed in other Chapters of this report.

4.6 Strategic underpinning of the Amendment

In this section the Panel undertakes an assessment of the strategic underpinnings of the proposed Amendment against State and local policy.

(i) Submissions and evidence

Ms Skraba in her opening submission to the Panel submitted that much has changed since the Amendment C31 was abandoned, partly on strategic grounds, in that it was not considered to align with *Melbourne 2030*. Ms Skraba further submitted that the uses in the industrial area to the east have changed and that the use on the former Rhodia site is no longer a constraint with large format retailing now proposed for that site.

Under questioning by the Panel, Ms Skraba acknowledged that local policy through the *Whitehorse Housing Strategy 2014* does not address the site because it is a non-residential use. Ms Skraba submitted:

...the Whitehorse Housing Strategy 2014 does note that the sites identified for change in the Whitehorse Housing Study 2003 have been incorporated into Substantial Change Areas where appropriate, and that Substantial Change Areas are able to be master planned and facilitate a new, preferred character over time (page 7).

Ms Skraba detailed a number of other redevelopment sites where residential use is appropriate but which were also excluded from the strategy because they are not currently residential uses. She submitted that it was Council's intention that the future development of such sites would be addressed by Council on a site by site basis taking into account the relevant strategic factors.

Ms Skraba submitted:

The rezoning will facilitate redevelopment and use of a site within the established suburbs of Melbourne, in close proximity to a range of amenities including Box Hill Metropolitan Activity Centre, transport options, education facilities, public open space and employment opportunities.

The rezoning is consistent with broader strategic policy as follows:

- *State and metropolitan planning strategy encourage development of strategic sites to better utilise existing assets.*
- *Local policy encourages higher density housing within key redevelopment sites, as appropriate, while considering neighbourhood character.*
- *Council's current Whitehorse Housing Study 2003, which is a reference document in the Whitehorse Planning Scheme, identifies the site as having residential redevelopment potential for approximately 300 dwellings.*
- *State and local policy both advocate for a more diverse range of housing types, particularly as the population moves into an older demographic.*

The site constitutes a strategic development opportunity and is suitable for large scale development given the large lot size and proximity to Box Hill Metropolitan Activity Centre (pages 7-8).

In closing, Ms Skraba reinforced Council's position that based on a range of criteria including the proximity of the site to public transport, and other amenities the subject land is *'ideal for a development of this scale'*. She submitted that this was accepted by a number of resident submitters.

A number of the resident submitters did indeed accept the strategic development potential of the site using various forms of words whilst a number of them also expressed reservations about the proposed scale of development or other impacts of the development. These included amongst others Mr Holmes, Mr Fox and Ms Sealey, Ms Elliott, Mr Tagaki, Ms Willmott, and Mr Goh.

The strategic support for the rezoning and development of the site was further supported by the submission of Mr Townshend QC and the expert town planning evidence tendered by Mr Biaci (Contour Town Planners).

Mr Townshend submitted:

There is a sound strategic planning basis for rezoning the land and clear planning scheme policy support for the Permit Application and this is further demonstrated by Whitehorse City Council's (Council) support for the Amendment and Permit Application (page 2).

Mr Townshend provided little by way of detail to support this contention of broad strategic policy support but rather concentrated on the strategic support in policy and VCAT decisions for the uses proposed, particularly retirement living.

Mr Biaci identified Clause 16.01.02 of the SPPF as providing strategic underpinning for the proposed rezoning and subsequent development. He then quoted the following strategies of State Policy which support this:

Increase the proportion of housing in metropolitan Melbourne to be developed within the established urban area, particularly at activity centres, employment corridors and at other strategic sites, and reduce the share of new dwellings in greenfield and dispersed development areas.

Ensure an adequate supply of redevelopment opportunities within the established urban area to reduce the pressure for fringe development.

Facilitate residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use.

Identify opportunities for increased residential densities to help consolidate urban areas (page 16).

Mr Biaci also indicated that local policy supports the provision of additional dwellings within the municipality to provide housing choice. He concluded that the Amendment has strong strategic support in that it implements housing diversity and consolidation objectives of state and local policy. He further concluded that the facilitation of infill development is well conceived in strategic planning terms.

In response to a question put to Ms Heggen (Message Consultants) by the Panel about why areas in or near activity centres or railway stations and which are zoned RGZ should not be preferred for intensive residential development, Ms Heggen stated that just because

significant areas are zoned RGZ does not mean that significant development will occur there in the short term. She indicated that a significant amount of the areas zoned RGZ in Whitehorse included relatively small allotments and an existing dwelling stock which is such that significant amounts of residential redevelopment at increased densities is unlikely to occur in the near future. She stated that when opportunities such as that afforded by the subject site arise they should be taken up.

In response to a number of questions raised during the Hearing about the strategic justification for the proposed development, in closing Mr Townshend submitted:

... whether nominated or not, it is unarguable that the site is a significant strategic redevelopment site and that this carries with it weighty recognition in State and local policies for housing and development growth (page 3).

Mr Townshend further submitted that the retirement components of the proposed development would be marketed among the strong local Chinese Christian community. He tabled evidence of a significant local community. Mr Townshend also stressed the policy support for facilitating ageing in place for local communities in established areas.

(ii) Discussion

It is clear to the Panel that State policy including the recently adopted *Plan Melbourne* supports urban consolidation and appropriate higher density residential development on strategically located sites. This is supported at the general level by local policy in Whitehorse. In the Panel's view what does not have strong strategic underpinnings is development on the specific site.

The Panel acknowledges that the site is one of 12 identified for potential residential development in the *Housing Study 2003*, but notes that document no longer has any status in the Planning Scheme. Its successor *the Whitehorse Housing Strategy 2014* provides no specific policy support for the proposed site. The only supporting strategic document the Council could provide was the copy of a Strategic Framework Plan which identifies the subject site as a Strategic Redevelopment Site and which Ms Skraba indicated that a future amendment would include as part of Clause 21.04. The recently approved Amendment C160 amended Clause 21.04 but did not include the plan identifying the subject site. The precise status of this tabled Strategic Framework Plan is unclear to the Panel.

The Panel believes that to provide levels of certainty to landholders, developers, and the nearby resident community, action should be taken to clearly identify in policy, strategic redevelopment sites other than in existing zoned residential land where it would support residential redevelopment at increased densities. Council did this previously but appears to have dropped this policy ball.

The Panel notes Ms Skraba's point that Council's intention is to assess the potential of these sites on a case by case basis as proposals arise but this does not provide a desired level of certainty for stakeholders.

In terms of the strategic significance of the subject site itself, the Panel accepts that at just under five hectares it offers significant potential. The Panel is aware that the Government is currently pursuing a policy of divesting a significant number of government school sites after rezoning them for residential purposes. These are generally located in or abutting existing residential areas, as does the subject site. It was submitted by Council that the site is well

located with respect to transport, retail and other amenities. A number of submitters including Council, the proponent and expert witness Mr Biacsi indicated that the subject site is located within 1.3 kilometres of the Box Hill Activity Centre. The Panel believes that this is a little misleading as the road distance to the retail core of that centre is closer to 2.4 kilometres. The site does not have particularly good access to a broad range of retail facilities.

The site has access to bus services on Canterbury Road, Middleborough Road and Haig Street. These services were described by Mr Hunt as *'fair'*. The Panel also accepts that public transport services are demand led and increased services are only likely to follow increased patronage which in turn results from increased population in the catchment. The issue of access to community facilities is discussed in Chapter 7.

All this said, the Panel is cognisant of the development potential of a site of this size and that these opportunities do not arise often or always in ideal locations. The Panel accepts Ms Heggen's point that providing land zoned as RGZ is no guarantee that desired development will occur in the short or even the medium term. The Panel is of the view that the site is not perfectly located for high density residential development but is of the view that it affords an opportunity that should not be overlooked. On balance, it is a large relatively unencumbered site which abuts a residential area. Moreover it can be developed in a manner that minimises a number of the potential impacts on neighbouring residential areas. The issue of the preferred density of development is treated by the Panel as a separate issue and is addressed in Chapter 5.

The Panel acknowledges the policy support for the provision of appropriate retirement living facilities in established areas and notes the proximity of other retirement living developments. While the existence of a strong local Chinese Christian community is more a marketing opportunity than a strategic issue, in the Panel's view it does lend some weight to the proposal.

(iii) Conclusions

The Panel concludes that:

- there is strong State policy support for development at higher densities
- whilst the subject site does not enjoy strong strategic support in local policy its residential development potential has been recognised locally for a number of years
- it should be of no surprise to any stakeholder that higher density residential development is proposed
- on balance, higher density residential development on the site does have strategic support.

5 Proposed zoning and density of development

5.1 The issues

The issues addressed by the Panel in this Chapter of the report are an assessment of the appropriateness of the zoning proposed for the site and the density of development which will be facilitated by the proposed zones on the various sectors of the site. While the issue of the proposed density of development is addressed in this Chapter, it is acknowledged that this issue is integrally linked to the urban design of the proposed development and its physical interface with the abutting residential area in Hay Street and to the west which is addressed in Chapter 7.

5.2 Evidence and submissions

(i) Proposed zoning

As indicated in Chapter 1.1 it is proposed to apply the following zones to the site:

- General Residential Zone Schedule 1
- General Residential Zone Schedule 2
- Residential Growth Zone Schedule 1

The proposed application of these zones in broadly north-south 'strips' is as set out in Figure 2.

Ms Skraba submitted because the Amendment was being prepared and exhibited during a time when the reformed residential zones were being implemented there had been discussions with DTPLI about what zones should be applied and how they should be applied. The Panel questioned Ms Skraba on the flexibility of the proposed application of the zoning and how it would respond to any possible changes in the proponent's plans during the development phase. The Panel asked whether the use of other zones had been considered by Council, that is zones which might be applied in a way that did not divide the site from broadly north to south in the very precise manner that is proposed. Ms Skraba indicated that the proposed approach to the application of the zones had been recommended by DTPLI officers.

Mr Townshend submitted that the proponent supported the proposed application of the zones and that:

The application of the both the GRZ1, GRZ2 and the RGZ1 to the Land has been carefully considered to ensure that the built form of the proposal can be appropriately and sensitively accommodated, particularly given the topography of the Land (page 4).

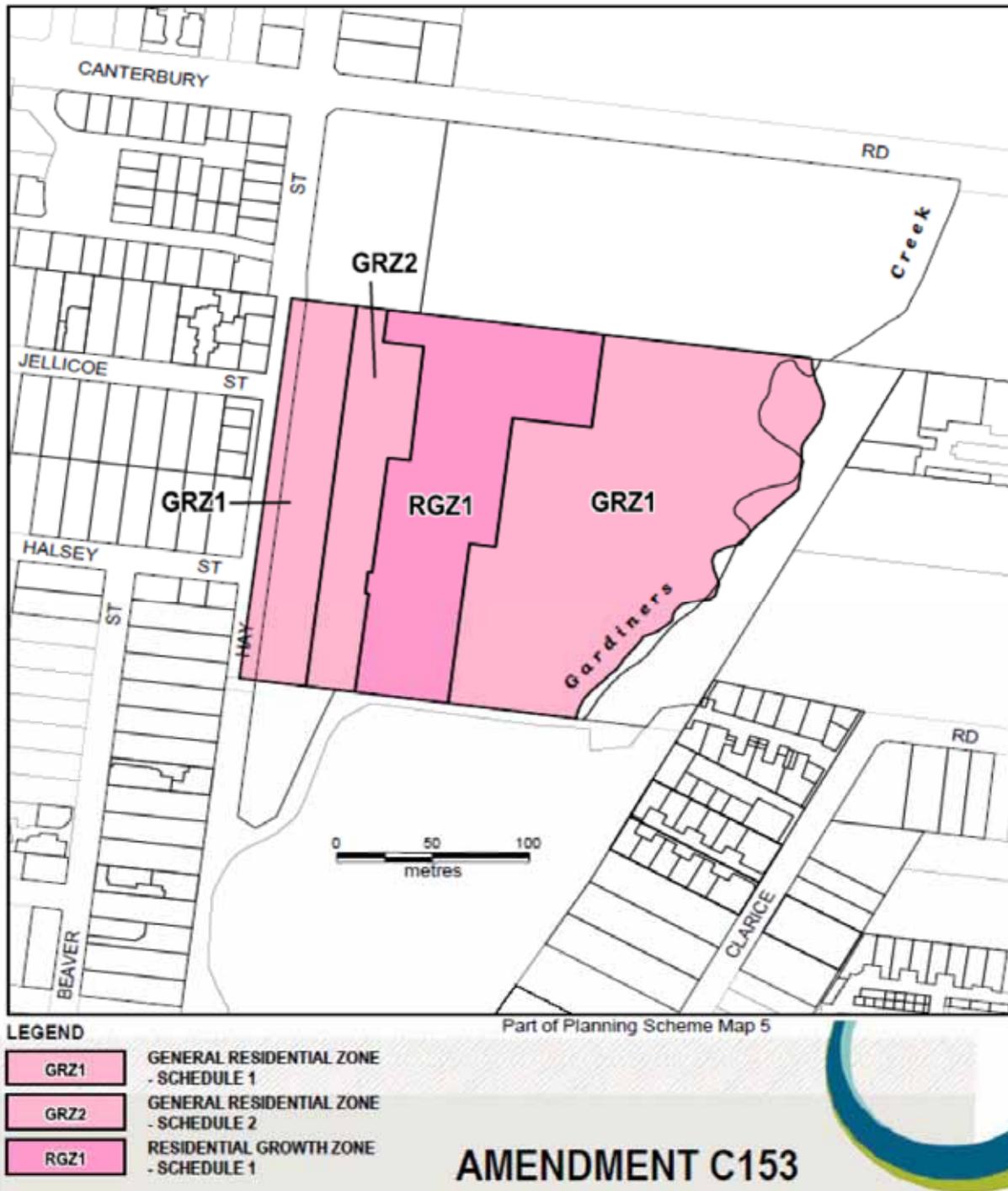


Figure 2 Proposed zoning, 15-31 Hay Street

(ii) Density of development

A number of the resident submitters, who either conditionally supported the proposed development or objected to it, did so on the grounds of the density of the development provided for in the proposed zones or in terms of an overdevelopment of the site.

Among these were Ms Keleher who commented on the *‘overwhelming scale of the development’*; Ms Turner who commented on the *‘increase in population density and the pressure on surrounding infrastructure’*; Mr and Ms Magilton who commented that the application of the RGZ is out of keeping with the surrounding area; Mr Kizawa who

submitted '*it is an over development of the site*'; Ms Jory who referred to a '*total overdevelopment of the site*'; Mr Clarke who submitted that the '*scale and number of proposed dwellings is far too large for the site*'; Mr Goodman who raised concerns relating to density; Ms Elliott who indicated that her strongest concern was the massive number of new residences proposed; Mr McHarg who expressed concern about the density of development and Mr Glossop on behalf of his client Canterbury Parkview who are the owners of 988 Canterbury Road. Mr Glossop submitted that '*the proposed development is an overdevelopment of the site due to the overall height and dwelling density*'.

Council did not respond directly to the density and overdevelopment concerns raised by resident submitters but rather approached this issue from the perspective of neighbourhood character and built form. Ms Skraba submitted that State and metropolitan planning strategy encourages development of strategic sites such as this, to better utilise existing assets. She submitted:

It is considered that a combination of General Residential and Residential Growth Zones is appropriate for the subject site. This will facilitate higher density development in the core of the site, but ensure that appropriate built form interfaces are provided to the existing residential, parkland and industrial areas which are located in close proximity (page 8).

Ms Skraba also informed the Panel that the development at 988 Canterbury Road to the north of the subject site, which has a permit for 64 dwellings, will be developed at a higher density than that proposed for the subject site.

In closing, Mr Townshend submitted that:

As has often been said in VCAT proceedings, the question of overdevelopment is not an abstract notion. It is to be understood by reference to measurable and unacceptable off site or on site failings of the layout or design of a proposal....There is no 'policy' reason to infer or require a particular density on the site. To the contrary there is substantial policy support for encouraging more diverse housing, a greater density of housing and optimum, if not maximum, development yield from a significant development opportunity (page 3).

Mr Biacsi did not comment specifically on the issue of dwelling density but addressed the issue variously in terms of character, built form and design response. He did state that it is '*reasonable to expect a more intensive form of development would be a more likely outcome for the subject land than one which simply mimicked the existing residential development to the west...*'

5.3 Discussion

(i) Proposed zoning

The Panel acknowledges that this Amendment has been prepared at a time when there was a level of uncertainty about the implementation of the reformed residential zones. The Panel is concerned about the rigidity which results from the way in which the GRZ1, GRZ2 and RGZ1 are applied. If the proponent wishes to alter what is developed after the rezoning has occurred and the Permit issued, it is possible that not only might amended plans have to be submitted or indeed the Permit amended but a rezoning might also be required,

adjusting the boundaries between the applied zones. While this may not be considered a major issue it may constitute an unnecessary cost and delay.

During the Hearing, the *Stage 1 Overarching Issues Report* of the Residential Zones Standing Advisory Committee (RZSAC) was released. It sets out 31 principles to guide the introduction of the reformed Residential Zones. Among these is P24 which states:

The use of local schedules should be minimised and schedules should preferably be applied on a broad scale rather than on a site specific basis.

Also during the Hearing, Amendment C160 to the Whitehorse Planning Scheme was approved. Amongst other things it implements the reformed residential zones in Whitehorse including the GRZ and seven schedules numbered 1-7 and the RGZ with two Schedules numbered 1 and 2.

The Panel comments on two issues. Firstly there is duplication in Schedule numbers between this Amendment and C160 and it believes that the Schedules to apply in Amendment C153 should be renumbered as follows:

- GRZ1 to be renumbered GRZ8
- GRZ2 to be renumbered GRZ9
- RGZ1 to be renumbered RGZ3

Further in line with the principles set out by the RZSAC, the Panel believes that the reference to the St Leo's site should be removed from the header to the Schedule. The Panel was informed that there are a number of other strategic redevelopment sites in non-residential areas and if the proposed approach in this Amendment was repeated it is possible that an undesirably high number of Schedules to the RGZ and GRZ would find their way into the Whitehorse Planning Scheme over time. The Panel believes that the Schedules to the GRZ and RGZ that are to be applied in this instance may be applicable to other strategic sites in the future.

(ii) Density of development

As stated in Chapter 4.6, the Panel is firmly of the view that there is strong policy support for significantly increased density on the site and agrees with Mr Biaci that replicating the residential development to the west would not be appropriate. This leaves the question of whether the density of development proposed is too high. The Panel notes Ms Skraba's comment that the density of development at 988 Canterbury Road is higher and Mr Townshend's observation that density is better assessed in terms of other off site and on site impacts. The Panel interprets this as issues such as off-site amenity and interface issues.

Based on resident submitters' concerns, the Panel made an assessment of the implications of reducing residential density on the site. It notes that the number of units on level two of each of the four apartment buildings is as follows:

- building A - 15
- building B - 11
- building C - 13
- building D - 10.

If one level was removed from each apartment building there would be some 49 units less in total, or 98 if two were removed. If they were only removed from the non-retirement buildings these numbers would drop to 34 and 68 respectively. The Panel is very hesitant to consider reducing the retirement component of the development because it is cognisant of necessary economies of scale. Removing one or two floors from the apartment buildings floors would reduce the overall density of the development to 57 and 50 dwelling per hectare, respectively from about 64 as proposed, but still well above that in the residential area to the west.

The Panel agrees with Ms Skraba and Mr Townshend's assessments and accepts that there is no clear policy or other reason that the density of development is too high and that the issue is better addressed in terms of off-site amenity impacts, urban design and built form, and the physical interface, particularly with residential areas to the west. These are addressed, including the local traffic impacts of reduced dwelling density, in later chapters in this report.

5.4 Conclusions

The Panel concludes that:

- the proposed zoning, whilst a little unusual and potentially inflexible in respect of changing needs in the future, particularly if the proposed permit does not proceed, is nevertheless appropriate and does provide a level of protection to the sensitive Hay Street interface
- the Schedules should be renumbered to remove possible confusion in using duplicate Schedule numbers and the reference to the St Leo's sites be removed from the two Schedules proposed to the GRZ and the one Schedule proposed to the RGZ
- the proposed zoning facilitates a much higher level of density in the core north south corridor on the site and in the context of the other north south corridors provides for a level of density which the Panel finds broadly acceptable (The Panel draws this conclusion on the basis that other related issues, of urban design interface and off-site amenity are addressed in later Chapters).

5.5 Recommendations

The Panel recommends:

- 3. Renumber the proposed Schedules to the General Residential Zone and Residential Growth Zone as follows:**
 - a) General Residential Zone 1 to be renumbered General Residential Zone 8**
 - b) General Residential Zone 2 to be renumbered General Residential Zone 9**
 - c) Residential Growth Zone 1 to be renumbered Residential Growth Zone 3**
- 4. Remove the words 'Former St. Leo's College (15-31 Hay Street, Box Hill South)' from the header of each of the renumbered Schedules GRZ8, GRZ9 and RGZ3 and other consequential changes to maps and related documentation, made.**

6 Traffic, parking and site access

6.1 The issues

The issues addressed by the Panel in this Chapter are the impact of the development on traffic and parking in streets to the west of the subject site, the intersection of Hay Street and Canterbury Road, the internal traffic and pedestrian movement, bicycle facilities on the site and the proposed access points to the site.

6.2 Evidence and submissions

(i) Traffic impacts on surrounding streets

The potential impact of traffic generated by the proposed development on the site was a prominent issue raised in 42 submissions by local residents. Submitters expressed concern that the increase in traffic attributable to the proposed development would adversely affect the amenity of the surrounding neighbourhood and the safety of the streets particularly for children. Several submitters also suggested that the higher traffic volumes would increase noise and air pollution and reduce privacy. Submitters appearing at the Hearing who raised traffic as an issue included Mr Sylvan, Mr Holmes, Mr Ryan, Ms Bourke, Ms S and Ms Eason.

Many submitters including and amongst others Ms Burke, Ms S, Ms Woodbridge, Mr and Ms Tyquin, Ms Boileau, Ms Moulin and Ms McIntosh were concerned about access to Canterbury Road and proposed that traffic signals be installed at the intersection of Canterbury Road with Hay Street and possibly with Kitchener Street.

Ms Skraba informed the Panel that the planning permit application was referred to Council's transport engineers who assessed the impact of the increased traffic based on the traffic report submitted by the applicant. Ms Skraba submitted that:

It was noted that the level of traffic estimated in the report appears reasonable in this case, with the assessment based upon conservative rates. Based on the modelling in the traffic report, it was considered that:

- a) The intersections of Canterbury Road / Hay Street, Canterbury Road / Peppermint Grove and Canterbury Road / Kitchener Street would operate with a satisfactory level of service following the development of the site.*
- b) The traffic volumes expected along Jellicoe Street and Halsey Street of 590 vehicles per day (should a permit issue) represent a doubling in the daily traffic volumes along these streets. This is likely to be noticeable to residents of these streets, however, this level of traffic can readily be accommodated given the road widths and existing level of vehicle movements.*
- c) Post development traffic volumes on Hay Street, Kitchener Street, Foch Street, Jellicoe Street and Halsey Street are not anticipated to exceed the indicative maximum traffic volume for an Access Street - Level 1 of 2,000 vehicles per day (as indicated in the Planning Scheme) (page 25).*

Mr Townshend acknowledged that the impact of traffic generated by the proposed development was a principal concern for a number of submitters. He submitted, however, that:

While it is understandable that there is some apprehension by the local community regarding the proposal due to traffic concerns, those concerns are not borne out by the expert traffic engineering assessments undertaken. This is demonstrated by the results set out in the expert witness reports of both John Kiriakidis and Steve Hunt and also from the agreement reached in the traffic engineers' conclave.

In summary, it is agreed as between the traffic engineers engaged by Canaan (Mr Hunt and Mr Kiriakidis), Council and VicRoads that the existing road network will be able to accommodate the increased traffic generated by the proposal and that signalisation of the Hay Street/Canterbury Road is unnecessary (page 15).

In closing, Mr Townshend acknowledged that some of the percentage increases in traffic on the existing streets were significant but that this just reflected how low the traffic volumes are at present. He argued that the Panel needed to look at the overall numbers which show that the streets are '*...lowly trafficked now and will be after the development occurs.*'

He summed up by stating:

The consensus of all the experts, including the traffic engineers of Council and VicRoads is that signals are not required at Hay Street and Canterbury Road. As Mr Hunt explained signals at this location would not be optimal or desirable in any event.

The witnesses also concur that the increase in traffic in local residential streets will be difficult to perceive and probably within historical flows. Whatever the case, policy demands that this site and other land in the area will be developed to meet important policy outcomes. Some change to existing traffic conditions is to be expected and can be accommodated. Perceived increases in traffic do not register as weighty considerations (page 3).

In its initial response to Council regarding the planning permit application, VicRoads was critical of the Transport Impact Assessment prepared by GTA for the proponent and was concerned that the operation of Canterbury Road and the impact on public safety had not been adequately investigated. VicRoads advised the Council that further analysis on the safe and efficient operation of Canterbury Road, including signalisation of the intersection with Hay Street, needed to be undertaken. VicRoads also requested that given the retirement village component in the proposed development, an audit of community facilities expected to be used by the residents of the retirement village housing be undertaken to enable an assessment to be made on the need for additional pedestrian crossing facilities on Canterbury Road.

At the Hearing, Mr Freeman for VicRoads informed the Panel that a further traffic impact assessment had been undertaken to the satisfaction of VicRoads. Mr Freeman referenced the expert witness reports presented by Mr John Kiriakidis (GTA Consultants) and Mr Stephen Hunt (Cardno) and to the minutes of the meeting of the traffic experts held at the direction of the Panel.

Mr Freeman submitted that:

It is VicRoads' view that the traffic generated by the development will not have a significant impact on the operation of Canterbury Road and the arterial road [network] in general. Accordingly, it is VicRoads' view that the proposed

development will not create the need to implement improvement measures on Canterbury Road or any other part of the arterial road [network].

Further, ...given that the development proposal has been modified to include the provision of a community bus for the retirement village, the development does not generate the need for a pedestrian crossing on Canterbury Road to assist tenants of the retirement village in obtaining safe access to community facilities (para 24).

When asked by the Panel, Mr Freeman clarified that ‘*improvement measures*’ not required included signalisation of the Canterbury Road/Hay Street intersection.

Mr Freeman advised the Panel that VicRoads had withdrawn its objection to the granting of the planning permit subject to the inclusion of a condition requiring the provision and operation of a community bus for the residents of the retirement village. This is addressed in Chapter 9.

Two traffic expert witness statements were commissioned on behalf of the proponent and presented to the Panel. The first of these by Mr John Kiriakidis updated and expanded on GTA’s earlier transport assessment report submitted with the permit application. His statement covered all transport and traffic aspects of the proposed development. With respect to the traffic impact on the surrounding streets, Mr Kiriakidis summarised that in his opinion:

- i. The site is expected to generate up to 149 and 1,533 vehicle movements in the PM peak hour and daily respectively.*
- ii. There is adequate capacity in the surrounding road network to cater for the anticipated traffic generated by the proposed development.*
- iii. Based on VicRoads’ guidelines and other investigations, there are no warrants for the provision of a signalised intersection at Canterbury Road (including pedestrian operated signals) to facilitate vehicle and pedestrian movements to/from the subject site (page 48).*

The second expert witness report was prepared by Mr Stephen Hunt. Mr Hunt stated that he was engaged on behalf of the proponent to review the issues raised by VicRoads on the Amendment and planning permit application and to provide his opinions with respect to the likely external traffic impacts of the proposed development. Mr Hunt’s analysis including the expected traffic to be generated by the proposed development was similar to that presented by Mr Kiriakidis. Mr Hunt concluded, inter alia, that:

- Generated traffic will distribute to the arterial road network via the local street network predominantly to Canterbury Road via Hay Street and Kitchener Street and Station Street via Foch Street.*
- Sufficient capacity is available at arterial road intersections to absorb traffic generated from the subject site and the approved development at 988 Canterbury Road immediately to the north.*
- Traffic increases to the neighbouring streets including Hay Street, Jellicoe Street and Halsey Street, while likely to be discernible, will remain well within the recommended upper limit volumes for access street level 2 as specified in the Planning Scheme.*

- *The option to signalise the intersection of Hay Street / Canterbury Road / Bedford Street is considered unnecessary [four reasons set out].*
- *Existing pedestrian facilities in Canterbury Road are more than adequate to cater for likely demands generate(d) by future residents of the retirement village (and conventional residential) components of the subject development (page 26).*

At the Hearing, Mr Hunt referred the Panel to the minutes of the meeting (tabled document 7) of the traffic experts (Mr Kiriakidis, Mr Hunt, Mr Freeman of VicRoads and Ms Daraxoglou of Council), noting that there was general agreement at the meeting on the traffic survey data, generation rates and traffic distribution and the Canterbury Road / Kitchener Street intersection analysis. The minutes of the meeting state that:

This [intersection] analysis confirmed that 'right turn movements into Kitchener Street can be accommodatedwithout impact on Canterbury Road'.

It was noted that right turns out of Kitchener Street may experience delays in the future as modelled by Cardno. It was agreed that this would not impact on the operation of Canterbury Road and that traffic would be likely to disperse through the permeable local street network should extended delays for right turns occur.

Council and VicRoads agreed that this would be acceptable.

It was agreed that traffic could satisfactorily be accommodated without the signalisation of the Hay Street / Canterbury Road intersection (Document 7, page 2).

Some submitters were critical of the findings in the traffic report (by GTA Consultants) submitted with the planning permit application and also the time since its completion in November 2012. Mr Andrew Holmes, for example, said to the Panel that he was 'flooded' when he saw that the traffic engineering assessments were completed in 2011 and that *'....to sit here reviewing a 3 year old assessment is beyond ridiculous – so much has changed over these 3 years, namely, the already increased traffic in streets.'*

Several submitters raised concerns over the impact that the increased traffic may have on safety in the surrounding streets. They noted that the streets in the area were currently a relatively safe environment for children but that some streets may not continue to be so should the proposed development proceed. Ms Eason raised existing safety issues near the Roberts McCubbin Primary School and, in particular, voiced her concerns that the additional traffic generated by the proposed development could *'further jeopardise children's safety.'*

In her presentation to the Panel, Ms S was critical of the traffic reports. She considered them incomplete and inconsistent with respect to traffic safety and had a focus on traffic capacity, not the safety of children on the streets.

Road crash data for the previous five years along Canterbury Road in the immediate vicinity was included in the expert witness reports. No accident or pedestrian incident data for the local streets was made available to the Panel.

(ii) Parking in surrounding streets

Parking in nearby local streets was raised in some 16 submissions made by residents. They are concerned that visitor parking proposed on site will be inadequate to cater for demand generated by the proposed development and that overflow demand will exacerbate the

existing pressures for on street parking in the area particularly in Hay, Jellicoe and Halsey Streets at weekends when there are soccer and rugby events at the nearby sports grounds.

Ms Skraba stated that Council's transport engineers consider the proposed car parking (496 spaces) to be adequate and *'.....note that this figure exceeds the car parking requirement specified in Clause 52.06 of the Whitehorse Planning Scheme, which requires provision of 452 spaces.'*

In his expert witness statement, Mr Kiriakidis provided an assessment of the car parking provisions and concluded that:

Given that a total of 496 spaces are to be provided on-site, the proposed overall car parking provision exceeds the statutory requirement and is considered to be sufficient to accommodate the car parking demands of the development (page 41).

Some submitters put the view that while the car parking proposed in the development meets the required car parking provisions, in practical terms, the proposed level of car parking will not cater for the demand considering the number of two and three bedroom apartments in the development.

In her submission, Ms Trish Bourke took a contrary view and argued that by exceeding the statutory requirements, the proposed amount of car parking could promote the use of cars and this *'...makes a mockery of Economically Sustainable Development principles.'*

(iii) Internal traffic and pedestrian movement

The vehicular and pedestrian circulation and access network within the site has two main east-west streets (8.1 metres and 8.9 metres wide) that continue the alignment of Jellicoe and Halsey Streets, a north-south street between the townhouses and the apartment buildings, a street (6.0 metres wide) which loops around the eastern side of the site to provide access to the retirement dwellings and a street (6.6 metres wide) from the northern access point connecting to the east-west street on the alignment of Jellicoe Street. There is a supplementary access lane running north-south between the dwellings fronting Hay Street and the townhouses.

The main streets include footpaths to define pedestrian ways in the development. There is also a ramped pedestrian/bicycle bridge from the east-west street aligned with Halsey Street over the wetlands linking to a network of informal pedestrian/bike paths through the central open space/wetlands area and a path along the creek on the eastern boundary of the site. A proposed pedestrian/bicycle access point to the Gardiners Creek bike trail is located in the middle of the southern boundary of the site. The circulation network is as set out in Figure 3 which is extracted from the landscape expert witness report by Mr Wright (Rush/Wright Associates).



Figure 3 Internal traffic and pedestrian circulation network

In his evidence statement, Mr Kiriakidis included estimates of daily traffic volumes on the internal streets and provided an assessment of the suitability of the proposed key roads within the site, against Clause 56.06 of the Whitehorse Planning Scheme. He concluded that in his view, *'.....the proposed road makeup (design) is considered to be acceptable and will satisfactorily cater for the requirements of the development'* (page 30). His assessment included the adequacy of the proposed loading arrangements and refuse collection.

As to the walking and cycling network, Mr Kiriakidis noted in his statement that the site, including the retirement village, is well serviced and connected by the internal pedestrian and bike network. He considered that the network is *'....satisfactory to facilitate access to the communal/recreational facilities from the proposed retirement village'* (page 47).

Given the relatively steep fall of the site down to the proposed retirement village component, the Panel queried whether the footpath network was suitable for motorised scooters and Disability Discrimination Act (DDA) compliant. Mr Kiriakidis confirmed at the Hearing that the network was compliant noting that a deviation in the pathway leading to the community area in Building A was incorporated at its steepest point to ensure DDA compliance. A DDA compliant ramp is also incorporated in the proposed pedestrian bridge linking the east-west Street aligned with Halsey Street to a network of informal pedestrian/bike paths through the central open space/wetlands area.

Ms Heggen concluded that the design of the circulation network was *'well-considered'* and *'safe and accessible'* (page 7). The Panel raised with Ms Heggen the issue of security for residents of the retirement village. She agreed that the proposed pedestrian/bike path network could draw people through the retirement village area but that it was a matter of balance between security and integration and connection with the other areas of the development and the surrounding neighbourhood. Ms Heggen suggested that night time gating of the proposed access point to the Gardiners Creek bike trail could be considered

should security become an issue. The issue of security for the retirement dwellings is discussed further in Chapter 8.

Access for emergency vehicles was queried in some submissions. The dead-end design of the street on the eastern side near the southern boundary providing access to the retirement village area was cited as one example of concern. In her oral submission to the Panel, Ms S specifically raised this matter. She expressed the view that the suitability of access for emergency vehicles had not been answered adequately. Mr Kiriakidis covered this matter in his written statement. He stated that:

The internal road network has been designed to accord with the MFB Planning Guidelines for Emergency Vehicle Access, including the proposed hammerhead treatment at the end of the retirement village access road (page 43).

(iv) Bicycle facilities

Mr Biacsi considered that Clause 52.34 – Bicycles Facilities was a particular provision of the Whitehorse Planning Scheme relevant to the planning permit. He noted in his written evidence (page 13) that the proposed development incorporates the provision for 155 bicycle spaces across the development within basements with at-grade spaces to cater for the needs of visitors.

Mr Kiriakidis also made specific mention of Clause 52.34 which he noted ‘...seeks to encourage cycling as a mode of transport with the provision of secure, accessible and convenient bicycle parking spaces and associated shower and change facilities’ (page 46). He provided an assessment of the bicycle spaces proposed for the development set against the statutory requirements. His assessment was the development plans indicate that 139 resident bike spaces and 16 visitor spaces are to be provided on-site, compared with the statutory requirement for 35 bike spaces for employees/residents and 18 spaces for visitors. Mr Kiriakidis noted that:

This provision exceeds the resident statutory requirement. Notwithstanding, it is recommended that an additional 2 visitor bicycle parking spaces (be) provided on-site to accord with the statutory visitor requirements.

(v) Proposed access points

The proposed internal road design for the development incorporates three access points from Hay Street; one opposite Jellicoe Street, one opposite Halsey Street, and a third on the northern boundary of the site. These points also provide pedestrian access and incorporate pedestrian footpaths.

The three access roads are two-way with no turn restrictions and each is expected to carry between 390 and 700 vehicle movements per day. In his written statement, Mr Kiriakidis stated that:

The proposed access points to Hay Street reflect a ‘driveway’ configuration rather than conventional intersections and will include associated threshold treatments to enhance legibility, conspicuity and general driver awareness (page 19).

In his oral evidence, Mr Kiriakidis explained that the design intent was to extend the existing local street network to provide permeability and direct access to the development as well as to enhance visual recognition from and connectivity with the surrounding area.

Ms Heggen provided a similar assessment as to the suitability of the proposed access points. In her statement, she said:

The proposal has sought to integrate the existing street network into the site by extending the alignment of Jellicoe and Halsey Streets eastwards into the site.....

In my view this approach successfully knits the site into the established permeable street pattern to the west allowing the development to function as an extension of the existing urban area (page 3).

The northern access point is intended to provide a direct link to the visitor car parking area adjacent to the community facilities in Building A and to the services/loading area. In oral evidence, Ms Heggen submitted that the northern access point was an important design element that provides a clear access route to the visitor car parking serving the communal and commercial activities. She described this as ‘*easier wayfinding*’ for external users of these facilities which could be important in terms of their viability. Mr Kiriakidis added in his oral evidence that this access point would enable the proposed community bus to enter the site via this access to a set down/pick up point near Building A and exit via the middle access point (opposite Jellicoe Street) thereby obviating the need for turning movements which can lead to safety issues.

The Panel noted that unlike the two access roads which are opposite existing streets, the traffic exiting via the northern access point may have an impact on the amenity of the properties on Hay Street directly opposite, particularly at night with headlight glare. Mr Kiriakidis responded that it is likely that there would only be a ‘*handful*’ of traffic movements at night on the northern access road as it provides only indirect access to the residential components of the proposed development.

No submissions from residents made specific reference to the proposed access points. Some suggestions were made regarding access to the site including that direct access to the subject site be provided from Canterbury Road, and Jellicoe Street and Halsey Street be closed at Hay Street.

The closure of Jellicoe and Halsey Streets at Hay Street was proposed in a previous development proposal for the site which was the subject of Whitehorse Amendment C31 in 2002. The C31 Panel noted that the closure of these streets was a direct response to community concerns regarding the infiltration of site-generated traffic through the nearby streets. The C31 Panel concluded, however, that the closure of Jellicoe and Halsey Streets was unnecessary, stating:

There is no need to close Jellicoe Street or Halsey Street at Hay Street; on the contrary neighbourhood integration would be enhanced by retaining full access.

6.3 Discussion

(i) Traffic impacts on surrounding streets

With current relatively low intensity of use of the subject site by an international college, the traffic associated with the site is very low and would have minimal, if any, impact on all (but Hay Street) of the surrounding local streets. The existing traffic conditions assessments presented in evidence to the Panel show that traffic volumes on the local streets are low, even during peak periods. On a site visit during the morning peak period on a Tuesday, the Panel observed this to be the case. The demand for on-street parking was low throughout

the area although parking on both sides of Haig Street was evident during drop-off time at the Roberts McCubbin Primary School. Even with cars parked on both sides, little delay was observed to through traffic on Haig Street including the bus service.

The Panel appreciates the residents' perception of the area as a quiet residential precinct with low traffic volumes and a relatively safe environment and understands why they hold concerns about the impact of the traffic that would be generated by the proposed development on the subject site.

The traffic experts all put to the Panel that the surrounding road network has the capacity to cater for the anticipated traffic generated by the proposed development and that volumes on all the local streets would remain well below the environmental capacity for local streets as set out in the Planning Scheme standards. Mr Townshend in his closing submission suggested that traffic volumes are low now, would remain so post the proposed development and that any increases in traffic that may occur would be difficult to perceive and would probably be below historical levels, presumably when St Leo's College occupied the subject site.

At the Hearing, the Panel was informed by Mr Hunt that historical traffic data was not readily available but based on his assessment using traffic generation rates for schools, St Leo's College probably generated in the order of 200 movements during the peak hour which is more than the estimated peak volume of 150 movements predicted for the proposed development. He commented that the traffic in the area during the period of operation of St Leo's College was probably higher than that predicted after the proposed development was finished.

The Panel accepts the advice of VicRoads and the other traffic experts that the installation of traffic signals at the Canterbury Road/Hay Street intersection is not warranted on traffic grounds. It notes also the opinion of Mr Hunt that on his assessment, there is no basis for signalisation either on amenity or safety grounds and that should delays into/from Kitchener Street at Canterbury Road become too high, traffic will divert to other routes through the area.

The Panel is cognisant, nonetheless, of the C31 Panel's conclusion when considering in 2002 a previous development proposal for the site, that the signalisation of the Canterbury Road/Hay Street intersection would be of some benefit to the wider community in access terms. In this regard, the Panel notes the comment made at this current Hearing (C153) by Mr Freeman, that VicRoads is only concerned with the operations of the arterial road network when assessing warrants for traffic signals, not the impact of traffic filtering through local streets.

This theme was pursued by the Panel with Mr Hunt and Mr Kiriakidis. The Panel proffered the view that with a government policy to encourage redevelopment of strategic sites, should it be a requirement that measures are included in such redevelopments to protect the amenity of adjoining areas from, for example, the impacts of generated traffic. Mr Hunt accepted this proposition in principle but responded that the impact of the generated traffic by the proposed development on the subject site is not expected to be significant, with increases in traffic hardly perceptible. Therefore, in his view, measures to ameliorate the impact of traffic such as traffic signals were not justified.

The view was put by some submitters that the proposed development was an over-development of the site and, in particular, that buildings of six or seven storeys were out of character for the area. With this in mind, the Panel did a quick analysis to re-assess the traffic impacts should the number of levels in the apartment buildings B, C and D be reduced by one or two storeys. As indicated in Chapter 5, the Panel calculates that this would reduce the number of apartments by 34 and 68 apartments respectively. Using the generation rates used by both the traffic experts, this would reduce the overall traffic generated by the development by approximately 12% and 24% respectively to around 1350 or 1165 vehicles per day (down from the 1533 vehicles per day estimated by Mr Kiriakidis). Assuming the distribution patterns determined by the two traffic experts remain the same, there would be a commensurate reduction in the forecast increases in traffic levels on the surrounding streets. While these reductions to forecast traffic increases are significant in percentage terms, they are not so significant in terms of the number of vehicles generated per day or during the peak hour and would not, in the Panel's view, result in a perceivable difference to traffic volumes on the local street network. It would be difficult, therefore, to sustain an argument for a reduction in the number of storeys, and hence apartment numbers, based solely on lessened amenity impacts due to lower generated traffic volumes.

While road safety is understandably of significant concern to residents, no evidence was provided to the Panel that the forecast increase in traffic volumes on the surrounding streets attributable to the proposed development would present an unacceptable increase in the safety risk. A number of residents raised concerns over safety issues around the Roberts McCubbin Primary School. The Panel appreciates the concerns that residents have with road safety near the school but this is not an issue directly relevant to the matters considered in this report.

(ii) Parking in surrounding streets

The number of parking spaces for residents and visitors to be provided in the proposed development exceeds the number of spaces required under the Planning Scheme. The Panel considers that the overflow of parking onto the surrounding streets will be limited and in all likelihood, less than the on-street parking observed by the Panel occurring now in Hay Street, associated with the current use of the site.

The Panel accepts that at weekends when activities are occurring at the nearby sports grounds, the level of on-street parking demand in Hay Street (and possibly Jellicoe and Halsey Streets) may at times be high and may cause inconvenience to residents. This current weekend parking problem is a matter for investigation by Council. It is not one, in the Panel's view, that can or should be used to seek modifications to the proposed development.

(iii) Internal traffic and pedestrian movement

The Panel concurs with the positive overall assessment of the internal street and pedestrian/bike path networks given in evidence by Mr Kiriakidis and Ms Heggen. It notes the advice of Mr Kiriakidis that the road design meets the standards required for emergency vehicle access, rubbish collection and services.

It also accepts the assurance of Mr Kiriakidis that the footpaths comply with DDA standards including gradient. This is a commendable design outcome given the challenging site conditions with a substantial natural height difference between the upper and lower areas

of the site. Some residents of the retirement village may face some physical challenges in walking or travelling in a scooter from their homes to the communal facilities in Building A.

The proposed pedestrian/bike path network is extensive. It provides permeability through the development and promotes physical activity for residents within the development and nearby surrounding areas. On the one hand this should be seen as a positive aspect of the overall design but, as noted by Ms Heggen, the extensive network could draw people from other areas of the development and from outside through the retirement village area which could lead to apprehension about security for some residents of the retirement village. The issue of security for residents of the retirement villas and the permeability of the site is addressed further in Chapter 8. The Panel agrees that a sense of integration and openness is important and would not wish to see the retirement village area become a '*gated community*'. The Panel notes condition 51 d) of the recommended version of the planning permit at Appendix D addresses this issue.

(iv) Bicycle facilities

Mr Kiriakidis provided an assessment of the bicycle parking space facilities proposed for the development. His assessment showed that with the addition of two visitor spaces, the statutory requirements would be met. The Panel notes that the total number of spaces (155 spaces) proposed for the development far exceeds the statutory requirement (of 53 spaces). The Panel notes Mr Kiriakidis' recommendation that two additional visitor bike spaces be provided but given the total number of spaces included in the development is in total almost three times the statutory requirement, it considers that the design of the proposed development more than meets the objectives of Clause 52.34 of the Whitehorse Planning Scheme. Notwithstanding the planning provisions not being strictly met, the Panel thinks that requiring two additional visitor spaces is rather an overkill.

(v) Proposed access points

The Panel acknowledges as sound, the design principles which have underpinned the design outcome for the development's internal road and pedestrian/bike path networks and the location of the three access points. Siting access points opposite Jellicoe and Halsey Streets to achieve integration and connectivity with the surrounding street network has a strong logic in terms of network design. It is obvious that meeting this objective of connectivity can only be achieved if there are no closures of Jellicoe or Halsey Streets at Hay Street. In this regard, the Panel concurs with the view expressed by the C31 Panel that neighbourhood integration would be enhanced by Jellicoe and Halsey Streets remaining open.

The Panel notes the rationale for the access point on the northern boundary of the site. It accepts that this direct access from Hay Street to the visitor car parking would be of some benefit to the commercial viability of the facilities to be located in Building A.

6.4 Conclusions

The Panel concludes that:

- there will be some discernible impact on the amenity of the surrounding streets due to the traffic generated by the proposed development but not sufficiently severe to justify on traffic grounds changes to the Amendment as currently proposed or additional conditions on the planning permit
- the installation of traffic signals at the Canterbury Road/Kitchener Street intersection as part of the conditions on the proposed development is not warranted
- the demand resulting from the proposed development for on-street parking in the surrounding streets is likely to be minimal
- the extent of any weekend on-street parking issues caused by activities at the nearby sports grounds is a matter for investigation by the Council and is not germane to this Amendment
- the proposed internal street and pedestrian/shared path networks establish good connectivity with the surrounding streets, promote physical activity and will enable easy circulation within the development
- a requirement to provide two additional visitor bicycle parking spaces to strictly meet the provisions of Clause 52.34 of the Whitehorse Planning Scheme is not warranted
- the need for the northern access point is accepted by the Panel.

7 Urban design elements and integration with surrounding areas

7.1 The issues

The issues addressed by the Panel in this Chapter of the report include the appropriateness of the internal layout of the site and related urban design issues dealing with the physical planning and architectural aspects that lead to a more sustainable social environment. The Panel recognises the importance of how the overall design of the development proposal needs to contribute to a safe, accessible and participatory environment. In other words, the Panel acknowledges that it is important for the development to physically and in turn socially integrate with the surrounding area, particularly with the neighbouring community west of Hay Street.

The elements of safety, accessibility and participation are inter-related. First, they are discussed broadly in the context of the internal layout and other urban design elements, opportunities for social interaction, the provision and accessibility of community services and facilities and open space elements, as well as the interface issues. Then they are addressed in the context of whether the overall development proposal successfully integrates physically and in turn socially with the surrounding areas.

The function of the internal street network to provide opportunities for pedestrians and cyclists and older people using motorised scooters to be physically active in a safe and supportive environment is another key element. This is discussed in Chapter 6.

7.2 Evidence and submissions

(i) Urban design elements

Ms Heggen's evidence considered the development proposal according to the following urban design elements:

- integration with the local street network
- building, siting, massing and views to the site
- landscape integration
- circulation network, streets, spaces
- open space network
- building design and the proposed housing typologies
- internal amenity.

A number of residents in their submissions commented on urban design aspects of the proposed development for example:

- Ms McCann commented on the height of the apartments and believed they should be no higher than the existing buildings if the views of nearby residents were not to be blocked
- Ms Kizawa objected to the development because it does not reflect the existing neighbourhood character and because she believed that it would impact on privacy and the well-being of residents
- Ms Jory objected because the development is an overdevelopment of the site which does not fit in with the area

- Mr and Mrs Coghlan objected to the proposal on the basis that it would have a detrimental impact on the character of the area and that it was inconsistent with that character
- Mr Glossop on behalf of Mr Mitchell stated that the development proposal is inappropriate and an over development of a large site due to its height and dwelling density and that it does not respect neighbourhood character.

Specifically, Ms Heggen took into account the key issues raised in the residents' submissions relating to the intensity of use and resultant population increase as well as the built form and neighbourhood character. She assessed the proposal in the context of:

- *Whether the proposed intensity of development as manifested in the scale, typologies, massing and layout of buildings is an appropriate response to the site's neighbourhood character context; and*
- *Whether the site planning delivers a well resolved residential environment with a good level of public and private amenity (page 1)*

As part of her evidence, Ms Heggen also assessed the proposal against Clause 15.01, found at Appendix D in her report. Features relevant to this assessment include: public realm, safety, landmarks, views and vistas and pedestrian spaces.

Mr Biacsi in his expert town planning evidence also discussed and assessed the built form against these guidelines as well as 15.02 and 55 of the Scheme, the Guidelines for Higher Density Residential Development (GHDRD). Such an assessment does not appear to have been undertaken by the Council, other than against Clause 55, but Council does state in its submission that their urban designer is broadly supportive of the application and the main issues have been addressed in the amended plans (page 13).

In summary, Ms Heggen concluded:

- *, subject to some minor refinements which can be secured by permit conditions, will deliver a high quality urban design outcome.*

the statutory mechanisms that have been employed:

- *the site's size, location and relationship with neighbouring land provide a significant opportunity to accommodate dwellings at a range of types and densities close to services and transport*
- *the proposal achieves an appropriate balance between the delivery of housing growth in a suitable location and respecting the site's neighbourhood character context, particularly through the effective management of building form and massing at the site edges and the inclusion of comprehensive landscape proposals*
- *the proposed site planning is logical and well considered and will deliver an attractive extension to the existing residential area of Box Hill South*
- *the proposed development is founded on sound urban design principles and subject to some minor refinements which can be secured by permit conditions, will deliver a high quality urban design outcome.*
- *the statutory mechanisms that had been employed via the combined planning scheme amendment and permit condition are appropriate 'tools' to foster a desirable development outcome (page 1).*

Mr Biacsi came to similar conclusions with respect to the proposal. He stated in his evidence:

In considering the site context, the planning policy framework and the designer's response in this case, I am satisfied that the proposed development at the scale and in the form proposed will be able to integrate with its surroundings without any unreasonable off-site effects (page 27).

The following summarises in point form the conclusions put to the Panel by Ms Heggen and Mr Biacsi in their written evidence:

- the level of change is acceptable, particularly as it is a large infill site, which can support residential development of the scale and intensity proposed
- on the one hand the proposal seeks to develop its own distinctive character and on the other hand it integrates or 'knits' with the existing street network by extending the alignment of Jellicoe and Halsey Streets eastwards into the site and by these streets then forming the main east-west spines of the internal circulation network for vehicles, cyclists and pedestrians
- the views to the site will change but the arrangement of buildings responds to the topography of the land with buildings sited along rather than across the existing contours, that is, the buildings step down with the fall of the land so as the prominence of the taller apartment buildings is reduced from the surrounding area, looking east from Hay and Halsey Streets
- the view looking north east from the Gardiners Creek trail will change as the southern end of Building D and the retirement housing will be clearly visible but the proposed setbacks and '*generous new landscaping*' including the planting of trees will provide a '*soft*' edge to the Creek Trail, will reduce any visual impact and at the same time provide some natural surveillance
- the range of housing typologies: frontage two storey dwellings along Hay street, townhouses comprising three storey terraces behind Hay Street, apartments arranged in four blocks in the centre of the site and the retirement village dwellings comprised of a range of single, double and three storey dwellings provide choice and are all considered to be of '*high architectural quality*'.

With respect to the last point and reference to the three storey retirement dwelling, Mr Biacsi also recommended that six of the three storey dwellings (RH2, RH4, RH28, RH29, RH38 and RH39) be made compliant with the mandatory maximum building heights proposed by the GRZ1.

Not all resident submitters would agree with the conclusions made by the expert witnesses, Ms Heggen and Mr Biacsi, particularly those relating to the character of the new development and its integration with the surrounding neighbourhood. Mr Holmes, a resident submitter, referred to the inconsistency of Ms Heggen's evidence, for example, he quoted page 3 of her report:

The absence of a neighbourhood character designation also suggests that there is an opportunity to define a new neighbourhood character within the site ...

and

In my view this approach successfully knits the site into the established permeable street pattern to the west allowing the development as an extension of the existing urban area ...

From the residents' perspective, the new development may integrate physically with its surroundings but the height of the apartment blocks dominate its character. As Mr Holmes submitted:

Quite simply, the height of the apartment blocks are an outrage and can't possibly be argued as 'fitting in' or 'successfully' integrating from a normal person's point of view.

While resident submissions commented on the potential change to the neighbourhood character west of Hay Street, it is noteworthy that many residents highlight this in the context of any change to the 'peace' and 'tranquillity' they now enjoy, access to the Gardiners Creek trail and parkland as well as being able to walk safely around the streets. They fear this could be lost with the proposed development, as Ms Moulin stated in her written submission, 'by virtue of such an intensive and intrusive large scale development, especially 4x7 storey apartment blocks'. However, in many cases these concerns appear to relate more to their perception of the likely traffic generation created by the development and subsequent loss of their neighbourhood amenity rather than the building form itself (see Chapter 6).

(i) Provision and accessibility of community facilities

At the Hearing, the Panel requested detailed information from the Council on the location of the existing community infrastructure as well as current usage and travel patterns to and from the facilities. Prior to the Hearing, VicRoads had requested similar information. Such information was important to enable an assessment of the proposed services and facilities in the context of the provision and accessibility of services and facilities in the surrounding area but it was not forthcoming. However, to assist VicRoads, the traffic experts Mr Hunt and Mr Kiriakidis prepared maps to show the location of the community facilities and bus routes.

The proposed development provides a hub of facilities to cater for the needs of incoming residents as well as residents of the surrounding area. In addition, the proposal provides a range of services and facilities as well as programs dedicated exclusively to those living in the retirement housing. Mr Townshend on behalf of Canaan Holdings submitted:

The retirement village apartment building [Building A on northern edge of site] will include numerous additional facilities which will be made available to residents across the Land including a gym, pool and associated facilities, clubhouse and lounge, cafe and bar, shop, hairdresser and library. In addition residents of the retirement facility will also have exclusive access to the communal facilities on the fourth floor which include a kitchen and meals/sitting area, theatrette, seminar room, office, retreat and guest room located at the top level of the retirement apartment building (page 3).

The Panel understands from the evidence put by Mr Biacsi, that the communal facilities provided for all the community to use - that is, within the proposed development and the environs, will be by way of some form of membership rather than casual use. Moreover, he stated that these publicly accessible spaces provide for a complementary mix of uses in addition to the public open space, communal garden areas, ground floor active uses, the cafe (north-west corner of Building C) and public pathways. Facilities available to retirement village residents only, are referred to here as 'dedicated facilities' and those available to the

broader community, residents both on and off the subject site are referred to as 'non-dedicated facilities'.

Mr Biacsi also emphasised that these facilities and services '*would supplement the range of services and facilities in the area*' and that:

On the basis of the available services and facilities in the broader community together with the in-house programs promoted through the proposed retirement village, the opportunities for socialisation, health and well-being, and life style will be significant for the community created by the development ...

...the subject land is a typical infill established urban area that is highly accessible and enjoys an excellent network of services and facilities for the benefit of the existing and establishing Box Hill communities (page 23).

Mr Biacsi concurs with the Council officers' view expressed in their report of 17 February, 2014:

...the strategic location of the site would allow future residents to take advantage of the amenities of the immediate area including proximity to Box Hill Central Activities Area, transport options, education facilities, public open space and employment opportunities (page 103).

It is noteworthy that only a few resident submitters cited any issues relating to the provision and accessibility of the community facilities - proposed and existing. They generally liked the idea of the cafe in Building C and those facilities in Building A. Mr Holmes stated that the café was a '*great idea*' and a '*massive win*'.

Residents' concerns were more in relation to any detrimental change that may be created by the proposed development to the safe pedestrian and vehicular movements they currently experience when accessing their local facilities, for example, Box Hill South Neighbourhood House, Box Hill South Pre-School, Box Hill High School and in particular the Roberts McCubbin Primary School. This issue is addressed in Chapter 6.

Box Hill High School and Roberts McCubbin Primary School were the main facilities mentioned with respect to their adequacy to meet the needs of the incoming households. One resident submitter, Ms S referred to the residents' meeting held on 23 August 2014 and the notes from that meeting:

Roberts McCubbin Primary School is a land locked school. It does not have land to expand the school grounds with an increase of 214 residential properties. This is a concern for the parents of the school.

Box Hill High School is again land locked. They are currently at capacity with 1200 students. A 40% increase of dwellings to this area will put immense pressure on these local facilities.

Another resident submitter, Mr Holmes, also expressed concerns as follows:

Those who have completed any due diligence on the area would know that the local primary and secondary schools are land locked and at full capacity. Such a dramatic growth in local population would put additional strain on local families, who are already struggling with finding schools for their kids to attend. My wife and I have an 18 month old daughter, and one of the original appealing aspects

of our community is the schools, and to site here today knowing that she might not be able to attend due to size is devastating for our family. Will she be forced to take a bus to attend a school further way from her home?

In fact, based on this, there is a high demand for further schooling options in our community, I would think with it currently being zoned for it, it would be a natural for it to remain a school, rather than proposing a complete over development which would undoubtedly negatively affect all those living around it.

The views of Ms Eason, also a resident submitter, were similar:

Roberts McCubbin Primary School and Box Hill High are landlocked schools currently at capacity with class sizes above the recommended maximum of 28 students. The proposed development has 27 3 bedroom houses or town houses and 16 4 bedroom dwellings incorporated into it which are obviously marketed towards families. Many of these dwellings also have a study which has the option of becoming an extra bedroom. Where are these children going to go to school?

(ii) Open space elements and landscape design

The loss of public open space or green space was raised in a number of submissions. The view was put that the existing open space on the site contributes to the overall amenity of the area and the community valued the open space including the existing sports oval.

Concern was also expressed that the proposed development would result in the loss of habitat for birds and other wildlife.

Ms Skraba put to the Panel that:

A total open space area of approximately five per cent of the site (2,464 square metres) is to be provided. This open space includes a stormwater retention basin and a pedestrian and bicycle path network which will link to the creek. It is also noted that the site is in private ownership, and is not a community asset being redeveloped (page 27).

It is noteworthy that Mr Wright, the Landscape Architect, concluded in his evidence that:

The landscape design would set a new benchmark in appropriate environmentally responsive sustainable design practice for a development of this type in this municipality ...

The design will transform a site of relatively low ecological value, with little biological and habitat value into a new living environment to sustain residents. The design will also support and improve local biodiversity, create habitat for local flora and fauna, and improve the access and water quality run off to Gardiners Creek.

In this sense it is creating a new sustainable community. The positives of this project are many. It will have tangible community benefits beyond the limit of the one private property, creating real community assets for all to share (page 35).

Mr Biacsi stated in his evidence that the proposed network of open spaces and areas of communal open space (including roof top communal gardens) are generous and:

...supplement the private open space needs of residents and visitors alike; resulting in a landscaped, spacious garden setting that is permeable and integrated in the overall design. Coupled with these factors, the subject land is also well located in terms of access to public open spaces, recreational facilities, walking and cycle trails (page 29).

Ms Heggen considered 'the proposed network of spaces will contribute to a high level of liveability and amenity for residents' (page 8).

(iii) Interface issues

Industrial area to the east

The industrial area to the east of the subject site is separated by Gardiners Creek with the nearest industrial uses in excess of 30 metres from the eastern most retirement village houses. The proximity of the Rhodia Chemical plant in this industrial estate was given by the Amendment C31 Panel as one reason for recommending that the Amendment be abandoned. Ms Skraba informed the Panel that the plant no longer operates, the buildings have been demolished, site clean-up is underway and large format retailing is now proposed for the site. The issues of the buffers between the subject site and the industrial area are addressed in Chapter 10.5. No submitter raised specific issues about this interface other than emissions concerns. Gardiners Creek and its surrounding vegetation and recreation path form a distinct physical barrier between the subject site and the industrial area.

Wembley Park to the north

Wembley Park, the Council owned soccer facility occupied by the Box Hill United Pythagoras Soccer Club, is located immediately to the north of the subject site with the playing pitch abutting the site boundary. It currently has limited lighting. Use of the ground appears likely to increase significantly with lit up night games and/or training on all seven days of the week. Ms Skraba submitted:

Users of Wembley Park [and Council] are concerned about their ongoing use of Wembley Park and consider the lighting upgrade and adequate separation from residential uses essential for the soccer club's progress. It was requested that mitigating measures such as increasing the distance of residences from Wembley Park be included to future proof use of the facility (page 29).

The lighting upgrade to a higher lux level to increase floodlighting is subject to approvals and consultation. Mr Heyson from the Soccer Club submitted in respect of future plans for the ground that:

There is now a requirement to improve lighting so night games can be played at the highest levels. For Wembley Park this means the addition of four more light poles or replacing existing poles with higher lights ... The club will need to be applying to upgrade lighting in the near future to comply with the requirements of the FFA and FFV (Tabled document 19, page 1).

Mr Townshend noted in passing that the activity at Wembley Park would be a point of interest for the future residents in the north facing retirement village apartments in Building A.

The further interface to the north is with the approved development at 988 Canterbury Road. No details were provided of southern interface of that development and the submission from Mr Glossop on behalf of that developer did not raise interface issues.

Existing residential areas to the west

The most sensitive interface is the residential area to the west of the subject site. The western side of Hay Street currently has a mix of one and two storey dwellings with some original housing interspersed with more recent infill development including some multi-unit development. To the north on Hay Street is the relatively recent Canterbury Mews development. Mr Townshend submitted that the proposed development of two storey dwellings on the Hay Street frontage of the subject site deals sensitively with this interface.

In her expert evidence, Ms Heggen provided a number of images which showed that the taller buildings on the subject site behind those on the Hay Street frontage would be visible from the intersections of Halsey Street and Jellicoe Street and Hay Street looking to the east along the access streets onto the subject site. Resident submitters did not raise interface issues in these specific terms but rather expressed their concerns in other ways, such as over development and density which are addressed in Chapter 5. Only one resident from Hay Street was a submitter to the Amendment and that submission did not raise interface issues.

Box Hill Golf Club

The southern interface of the subject site is the Box Hill Golf Club and some Council owned open space. The submission from the Golf Club raised downstream flooding impacts on the golf course as an issue and did not raise specific interface impacts. Downstream flooding is discussed further in Chapter 10.2.

(iv) Physical and social integration

While this concept was not raised specifically in the submissions, the Panel acknowledges that it is important for the overall development to physically and in turn socially integrate with the surrounding area, particularly with the neighbouring community west of Hay Street.

7.3 Discussion

(i) Urban design elements

The Panel is satisfied that the evidence put by the expert witnesses demonstrates that the key concern of local residents, the incompatibility of the built form and the poor physical integration of the proposed new development with the existing character of their surrounding neighbourhood, would lessen over time. As the proposed development is built out and there is a clearer perspective of the buildings' height and mass west of Hay Street, residents' concerns are unlikely to be realised.

The Panel understands how residents could misunderstand Ms Heggen's evidence but she states quite clearly that it is not necessary to replicate on the subject site the neighbourhood character, dwelling density or built forms found in the surrounding area but it is important to integrate with the wider area. The Panel supports her evidence, including her discussion and simulations of the proposed building siting, massing and views to the site (refer Section 2.2.3 of Ms Heggen's written evidence), and acknowledges, along with the Council and Mr Biacsi, that the new development lends itself to the creation of its own distinctive character and urban form and at the same time can integrate with the surrounding street network.

The Panel supports Mr Biacsi's recommendation regarding the reduction of six of the three storey dwellings to be compliant with the proposed GRZ1 zoning. While this may be more compliant with the building heights proposed in the GRZ1 zoning it is also a more appropriate and accessible form of housing for this age group. The Panel notes that this is addressed in permit condition 1 cc)

In summary, the Panel is satisfied that the proposed development at the scale and form proposed is well resolved and achieves a high standard of amenity as well as urban design and external architectural quality. It also offers housing diversity. As stated by Mr Greenwood, it is an '*integrated neighbourhood*', not a '*set of compounds*' and it is quite '*permeable*'. The Panel is therefore of the view that over time it would contribute to a safe, accessible and participatory internal environment.

(ii) Provision and accessibility of community facilities

Within the proposed development

The Panel is satisfied that the proposed recreational and community facilities including the café facilities would provide a community focus and would facilitate the social integration of the new and more established communities. However, the Panel questioned the development architect Mr Greenwood of JAM Architects and Ms Heggen on :

- the location of the facilities, in Building A on the northern edge of the site rather than in a more central location
- the basement or 'underground' location for the pool and associated facilities, including the gym, clubhouse, lounge, bar and kitchen, that is, non-dedicated facilities and services.

Both the experts stated that maintaining the commercial viability of these facilities, the pool and gym in particular, was of paramount importance, hence the visibility of the location was given priority. Advertising signage relating to the facility on the northern edge of the site would be visible from Canterbury Road as well as Hay Street and so had the potential to attract more visitors and extend its catchment beyond the site and surrounding neighbourhood. This reinforces the conclusion drawn in Chapter 6 that the northern access point should be retained.

With respect to the basement facilities, the pool area and associated activities, Mr Greenwood also explained that the basement would be designed, constructed and in turn lit in such a way that access would be safe and direct from the basement car park but the facilities would be bathed in natural light via a high glassed roof extending over the pool at the first floor level.

The other non-dedicated services and facilities located at ground level - the main entrance and 'spacious' lobby, shop, hairdresser, library/internet cafe on the western side of Building A and the kitchen, cafe and quiet or 'retreat' space on the eastern side of Building A would be separated by a courtyard. The facilities would be accessible via the basement and the main entrance at ground level. Retirees residing in the development would have their own separate entrance. The Panel is satisfied that this is quite operational and at the same time offering the residents of the retirement apartments and other housing exclusivity via their own private access.

Based on this evidence, the Panel is satisfied that residents of the development that is, within the immediate catchment, would not be deterred from using these services and facilities. In fact, the Panel is satisfied that the continuous pedestrian route from the retirement village housing to Building A would facilitate rather than impede movement.

The Panel is satisfied that the non-dedicated services and facilities as well as the dedicated services and facilities (located on level four), outlined in more detail in the Operation Mission Statement from Canaan Holdings, would provide a 'club' environment. Moreover, the Panel acknowledges that if the examples of the activities and services offered (dedicated and non-dedicated services and facilities) are managed well and meet the expressed needs of by the incoming residents and those living nearby respectively, this would also contribute to the building of networks by creating opportunities for people to meet. It would also contribute to community building by:

- providing opportunities for a diverse range of community programs and events that encourage people to participate, contribute and feel useful within the multi-functional space
- integrating with the nearby established community, many within walking distance
- integrating with the retirement community by facilitating access, introducing programs and activities, including a cafe for the older people to participate in.

The Panel is of the view that the provision of these facilities will be a positive influence in integrating the new community on the subject site with the existing residential community.

Beyond the site

It was difficult for the Panel to test the evidence put by Mr Biacsi and the concerns of the residents regarding the capacity of the services and facilities to cater for the incoming population and regarding any issues relating to access routes and the potential need for pedestrian facilities and/or a shuttle bus to and from the site. In other words, it was difficult to comment on the proposed development and its potential impact - positive or negative, on the accessibility or otherwise of the existing network of services and facilities in Box Hill South and beyond. As noted above, the Panel and VicRoads sought more detailed information from the Council regarding the usage and adequacy and accessibility of the community services and facilities surrounding the site. The Panel commends VicRoads for being conscientious in their endeavours but is critical of the Council for not having detailed information on available capacity in existing community facilities. The information and analysis is a necessary part of any social impact assessment relating to a proposed residential development, especially as large as this. This should have been undertaken by the proponent and/or Council. The Panel also asked whether the proposal had been referred to a 'social planner' or any other Council officer with community development expertise, for comment. It would appear that such expertise is lacking in Council even though it is important, especially for the implementation of *Plan Melbourne* and in turn the implementation and monitoring of this development proposal.

Notwithstanding the above, VicRoads determined in their discussions with the traffic experts that the provision of additional pedestrian facilities for crossing Canterbury Road would not be required. However, VicRoads sought a permit condition requiring a shuttle bus be provided by the operator of the retirement facility and the Panel concurs. See also the discussion in Chapter 9 and planning permit condition 51 c which requires details of the provision of a shuttle bus as part of a *Recreational Facilities and Access Management Plan*.

The Panel agrees with VicRoads and is also satisfied that the anecdotal evidence presented during the Hearing relating to the development's proximity to a range of activity centres including Box Hill, Forrest Hill, lower order centres and a range of services and facilities nearby, would be adequate to meet the needs of incoming households. They would not be physically and in turn socially isolated. In fact, the Panel acknowledges that the proposed development's proximity to a range of services and facilities would facilitate rather than have an adverse effect on the physical and in turn social integration of the new community with the established communities. The provision of the shuttle bus for the incoming older population of the retirement housing, in particular, would also facilitate access to these facilities and reduce any feelings of isolation if they do not drive or find the walking distances too far.

(iii) Open space elements and landscape design

The open space on the subject site is not freely open to the public although the Panel understands that the oval has been used occasionally in past by local community groups. On its site inspection, the Panel observed that the sports oval and other open space on the site were somewhat in need of care and attention and looking in an unused state. It would appear that the oval has not been used frequently if at all in recent times.

Open space can be valued by the community for its intrinsic value even when not accessible to the public. It must be said, however, that the site is privately owned and its owners have every right to develop it in accordance with planning controls.

Indeed, should the development occur as proposed, the wetlands and other open space included in the design will be accessible to the public including residents in nearby areas. Moreover, the Panel agrees with Mr Wright that the proposed landscaping and rehabilitation of the area along Gardiners Creek will no doubt enhance the site as a bird and wildlife habitat.

(iv) Interface issues

Industrial area to the east

The Panel concurs with Council and the proponent that the changing nature of industrial uses locating in the Middleborough and Clarice Roads industrial precinct means that a residential development on the subject land will not be detrimental to the viability of the industrial estate or the physical and in turn social integration of the proposed residential development. The subject site is no longer significantly constrained by industrial uses to the east. The future of the former Rhodia site has already been addressed. The Panel further notes the changing nature of uses which now locate in the IN1 zones. The Panel notes that it is the retirement village houses which are located closest to the eastern boundary of the site. The open terraces on the top levels of buildings B, C and D do have views to the east but the industrial area is likely to be significantly screened by existing and proposed vegetation and the industrial uses are in excess of 60 metres from these buildings.

The Panel sees no specific interface issue to the east and believes that the landscaping proposed and the existing creek-side vegetation which will remain will address any visual interface issues which exist.

Wembley Park

The Panel has some concern about the impact of lighting upgrades at Wembley Park on development on the subject site and notes the proximity of the playing pitch to the property boundary. However it is difficult to comment in detail as there is no specific proposal that can be considered and no details of the impact of the possible future lighting on the development at the northern end of the subject site. The Panel observes that Building A is set back only four metres from the northern site boundary. If an application is made for upgraded lighting, careful consideration will need to be given to baffling the lighting to minimise its impact on residents, in particular in Building A. While it was raised in passing by Mr Heyson at the Hearing, the Panel makes no comment on whether the proponent should contribute to the cost of baffling the proposed lighting to protect the amenity of residents on the subject site.

Because of lack of any relevant information the Panel is unable to comment on any interface issues which arise between the approved development at 988 Canterbury Road and the subject site and assumes that as these have not been raised by Mr Glossop that no significant interface issues exist.

Existing residential areas to the west

The Panel is satisfied that the interface with the residential area to the west of the subject site has been sensitively managed by the proponent by locating two storey buildings on the Hay Street frontage of the subject site. While the taller buildings, particularly the apartment buildings are visible from the intersections of Jellicoe and Halsey Streets with Hay Street, these views are limited and in the Panel's view more than compensated by the increased permeability of the site compared with the existing conditions.

Box Hill Golf Club

The Panel does not believe that there are significant interface issues with the existing uses to the south of the subject site.

(v) Physical and social integration

The proposed development will be of different character from its surroundings but the Panel believes it does physically integrate with Hay Street via road, pedestrian and cycle accesses and will not have a detrimental effect on the amenity of the area (refer Chapter 6 for detailed discussion of traffic impacts).

The type of development, including the retirement living component, and price range will influence the type of people who choose to live in this development. While a projected demographic profile of the incoming residents was not provided, it is likely that they will be older but be similar in terms of socio-economic characteristics to residents of nearby areas. Because of this similarity, the Panel believes that the development is unlikely to create physical and psychological barriers for both the community within the development and in the surrounding areas.

The development proposal is likely to have a strong complementary relationship with the key elements of social infrastructure beyond the site. The proposed development will not have the critical mass to be self-sufficient. While there may be concerns that the development could place undue pressure on local services and facilities, the proposed hub of

community services and facilities and the cafe could also become important foci for social activity for residents living beyond the site.

7.4 Conclusions

The Panel concludes that:

- the scale and built form of the proposed development is well resolved and achieves a high standard of amenity and urban design and external architectural quality
- there are no physical interface issues which are of such significance that the proposal should not be approved
- the interface of the development on the subject site with the existing residential development to the west has been well addressed by the proponent with only very limited views to the taller buildings in the centre of the subject site
- the proposed development offers housing diversity and a distinct character of its own but should integrate well with the residential area to the west via road, pedestrian and cycle accesses and will not have a significant detrimental effect on amenity of that area
- the development of community facilities and the cafe on the subject site will facilitate the social integration of the new community with the existing residential communities
- the facilities and services provided on the site will become important foci for social activity for residents living beyond the site
- the provision of facilities dedicated to the use of retirement unit occupants and facilities available to the wider community both on and off the subject site, on a membership basis, is well balanced and will be a positive attribute of the development if well managed
- the provision and layout of the facilities in Building A is accepted by the Panel and provides appropriate exclusive access for retirement unit residents
- the proposed development will meet the open space requirements of the Planning Scheme and will improve the natural environment conditions along the Gardiners Creek area
- the development proposal is likely to have a strong complementary relationship with the key elements of social infrastructure beyond the site
- pedestrian access across Canterbury Road is constrained to several safe crossing points but is regarded by the Panel as acceptable
- a shuttle bus for retirement unit residents' access to off-site facilities should be provided
- the concerns that the development could place undue pressure on local services and facilities are unlikely to be realised even though this could not be assessed fully
- Council's information base on capacity constraints in existing community facilities is not acceptable to the Panel and needs to be addressed so that future significant development proposals in the municipality can be appropriately assessed and monitored over time
- the development is unlikely to create physical and psychological barriers for both the community within the development and in the surrounding areas and it will create a safe, accessible and participatory environment.

8 Retirement living

8.1 The issues

The issues addressed by the Panel in this Chapter of the report are the appropriateness of the location for retirement housing, the proposed retirement housing options and their adaptability to meet changing needs along with the issues pertaining to security and the internal circulation network and open space elements.

When considering these issues in the context of the evidence and submissions, the Panel has also taken account of the *Whitehorse Housing Strategy, 2014* which states: '*Whitehorse is ageing at a greater rate than metropolitan Melbourne, with 17.3% of the City's population aged 65 years or more in 2011, compared to 13.1%*' (page 20). More importantly '*...the age group forecast to have the largest proportional increase, relative to its current population size, by 2031 is residents aged over 65 years*' (page 36). This suggests that the diversity of housing options and settings for older people will need to continue to grow. Furthermore, the appropriateness and adaptability of the retirement living options are likely to be of even greater importance.

8.2 Evidence and submissions

(i) Appropriateness of location for retirement housing

Mr Townshend submitted '*that it is a long established failing of aged housing that it has historically been provided on the outskirts of Melbourne*' (page 7). He emphasised that such housing in fringe locations generally works against the concept of '*ageing in place*' as older people have to leave their familiar living environments, friendships and associations.

He submitted that the proposed retirement living component on this large site in an established community setting, rather than being on an isolated site in a fringe suburb, is rare and:

presents an opportunity to provide diversity within this housing type and to provide the critical mass that supports strong community networks, integration and support. The plans provide the potential for a positive retirement neighbourhood. The scale supports the provision of on-site facilities, on and off site community programmes and self-sufficient shuttle services to key community facilities including shops and churches (page 8).

As indicated in Chapter 2, the retirement housing will be marketed through an established Christian Chinese church network and in particular churches and congregations in the Box Hill area. In other words, it was put to the Panel that there is an existing older population who could already benefit from such housing in that location in close association to their familial and community networks.

(ii) Appropriateness of the style of retirement housing

The proposed retirement housing was detailed in Chapter 2.3 and comprises 43 retirement village houses and 53 retirement apartments with associated car parking.

In her evidence Ms Heggen stated:

These[retirement village] dwellings address the road, with pedestrian and vehicle access from the front and private courtyards provided for each residence. A variety of building types are proposed with a mix of heights with common architectural elements including inset glazing, angled roof forms and batten screens (page 8).

Resident submitters did not raise many issues with respect to the retirement housing except one resident, Ms S, stated that the architectural style of dwellings, apartments, detached and semi-detached dwellings, did not take into account the built form of the existing neighbourhood, unlike the other villages in the nearby area. Bedford Estate Retirement Village at 16-36 Bedford Street Box Hill and Regis Anala Retirement Village at 220 Middleborough Road include more low scale villa units that some residents perceive to be more in keeping with their neighbourhood and are more typical of retirement development which occurred a decade or so ago.

While the retirement housing is clustered in one location - apartment block A and the semi-detached and detached dwellings to the east of the site, Mr Townshend in his submission noted that the retirement housing has been designed as an integrated residential community with no delineation between retirement living and the rest of the community. He also stated:

The combination of residential uses and built form responses should be kept in mind when considering the Permit Application, in particular it is submitted that the Panel have regard to Clause 16.02-4, which provides a basis for a more detailed robust design.

(iii) Accessibility and adaptability of the retirement housing

As stated in the Operation Mission Statement - Hay Street Retirement Village tabled at the Hearing by Canaan Holdings:

The accommodation vision is to provide dwellings, services and facilities for retirees (i.e. age 55 and over as defined by the Retirement Villages Act 1986). The retirement village offers independent accommodation with a variety of single, double and three storey [detached] and semi-detached houses, townhouses and retirement apartments with facilities and services associated with a retirement village.

The Panel questioned the development architect on the design and adaptability of the dwellings so residents could 'age in place'. While additional supports could be included to enhance mobility and access, the bathrooms are not readily capable of adaptation for wheelchair access.

A further aspect of adaptability was raised at the Hearing by the Panel. That is the possibility of a later conversion of the retirement villas to conventional dwellings if issues surrounding security and the broader success of the concept was not achieved. Mr Townshend indicated that it was the proponent's firm intention to develop and market these dwellings for retirement living and that they were not contemplating alternative scenarios. Further Mr Townshend referred the Panel to a recent VCAT decision where an attempt to amend permit conditions to allow such a change to occur was considered by the Tribunal to constitute a

transformation of the permit, not an amendment to it². The rationale of the Tribunal was that retirement living was a different town planning concept. The Tribunal further noted that changing market conditions constituted a market risk and were not normally a town planning consideration.

Two resident submitters, Ms S and Ms Bourke, also commented on the lack of adaptability of the dwellings to facilitate 'ageing in place'.

(iv) Location of community facilities

In addition to a range of community services and facilities for residents of the proposed development and the surrounding area there are also services and facilities, located on the fourth floor of Building A, including 24 hour in house office staff, opportunity to provide in-house nurse, as well as a shuttle bus to transport retirees to shopping centres, educational training, etc. and a range of activities, classes and courses dedicated to the retirement population of the proposed development. These are also discussed in Chapter 7 along with the appropriateness of the location in Building A.

(v) Security - the internal circulation network and open space elements

The issue of security was not raised in submissions but was raised by the Panel as an important issue to consider. The Panel is aware that security is an issue of significant concern to many people considering retirement living. It is an issue here because of the tension between the access to and permeability of the whole development and the security issues particularly with respect to the retirement village houses. As indicated by Ms Heggen and discussed in Chapter 6, night time gating of the proposed access point to the Gardiners Creek bike trail could be considered should security become an issue.

Mr Wright (Rush\Wright associates) states that the *'design objective is to integrate the boundary between the creek reserve, residential landscape and shared landscape spaces'* (page 14).

When Mr Wright was questioned by the Panel on the security issues from the Gardiners Creek boundary he stated that *'the use of natural forms of security'* were proposed and that access would need to be controlled.

8.3 Discussion

The Panel sought from the proponent the more detailed assessment criteria used to determine the demand for establishing a retirement village of independent living units in that location and of that size and style. Some background material was provided on the proponent's 'vision' for the retirement village but no specific information on the rationale for the number and range of housing types was forthcoming.

(i) Appropriateness of the location for retirement housing

The Panel does not question the appropriateness of the location for retirement living and agrees with the proponent that it is not only rare but 'ideal' to develop such housing at such a scale in an established community setting. The Panel notes that there are other retirement facilities located close by, taking advantage of this location. Moreover, to include

² VCAT Reference P1351/2013. Central Estate Properties Pty Ltd vs Manningham CC.

the retirement housing as part of an integrated residential development breaks down the perception of it being an age-segregated or 'gated' community as the other two in the vicinity appear to be.

(ii) Appropriateness of style of retirement housing

The Panel acknowledges that a range of housing types is required if older people are to have choice and their housing preferences and life style needs are to be met, thus the Panel is satisfied that the different combination of housing styles (apartments, semi-detached and detached housing) would attract a broader segment of the market but nonetheless limited to individuals who are more independent and quite mobile, particularly the proposed three storey dwellings. The Panel notes that whilst the *Retirement Villages Act 1986*, refers to people over 55 years of age, the average age of people moving into such facilities is considerably higher than this at 70 years.

(iii) Accessibility and adaptability of retirement housing

The Panel believes that it would be a missed opportunity if the retirement housing component of detached and semi-detached dwellings were not designed to be more adaptable. While residents as they age and become less mobile can move to an apartment, to reside in the other form of attached and semi-detached housing- independent living units or self-care units of two or three bedrooms would more likely be the preferred option.

The Panel refers to the *Whitehorse Housing Strategy, 2014*, which substantiates the importance of the adaptability of the retirement housing. The Strategy states:

Well designed housing is housing which has properly considered its internal layout and access to the home, which provides accessibility for people of all levels of mobility and physical impairment. Often referred to as 'universal design', housing which is designed with good accessibility principles in mind and meet the needs of a broader range of the community, will minimise expensive modifications if short or longer term impairment occurs for any of the residents of the home, and is also more welcoming for all community members.

There are a number of guidelines available that can be considered. For instance, "Liveable Housing Australia" has released design guidelines that, if followed, will assist in designing new dwellings or renovations that are:

- *Easier to enter*
- *Safer to move in and around*
- *More capable of easy and cost effective adaptation*
- *Designed to better anticipate and respond to changing needs of the people who live in the home (page 84).*

The Panel concurs with the above and suggests that at least a limited number of the retirement dwellings be assessed according to the *Liveable Housing Australia Guidelines* and be redesigned accordingly to take the above factors into account.

The Panel notes the issue of possible later conversion of the retirement living villas raised by it and notes the VCAT decision referred to it by Mr Townshend. The Panel understands that the decision to pursue the development of retirement living units was one properly taken by the proponent and that in doing so they assume risk associated with that decision.

(iv) Community facilities

The Panel is also satisfied that the proposed retirement living component of the development will offer a range of supportive physical and social environments even though it does not fully support the 'ageing in place' model of care where individuals are provided for as their needs change over time from independence to different levels of dependency. The development proposal and the associated provision of non-dedicated and dedicated community services, facilities and activities do respond to the Goals of the Retirement Village as stated in the Mission Statement:

- *to create a retirement community within a village allowing the residents (or retirees) to continue to integrate within the broader community*
- *offer residents support through in-house activities and services to maintain their health and well-being with a safe continued learning and development environment*
- *provide residents access and opportunities to participate in organised off-site activities and services to ensure residents stay connected with the broader community*
- *encourage active and healthy lifestyle and specialised programs and activities.*

(v) Security - the internal circulation network and open space elements

Given that 'security' is a key attraction of living in a retirement village, the Panel questions the 'high' permeability of the site and the proposed vehicular, pedestrian and bicycle circulation network providing shared access through the retirement component of the site. The Panel is of the view that this would not be compatible with the likely needs of all incoming residents. Another issue could arise if too many of the proposed conventional housing and town houses as well as the proposed residential apartments in building B, C and D are occupied by students. The Panel notes the proximity of the site to the Deakin University campus to the south. A number of submitters expressed concern over the potential for the development to be occupied by tenants and students, for example, Mr Ball, Ms Moulin, Mr Fox and Ms Sealey.

The landscaping and activating of the walking trails along Gardiner's Creek to the south and east of the retirement housing while attractive could also pose security issues. While the expert evidence of Ms Heggen highlighted that greater natural surveillance would be provided by the increased activity, such activity also exposes that part of the development and this could pose a security risk for some of the more vulnerable older residents.

However, in spite of these perceived 'security' issues discussed above, the Panel is satisfied that all of the above security issues could be addressed and monitored through sensible management restrictions and being addressed in a permit condition. The Panel notes that permit condition 51 d) requires security issues, including monitoring, to be addressed as part of a *Recreational Facilities and Access Management Plan*.

8.4 Conclusions

The Panel concludes that:

- the proposed location is appropriate for the development of retirement living dwellings
- the location and range of retirement living facilities is supported

- the range of dedicated and non-dedicated community facilities proposed is supported as is the model for managing them
- the integration of retirement living with conventional dwellings is supported
- the security of the residents of the retirement village houses is of concern to the Panel but should be adequately addressed through the requirement for security measures to be addressed in a *Recreation Facilities and Access Management Plan*
- more consideration should be given to providing for 'ageing in place' by adapting at least some of the retirement village houses and apartments to be consistent with *Liveable Housing Australia Guidelines* and redesigning accordingly.

9 Planning permit issues

9.1 The issues

The issue addressed by the Panel in this section of the report is the appropriateness of the conditions which are proposed to be included in the planning permit.

9.2 Evidence and submissions

As indicated in Chapter 1, further versions of the proposed planning permit were developed and circulated for comment by all parties on the distribution list, post Hearing. Council and the proponent agreed on this version of the permit and no comments were received from other submitters. The exhibited version of the planning permit is attached at Appendix C and the Panel recommended version is at Appendix D.

Permit Notes are only included in Appendix D and are as exhibited. Other administrative detail has also been excluded from the planning permits in the Appendices.

The major changes between the version of the planning permit which was exhibited and that which was agreed between the Council and proponent post Hearing include:

- a significant restructuring of the permit conditions at the request of the proponent to make its structure more logical
- changes required in the amended plans to accommodate a small number of changes recommended by expert witnesses, to accommodate the possible staging of development, changes to some dwellings to comply with the appropriate zone schedule, and some rewording
- the requirement for a Master Plan has been added
- provision for staging of development and the requirement for a Staging Plan
- removal of VicRoads conditions which it was submitted by VicRoads were not conditions it wished to impose but rather requests for some further information. The issues of concern to VicRoads were addressed in the conclave of traffic experts held on 17 September 2014
- the requirements for environmental audit have been spelt out in more detail
- a condition on the quality of material and finishes has been added
- a section on the retirement living requirements including security issues for the retirement living villas has been added. The issue of security was raised during the Hearing and is addressed by the Panel in Chapter 8 of this report.

The post Hearing changes made were generally of a 'tidying up' nature and correcting a number of typographical, numbering and cross referencing issues and adding conditions relating to security measures and fencing.

9.3 Discussion

The Panel commends the cooperative approach of Council and the proponent both during and after the Hearing and believes that this has resulted in a better structured and effective permit than the version which was exhibited. The Panel supports the permit conditions agreed between the Council and the proponent and offers the following comment.

With respect to the VicRoads conditions in the exhibited version of the permit, the Panel notes that a number of these issues were addressed in the conclave of traffic experts held

on 17 September 2014. While all of the issues of concern appear to have been addressed and agreed to by VicRoads at that conclave, what is not included in the minutes of the conclave is that VicRoads now require no conditions on Permit other than the provision of a shuttle bus service which is addressed in condition 51c). However this is implied and the Panel assumes that this is the case.

The Panel further notes that it is incumbent on the operator to address issues of resident security raised and discussed by the Panel in Chapter 6 and 8 and believes that they are adequately addressed through the requirement for a details of security measures to be included in the management plan referred to in condition 51d). However to further strengthen the management of the security of the retirement living villas the Panel believes that it should be a requirement for the operator of the retirement living facilities to monitor the on-going effectiveness of security measures and has modified its recommended version of the planning permit accordingly.

9.4 Conclusions

The Panel concludes that the planning permit conditions as agreed between Council and the proponent are broadly satisfactory subject to an amendment to condition 51 c) to require monitoring of the effectiveness of security measures.

9.5 Recommendations

The Panel recommends:

That Planning Permit WH/2012/872 should be issued, and include the conditions set out in Appendix D of this report.

10 Other issues

10.1 The issues

The other issues identified by the Panel as relevant to its considerations are as follows:

- flooding and hydrology
- existing vegetation and proposed landscaping
- management of cultural heritage
- noise and air quality.

10.2 Flooding and hydrology

(i) Evidence and submissions

The subject site is adjacent to Gardiners Creek. Part of the site is within the flood plain with that part covered by a LSIO.

The impact of the proposed development on Gardiners Creek and potential flooding issues were raised by several submitters. Ms Alison Murray was one submitter who held strong concerns and presented to the Panel a series of photographs showing a number of floods in the Gardiners Creek catchment over many years. She stated that:

In particular I am concerned about the impairment of drainage of heavy rainfall into the creek and the effect of increased stormwater from the St Leo's site on the already heavily flood susceptible properties immediately downstream, adjacent to Gardiners Creek (Document 8, page 1).

The Box Hill Golf Club, situated immediately downstream from the subject site, made a submission in which it objected to the proposed development. The Club was concerned that the development could cause an increase in water flowing to Gardiners Creek resulting in further flooding downstream including on the Golf Club land. It also expressed concerns that earthworks during construction could result in water diversion and silt which could have an adverse impact on water flows in the creek and cause erosion.

The Council and the proponent both noted in their submissions that no objection was received from Melbourne Water, the relevant referral authority for waterways and drainage matters.

An *Hydraulic Report* and a *Stormwater Management Plan* were prepared by Cardno for the proponent and submitted in support of the planning permit application. The hydraulic modelling of Gardiners Creek indicates that flood levels within the creek will increase by a minimal amount (of the order of 0 to 30mm) as a result of the proposed development. The *Stormwater Management Plan* notes (at page 11) that '*...this increase in flood levels does not affect adjacent properties and is within the tolerance limits of the information provided by Melbourne Water and the modelling accuracy.*' The Plan states that the proposed development will provide an increase in the floodplain storage of 50 cubic metres (to 12,450 cubic metres) (page 13) and stormwater discharge will be detained on the site in the two proposed wetlands such that there will be no worsening of the hydraulic conditions within Gardiners Creek (page 16). It also states that utilisation of the two wetlands in conjunction with stormwater capture and reuse will meet the Water Sensitive Urban Design best practice

environmental guidelines (page 21) and the development as proposed will meet Melbourne Water's criteria for the development in a flood plain (page 24).

(ii) Discussion

There is no doubt that Gardiners Creek and adjoining areas are subject to flooding. The retardation basin in Sparkes Reserve to the north of the subject site across Canterbury Road was built to mitigate the extent of flooding although photographs were shown to the Panel of several incidents of flash flooding after periods of intense rainfall when flood waters flowed across Canterbury Road and the golf course was inundated. The subject site itself is partly flood prone and its low lying area is covered by a LSIO.

Evidence was presented to the Panel, however, that the design of the proposed development has been based on a hydrology analysis and includes elements to manage stormwater and mitigate flooding impacts on downstream areas. The design also includes two wet land areas to deal with run-off water quality.

The Panel notes that Melbourne Water has no objection to the proposed development. Melbourne Water did request some minor design changes – the deletion of two retirement villa units from the area covered by the LSIO – and that the planning permit include standard conditions for development in areas subject to flooding.

10.3 Existing vegetation, landscaping, and flora and fauna

The issue is whether the proposed retention of existing vegetation and proposed landscaping is appropriate. The impact of the proposed development on flora and fauna is also discussed.

(i) Evidence and submissions

A landscape plan for the site has been prepared by Rush\Wright Associates, landscape architects and was included with the exhibited documents for the Amendment. An arborist's assessment of the existing vegetation was undertaken by Stem Arboricultural Consultants for the proponent and accompanied the exhibited documents. The arborist's report identified 12 high retention value trees and 35 medium retention value trees on the site. In addition there are stands of mature trees adjacent to the subject site along Gardiners Creek. The arborist's report recommends that the trees of high retention value be retained and incorporated into the proposed design wherever possible.

The landscape plan prepared by Rush\Wright Associates includes a plan of trees to be retained and those which are proposed to be removed. Most of the retained trees are along the Gardiners Creek abuttal together with two on the northern boundary and two set back from the Hay Street frontage. Most trees to be removed are within the proposed footprints of buildings.

Mr Wright provided evidence for the proponent and outlined the proposed landscape concept for the Panel. It includes three common garden areas, two wetland gardens, incorporating stormwater treatment and retention, two open space spines which separate the different parts of the residential development and three rooftop terraces in the southern apartment buildings and streetscape plantings.

Different approaches to plantings will differentiate the different sectors of the development. The landscape plan also includes different finishes to distinguish between areas and street

and other public furniture and features. The landscaping uses a number of species which are considered indigenous to the bioregion. As explained by Mr Wright at the Hearing there will be relatively dense plantings along the Gardiners Creek frontage which will assist in the security of the retirement villas in the eastern part of the site.

No fauna assessment was undertaken as part of the planning process.

Only a few submitters commented on landscape and flora and fauna. Ms Bicknell submitted that it would change the character of the Gardiners Creek area, and Mr Lewis and Mr Brown and Ms Coghlan expressed concern about the impact of the development on wildlife. Ms Moulin expressed concern about the impact on the biodiversity of Gardiners Creek. A number of resident submitters expressed concern about the loss of green space that would occur as a result of the development. These included Mr and Ms Forge, Mr Fox and Ms Sealey, Ms Arambewala, Mr and Ms Smithson, Ms Moulin and Mr Ball.

(ii) Discussion

The Panel is impressed by the quality of the landscape proposals and believes that it will add to the character of the proposed development as the plantings mature. In particular the Panel urges further consideration to the plantings along the Gardiners Creek frontage so that they reinforce the security for the retirement villas on the east of the site. While the Panel understands that some residents may regard the loss of open space on the east of the site as being a detriment to the community, it is not currently public open space. The opening up and permeability of the site should at least in part compensate for that perceived loss.

Whilst no detailed flora and fauna study of the creek environs was undertaken, the Panel notes that the current creek environs whilst reasonably attractive are not high quality. It believes that the proposed development has a strong potential to make a positive contribution. It is accepted by the Panel that the increased level of development could improve the environment for wildlife. However, the Panel observes that the fauna which residents enjoy appear to be observed on other than the subject site and sees no evidence that the impacts of the development would be such as to either refuse the Planning Permit or significantly amend the plans for the proposed development.

10.4 Management of cultural heritage

(i) Evidence and submissions

As stated in the report *Historical Assessment*, October 2012 prepared by Alpha Archaeology Pty Ltd on behalf of Canaan Holdings, there is:

Evidence of domestic operation from the nineteenth century or early twentieth century, including the structural remains of cottages, homesteads or farm facilities, domestic waste pits and middens (rubbish dumps and bottle dumps).

Evidence of historical tree plantings, i.e. large introduced trees that may line access roads to properties (page 18).

A very small number of artefacts were excavated and a mature pine tree was found within the location of the former Collings House and house paddock in the north east corner of the development site. The archaeological significance of this site was assessed as low but '*the site dates to at least 1945 and contains artefacts related to the site as a domestic residence and pastoral property*' (page 73).

In November 2012 Alpha Archaeology Pty Ltd on behalf of Canaan Holdings undertook a desktop assessment of the proposed development site and prepared a report, *Mixed Development at 15 Hay Street, Box Hill South Cultural Heritage Management Plan Number: 12062*. They concluded from their assessment that:

... the activity area is of moderate to high potential to contain Aboriginal cultural heritage. The Aboriginal cultural heritage is most likely to be in the form of isolated artefacts, artefact scatters, and scarred trees, located close to Gardiners Creek. Therefore, a standard assessment of the activity area is required (page 27).

Subsequently, a standard assessment was carried out and one area of Aboriginal archaeological potential comprising the land immediately west of Gardiners Creek along the creek bank, in the north-east corner of the development site, was discovered. A complex assessment was then required to determine the presence of any Aboriginal cultural heritage within that identified area. An isolated artefact was excavated but it was also highlighted that such places *'are the physical reminders of the cultural heritage of the Wurundgeri ancestors. This special connection underpins the high significance of these places'* (page 108).

This has triggered the need for the *Cultural Heritage Management Plan (CHMP)*. As stated in the report of Alpha Archaeology Pty Ltd, *'Best practice heritage management, in terms of avoidance of harm to cultural heritage and whose harm cannot be avoided, proper management of the disturbance of those values, is integral in the management of these significant cultural places in the activity area'* (page 109), that is, the development site.

The Panel concurs with the view that harm to the historical site and surrounds as well as anything pertaining to Aboriginal heritage must be avoided. The Panel is satisfied that the requirement for a CHMP as a permit condition addresses this.

10.5 Noise and air quality

The issues addressed in this section are whether the proposed development will increase noise and air pollution both during construction and on-going and whether the abutting industry to the east of the subject site poses noise and odour emission concerns.

(i) Evidence and submissions

A number of submitters have raised issues regarding the amenity impact of noise during the construction phase of the development, with some submitters also expressing concern about on-going noise from the development. Submitters raising these issues included Ms Fox and Mr Sealey who were concerned about the impact of noise on wildlife, Ms S, the Robinson family, and Ms Mills.

Ms Gowers expressed concern about the increased sewerage from the development impacting on clean air. Ms Elliott submitted that periodic emissions from the nearby industrial uses would impact detrimentally on air quality. These submissions were in general not specific in their detail and were not supported by evidence.

The exhibited material included a report entitled *Buffer Assessment*, prepared for the proponent by GHD. GHD reviewed an earlier air quality report prepared for the proponent in 2012 by SLR. The GHD report included an air quality assessment. That report identifies that a number of the existing industries are subject to buffers for odour emissions. The

buffer details provided show that none impact the subject site. The report indicates no record of complaints about these industries to either the EPA or Council with the exception of the former Rhodia site which as discussed earlier in the report is now proposed for big box retailing.

A report entitled *Preliminary Environmental Assessment – Noise*, prepared for the proponent by SLR accompanied the exhibited documents. It focused on noise impacts from surrounding industry on the subject site. They identified only one possible noise issue from an existing industry and concluded that night time noise from that industry complies with the SEPP N-1 noise limits. No assessment appears to have been undertaken of noise emissions from the subject site.

(ii) Discussion

Based on the reports prepared by GHD and SLR, the Panel is satisfied that there is no real risk of significant air quality or noise concerns arising for the subject site from the current or potential future uses on the industrial land to the east of the subject site.

A number of residents have raised concerns about the amenity impact of noise from the subject site. These submissions are non-specific about the noise concerns and therefore the Panel is unable to comment in detail. The Panel sees no reason why there would be noise emanating from the completed development that would have a significant amenity impact on the surrounding residential area.

However, the Panel does understand the residents' concerns about potential noise impacts during the construction phase. The Panel was informed that construction was intended to be undertaken as a single project but understands that this will not necessarily be the case and could proceed in stages over a number of years. The Permit allows for this. The Panel observes that such issues would normally be dealt with in a Construction Management Plan and such a plan to the satisfaction of the Responsible Authority is required as condition 15 on the planning permit. Amongst its requirements will be details on the hours and days of construction activity, a traffic management plan for the site and the surrounding street network, and containment of dust, dirt and litter.

The Panel believes that there is no evidence that either the site itself or the nearby industrial uses will give rise to air quality issues. Further the Panel can see no reason why increased sewerage output from the site would cause air quality issues.

10.6 Conclusions

The Panel concludes that:

- the proposed development has dealt appropriately with flooding and water management issues
- on the evidence available to it, the proposed development will meet the criteria set by Melbourne Water for development in flood plain
- the landscaping proposed by the proponent in the landscape plan prepared by Rush\Wright Associates is satisfactory
- no evidence was provided of a significant detrimental impact of the development on flora and fauna to the extent that consideration should be given to not supporting the Amendment or permit

- the noise and related issues during the construction phase are a legitimate concern in this residential area but can be adequately managed through the required Construction Management Plan (The Panel urges the Council to pay particular attention to the hours of the day and days of the week that construction activity is permitted, and to ensure that the movement of construction traffic through the local street network is appropriately managed to protect local amenity and safety).

Appendix A List of Submitters

Submission No.	Full name	Name of organisation
1	Susanna MacDonald	
2	Andrea McCann	
3	Emmaline Froggatt	Port Phillip and Westernport CMA
4	Kerras Burke	
5	Hayley Wegener	
6	Bian Soon Goh	Mercatus Investments Pty Ltd
7	Nicole Keleher	
8	Trish Bourke	
9	Con Gantonas	Melbourne Water
10	Alison Murray	
11	Sheila Turner	
12	Neville Drake	
13	Carolyn and Russell Magilton	
14	Jenny Bicknell	
15	James Lewis	
16	Lucy Race	
17	Chris and Helen Forge	
18	Sanae Kizawa	
19	Karen Powell	Canterbury Mews OCP
20	Leah Fox and Andrew Sealey	
21	Saminda Arambewala	
22	Tracey and Eddie S	
23	Kylie Downs	
24	Robyn Woodbridge	
25	Brendan and Elizabeth Tyquin	
26	Tamarra Darby	
27	Steven and Jennie Robinson	
28	Cathie Maus	
29	Heather Gowans	
30	Andreeanne Boileau	
31	Alan and Ruth Smithson	

Submission No.	Full name	Name of organisation
32	Kerryn Jory	
33	Russell Donovan	Box Hill Golf Club
34	Paul Baulch	
35	Madeleine Kendell	
36	Anna and Greg Leyden	
37	Georgia Coghlan and Robert Brown and family	
39	Chris Heysen	Box Hill United Pythagoras Soccer Club
39	Pamela Mills	Box Hill South Neighbourhood House
40	Jane Moulin	
41	Dianne Greaves	
42	Jonathon Clarke	
43	Alex and Amy Sylvan	
44	Peter Greaves	
45	John Reeve	
46	Alison McIntosh	
47	Evan and Michelle Lennon	
48	Cameron and Taryn McHarg	
49	Jean Hutson-Knight	
50	Nigel Goodman	
51	Amarendra Changkakoti	
52	Sian Gowers	
53	Heather Elliot	
54	Grant Mitchell	Glossop Town Planning
55	Gaurav Verma	VicRoads
56	Helen Willmott	
57	John Maudsley	Yarra Valley Water
58	Dave Ball	
59	Helen Eason	
60	Gavin Ryan	

Appendix B Tabled Documents

No.	Date	Description	Presented by
1	17/9	Letter from Multinet – 1 September 2014	R. Eade
2	17/9	Submission on behalf of Whitehorse City Council	A. Skraba
3	17/9	Whitehorse City Council Housing Study 2003; Housing Strategy April 2014 and Neighbourhood Character Study 28 April 2014	A. Skraba
4	17/9	Pamphlet – Having your say on Housing in Whitehorse	A. Skraba
5	17/9	Whitehorse Industry Strategy February 2011	A. Skraba
6	17/9	Strategic Framework Plan	A. Skraba
7	17/9	Minutes of Meeting – meeting of Traffic Experts	C. Townshend
8	17/9	Submission to Panel	A. Murray
9	18/9	VicRoads submission	M. Freeman
10	18/9	Stormwater Management Plan (Cardno) – 26 July 2013	C. Townshend
11	18/9	Hydraulic Report (Cardno) – 9 July 2013	C. Townshend
12	18/9	Opening submission on behalf of Canaan Holdings Pty Ltd	C. Townshend
13	18/9	Table and map – Chinese Christian churches in area	C. Townshend
14	23/9	Aerial and other photos (Message Consultants)	C. Heggen
15	23/9	Site, aerial and other photos (Message Consultants)	C. Heggen
16	24/9	Wyndella Project – Information brochure	C. Townshend
17	24/9	Website screen shot – Dongguan City Real Estate Company	C. Townshend
18	24/9	Submission to Panel	A. Holmes
19	24/9	Submission: Box Hill United Pythagoras Soccer Club	C. Heyson
20	24/9	Inform extract – Papermaking	Tracey S
21	24/9	Statement to Residents' Meeting	Tracey S
22	24/9	Outcome of Residents' Meeting – 23 August 2014	Tracey S
23	24/9	Extract – City of Box Hill Traffic Management Strategy – September 1991	Tracey S
24	24/9	Box Hill South Neighbourhood House – Classes and Activities	Tracey S
25	24/9	Paper - What is Community Development?	Tracey S
26	24/9	Drawings – Artists Park for City of Box Hill – August 1992	Tracey S
27	24/9	Walk to School – October 2014	Tracey S
28	24/9	TAC – Older driver statistics	Tracey S
29	24/9	TAC – Road safety for older drivers	Tracey S

No.	Date	Description	Presented by
30	24/9	My Licence SA – Safe gaps when crossing intersections	Tracey S
31	24/9	My Licence SA – Safe gaps – turning right	Tracey S
32	24/9	My Licence SA – Safe gaps – turning left	Tracey S
33	24/9	TAC – Pedestrian statistics	Tracey S
34	24/9	My Licence SA – Situations where hazard perception is particularly important	Tracey S
35	24/9	Whereis map – Retirement villages in the area	Tracey S
36	24/9	Bus Timetable – Route 733	Tracey S
37	24/9	Submission – Jane Moulin	Tracey S
38	24/9	Map and submission	H. Eason
39	24/9	Letter from Evangelic Chinese Church, Melbourne (undated)	C. Townshend
40	24/9	Reply Submissions on behalf of Canaan Holdings Pty Ltd	C. Townshend
41	24/9	Notice of preparation of Amendment to Planning Scheme – Amendment C153 and Permit Application WH/2012/872	A. Skraba
42	24/9	Planning Permit – proposed permit for discussion purposes	C. Townshend
43	24/9	Closing submission on behalf of Whitehorse City Council	A. Skraba

Appendix C Planning Permit – Exhibited Version

PLANNING PERMIT

GRANTED UNDER DIVISION 5 OF PART 4 OF
THE PLANNING AND ENVIRONMENT ACT
1987

Permit No.: WH/2012/872

Planning Scheme: Whitehorse

Responsible Authority: Whitehorse

ADDRESS OF THE LAND:

15-31 Hay Street, Box Hill South

THE PERMIT ALLOWS:

Development of the land for two or more dwellings, development and use land for a retirement village, and use of land for a food and drink premises (café), shop and associated buildings and works on land subject to inundation.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. Before the use and development starts, or any trees or vegetation are removed, amended plans (three copies) shall be submitted to and approved by the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:
 - a) Redesign of the timber bridge between Building C and D to be a pedestrian bridge that meets accessibility standards and can accommodate motorised scooters.
 - b) Building A setback sufficiently from the northern boundary to provide for landscaping, including canopy trees where appropriate.
 - c) Details of the timber bridge including proposed width, ramp grades, footpath and connection to the internal road network.
 - d) Annotate setback of the timber bridge from retirement houses 37 and 38.
 - e) Elevations and longitudinal cross sections of the timber bridge with gradients.
 - f) Details of parapet and surface materials for the timber bridge, including specifications on surface grip.
 - g) Development plans to reflect the requirements of the Waste Management Plan to be annotated on the plans and changes made in accordance with requirements of Council's Waste Engineers.

- h) Modification plans to demonstrate waste vehicle maneuverability:
- i) Swept path diagrams to show movements by an 8.8 metre long service vehicle in areas identified on the proposed internal route.
- j) Truck route on Drawing AT02-01P2 showing servicing Building A via the northernmost access road that runs parallel to the northern property boundary.
- k) Truck route on Drawing AT02-02P2 showing service vehicle movements in the vicinity of House 5, Townhouse 6 and Townhouse 11.
- l) No reversing of truck on Drawing AT02-02P2.
- m) Annotate no pedestrian access or vehicular access to Wembley Park from the site.
- n) Provision of screening measures in accordance with Standard B23 of Res Code where required.
- o) Further activation between Building A and B through design, use and/or landscaping treatment.
- p) Extend road treatment further south to Townhouse 26.
- q) Investigate feasibility of retaining the following high retention value trees: Trees 8, 20, 21, 26 and 27 and medium retention value trees: Trees 1, 6, 9, 10, 11, 16, 17, 18, 22, 23, 28, 29, 32, 33 and 34. Accompanying arborist report with construction impact assessment to demonstrate their retention and/or necessary removal.
- r) Provision of a 1.5m wide accessway for the westernmost resident bicycle space in the basement of Building D (closest to car space D29).
- s) Pedestrian sight triangles in accordance with the requirements of Clause 52.06-08 should be provided on each side of the accesses to Hay Street.
- t) Any car spaces proposed in a tandem arrangement must be allocated to a three bedroom apartment due to the dependent nature of these spaces.
- u) The proposed grade of the ramped section at the entry to the Building C ground level car park should be clearly indicated on the plans.
- v) Demonstrate a continuous pedestrian footpath connecting the retirement village dwellings and the proposed electric scooter parking location.
- w) Align the zebra crossing linemarking shown over the road pavement at the southern end of the retirement village access road with the pedestrian path on the east side.
- x) The proposed internal traffic route for 8.8m long service vehicles needs to be clarified.
- y) Notation listing all tree protection measures required by Condition 7 of this planning permit, with all nominated trees clearly identified and numbered on both site and landscape plan.
- z) Development plans to reflect all sustainability features indicated in the ESD Report (Condition 34). Where features cannot be visually shown, include a notes

table providing details of the requirements (i.e. energy and water efficiency ratings for heating/cooling systems and plumbing fittings and fixtures, etc) and in accordance with the amended ESD report required under Condition 34.

- aa) An amended Landscape Plan showing the following:
- i. Detailed landscape design for Hay Street interface and integration with surrounding streetscape.
 - ii. Landscaping along the northern boundary adjacent to Building A.
 - iii. Investigate the following options
 - An urban plaza/pocket park to service the townhouses west of Building B and C.
 - A community kitchen garden with associated infrastructure.
 - Green roof for the apartments.

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

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

2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.
3. The ancillary uses within the retirement village may only be used by residents and guests.

Section 173 Agreement

4. Prior to commencing any buildings and works, the Owner must at its cost enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 in a form to the satisfaction of the Responsible Authority requiring the Owner to acknowledge and confirm the following:
 - a. The use of all retirement village apartments within the development shown on the endorsed plans, shall be occupied only by retirees as defined by the Australian Tax Office or persons who are the de facto partner or a spouse of a person defined as a retiree without the written further approval of the Responsible Authority. All retirement village apartments shall not be leased or otherwise occupied for any other form of occupation.
 - b. The subdivision of the land for sale of the independent living units is prohibited.

The agreement must be registered on the title to the land.

Landscaping

5. No building or works shall be commenced (and no trees or vegetation shall be removed) until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. This plan when endorsed shall form part of this permit. This plan shall show -
 - * A survey of all existing vegetation, abutting street trees, natural features and vegetation.
 - * Buildings, outbuildings and trees in neighbouring lots that would affect the landscape design.

- * Planting within and around the perimeter of the site comprising trees and shrubs capable of:
 - providing a complete garden scheme,
 - softening the building bulk,
 - providing some upper canopy for landscape perspective.
- * A schedule of the botanical name of all trees and shrubs proposed to be retained and those to be removed incorporating any relevant requirements of condition No 1.
- * The proposed design features such as paths, paving, lawn and mulch.
- * A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant.

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

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

6. Landscaping in accordance with an approved Landscape Plan must be completed before the buildings are occupied. The garden areas shown on the endorsed plan and schedule shall only be used as gardens and shall be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of similar size and variety.
7. Prior to the commencement of any building and or demolition works on the land, a Tree Protection Zone (TPZ) must be established and maintained during and until completion of all buildings and works including landscaping, around the trees on the site in accordance with the distances and measures specified below, to the satisfaction of the Responsible Authority:
 - a) Tree protection zone measures are to be established in accordance to Australian Standard 4970-2009 and including the following:
 - i. Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres in height held in place with concrete feet.
 - ii. Signage placed around the outer edge of perimeter the fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.
 - iii. Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required.
 - iv. No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.
 - v. All supports and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.

- vi. No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.
 - vii. Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.
 - viii. Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ, and must be restored in accordance with the above requirements at all other times.
8. The existing street trees must not be removed or damaged, without the prior written consent of Council.

Assets/Drainage

9. The Applicant/Owner shall be responsible to meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The Applicant/Owner shall be responsible to obtain an 'Asset Protection Permit' from Council at least 7 days prior to the commencement of any works on the land and obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets.
10. Discharge of stormwater from the land will be required by means of an underground pipe drainage system designed on the basis of a 10 year average storm recurrence interval and discharging into an approved outlet in a street or an underground pipe drain to the requirements of the Responsible Authority. In this regard no water shall be discharged from any pipe or paved area onto the surface of any adjacent land.
11. All stormwater drains shall be connected to a legal point of discharge as determined by Council's Drainage Management Engineer.
- Prior to the commencement of any works on the subject land a site development layout plan together with detailed design plans and specifications for outfall drainage external to the site shall be submitted for approval by the Responsible Authority. All outfall drainage works must be completed to the satisfaction of the Responsible Authority prior to the occupation of buildings.
12. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of the Responsible Authority prior to the occupation of the buildings hereby permitted.

Melbourne Water Conditions

13. No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
14. Prior to the development plans being endorsed and the commencement of works, a detailed Drainage and Stormwater Management Strategy must be submitted to

- Melbourne Water for approval. This strategy must provide details of the outfall/s for the development and calculate the appropriate flow volumes and flood levels for the 100- year ARI storm event and demonstrates how stormwater runoff from the development will achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater. The strategy must also include, but not be limited to, the following:
- a. Details of any cut/fill volumes and locations;
 - b. Demonstration that the development will not increase flood levels and/or velocities;
 - c. Demonstration that the development will not impact upon flood storage;
 - d. Building envelopes with finished floor levels specified;
 - e. Details of any internal drainage paths.
15. Prior to the development plans being endorsed and the commencement of works, a detailed landscape plan to scale must be submitted to Melbourne Water for approval. The plan must show:
- a. Top of bank and provision of a visual and physical buffer from the waterway;
 - b. Existing vegetation to be retained and/or removed;
 - c. Details of surface finishes of pathways and/or boardwalks;
 - d. A planting schedule of all proposed trees, shrubs and ground covers, including:
 - i. botanical names; common names; pot sizes; life-form; quantities of each plant;
 - ii. planting density (plants per square metre) planting zones/locations (in plan and crosssection form in colour).
 - e. A weed management plan, which must include the following information: botanical name of species targeted; location or percentage cover; method of control and timing of control.
 - f. Landscape treatment with specification of products such as mulching and erosion control matting, if required.
 - g. Note that planting zones must match with those in the planting schedule and that local indigenous plants should only be used. Weed control information should also be presented in tabular format.
16. The dwellings must be constructed with finished floor levels a minimum of 600mm above the applicable grading flood level.
17. The garages must be constructed with finished surface levels a minimum of 300mm above the applicable grading flood level.
18. The entry / exit driveway of the basement car park must incorporate a flood proof apex of a minimum of 600mm above the applicable grading flood level.
19. All doors, windows, vents and openings to the basement car park must be a minimum of 600mm above the applicable grading flood level.
20. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be

submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

21. Any vehicular and/or pedestrian access must be designed and constructed to comply with the following safety criteria associated with the applicable flood level. (A) Depth of flow does not exceed 0.35m; (B) Velocity of flow does not exceed 1.5m/s; (C) The Depth Velocity product does not exceed 0.35 m²/s.
22. Prior to the commencement of works, a Site Environmental Management Plan (SEMP) must be submitted to Melbourne Water for approval. The SEMP must show the location and nature of environmental values identified through site environmental assessments, and includes details of measures to protect or mitigate risk to those values. The SEMP must include a site map detailing the location and design of all measures in relation to significant site values including the following:
 - a. Silt fencing;
 - b. Access tracks;
 - c. Spoil stockpiling;
 - d. Trenching locations;
 - e. Machinery/ Plant locations; and
 - f. Exclusion fencing around native vegetation/ habitat.
23. Stormwater runoff from the subdivision must achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater as set out in the 'Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) 1999'.
24. Prior to the commencement of works, a separate application direct to Melbourne Water must be made for approval of any new or modified stormwater connection to Melbourne Water's drains or watercourses.
25. Any works or development (including vegetation removal) within the waterway corridor requires separate approval from Melbourne Water.
26. Prior to a building permit being issued, a separate buildover application must be made directly to Melbourne Water's for approval of works/structures over or near Melbourne Water's sewer main. Design plans must be submitted to include the following where applicable:
 - a. Footings;
 - b. Piling;
 - c. Filling;
 - d. Exact location of the sewer;
 - e. Excavation or placing of structures within 5 metres either side of the outside edge of the Melbourne Water sewer.
27. No additional loading is to be placed directly on Melbourne Water's sewer.

VicRoads Conditions

28. An audit map showing the community facilities the residents of the development will use, and how and what modes of transport that the residents are expected to use to access those facilities. This information was required for VicRoads to make an informed decision on whether any new pedestrian facilities are required on Canterbury Road.
29. A revised Transport Impact Assessment Report taking into consideration the traffic generated by the recently approved development at 988 Canterbury Road, Box Hill South.
30. Further traffic analysis including the following:
 - i. A review on the crash history along Canterbury Road between Kitchener Street and Hay Street is required, to identify whether there are existing operational issues involving right turn movements to and from Canterbury Road.
 - ii. The traffic analysis must identify what road upgrade works are required to mitigate the development impact on the operation of Canterbury Road.
 - iii. The traffic analysis must provide a balanced assessment of all potential mitigating road upgrade works against their impact on operation and safety of Canterbury Road.
 - iv. One of the potential road upgrade works must include the signalisation of Canterbury/Hay/Bedford intersection.

Cultural Heritage Management Plan

31. Prior to the activity commencing, durable temporary fencing must be erected five metres from the boundary of the Aboriginal archaeological site Gardiners Creek AS1 (7922-1252 [VAHR]) and IA1 (7922-1251 [VAHR]), as detailed in the Cultural Heritage Management Plan, so that no people, vehicles or machinery can impact the site during construction. This fencing must be removed upon completion of construction works.

Environmental Audit

32. Prior to the commencement of any buildings and works on the subject land (excluding works necessarily forming part of the environmental audit process), the permit holder must provide:
 - (a) A certificate of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*; or
 - (b) An environmental auditor appointed under the *Environment Protection Act 1970* must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

Except for works necessarily forming part of the environmental audit process, all the conditions of the Statement of Environmental Audit must be to the satisfaction of the Responsible Authority, prior to the commencement of buildings and works.

Waste Management Plan

33. Prior to the commencement of building and works, an amended Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority. When approved, the Waste Management Plan will be endorsed and then form part of this permit. It is noted that the collection of waste will be undertaken by a private contractor.
34. The approved Waste Management Plan must be implemented by the owners/occupiers of the site to the satisfaction of the Responsible Authority unless with the further written consent of the Responsible Authority.

Environmentally Sustainable Development

35. Prior to the commencement of any buildings or works, an ESD Management Plan detailing Sustainable Design initiatives to be incorporated into the development must be submitted to and approved by the Responsible Authority. The ESD Management Plan must outline and quantify the proposed sustainable design initiatives to be incorporated throughout the development such as (but not limited to) energy efficiency, water conservation, stormwater quality, waste management and material selection, to the satisfaction of the Responsible Authority.

Acoustic

36. Prior to the occupation of the development, a letter of confirmation from a suitably qualified Acoustic Consultant must be submitted for approval by the Responsible Authority to certify that the development is designed and constructed to ensure that noise measured in the proposed dwellings does not exceed the levels set out under the Australian Standard. Noise attenuation measures may be in the form of acoustic glass, as detailed in the ESD Management Plan.

Construction Management

37. Prior to the commencement of any development, a Construction Management Plan must be prepared and submitted to Council for approval. This Construction Management Plan must be to the satisfaction of the Responsible Authority and must include, but is not limited to, the following:
 - a) Hours and days of construction;
 - b) Site contamination and disposal of contaminated matter;
 - c) Containment of dust, dirt, mud and litter within the site and method and frequency of clean up procedures in the event of build up of matter outside of the site;
 - d) On-site facilities for vehicle washing;
 - e) Parking facilities for construction workers;
 - f) Delivery and unloading points and expected frequency;

- g) A liaison officer for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced;
- h) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- i) A waste minimisation and recycling strategy;
- j) Soil erosion control measures;
- k) No access for construction across Council land.
- l) Traffic Management Plan for the site and the surrounding road network to address the following:
 - Proposed parking and standing locations for construction vehicles and construction workers vehicles (including any proposed off site car parking);
 - Vehicle movements (including routes for construction vehicles), queuing, appropriate informational and directional signs;
 - Pedestrian Management;
 - Road and footpath closure details.
- m) Identify and minimise the environmental risks associated with the various stages of clearing and construction. The plan should include measures to protect Gardiners Creek from sediment laden runoff, contaminated stormwater and spills of fuel or chemicals (Refer EPA publication 480 Environmental Guidelines for Major Construction Sites).

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

Equipment on roof

- 38. No equipment, services and architectural features other than those shown on the endorsed plan is permitted above the roof level of the buildings unless otherwise agreed to in writing by the Responsible Authority.
- 39. The plant and equipment proposed on the roof of the buildings must be screened in a manner to compliment the appearance of the building to the satisfaction of the Responsible Authority.

Food and Drink Premises

- 40. The use permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.
- 41. The amenity of the area shall not be detrimentally affected by the use or development, through:
 - a) Transportation of materials, goods or commodities to or from the land,
 - b) Appearance of any building, works or materials,

- c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste products, grit or oil,
 - d) Presence of vermin,
 - e) In any other way.
42. The site shall be so ordered and maintained so it will not prejudicially affect the amenity of the locality by reason of appearance.
43. All external lights must be of a limited intensity to ensure no nuisance is caused to adjoining or nearby residents and must be provided with approved baffles, so that no direct light or glare is emitted outside the site.
44. The food and drink premises may operate only between the hours of 6am and 11pm daily except with the further written consent of the Responsible Authority.
45. The development and use of the site shall not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard the emission of noise shall comply with the provisions of the Environment Protection Act 1970 (as amended) and the policies of the Environment Protection Authority.
46. The premises shall be provided with a filter system to eliminate cooking odours, fumes and smoke to the satisfaction of the Responsible Authority.
47. The use approved shall comply with the requirements of the Health Act, the Food Act and Council Policy for Food Establishments to the satisfaction of the Environmental Health Officer.

Expiry

48. This permit will expire if one of the following circumstances applies:
- a) The development is not commenced within two (2) years from the date of issue of this permit,
 - b) The development is not completed within four (4) years from the date of this permit,
 - c) This permit will expire if the use is not commenced within two (2) years from the completion of development.

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

(If the permit has been amended, include the following table indicating the date and nature of amendments included in the amended permit)

Date of amendment

Brief description of amendment

Information about the operation of the permit and a footer giving approval details have not been included.

Appendix D Planning Permit – Panel Version

PLANNING PERMIT

GRANTED UNDER DIVISION 5 OF PART 4 OF
THE PLANNING AND ENVIRONMENT ACT
1987

Permit No.: WH/2012/872

Planning Scheme: Whitehorse

Responsible Authority: Whitehorse

ADDRESS OF THE LAND:

15-31 Hay Street, Box Hill South

THE PERMIT ALLOWS:

Use and development of the land for two or more dwellings, residential buildings and a retirement village as defined by the *Retirement Villages Act 1986*, and use of land for a food and drink premises (café), shop and associated buildings and works on land subject to inundation.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. Before any stage of the development starts, or any trees or vegetation within that stage, are removed, amended plans (three copies) shall be submitted to and approved by the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans prepared by Jam Architects, Revision G, dated 29 August 2014 but modified to show, as appropriate to that stage:
 - a) An overall master plan for the site in accordance with condition 3.
 - b) Redesign of the timber bridge between Building C and D to be a pedestrian bridge that meets accessibility standards and can accommodate motorised scooters.
 - c) The provision of sufficient space along the northern boundary to provide for landscaping, including canopy trees where appropriate.
 - d) Details of the timber bridge including proposed width, ramp grades, footpath and connection to the internal road network.
 - e) Annotate setback of the timber bridge from retirement houses 37 and 38.

- f) Elevations and longitudinal cross sections of the timber bridge with gradients.
- g) Details of parapet and surface materials for the timber bridge, including specifications on surface grip.
- h) Annotations to reflect the requirements of the Waste Management Plan and changes made in accordance with requirements of Council's Waste Engineers.
- i) Waste vehicle manoeuvrability.
- j) Swept path diagrams to show movements by an 8.8 metre long service vehicle in areas identified on the proposed internal traffic route (as required by condition 1(x)).
- k) Truck route servicing Building A via the northernmost access road that runs parallel to the northern property boundary.
- l) Truck route showing service vehicle movements in the vicinity of House 5, Townhouse 6 and Townhouse 11.
- m) No reversing of truck as shown on Drawing AT02-02P2.
- n) An annotation that there will be no pedestrian access or vehicular access to Wembley Park from the site.
- o) Provision of screening measures in accordance with Standard B23 of Res Code where required.
- p) Further activation between Building A and B through design, use and/or landscaping treatment.
- q) Extend road treatment further south to Townhouse 26.
- r) The retention of the following high retention value trees: Trees 8, 20, 21, 26 and 27 and medium retention value tree: Tree 22. Accompanying arborist report with construction impact assessment to demonstrate their retention and/or necessary removal.
- s) Provision of a 1.5m wide accessway for the westernmost resident bicycle space in the basement of Building D (closest to car space D29).
- t) Pedestrian sight triangles in accordance with the requirements of Clause 52.06-08 should be provided on each side of the accesses to Hay Street.
- u) An annotation that any car spaces proposed in a tandem arrangement must be allocated to a three bedroom apartment due to the dependent nature of these spaces.
- v) The proposed grade of the ramped section at the entry to the Building C ground level car park should be clearly indicated on the plans.
- w) Demonstrate a continuous pedestrian footpath connecting the retirement village dwellings and the proposed electric scooter parking location.

- x) Align the zebra crossing line marking shown over the road pavement at the southern end of the retirement village access road with the pedestrian path on the east side.
 - y) An annotation showing the proposed internal traffic route for an 8.8m long service vehicle.
 - z) Notation listing all tree protection measures required by Condition 8 of this planning permit, with all nominated trees clearly identified and numbered on both site and landscape plan.
 - aa) Development plans to reflect all sustainability features indicated in the ESD Report (Condition 33). Where features cannot be visually shown, include a notes table providing details of the requirements (i.e. energy and water efficiency ratings for heating/cooling systems and plumbing fittings and fixtures, etc) and in accordance with the amended ESD report required under Condition 34.
 - bb) The proposed staging of development.
 - cc) Changes to retirement houses RH2, RH4, RH28, RH29, RH38 and RH39 to ensure that these dwellings are compliant with the mandatory maximum building heights required by the General Residential Zone, Schedule 1.
 - dd) Blank walls of townhouses facing internal streets or laneways are to be detailed to incorporate highlight windows or other architectural treatments to provide visual interest to these walls. These blank walls include, but are not limited to, TH1, TH6 and TH10.
 - ee) Retaining walls that exceed 1 metre above finished ground level must be detailed to incorporate a variety of materials, textures and/or landscape treatments such as vertical landscape solutions to provide visual interest to these walls.
 - ff) Any fencing in the LSIO to be to the satisfaction of the Responsible Authority and Melbourne Water.
 - gg) Any security measures to be implemented in accordance with Condition 51d).
2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.

MASTER PLAN

3. Prior to the commencement of the development a Master Plan is to be submitted for the approval of the Responsible Authority. The Master Plan is to be generally in accordance with the overall layout shown on the Master Plan prepared by Jam Architects, Drawing No. 1151_TP02, Revision G, dated 29 August 2014 and is to include:
- a) The drainage and flood retention strategy and works for the whole of the land.
 - b) The layout and design of internal vehicular and pedestrian access ways.

- c) An overall site landscape plan.
- d) Identification of the works to be implemented as part of the first stage of the development.
- e) Any other matter, if required, to the satisfaction of the Responsible Authority.

STAGING PLAN

4. Prior to the commencement of development a staging plan must be submitted for the approval of the responsible authority. The staging plan must show the stages of the development and include details of the works that will be implemented within that stage of development.

The development of any stage of the permit must be generally in accordance with the Master Plan approved under condition 3.

The development of the first stage of the development must include the implementation of the internal road layout and the drainage and flood retention works shown on the Master Plan as works to be implemented in the first stage of the development.

The Staging Plan must include an implementation strategy for landscaping to be implemented as part of that stage.

If it is intended that different stages are to be developed by different developers an implementation strategy plan is to be submitted showing how the development of different stages or precincts will be coordinated. The implementation strategy is to be consistent with the construction management plan approved under condition 15.

MATERIALS AND FINISHES

5. The Master Plan and endorsed plans for each stage are to be prepared under the supervision of JAM Architects Pty Ltd or an alternative suitably qualified expert to the satisfaction of the Responsible Authority. It is the intention of this condition that the quality of the layout and finishes of the development will correspond with the application material.

LANDSCAPE PLAN

6. No building or works shall be commenced (and no trees or vegetation shall be removed) until a landscape plan for that stage is prepared generally in accordance with the landscape plan prepared by Rush/Wright Associates, dated 1 September 2014, and to the satisfaction of the Responsible Authority. This plan when endorsed shall form part of this permit. This plan shall show -
- a) An overall site landscaping plan showing the landscaping to be included in the flood retention and internal street works.
 - b) A survey of all existing vegetation, abutting street trees, natural features and vegetation.

- c) Buildings, outbuildings and trees in neighbouring lots that would affect the landscape design.
 - d) Planting within and around the perimeter of the site comprising trees and shrubs capable of:
 - providing a complete garden scheme,
 - softening the building bulk,
 - providing some upper canopy for landscape perspective.
 - e) A schedule of the botanical name of all trees and shrubs proposed to be retained and those to be removed incorporating any relevant requirements of condition No 1.
 - f) The proposed design features such as paths, paving, lawn and mulch.
 - g) 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.
 - h) Landscaping in accordance with this approved plan and schedule shall be completed before the building is occupied.
 - i) Any fencing to the satisfaction of the Responsible Authority and Melbourne Water.
 - j) Once approved these plans become the endorsed plans of this permit.
7. Landscaping in accordance with an approved Landscape Plan must be completed for each stage of the development before the buildings are occupied. The garden areas shown on the endorsed plan and schedule shall only be used as gardens and shall be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of similar size and variety.
8. Prior to the commencement of any building and or demolition works on the land, a Tree Protection Zone (TPZ) must be established and maintained during and until completion of all buildings and works including landscaping, around the trees on the site in accordance with the distances and measures specified below, to the satisfaction of the Responsible Authority:
- a) Tree protection zone measures are to be established in accordance to Australian Standard 4970-2009 and including the following:
 - i. Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres in height held in place with concrete feet.
 - ii. Signage placed around the outer edge of perimeter the fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.
 - iii. Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required.

- iv. No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.
 - v. All supports and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.
 - vi. No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.
 - vii. Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.
 - viii. Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ, and must be restored in accordance with the above requirements at all other times.
9. The existing street trees must not be removed or damaged, without the prior written consent of Council.

ASSETS/DRAINAGE

10. No building or works shall be constructed over any easement without the written consent of the relevant Authorities.
11. The Applicant/Owner shall be responsible to meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The Applicant/Owner shall be responsible to obtain an 'Asset Protection Permit' from Council at least 7 days prior to the commencement of any works on the land and obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets.
12. Discharge of stormwater from the land will be required by means of an underground pipe drainage system designed on the basis of a 10 year average storm recurrence interval and discharging into an approved outlet in a street or an underground pipe drain to the requirements of the Responsible Authority. In this regard no water shall be discharged from any pipe or paved area onto the surface of any adjacent land.
13. All stormwater drains shall be connected to a legal point of discharge as determined by Council's Drainage Management Engineer.

Prior to the commencement of any works on the subject land a site development layout plan together with detailed design plans and specifications for outfall drainage external to the site shall be submitted for approval by the Responsible Authority. All outfall drainage works must be completed to the satisfaction of the Responsible Authority prior to the occupation of buildings.

14. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of the Responsible Authority prior to the occupation of the buildings hereby permitted.

CONSTRUCTION MANAGEMENT PLAN

15. Prior to the commencement of any development, a Construction Management Plan must be submitted to and approved in writing by the Responsible Authority. The Construction Management Plan must be to the satisfaction of the Responsible Authority and must include, but is not limited to, the following:
 - a) Hours and days of construction;
 - b) Site contamination and disposal of contaminated matter;
 - c) Containment of dust, dirt, mud and litter within the site and method and frequency of clean up procedures in the event of build up of matter outside of the site;
 - d) On-site facilities for vehicle washing;
 - e) Parking facilities for construction workers;
 - f) Delivery and unloading points and expected frequency;
 - g) A liaison officer for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - h) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - i) A waste minimisation and recycling strategy;
 - j) Soil erosion control measures;
 - k) Traffic Management Plan for the site and the surrounding road network to address the following:
 - i. Proposed parking and standing locations for construction vehicles and construction workers vehicles (including any proposed off site car parking);
 - ii. Vehicle movements (including routes for construction vehicles), queuing, appropriate informational and directional signs;
 - iii. Pedestrian Management;
 - iv. Road and footpath closure details.

When approved, the Construction Management Plan will form part of this permit and must be complied with, to the satisfaction of the Responsible Authority. The owner of the land is to be responsible for all costs associated with the works to be undertaken in accordance with the requirements of the Traffic Management Plan.

MELBOURNE WATER

16. No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.

17. Prior to the development plans being endorsed and the commencement of works, a detailed Drainage and Stormwater Management Strategy must be submitted to Melbourne Water for approval. This strategy must provide details of the outfall/s for the development and calculate the appropriate flow volumes and flood levels for the 100- year ARI storm event and demonstrates how stormwater runoff from the development will achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater. The strategy must also include, but not be limited to, the following:
 - a) Details of any cut/fill volumes and locations;
 - b) Demonstration that the development will not increase flood levels and/or velocities;
 - c) Demonstration that the development will not impact upon flood storage;
 - d) Building envelopes with finished floor levels specified;
 - e) Details of any internal drainage paths.

18. Prior to the development plans being endorsed and the commencement of works, a detailed landscape plan to scale must be submitted to Melbourne Water for approval. The plan must show:
 - a) Top of bank and provision of a visual and physical buffer from the waterway;
 - b) Existing vegetation to be retained and/or removed;
 - c) Details of surface finishes of pathways and/or boardwalks;
 - d) A planting schedule of all proposed trees, shrubs and ground covers, including:
 - i. botanical names; common names; pot sizes; life-form; quantities of each plant;
 - ii. planting density (plants per square metre) planting zones/locations (in plan and crosssection form in colour).
 - e) A weed management plan, which must include the following information: botanical name of species targeted; location or percentage cover; method of control and timing of control.
 - f) Landscape treatment with specification of products such as mulching and erosion control matting, if required.
 - g) Note that planting zones must match with those in the planting schedule and that local indigenous plants should only be used. Weed control information should also be presented in tabular format.

19. The dwellings must be constructed with finished floor levels a minimum of 600mm above the applicable grading flood level.

20. The garages must be constructed with finished surface levels a minimum of 300mm above the applicable grading flood level.

21. The entry / exit driveway of the basement car park must incorporate a flood proof apex of a minimum of 600mm above the applicable grading flood level.
22. All doors, windows, vents and openings to the basement car park must be a minimum of 600mm above the applicable grading flood level.
23. Prior to the issue of an Occupancy Permit for each stage of the development, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
24. Any vehicular and/or pedestrian access must be designed and constructed to comply with the following safety criteria associated with the applicable flood level. (A) Depth of flow does not exceed 0.35m; (B) Velocity of flow does not exceed 1.5m/s; (C) The Depth Velocity product does not exceed 0.35 m²/s.
25. Prior to the commencement of works, a Site Environmental Management Plan (SEMP) must be submitted to Melbourne Water for approval. The SEMP must show the location and nature of environmental values identified through site environmental assessments, and includes details of measures to protect or mitigate risk to those values. The SEMP must include a site map detailing the location and design of all measures in relation to significant site values including the following:
 - a) Silt fencing;
 - b) Access tracks;
 - c) Spoil stockpiling;
 - d) Trenching locations;
 - e) Machinery/ Plant locations; and
 - f) Exclusion fencing around native vegetation/ habitat.
26. Stormwater runoff from the subdivision must achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater as set out in the 'Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) 1999'.
27. Prior to the commencement of works, a separate application direct to Melbourne Water must be made for approval of any new or modified stormwater connection to Melbourne Water's drains or watercourses.
28. Any works or development (including vegetation removal) within the waterway corridor requires separate approval from Melbourne Water.
29. Prior to a building permit being issued, a separate buildover application must be made directly to Melbourne Water's for approval of works/structures over or near

Melbourne Water's sewer main. Design plans must be submitted to include the following where applicable:

- a) Footings;
- b) Piling;
- c) Filling;
- d) Exact location of the sewer;
- e) Excavation or placing of structures within 5 metres either side of the outside edge of the Melbourne Water sewer.

30. No additional loading is to be placed directly on Melbourne Water's sewer, to the satisfaction of Melbourne Water.

CULTURAL HERITAGE MANAGEMENT PLAN

31. Prior to the activity commencing, durable temporary fencing must be erected five metres from the boundary of the Aboriginal archaeological site Gardiners Creek AS1 (7922-1252 [VAHR]) and IA1 (7922-1251 [VAHR]), as detailed in the Cultural Heritage Management Plan, so that no people, vehicles or machinery can impact the site during construction. This fencing must be removed upon completion of construction works.

ENVIRONMENTAL AUDIT

32. Subject to Condition No. 33 of this permit, before the development starts, the owner/developer must submit to the Responsible Authority an environmental site assessment report prepared by a suitably qualified environmental professional in accordance with the Potentially Contaminated Land General Practice Note (Department of Sustainability & Environment June 2005) to the satisfaction of the Responsible Authority. The report must include recommendations as to whether the condition of the land is such that remediation works/management measures are required and whether an Environmental Audit should be conducted, taking into consideration the proposed use. The owner/developer must comply with the findings of the site assessment to the satisfaction of the Responsible Authority including, if required, the preparation of an Environmental Audit.
33. The following works can be carried out before the requirement in Condition No. 32 is satisfied:
 - a) Buildings and works that necessarily form part of the environmental site assessment process, and; or
 - b) Building and works that the environmental professional engaged by the owner/developer advises must be carried out before an environmental site assessment can be prepared.
34. If pursuant to Condition No 32 of this permit an Environmental Audit is required, then before the development starts either:

- a) A Certificate of Environmental Audit for the land must be issued in accordance with Section 53Y of the Environment Protection Act 1970 and provided to the Responsible Authority; or,
- b) An Environmental Auditor appointed under Section 53S of the Environment Protection Act 1970 must make a Statement in accordance with Section 53Z of that Act that the environmental conditions of the land are suitable for the use and development that are the subject of this permit, and that Statement must be provided to the Responsible Authority.

Where a Statement of Environmental Audit is issued for the land, the buildings and works and the use(s) of the land that are the subject of this permit must comply with all directions and conditions contained within the Statement, to the satisfaction of the Responsible Authority.

Where a Statement of Environmental Audit is issued for the land, before the development is occupied and/or the use starts, and before a Statement of Compliance is issued under the Subdivision Act 1988, and before an Occupancy Permit is issued under the Building Act 1993, written confirmation from an Environmental Auditor appointed under Section 53S of the Environment Protection Act 1970 that the directions and conditions contained within the Statement have been satisfied must be provided to the Responsible Authority, to its satisfaction.

Where a Statement of Environmental Audit is issued for the land, and any condition(s) of that Statement require(s) any maintenance or monitoring of an ongoing nature, the owner(s) must enter into an Agreement with Council pursuant to Section 173 of the Planning and Environment Act 1987 to ensure compliance with the condition(s).

Where a Section 173 Agreement is required, the Agreement must be executed before the use starts and/or the development is occupied and/or, a Plan of Subdivision is certified under the Subdivision Act 1988. All expenses involved in the drafting, negotiating, lodging, registering and execution of the Agreement, including those incurred by the Responsible Authority, must be met by the owner(s).

WASTE MANAGEMENT PLAN

35. Prior to the commencement of building and works, an amended Waste Management Plan (WMP) generally in accordance with the WMP prepared by Leigh Design dated 7 November 2013 must be submitted to and approved by the Responsible Authority. When approved, the WMP will be endorsed and then form part of this permit.
36. The approved WMP must be implemented by the owners/occupiers of the site to the satisfaction of the Responsible Authority unless with the further written consent of the Responsible Authority.

ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT

37. Prior to the commencement of any buildings or works, an amended ESD Management Plan generally in accordance with the ESD Management Plan prepared by Hampton Sustainability dated November 2012 detailing Sustainable Design initiatives to be incorporated into the development must be submitted to and approved by the Responsible Authority. The ESD Management Plan must outline and quantify the proposed sustainable design initiatives to be incorporated throughout the development such as (but not limited to) energy efficiency, water conservation, stormwater quality, waste management and material selection, to the satisfaction of the Responsible Authority.

ACOUSTIC

38. Prior to the occupation of the development, a letter of confirmation from a suitably qualified Acoustic Consultant must be submitted for approval by the Responsible Authority to certify that the development is designed and constructed to ensure that noise measured in the proposed dwellings does not exceed the levels set out under the Australian Standard. Noise attenuation measures may be in the form of acoustic glass, as detailed in the ESD Management Plan.

CONSTRUCTION MANAGEMENT

39. Prior to the commencement of any development, a Construction Management Plan must be prepared and submitted to Council for approval. This Construction Management Plan must be to the satisfaction of the Responsible Authority and must include, but is not limited to, the following:
- a) Hours and days of construction;
 - b) Site contamination and disposal of contaminated matter;
 - c) Containment of dust, dirt, mud and litter within the site and method and frequency of clean up procedures in the event of build up of matter outside of the site;
 - d) On-site facilities for vehicle washing;
 - e) Parking facilities for construction workers;
 - f) Delivery and unloading points and expected frequency;
 - g) A liaison officer for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - h) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - i) A waste minimisation and recycling strategy;
 - j) Soil erosion control measures;
 - k) No access for construction across Council land.

- l) Traffic Management Plan for the site and the surrounding road network to address the following:
 - i. Proposed parking and standing locations for construction vehicles and construction workers vehicles (including any proposed off site car parking);
 - ii. Vehicle movements (including routes for construction vehicles), queuing, appropriate informational and directional signs;
 - iii. Pedestrian Management;
 - iv. Road and footpath closure details.
- m) Identify and minimise the environmental risks associated with the various stages of clearing and construction. The plan should include measures to protect Gardiners Creek from sediment laden runoff, contaminated stormwater and spills of fuel or chemicals (Refer EPA publication 480 Environmental Guidelines for Major Construction Sites).

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

EQUIPMENT ON ROOF

40. No equipment, services and architectural features other than those shown on the endorsed plan is permitted above the roof level of the buildings unless otherwise agreed to in writing by the Responsible Authority.
41. The plant and equipment proposed on the roof of the buildings must be screened in a manner to compliment the appearance of the building to the satisfaction of the Responsible Authority.

FOOD AND DRINK PREMISES

42. The use permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.
43. The amenity of the area shall not be detrimentally affected by the use or development, through:
 - a) Transportation of materials, goods or commodities to or from the land,
 - b) Appearance of any building, works or materials,
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste products, grit or oil,
 - d) Presence of vermin
 - e) In any other way.
44. The site shall be so ordered and maintained so it will not prejudicially affect the amenity of the locality by reason of appearance.

45. All external lights must be of a limited intensity to ensure no nuisance is caused to adjoining or nearby residents and must be provided with approved baffles, so that no direct light or glare is emitted outside the site.
46. The food and drink premises may operate only between the hours of 6am and 12am daily except with the further written consent of the Responsible Authority.
47. The development and use of the site shall not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard the emission of noise shall comply with the provisions of the Environment Protection Act 1970 (as amended) and the policies of the Environment Protection Authority.
48. The premises shall be provided with a filter system to eliminate cooking odours, fumes and smoke to the satisfaction of the Responsible Authority.
49. The use approved shall comply with the requirements of the Health Act, the Food Act and Council Policy for Food Establishments to the satisfaction of the Environmental Health Officer.

RETIREMENT VILLAGE

Section 173 Agreement

50. Prior to commencing the retirement village use, the Owner must at its cost enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 in a form to the satisfaction of the Responsible Authority requiring the Owner to acknowledge and confirm the following:

The use of the retirement village dwellings shall be in accordance with the *Retirement Villages Act 1986*. The agreement must be registered on the title to the land.

RECREATIONAL FACILITIES AND ACCESS MANAGEMENT PLAN

51. Prior to the commencement of the retirement village use a management plan for the use of the recreational facilities and access is to be submitted by the permit holder and approved by the Responsible Authority. The Plan is to show the following:
 - a) A description of the use of the recreational facilities showing unhindered access for the retirement village and describing the access to the facilities by the general public;
 - b) If access is available to the general public details of overall patron numbers and hours of access;
 - c) Details of a bus shuttle to be provided by the retirement village for its occupants and to visit activity centres and appropriate community facilities to the satisfaction of the responsible authority;

- d) Details of the security measures to be implemented and their on-going effectiveness monitored, including consideration of fencing, closure of pedestrian access paths at night, lighting of public areas and any security patrols.

EXPIRY

52. This permit will expire if one of the following circumstances applies:
 - a) The development, or any stage of the development, is not commenced within four (4) years from the date of issue of this permit;
 - b) The first stage of the development is not completed within six (6) years from the date of this permit.
53. This permit will expire if the use is not commenced within two (2) years from the completion of development.
54. The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the Planning and Environment Act 1987.

PERMIT NOTES

CONSTRUCTION MANAGEMENT

Prior to any building and works on the subject land, approvals will be required from Council departments in relation to:

- Transport (Ph 9262 6177) – construction vehicles access routes, type of vehicles, peak delivery times, frequency and dates, any proposed partial/full road/footpath closures, nb additional approvals may also be required from Department of Transport and VicRoads, closure of vehicle accessways (including Right of Ways), annexing /leasing of car spaces associated with construction workers street parking permits for construction worker vehicles, pedestrian management (during construction and after hours).
- Asset Management (Ph 9262 6177) – Asset Protection permits and bonds, consent to undertake works in the road reserve (including new/temporary crossovers), temporary drainage discharge pipes, works protection notices and bonds.
- Community Laws (Ph 9262 6394) – street parking permits for construction workers vehicles, leasing of car spaces, soiling and cleaning of roadways, hours of operation, emissions of noise, smoke vapours etc (also relevant to Environment Protection Authority and health Act legislation) storage of rubbish skips, building materials etc off site, cutting of grass re vermin and fire safety, Code of Practice for behaviour of contractors, tradespersons regarding dogs, radios, rubbish and public relations with local residents.
- Building (Ph 9262 6421) – hoarding permits for site fencing/barriers, lighting, location of site offices, material storage, spoil stock-piling, asset protection permits and bonds, review of Occupational health and Safety approvals.

- Parks, Planning and Recreation (9262 6389) – access over and storage of materials in public open space.
- ParksWide (Ph 9262 6222) – protection/removal of street trees, new street tree planting.

Please ensure the landowner, permit applicant, project manager and/or site supervisor is aware of the above requirements. Please also note that relevant approval application forms are available on the Council web site.

ASSETS

The vehicle crossing must be reconstructed to comply with Council requirements and Local Laws.

SIGNAGE

No signage is approved under this permit.

DRAINAGE

Stormwater to be discharged to Melbourne Water Creek to the satisfaction of Melbourne Water.

All stormwater drainage within the development site and associated with the building(s) must be completed to the satisfaction of the Building Surveyor prior to the occupation of the building(s).

Proposed floor levels are to be approved by the Responsible Authority prior to the issue of the Building Permit in relation to flood areas as defined in Regulation 6.2 of the Building Regulations 1994 (as amended).

Soil erosion control measures must be adopted at all times to the satisfaction of Council's Design Engineer during the construction stages of the development. Site controls and erosion minimisation techniques are to be in accordance with Soil Conservation Authority guidelines 'Control of Erosion on Construction Sites'. The application must ensure compliance with the above guidelines and in potentially high erosion areas it may be required that a plan be prepared indicating proposed measures and methodology.

Prior to the issue of the building permit, design plans and specifications are to be prepared by a registered Consulting Engineer detailing civil engineering works within the site in accordance with the endorsed plans. Certification by the Consulting Engineer that the civil works have been completed in accordance with the design plans and specifications is required by the Responsible Authority subsequent to the completion of all the works.

MELBOURNE WATER

The flood line for the property grades uniformly from 68.6 metres to Australian Height Datum (AHD) at the north eastern boundary down to 67.6 metres to AHD at the south eastern boundary. If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 9679 7517, quoting Melbourne Water's reference 199881.

Flood Level Information - Preliminary land and flood level information available at Melbourne Water indicates that the above property is subject to flooding from Gardiners Creek. For a storm event with a 1% chance of occurrence in any one year, the flood line for the property grades uniformly from 68.6 metres to Australian Height Datum (AHD) at the north eastern boundary down to 67.6 metres to AHD at the south eastern boundary.

Freeboard - Freeboard is the difference between the floor level of a building and the 100-year flood level. Freeboard requirements are designed to ensure that valuable buildings, their contents and the people in them are safely above the 100-year flood level. The plans submitted with the application indicate Melbourne Water's minimum floor level requirements have been complied with.

Waterway Amenity - It is important to ensure that any new development minimises its intrusion on the waterway corridor, as well as illustrates how landscaping can reinforce the natural character of the waterway and that development can be designed to optimise the benefits of its location. The visual impact of buildings can be made worse if bright colours and reflective surfaces are used. It is important that when development will inevitably be visible from the waterway, it does not dominate but rather it is landscaped so that planting becomes the dominant visual component and development is relatively unobtrusive.

Asset Protection - The property contains a Melbourne Water underground sewer. For operational reasons Melbourne Water can not relocate this asset. It is the developer's responsibility to avoid the inappropriate siting of a new / modified land use or development that would adversely impact upon the underground sewer. Such impacts may arise from the construction of below ground floor levels or construction activity that involves pile driving/ground anchors.

PARKSWIDE

No street trees are to be removed without the prior written consent from Council's ParksWide Department.